NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Chapter 73. Standards for the Use or Disposal of Sewage Sludge and Biosolids
(LAC 33:IX.Chapter 73) (WQ113)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.Chapter 73 (WQ113).

The proposed Rule will update Chapter 73 of the Water Quality regulations. These updates will provide needed clarification regarding ponds used for the treatment of sewage sludge, provide additional oxidation pond closure options, and make the regulations easier to read and navigate by the public and intra-agency personnel. In addition, financial assurance requirements are being removed as they are not required by the Environmental Protection Agency or by the Louisiana Revised Statutes. The basis and rationale for this proposed Rule are to clarify, change/edit, and reformat the Chapter 73 regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality
Subpart 3. Louisiana Sewage Sludge and Biosolids Program

Chapter 73. Standards for the Use or Disposal of Sewage Sludge and Biosolids

Subchapter A. Program Requirements

§7301. General Provisions

A. — A.1.b.ii. …

iii. the siting, and operation requirements for commercial preparers of sewage sludge or land appliers of biosolids; and

iv. — A.2.b.iii. …

B. General Definitions

1. The following terms used in this Chapter shall have the meanings listed below, unless the context clearly indicates otherwise, or the term is specifically redefined in a particular Section.

* * *

Biosolids—sewage sludge, or material derived from sewage sludge, that is nonhazardous, has a PCB concentration of less than 50 mg/kg of total solids (dry weight), and is prepared to meet one of the pollutant requirements of LAC 33:IX.7303.C.2.a or E.1.c, one of the pathogen requirements in LAC 33:IX.7309.C, and one of the vector attraction reduction requirements in LAC 33:IX.7309.E.

* * *

Class B Biosolids—biosolids that do not meet one or more of the following requirements:

i. the pollutant concentrations in Table 3 of LAC 33:IX.7303.F;

ii. the pathogen requirements in LAC 33:IX.7309.C.1;

iii. one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e; and/or

iv. a PCB concentration of less than 10 mg/kg of total solids (dry weight basis).

* * *

Exceptional Quality Biosolids—biosolids that are nonhazardous and meet the ceiling concentrations in Table 1 of LAC 33:IX.7303.F, the pollutant concentrations in Table 3 of LAC 33:IX.7303.F, the pathogen requirements in LAC 33:IX.7309.C.1, and one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e, and that have a PCB concentration of less than 10 mg/kg of total solids (dry weight).

* * *

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

which shall include, but not be limited to, trusts, joint stock companies, associations, the state of Louisiana, political subdivisions of the state of Louisiana, commissions, and interstate bodies.

* * *

Sewage Sludge Generator—any person whose act or process produces sewage sludge (as defined in this Section).

Sewage Sludge Receiving Facility—any facility, public or private, that receives hauled sewage sludge from an authorized sewage sludge transporter.

Sewage Sludge Transporter—a person who pumps or moves sewage sludge off-site by means of land-based vehicles, barges, ships, rails, pipelines, or other modes of transportation. For oxidation ponds/lagoons/surface impoundments, this includes the removal of the sewage sludge from the oxidation ponds/lagoons/surface impoundments to the levees surrounding the oxidation ponds/lagoons/surface impoundments.

* * *

Transporter of Sewage Sludge—Repealed.

* * *

C. — C.1. …

2. Frequency of Monitoring, Recordkeeping, and Reporting. The requirements for frequency of monitoring, recordkeeping, and reporting in this Chapter for total hydrocarbons in the exit gas from a sewage sludge incinerator are effective February 19, 1994, or if compliance with the operational standard for total hydrocarbons in this Chapter requires the construction of new pollution control facilities, February 19, 1995. All other requirements for frequency of monitoring recordkeeping, and reporting in this Chapter are effective on July 20, 1993.

3. — 3.a. …

b. Compliance with the requirements in Paragraphs I.2-4 of this Section shall be achieved as follows.

i. A facility presently meeting all of the requirements for surface disposal in 40 CFR 503, Subpart C, shall comply with the requirements in Paragraph I.2 of this Section as expeditiously as practicable, but in no case later than September 1, 2007.

ii. A facility that does not meet all of the requirements for surface disposal in 40 CFR 503, Subpart C, shall comply with the requirements in Paragraph I.2 of this Section by December 30, 2005.

iii. All facilities shall comply with the requirements in Paragraphs I.3 and 4 of this Section as expeditiously as practicable, but in no case later than September 1, 2007.

D. — D.1.b.iii. …

c. At least 180 days prior to the expiration of a permit issued under these regulations, the owner/operator of the facility or the land applier shall submit an application for permit issuance under this Chapter if the owner/operator or land applier intends to continue operations after that date. Upon written request, permission for a later date may be granted by the administrative authority. The administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

d. — e. …

2. Obtaining a Sewage Sludge or Biosolids Use or Disposal Permit and Pond Closure Approval

a. — c. …

d. A person that generates a sewage sludge, and does not treat the sewage sludge to be disposed at a landfill or other approved sewage sludge treatment facility, does not incinerate

sewage sludge, or does not treat sewage sludge for land application, who complies with the specific requirements of Subsection E of this Section is exempted from obtaining a permit.

e. A person that generates sewage sludge, and treats the sewage sludge to be disposed in a landfill or other approved sewage sludge treatment facility, who complies with the specific requirements of Subsection G of this Section is exempted from obtaining a permit.

3. Closure of oxidation ponds, lagoons, and/or surface impoundments utilized for sewage sludge disposal, preparation of sewage sludge, or treatment of sanitary wastewater shall comply with the following.

a. The liquid portion shall be removed in a manner that meets the requirements of LAC 33:IX.Chapters 23-71.

b. After removal of the liquid, the sewage sludge shall be used or disposed through one of the options in Clause D.3.b.i-v of this Section as follows:

i. implementation of a closure plan approved by the administrative authority for the total removal of the sewage sludge and subsequent disposal of the sewage sludge in a permitted landfill. Approval or disapproval of the closure plan shall be rendered by the administrative authority after review of the proposed closure plan submitted by the applicant. The closure plan shall include the following:

(a). the name, mailing address, physical address, and contact person of the facility that is proposed for closure;

(b). an aerial photograph showing the location of the facility that is proposed for closure;

(c). the approximate amount of sewage sludge that will be removed and disposed at a permitted landfill;

(d). sampling and analysis for the following parameters:

(i). toxicity characteristics leaching procedure (TCLP) and the presence of PCBs;

(ii). paint filter liquids test; and

(iii). any other parameter required by the chosen permitted landfill;

(e). either a schematic drawing or an aerial photograph that indicates where the samples for the parameters in Subclause D.3b.i.(d) of this Section were taken in the facility;

(f). the laboratory methods utilized for the sampling and analysis of the parameters in Subclause D.43.b.i.(d) of this Section;

(g). the name of the laboratory and LELAP accreditation number where the samples for the parameters in Subclause D.43.b.i.(d) of this Section were analyzed;

(h). the name, location, and contact person of the site where the sewage sludge will be disposed; and

(i). any other information the department may require.

ii. implementation of a closure plan approved by the administrative authority for the total removal of the sewage sludge by an approved sewage sludge transporter. Approval or disapproval of the closure plan shall be rendered by the administrative authority after review of the proposed closure plan submitted by the applicant. The closure plan shall include the following:

(a). the name, mailing address, physical address, and contact person of the facility that is proposed for closure;

(b). an aerial photograph showing the location of the facility that is proposed for closure;

(c). the approximate amount of sewage sludge that will be removed and disposed;

(d). the name of the approved sewage sludge hauler and hauler registration number;

(e). name, location, and contact person of the site where the sewage sludge will be disposed;

(f). any other information the department may require.

iii. the implementation of a closure plan form specified by, and approved by, the administrative authority for the total removal and processing of the sewage sludge into a Class B or Exceptional Quality Biosolids for land application. Approval or disapproval of the pond closure shall be rendered by the administrative authority after review of the closure plan form; or

iv. the implementation of a closure plan approved by the administrative authority for the closure of an oxidation pond, lagoon, and/or surface impoundment without the removal of sewage sludge. Approval or disapproval of the closure plan shall be rendered by the administrative authority after review of the proposed closure plan submitted by the applicant. The closure plan shall include the following:

(a). the name, mailing address, physical address, and contact person of the facility that is proposed for closure;

(b). a detailed description of the treatment process of the sewage sludge within the oxidation pond, lagoon, and/or surface impoundment;

(c). a detailed description of the expected future use of the property;

(d). a demonstration to the department to substantiate that the closure of the oxidation pond, lagoon, and/or surface impoundment without the removal of sewage sludge will not adversely affect human health and the environment;

(e). any other information the department may require;

(f). additional information and or requirements include, but are not limited to:

(i). the oxidation pond shall be filled with a material strong enough to withstand machinery used to prepare the site;

(ii). the site shall be managed in a manner that ensures that there are no adverse impacts to human health or the environment; and

(iii). parish mortgage and conveyance records for the property shall be updated to include the specific location of the facility and any oxidation ponds, and to specify that an oxidation pond located on the property was closed without the removal of sewage sludge. The document shall identify the name and address of the person with the knowledge of the facility and oxidation pond. A true copy of the document filed and certified by the parish clerk of court shall be submitted to the administrative authority;

v. if the oxidation pond, lagoon, and/or surface impoundment is already permitted under an existing Sewage Sludge and Biosolids Use or Disposal permit, that permit may be used for the disposal of the sewage sludge for the pond closure.

c. Upon completion of the use or disposal option selected in either Clause D.3.b.i-v of this Section, the levees shall be broken and leveled and the oxidation pond/lagoon/surface impoundment shall be filled with soil that includes a minimum of at least 6 inches of topsoil to support vegetative growth.

d. The administrative authority may, on a case-by-case basis, approve an alternative from the requirement in Clause D.3.c.

4. Environmental Assessment Statement. In addition to the requirements of this Chapter, all sewage sludge and biosolids use or disposal permit application forms for a new permit for a commercial preparer of sewage sludge or a major modification to a permit for a commercial preparer of sewage sludge shall include a response to each of the following:

a. a detailed discussion demonstrating that the potential and real adverse environmental effects of the proposed facility have been avoided to the maximum extent possible;

b. a cost-benefit analysis that balances the environmental impact costs against the social and economic benefits of the facility and demonstrates that the latter outweigh the former;

c. a discussion and description of possible alternative projects that would offer more protection to the environment than the proposed facility without unduly curtailing nonenvironmental benefits;

d. a detailed discussion of possible alternative sites that would offer more protection to the environment than the proposed facility site without unduly curtailing nonenvironmental benefits; and

e. a discussion and description of mitigating measures that would offer more protection to the environment than the facility as proposed without unduly curtailing non-environmental benefits.

E. Sewage Sludge Generators. This Section applies to a person that generates sewage sludge, and does not treat sewage sludge to be disposed at a landfill or other approved sewage sludge treatment facility, does not incinerate sewage sludge, or does not treat sewage sludge for land application.

1. The sewage sludge generator shall prepare an annual report listing the amount of sewage sludge that is pumped out or removed from the sewage treatment system and the name and address of the sewage sludge transporter that pumped out and removed the sewage sludge. The reporting period shall be for a calendar year (January 1 – December 31). The annual report shall be completed and on file by January 28 of each year. The form to be used shall be obtained from the department or department's website. If no sewage sludge was pumped out or removed from the sewage treatment system during the reporting period, the annual report shall indicate that no sewage sludge was removed.

2. The sewage sludge generator shall ensure that the sewage sludge transporter possesses a valid sewage sludge transporter registration with LDEQ.

3. Provisions shall be made for the clean-up of the facility, including equipment and sewage sludge handling areas where sewage sludge is pumped out and removed from the treatment system.

4. The sewage sludge generator shall maintain all records regarding the pump out and removal of sewage sludge from the treatment system and the name and address of the sewage sludge transporter(s) for five years. The annual reports shall remain on file at the facility and shall be submitted to the administrative authority upon request.

F. Sewage Sludge Receiving Facilities and the Acceptance of Hauled Sewage Sludge. This Section applies to any facility, public or private, that receives hauled biosolids, sewage sludge, and/or sewage sludge mixed with grease waste from an authorized sewage sludge transporter.

1. The sewage sludge receiving facility shall be approved by the administrative authority to accept outside hauled biosolids, sewage sludge and/or sewage sludge mixed with grease from food service establishments.

2. Biosolids, sewage sludge and sewage sludge mixed with grease shall be received only at a point designated by the facility. The designated point shall be at the headworks or in the collection system.

3. Municipal treatment works treating domestic sewage that receive hauled sewage sludge and/or sewage sludge mixed with grease may not accept greater than three percent of the facility’s expected daily flow in hauled biosolids, sewage sludge, and sewage sludge mixed with grease.

4. The sewage sludge receiving facility shall ensure that any truck disposing of hauled biosolids, sewage sludge and/or sewage sludge mixed with grease into the facility is properly authorized by the administrative authority to transport sewage sludge. The receipt of hauled sewage sludge from an unauthorized sewage sludge transporter shall constitute a violation of the sewage sludge receiving facility's permit and/or these regulations.

5. Sanitary landfills that accept hauled sewage sludge shall dispose of the sewage sludge in the active cells of the landfill. The acceptance of hauled sewage sludge into an on-site oxidation pond is prohibited. The acceptance of hauled sewage sludge into a treatment facility at the landfill is prohibited, unless otherwise authorized by the administrative authority. Authorization by the administrative authority may require a modification of an existing permit and/or coverage under a Louisiana Sewage Sludge or Biosolids Use or Disposal Permit.

6. Reporting and Recordkeeping Requirements for Sewage Sludge Receiving Facilities

a. Manifest System

i. The permittee shall develop and implement a sewage sludge transporter manifest system. The manifest system shall be the primary mechanism by which the facility will identify the quantity and quality of wastes being discharged into the facility. The manifest system also provides a means to ensure only authorized wastes are being introduced into the facility. The manifest system shall require an entry for each load disposed. The manifest form shall include at a minimum the following information:

(a). name, address and phone number of the sewage sludge transporter;

(b). license plate number of vehicle/trailer and or container (if present);

(c). LDEQ sewage sludge transporter registration number;

(d). sewage sludge generator information (where biosolids, sewage sludge, and/or sewage sludge mixed with grease was generated);

(e). date sewage sludge and/or sewage sludge mixed with grease was disposed; and

(f). volume of sewage sludge and/or sewage sludge mixed with grease disposed;

ii. location of disposal of the sewage sludge at the receiving facility (e.g. manhole, headworks, etc.); and

iii. a copy of the completed, signed, and dated manifest form shall be supplied to the sewage sludge transporter upon discharge of the wastes into the facility. Duplicate forms are permissible.

b. Annually, the receiving facility shall submit the amount of sewage sludge received by each sewage sludge transporter and a total amount of sewage sludge received by all sewage sludge transporters in that calendar year, on a form approved by the administrative authority. This report shall be submitted no later than February 19 of each calendar year.

G. Sewage Sludge Disposed in a Landfill

1. A landfill where sewage sludge is disposed shall possess all required legal and effective permit(s).

2. A person who disposes of sewage sludge in a landfill shall provide the necessary information to the owner/operator of the landfill where the sewage sludge is to be disposed to assure that the landfill will be in compliance with its permit requirements.

3. The person who prepares sewage sludge that is disposed in a landfill shall provide the following to the administrative authority on a form specified by the administrative authority on or before February 19 of each year:

a. proof that the sewage sludge is being disposed at an approved landfill, by furnishing the name, address, and permit number of the landfill;

b. results of sampling (minimum of once/year) and laboratory analyses of the sewage sludge for hazardous characteristics or the presence of PCBs, of the results of the Paint Filter Liquids Test (if required in the permit), and of any other analysis required by the owner/operator of the landfill; and

c. persons who dispose sewage sludge in a landfill shall maintain all records regarding the landfilling of sewage sludge, including, but not limited to the treatment, laboratory analyses, name and address of the sewage sludge transporter(s), and name and address of the approved receiving landfill for five years.

H. Registration Requirements and Standards for Sewage Sludge Transporters and Standards for Vehicles and/or Containers Used in the Transport of Sewage Sludge. A sewage sludge transporter includes a person who pumps or moves sewage sludge off-site by means of land-based vehicles.

1. Registration Requirements

a. The person responsible for the operations of sewage sludge transport activities shall obtain the sewage sludge transporter registration. Transport activities are not authorized without a current sewage sludge transporter registration issued by the administrative authority. The administrative authority may revoke or deny a sewage sludge transporter registration.

b. The person responsible the operations of sewage sludge transport activities shall register all vehicles (vehicles and/or movable containers that contain a state issued license plate) under one sewage sludge transporter registration. Vehicles that transport containers with no license plates (i.e. roll off containers) are not required to be included in the sewage sludge transporter registration.

c. A transporter of sewage sludge and/or grease mixed with sewage sludge shall not transport any sewage sludge and/or grease mixed with sewage sludge without first registering such activity with the administrative authority in writing and paying all associated fees. The transporting of grease that is not mixed with sewage sludge is not an activity covered under this Subsection.

d. The person responsible for the operations of sewage sludge transport activities shall apply for registration through a form obtained from the department or department's website. All information required by the form, or requested by the department, shall be provided. The method of payment of fees shall be in accordance with LAC 33:IX.1309.

e. The registration period shall be for one state fiscal year period of July 1 to June 30. All registrations shall expire on June 30 of each year. If a person wishes to continue the operation of transporting sewage sludge, the person responsible for the operations of sewage sludge transport activities shall apply for re-registration to the administrative authority on or before May 1 of each year. Initial applications received between July 1 and March 30 will receive a registration for that fiscal year (July 1 through June 30); those initial applications received after March 30 will receive a registration for the remainder of that fiscal year in addition to the next fiscal year.

f. The fee for registration shall be an annual fee of $110.

g. The administrative authority shall be notified prior to any modification to the information submitted for registration, including, but not limited to, the following:

i. the removal and/or addition of a vehicle that will be utilized for the transporting of biosolids, sewage sludge, and or sewage sludge mixed with grease waste;

ii. change in vehicle information (license plate number(s) and/or registered owner(s));

iii. change of company name; and

iv. transfer of ownership of a company.

2. Subcontracting of Sewage Sludge Transporting Activities

a. Pick-up, hauling, and disposal of sewage sludge may be subcontracted to another company by the registered sewage sludge transporter, provided the following are met.

i. All vehicles used while subcontracting work shall be included on the approved sewage sludge transporter registration issued by the department.

ii. All pick-up, hauling, and disposal of biosolids, sewage sludge, and/or sewage sludge mixed with grease waste shall be reported under the registered sewage sludge transporter that hired a subcontractor.

iii. The registered sewage sludge transporter shall be responsible for ensuring that all sewage sludge transport activities are conducted in a manner that meets all registration requirements and applicable regulations.

3. Standards for All Transporters of Sewage Sludge

a. All transporters of sewage sludge and/or grease mixed with sewage sludge shall transport the sewage sludge and/or grease mixed with sewage sludge only to a facility permitted to receive sewage sludge or mixtures thereof, and shall maintain a daily log or record of activities containing the following information regarding the sewage sludge and/or grease mixed with sewage sludge:

i. the date the transported material was obtained, pumped, or removed;

ii. the origin or source of the material;

iii. the volume of material generated at each site;

iv. the transfer and/or disposal site; and

v. the total amount of material that was transported or disposed.

b. Transporters of sewage sludge and/or grease mixed with sewage sludge shall provide a summary of the information required in Subparagraph H.3.a. of this Section to the administrative authority on or before February 19 of each year on a form specified by the administrative authority. The summary of information, to be submitted to the department, shall be for the previous calendar year of January 1 through December 31.

c. The registered transporter that hired the subcontractor shall include the summary of information required in Subparagraph H.2.a on their annual report for all subcontracted work. A separate report for subcontractors is not required.

d. All transporters of biosolids, sewage sludge, and or sewage sludge mixed with grease waste shall maintain records for a period of no less than five years.

e. Stationary Containers Used for Storage of Hauled Sewage Sludge

i. Stationary containers may be used to store hauled sewage sludge provided they meet the standards listed in Subparagraph H.3.f of this Subsection.

ii. Underground containers are prohibited for storage of hauled sewage sludge.

iii. Hauled sewage sludge shall not be stored in containers for more than six consecutive months at a time.

f. Standards Applicable to Vehicles and/or Containers Used to Transport Sewage Sludge

i. The bodies of vehicles and/or containers transporting sewage sludge shall be covered at all times, except during loading and unloading, in a manner that prevents rain from reaching the sewage sludge, inhibits access by disease vectors, prevents the sewage sludge from falling or blowing from the vehicle and/or container, minimizes escape of odors, and does not create a nuisance.

ii. The bodies of vehicles and/or containers that are utilized to transport liquefied sewage sludge or a sewage sludge that is capable of producing a leachate shall be constructed and/or enclosed with an appropriate material that will completely prevent the leakage or spillage of the liquid.

iii. The exterior and interior of the body of a vehicle and/or container that is transporting sewage sludge shall be washed, at a designated washdown area, as often as needed to ensure against accumulation of sewage sludge and/or biosolids, and for the prevention of odors and disease vector attraction.

iv. The vehicle and/or container washdown area shall be designed, constructed, and operated to prevent groundwater contamination and stormwater run-on and runoff.

v. All water and leachate generated at the designated washdown area shall be contained and discharged in accordance with all applicable state and federal regulations or hauled off-site for proper treatment and/or disposal.

g. Standards for Sewage Sludge Pipelines and Containment Areas

i. Transfer points, pumping stations, and other facilities with a potential for spillage shall be located above grade, or in watertight compartments, and shall be in containment areas constructed to hold the maximum potential spill.

ii. Containment areas shall consist of a base and dikes constructed of concrete, compacted clay, or other impervious materials. All joints shall be sealed.

h. Other Standards. The administrative authority may provide appropriate standards for transporters of sewage sludge that utilize modes of transportation not covered by Subparagraph H.3.e and f of this Section.

i. These regulations do not relieve the transporter from the responsibility of complying with other applicable regulations and licensing requirements, including, but not limited to, those of the Louisiana Department of Transportation and Development, and with applicable ordinances governing types, sizes, and weights of vehicles used to transport sewage sludge on roads and streets that shall be traveled during the transporting of the sewage sludge and with any other applicable requirements.

I. Prohibitions, Restrictions, and Additional or More Stringent Requirements

1. Use or Disposal of Sewage Sludge

a. No person shall use or dispose of sewage sludge or biosolids through any practice for which requirements have not been established in this Chapter.

b. No person shall use or dispose of sewage sludge or biosolids except in accordance with the requirements in this Chapter.

2. Surface Disposal Prohibited. Except as allowed in Clause D.3.b.iv, *surface disposal*, as defined in Subsection B of this Section, is prohibited as a use or disposal method of sewage sludge or biosolids.

3. Storage of Sewage Sludge or Biosolids

a. An extension for storage for greater than six months may be granted by the administrative authority if storage for the extended period will have no adverse effect on human health or the environment.

b. A request for an extension for storage for greater than six months shall be submitted in writing to the administrative authority at least 60 days prior to the expiration of the first six-month storage period and shall include, but not be limited to, the following information:

i. the name and address of the person who prepared the sewage sludge or biosolids;

ii. the name and address of the person who either owns or leases the land where the sewage sludge or biosolids are to be stored, if different from the person who prepared the sewage sludge;

iii. the location, by either street address (physical address) or latitude and longitude, where the sewage sludge or biosolids will be stored;

iv. an explanation of why the sewage sludge or biosolids need to be stored for longer than a six month period;

v. an explanation of why human health and the environment will not be affected;

vi. the approximate date and length of time the sewage sludge or biosolids will be stored; and

vii. the final use and disposal method after the storage period has expired.

c. The administrative authority shall make a determination as to whether or not the information submitted is complete and shall issue the determination within 30 days of having received the request.

i. If the information is deemed incomplete, the administrative authority shall issue a notice of deficiency. The preparer or land applier of sewage sludge shall have 45 days, thereafter, to respond to the notice of deficiency.

ii. If the information is deemed complete, the administrative authority shall make and issue a determination to grant or deny the request for the storage of sewage sludge within 30 days after deeming the information complete.

4. Use of Ponds or Lagoons to Treat Sewage Sludge

a. The use of a pond or lagoon is allowed for the *treatment of sewage sludge*, as defined in Subsection B of this Section, only after a permit has been granted under these regulations and the applicable air and water discharge permits have been applied for and granted by the

administrative authority. The pond or lagoon shall be an intermediate step in the treatment process and not the final disposal method.

b. The person who makes use of a pond or lagoon for the treatment of sewage sludge shall:

i. provide documentation to the administrative authority that indicates the final use or disposal method for the sewage sludge;

ii. apply for the appropriate permit for the chosen final use or disposal in accordance with this Chapter; and

iii. provide documentation by a qualified professional engineer or geologist to the administrative authority that indicates the area where the pond or lagoon is located and if it will adequately protect against potential groundwater contamination either by natural soil conditions or by a constructed soil or synthetic liner that has a hydraulic conductivity of 1x10-7 centimeters per second or less, and adequately protect from the potential to *contaminate an aquifer*, as defined in Subsection B of this Section; and

iv. the sewage sludge in the treatment pond or lagoon shall be disposed using the final disposal method at least once per five years.

5. Solid wastes other than those listed below are prohibited from being prepared with sewage sludge and shall be disposed of in the manner provided in LAC 33:VII.Subpart 1:

a. residential and commercial food waste;

b. twigs, branches, leaves, crushed or chipped wood, logs, or trees;

c. wood chips or sawdust;

d. ground or crushed cardboard boxes;

e. paper;

f. fly ash, kiln dust, or other solid waste material that has been approved by the Environmental Protection Agency for the alkaline treatment/stabilization of sewage sludge; and

g. industrial sludges that are shown to contain only the pollutants that are listed in Table 1 of LAC 33:IX.7303.F and are demonstrated to be of benefit to the soil and/or crops through soil conditioning and/or crop fertilization, or are utilized as a form of alkaline treatment/stabilization of the sewage sludge.

6. Materials prohibited from being prepared with sewage sludge are as follows:

a. hazardous waste;

b. materials listed in Table 1 of LAC 33:IX.7301.I; and

c. other material whose use has a potential to adversely affect human health or the environment, as determined by the administrative authority.

Table 1 of LAC 33:IX.7301.I	
Materials Prohibited from Preparation with Sewage Sludge	
Antifreeze	Pesticides
Automotive batteries	Photographic supplies
Brake fluid	Propane cylinders
Cleaners (drain, oven, toilet)	Treated wood containing the preservatives CCA and/or PCP
Gasoline and gasoline cans	Tubes and buckets of adhesives, caulking, etc.
Herbicides	Swimming pool chemicals

Table 1 of LAC 33:IX.7301.I	
Materials Prohibited from Preparation with Sewage Sludge	
Household (dry cell) batteries	Unmarked containers
Oil-based paint	Used motor oil

7. A material prepared with sewage sludge shall be sampled and analyzed on an annual basis to determine if the material is nonhazardous by a hazardous waste determination in accordance with LAC 33:Part V. Results of the sampling and analysis shall be submitted to the administrative authority on an annual basis.

8. Sewage sludge composting operations shall not be located on airport property unless an exemption or approval is granted by the U.S. Department of Transportation's Federal Aviation Administration. If an exemption or approval is granted by the U.S. Department of Transportation's Federal Aviation Administration to allow a sewage sludge composting operation to be located on airport property, the location restrictions in LAC 33:IX.7305.B.1.h and i for off-airport property operations shall apply.

9. Except as exempted in LAC 33:IX.7303.E.7 sewage sludge mixed with grease shall be disposed of in a permitted landfill and shall not be:

a. introduced into any part of a treatment works, including its collection system; or

b. applied to the land.

10. On a case-by-case basis, the administrative authority may impose requirements in addition to or more stringent than the requirements in this Chapter when necessary to protect human health and the environment from any adverse effect of a pollutant in the sewage sludge.

J. Exclusions

1. Co-Firing of Sewage Sludge

a. Except for the co-firing of sewage sludge with *auxiliary fuel*, as defined in LAC 33:IX.7311.B, this Chapter does not establish requirements for sewage sludge co-fired in an incinerator with other wastes or for the incinerator in which sewage sludge and other wastes are co-fired.

b. This Chapter does not establish requirements for sewage sludge co-fired with auxiliary fuel if the auxiliary fuel exceeds 30 percent of the dry weight of the sewage sludge and auxiliary fuel mixture.

2. Sludge Generated at an Industrial Facility. This Chapter does not establish requirements for the use or disposal of sludge generated at an industrial facility during the treatment of industrial wastewater, including sewage sludge generated during the treatment of industrial wastewater combined with domestic sewage.

3. Hazardous Sewage Sludge. This Chapter does not establish requirements for the use or disposal of sewage sludge or a material derived from sewage sludge that is hazardous in accordance with LAC 33:Part V.

4. Sewage Sludge Containing PCBs. This Chapter does not establish requirements for the use or disposal of sewage sludge containing polychlorinated biphenyls (PCBs) that are regulated by the Toxic Substances Control Act (TSCA).

5. Incinerator Ash. This Chapter does not establish requirements for the use or disposal of ash generated during the firing of sewage sludge in a sewage sludge incinerator.

6. Grit and Screenings. This Chapter does not establish requirements for the use or disposal of grit (e.g., sand, gravel, cinders, or other materials with a high specific gravity) or screenings

(e.g., relatively large materials such as rags) generated during preliminary treatment of domestic sewage in a treatment works.

7. Drinking Water Treatment Sludge. This Chapter does not establish requirements for the use or disposal of sludge generated during the treatment of either surface water or groundwater used for drinking water.

8. Treatment Processes. This Chapter does not establish requirements for processes used to treat *domestic sewage*, as defined in Subsection B of this Section, or for processes used to treat sewage sludge prior to final use or disposal, except as provided in LAC 33:IX.7309.

9. Selection of a Use or Disposal Practice. This Chapter does not require the selection of a sewage sludge use or disposal practice. The determination of the manner in which sewage sludge is used or disposed is to be made by the person or entity who prepares sewage sludge.

K. Sampling and Analysis

1. Sampling

a. The permittee shall collect and analyze representative samples of sewage sludge or biosolids that are applied to the land and sewage sludge fired in a sewage sludge incinerator at the frequency specified in the permit.

b. The permittee shall create and maintain records of sampling and monitoring information for the period specified in the permit. The sampling and monitoring records shall include:

i. the date, exact place, and time of sampling or measurements;

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

iii. the date(s) analyses were performed;

iv. the individual(s) who performed the analysis;

v. the analytical techniques or methods used; and

vi. the results of such analysis.

2. Methods

a. The materials listed below are incorporated by reference in this Chapter. The materials are incorporated as they exist on the date of approval, and notice of any change in these materials will be published in the *Louisiana Register*. They are available for inspection at the Office of the Federal Register, and at the Office of Water Docket. Copies may be obtained from the standard producer or publisher listed in the regulation. Information regarding other sources of these documents is available from the Louisiana Department of Environmental Quality. Methods in the materials listed below (or in 40 CFR Part 136) shall be used to analyze samples of sewage sludge.

i. Enteric Viruses

(a). ASTM Designation: D 4994-89, "Standard Practice for Recovery of Viruses From Wastewater Sludges," (Most Recent Edition), Annual Book of ASTM Standards: Section 11—Water and Environmental Technology, ASTM.

ii. Fecal Coliform

(a). Part 9221 E, "Standard Methods for the Examination of Water and Wastewater," (Most Recent Edition), American Public Health Association; or EPA Method 1680 for *Exceptional Quality biosolids* and Part 9221 E or Part 9222 D "Standard Methods for the Examination of Water and Wastewater," (Most Recent Edition), American Public Health Association; or EPA Method 1680 or 1681 for *Class B Biosolids*.

iii. Helminth Ova

(a). Yanko, W.A., "Occurrence of Pathogens in Distribution and Marketing Municipal Sludges," EPA 600/1-87-014, 1987. National Technical Information Service (PB 88-154273/AS).

iv. Inorganic Pollutants

(a). *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846 (Most Recent Edition). Other Editions are available from the National Technical Information Service. and the Superintendent of Documents, Government Printing Office (Document Number 955-001-00000-1).

v. *Salmonella sp*. Bacteria

(a). Part 9260 D, "Standard Methods for the Examination of Water and Wastewater," (Most Recent Edition), American Public Health Association, or EPA Method 1682 (available on EPA's website at epa.gov; or Kenner, B.A. and H.P. Clark, "Detection and Enumeration of Salmonella and Pseudomonas Aeruginosa," Journal of the Water Pollution Control Federation, Vol. 46, No. 9, September 1974, pp. 2163-2171. Water Environment Federation.

vi. Specific Oxygen Uptake Rate

(a). Part 2710, B. Standard Methods for the Examination of Water and Wastewater, (Most Recent Edition), American Public Health Association.

vii. Total, Fixed, and Volatile Solids

(a). Part 2540, G. Standard Methods for the Examination of Water and Wastewater (Most Recent Edition), American Public Health Association.

viii. Incineration of Sewage Sludge—Standards of Performance and Particulate Matter

(a). Materials and Methods at 40 CFR Part 60 as incorporated by reference at LAC 33:III.3003.

ix. Incineration of Sewage Sludge—National Emission Standards for Beryllium and for Mercury.

(a). Materials, Methods, and Standards at 40 CFR Part 61 as incorporated by reference at LAC 33:III.5116.

x. Composting of Sewage Sludge

(a). *Test Methods for the Examination of Composting and Compost*, The US Composting Council Research and Education Foundation and USDA, available on the TMECC Website.

xi. Nutrients

(a). *Methods of Soil Analysis*, Soil Science Society of America Series (Most Recent Editions).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).
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§7303. Land Application

A. — A.1.d. …

B. Special Definitions

* * *

C. Preparation of Class B Biosolids

1. Requirements for Preparation of Class B Biosolids

a. Any person who receives sewage sludge for the purpose of preparing Class B Biosolids shall obtain the following information:

i. the name, mailing address, and location of the facility or facilities providing the sewage sludge;

ii. the total dry metric tons being provided; and

iii. a description of any treatment processes occurring at the providing facility or facilities, including blending, composting, or mixing activities and the treatment to reduce pathogens and/or vector attraction reduction.

2. Pollutant Limits

a. Class B Biosolids

i. Shall not be applied to the land if the concentration of any pollutant in the biosolids exceeds the ceiling concentration for the pollutant in Table 1 of LAC 33:IX.7303.F.

ii. Class B Biosolids, which are to be applied to agricultural land, forest, a public contact site, or a reclamation site shall meet the following:

(a). the cumulative loading rate for each pollutant in the biosolids shall not exceed the cumulative pollutant loading rate for the pollutant in Table 2 of LAC 33:IX.7303.F; or

(b). the concentration of each pollutant in the biosolids shall not exceed the concentration for the pollutant in Table 3 of LAC 33:IX.7303.F.

iii. The administrative authority may require that the Class B biosolids meet more stringent pollutant limits, or limits for additional pollutants, than those listed in Tables 1-3 of LAC 33:IX.7303.F on a case-by-case basis after determining that the more stringent pollutant limits or limits for additional pollutants are needed to protect human health and the environment from any reasonably anticipated adverse effect that may occur from the application of the biosolids to the land.

3. Other Requirements for Class B Biosolids

a. The person who prepares Class B biosolids to be applied to agricultural land, forest, a public contact site, or a reclamation site shall provide the person who applies the Class B biosolids with written notification of the concentration, on a dry weight basis, of total nitrogen, ammonia (as N), nitrates, potassium, and phosphorus in the Class B biosolids.

b. The Class B biosolids preparer shall provide the Class B biosolids land applier with notice and necessary information to comply with the requirements in this Chapter.

4. Operational Standards—Pathogens and Vector Attraction Reduction

a. Pathogens

i. The Class B biosolids pathogen requirements and site restrictions in LAC 33:IX.7309.C.2 shall be met when bulk biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

b. Vector Attraction Reduction

i. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g shall be met when bulk biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

ii. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be met when biosolids are sold or given away in a bag or other container for application to the land.

5. Frequency of Monitoring

a. The frequency of monitoring for the pollutants listed in Tables 1-3 of LAC 33:IX.7303.F; the frequency of monitoring for pathogen density requirements in LAC 33:IX.7309.C.2; and the frequency of monitoring for vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be at the frequency specified in Table 5 of LAC 33:IX.7303.F.

b. After the biosolids have been monitored for two years at the frequency in Table 5 of LAC 33:IX.7303.F the administrative authority may reduce the frequency of monitoring for pollutant concentrations. This reduction in monitoring frequency may be requested after two years of continuous permit compliance.

6. Recordkeeping

a. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Class B biosolids shall keep a record of the following for a period of five years:

i. annual production of Class B biosolids (i.e., dry tons or dry metric tons);

ii. the sewage sludge/biosolids management practice used;

iii. sampling results for hazardous characteristics; and

iv. sampling results for PCBs.

b. Additional recordkeeping requirements for the person who prepares the Class B biosolids.

i. For Class B biosolids that are prepared for use on agricultural land, forest, a public contact site, or a reclamation site and that meet the pollutant concentrations in Table 3 of LAC 33:IX.7303.F, the Class B pathogen requirements in LAC 33:IX.7309.C.2, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

(a). the person who prepares the Class B biosolids shall develop and retain the following information for five years:

(i). the concentration of each pollutant listed in Table 3 of LAC 33:IX.7303.F;

(ii). a description of how the Class B pathogen requirements in LAC 33:IX.7309.C.2 are met; and

(iii). a description of how one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g is met.

ii. For Class B biosolids prepared for use on land that is agricultural land, forest, a public contact site, or a reclamation site whose cumulative loading rate for each pollutant does not exceed the cumulative pollutant loading rate for each pollutant in Table 2 of LAC 33:IX.7303.F and that meet the Class B pathogen requirements in LAC 33:IX.7309.C.2, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

(a). the person who prepares the Class B biosolids shall develop and retain the following information for five years:

(i). the concentration of each pollutant listed in Table 3 of LAC 33:IX.7303.F in the Class B biosolids;

(ii). a description of how the Class B pathogen requirements in LAC 33:IX.7309.C.2 are met;

(iii). a description of how one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g is met; and

iii. Any person signing a document under the provisions of either Clause 7303.C.6.b.i or ii above shall make the following certification:

"I certify, under penalty of law, that the information that will be used to determine compliance with the Class B pathogen requirements in LAC 33:IX.7309.C.2 and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g] was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information.

I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

7. Reporting

a. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Class B Biosolids shall submit the information in Subparagraph 6.a of this Section to the administrative authority on or before February 19 of each year.

b. Additional Reporting Requirements

i. All other *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Class B biosolids for use on land and are required to obtain a permit under LAC 33:IX.7301.D, shall submit the information in Paragraph 6 of this Section, for the appropriate requirements, to the administrative authority as follows.

(a). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per year, the reporting period and the report due date shall be as specified in Table 7 of LAC 33:IX.7303.F.

(b). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per quarter (four times per year), the reporting period and the report due date shall be as specified in Table 8 of LAC 33:IX.7303.F.

(c). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per 60 days (six times per year), the reporting period and the report due date shall be as specified in Table 9 of LAC 33:IX.7303.F.

(d). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per month (12 times per year), the reporting period and the report due date shall be as specified in Table 10 of LAC 33:IX.7303.F.

D. Land Application of Class B Biosolids

1. General Requirements

a. No person shall apply Class B Biosolids to the land except in accordance with the requirements in this Chapter.

b. Biosolids shall not be applied to the land until the site has been approved by the administrative authority with a finding that the land application site is a legitimate beneficial use site.

2. General Management Practices

a. Land Application Restrictions

i. Class B biosolids applied to agricultural land, forest, a public contact site, or a reclamation site shall only be applied at a whole biosolids application rate that is equal to or less than the agronomic rate for the biosolids, unless, in the case of a reclamation site, otherwise specified by the permitting authority.

ii. Class B biosolids shall be applied to the land in accordance with the slope requirements in Table 11 of LAC 33:IX.7303.F.

iii. Class B biosolids having a concentration of PCBs greater than 10 mg/kg of total solids (dry wt.) shall be incorporated into the soil regardless of slope.

b. Buffer Zones

i. When biosolids are applied to agricultural land, forest, or a reclamation site, buffer zones shall be established as follows for each application area, unless otherwise specified by the administrative authority.

ii. For all sites, the following buffer zone requirements apply:

(a). a private potable water supply well—300 feet, unless special permission is granted by the private potable water supply owner;

(b). a public potable water supply well, surface water intake, treatment plant, or public potable water supply elevated or ground storage tank—300 feet, unless special permission is granted by the Louisiana Department of Health; and

(c). a property boundary—100 feet, unless special permission is granted by the property owner(s).

iii. For new or first-time-permitted sites, the following buffer zone requirements apply:

(a). an established *institution,* as defined in LAC 33:IX.7301.B—1,000 feet, unless special permission is granted by the responsible official of the established institution. The permission shall be in the form of a notarized affidavit executed by the owner waiving the 1,000-foot buffer zone. However, in no case shall the application area be located less than 200 feet from an institution; and

(b). a residential home or structure—500 feet, unless special permission is granted by the owner, and any lessee, of the residential home or structure. The permission shall be in the form of a notarized affidavit executed by the owner, and any lessee, waiving the 500-foot buffer zone. However, in no case shall land application of sewage sludge be conducted less than 200 feet from the residential home or structure.

c. Water Table Levels

i. Biosolids shall not be applied to agricultural land, forest, or a reclamation site during the months when the water table is less than or at 2 feet below the soil surface as indicated in the Parish Soil Surveys or the Water Features Data published by the Natural Resources Conservation

Service (NRCS); or some form of monitoring device shall be provided to ensure that the annual high water table is greater than 2 feet below the soil surface.

d. Nutrient Management Plan and Soil Sampling

i. The person who applies biosolids to agricultural or forest land shall:

(a). provide proof to the administrative authority that a full nutrient management plan has been developed for the agricultural or forest land where the biosolids are applied. The full nutrient management plan shall be developed by:

(i). the Natural Resources Conservation Service (NRCS);

(ii). a certified soil scientist;

(iii). a certified crop advisor; or

(iv). a local Louisiana State University (LSU) Agricultural Center Cooperative Extension Service agent; or

(b). sample the soil at the site or sites where biosolids are land-applied on an annual basis, or, if double cropping is practiced, prior to the planting of each crop, for the following parameters:

(i). total Kjeldahl nitrogen;

(ii). total nitrates;

(iii). total nitrites;

(iv). total phosphorus;

(v). total potassium; and

(vi). pH.

3. Pollutant Limits

a. Class B biosolids applied to the land shall meet the pollutant limit requirements in LAC 33:IX.7303.C.2.

4. Other Requirements for Class B Biosolids

a. The person who applies Class B biosolids to the land shall provide the owner or leaseholder of the land on which the Class B biosolids are applied with notice and necessary information to comply with the requirements in this Chapter.

b. No person shall apply Class B biosolids subject to the cumulative pollutant loading rates in Table 2 of LAC 33:IX.7303.F to the land without first contacting the administrative authority to determine if Class B biosolids subject to the cumulative pollutant loading rates in Table 2 of LAC 33:IX.7303.F have been applied to the land since July 20, 1993.

c. No person shall apply Class B biosolids subject to the cumulative pollutant loading rates in Table 2 of LAC 33:IX.7303.F to agricultural land, forest, a public contact site, or a reclamation site if any of the cumulative pollutant loading rates in Table 2 of LAC 33:IX.7303.F has been reached.

d. If Class B biosolids have not been applied to a site since July 20, 1993, the cumulative amount for each pollutant listed in Table 2 of LAC 33:IX.7303.F may be applied to the site in accordance with Subclause C.2.a.ii.(a).

e. If Class B biosolids have been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site in the bulk biosolids since that date is known, the cumulative amount of each pollutant applied to the site shall be used to determine the additional amount of each pollutant that can be applied to the site in accordance with Subclause C.2.a.ii.(a).

f. If Class B biosolids have been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site in the Class B biosolids since that date is not known, an additional amount of each pollutant shall not be applied to the site in accordance with Subclause C.2.a.ii.(a).

5. Other Management Practices for Class B Biosolids

a. Class B biosolids shall not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under Section 4 of the Endangered Species Act or its designated critical habitat.

b. Class B biosolids shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the Class B biosolids enter a *wetland* or other *waters of the state*, as defined in LAC 33:IX.2313, except as provided in a permit issued in accordance with Section 402 or 404 of the Clean Water Act or LAC 33:IX.Chapters 23-71.

c. Class B biosolids shall not be applied to agricultural land, forest, or a reclamation site that is 33 feet (10 meters) or less from any *waters of the state*, as defined in LAC 33:IX.2313, unless otherwise specified by the permitting authority.

d. Class B biosolids shall not be applied to the land if it would affect a property that either is listed on, or is eligible for listing on, the National Register of Historic Places.

6. Operational Standards—Pathogens and Vector Attraction Reduction

a. Pathogens

i. The Class B pathogen requirements and site restrictions in LAC 33:IX.7309.C.2 shall be met when bulk biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

b. Vector Attraction Reduction

i. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g shall be met when Class B biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

7. Recordkeeping

a. For Class B biosolids that are applied to agricultural land, forest, a public contact site, or a reclamation site and that meet the pollutant concentrations in Table 3 of LAC 33:IX.7303.F, the Class B pathogen requirements in LAC 33:IX.7309.C.2, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

i. the person who applies the Class B biosolids to the land shall develop and retain the following information for five years:

(a). a description of how the general management practices in Subparagraphs D.2.a-d of this Section and the other management practices for Class B biosolids in Paragraph 5 of this Subsection are met for each land site on which Class B biosolids are applied;

(b). a description of how the site restrictions in LAC 33:IX.7309.C.2.e are met for each land application site on which Class B biosolids are applied;

(c). when the vector attraction reduction requirement in either LAC 33:IX.7309.E.2.f or g is met, a description of how the requirement is met;

(d). the date Class B biosolids are applied to each site; and

(e). the following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the general management practices in LAC 33:IX.7303.D.2.a-d, the other management practices for bulk biosolids in LAC 33:IX.7303.D.5, the site restrictions in LAC 33:IX.7309.C.2.e, and the vector attraction reduction requirement in [insert either LAC 33:IX.7309.E.2.f or g] was prepared for each site on which bulk biosolids are applied under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and

evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

b. For Class B biosolids applied to the land that is agricultural land, forest, a public contact site, or a reclamation site whose cumulative loading rate for each pollutant does not exceed the cumulative pollutant loading rate for each pollutant in Table 2 of LAC 33:IX.7303.F and that meet the Class B pathogen requirements in LAC 33:IX.7309.C.2, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

i. the person who applies the Class B biosolids to the land shall develop and retain the following information in Subclauses D.7.b.i.(a)-(g) of this Subsection indefinitely, and retain the information in Subclauses D.7.b.i.(h)-(j) of this Subsection for five years:

(a). the location of each land site on which Class B biosolids are applied by either street address or latitude and longitude;

(b). the number of hectares or acres in each site on which Class B biosolids are applied;

(c). the date Class B biosolids are applied to each land site;

(d). the cumulative amount of each pollutant (i.e., kilograms) listed in Table 2 of LAC 33:IX.7303.F in the Class B biosolids applied to each land site, including the amount in Subparagraph D.4.e of this Subsection;

(e). the amount of Class B biosolids (i.e., tons or metric tons) applied to each land site;

(f). a description of how the information was obtained in order to comply with Subparagraph D.4 of this Section;

(g). a description of how the general management practices in Subparagraphs D.2.a-d of this Subsection and the other management practices in Subparagraph D.5 of this Subsection are met for each land site on which Class B biosolids are applied;

(h). a description of how the site restrictions in LAC 33:IX.7309.C.2.e are met for each land site on which Class B biosolids are applied;

(i). if the vector attraction reduction requirements in either LAC 33:IX.7309.E.2.f or g are met, a description of how the requirements are met;

(j). the following certification statement:

"I certify under penalty of law, that the information that will be used to determine compliance with LAC 33.IX.7303.D.2, D.4, D.5, LAC 33:IX.7309.C.2, and LAC 33:IX.7309.E.2.f or g was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

8. Frequency of Monitoring. The frequency of monitoring for the pollutants listed in Tables 1-3 of LAC 33:IX.7303.F; the frequency of monitoring for pathogen density requirements in LAC 33:IX.7309.C.2; and the frequency of monitoring for vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be at the frequency specified in Table 5 of LAC 33:IX.7303.F.

9. Reporting

a. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that apply Class B biosolids to the land and are required to obtain a permit under LAC 33:IX.7301.D, shall submit the information in Subparagraph 7.a of this Section, for the appropriate requirements, to the administrative authority as follows.

(i). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per year, the reporting period and the report due date shall be as specified in Table 7 of LAC 33:IX.7303.F.

(ii). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per quarter (four times per year), the reporting period and the report due date shall be as specified in Table 8 of LAC 33:IX.7303.F.

(iii). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per 60 days (six times per year), the reporting period and the report due date shall be as specified in Table 9 of LAC 33:IX.7303.F.

(iv). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per month (12 times per year), the reporting period and the report due date shall be as specified in Table 10 of LAC 33:IX.7303.F.

10. Procedure for the Addition of Land Application Sites

a. If a person who possesses a sewage sludge and biosolids use or disposal permit for Class B biosolids wishes to add a land application site(s) to the permit, the person shall submit a request package to the administrative authority at least 180 days prior to the anticipated date by which authorization is needed containing the following information:

i. evidence of notification of the landowners bordering the proposed land application site(s). The notification may be in the form of a public notice placed in the local newspaper being circulated in the area of the proposed site(s), certified letters of notification that were either hand delivered or mailed to the landowners bordering the proposed site(s), or signed agreements of the landowners bordering the proposed site(s) to application of Class B biosolids to the site(s);

ii. signed agreement(s) to the application of Class B biosolids from the landowner(s) of the proposed site(s); and

iii. a completed Permit Application for the Use or Disposal of Sewage Sludge (Biosolids) in Louisiana.

b. After receipt and review of the request package required in Paragraph 10.a of this Section for the addition of a land application site(s), a decision shall be rendered by the administrative authority regarding the request.

E. Preparation of Exceptional Quality Biosolids

1. Requirements for the Preparation of Exceptional Quality Biosolids

a. General Requirements

i. Biosolids shall not be applied to the land as Exceptional Quality biosolids until the sample analyses have shown that the biosolids meet the criteria for *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. If results of the sampling indicate that the biosolids are no longer *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B, then the preparer shall cease any land application of the biosolids as Exceptional Quality biosolids.

iii. If biosolids that are no longer Exceptional Quality are used or disposed, then the exemption for Exceptional Quality biosolids no longer applies, and the biosolids shall meet all the requirements and restrictions of this Chapter that apply to biosolids that are not Exceptional Quality biosolids.

b. Application and Permitting Requirements for Persons Who Prepare Sewage Sludge as Exceptional Quality Biosolids

i. A person who prepares sewage sludge as Exceptional Quality biosolids shall prepare the sewage sludge in a manner that will assure that the sewage sludge meets all of the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B, and shall forward to the administrative authority a permit application for the Use or Disposal of Sewage Sludge (Biosolids) form having the following information:

(a). the laboratory analysis of the metals in Tables 1 and 3 of LAC 33:IX.7303.F;

(b). the laboratory analysis for percent dry solids, percent ammonia nitrogen, percent nitrate, percent nitrite, percent nitrogen, percent phosphorus, percent potassium, and percent organic matter and, if the sewage sludge or biosolids underwent or were subjected to any type of alkaline stabilization and/or alkaline treatment, the pH of the sewage sludge or biosolids;

(c). the laboratory results for polychlorinated biphenyls (PCBs);

(d). the Exceptional Quality biosolids pathogen requirement in LAC 33:IX.7309.C.1 that will be utilized;

(e). the vector attraction reduction requirement in LAC 33:IX.7309.E.2.a-e that will be utilized;

(f). the label or information sheet that shall accompany Exceptional Quality biosolids that are sold or given away either in bulk or in a bag, are required to contain the following information:

(i). the name and address of the preparer;

(ii). the concentration (by volume) of each metal in Table 3 of LAC 33:IX.7303.F;

(iii). percent nitrogen;

(iv). percent ammonia nitrogen;

(v). percent phosphorus;

(vi). percent potassium;

(vii). pH;

(viii). the concentration of PCBs in mg/kg of total solids (dry wt.); and

(g). application instructions and a statement that application of the Exceptional Quality biosolids to the land is prohibited except in accordance with the instructions on the label or information sheet; and

(h). in addition to the label requirements in Subclauses 1.b.i.(a)-(h) of this Subsection, the label or information sheet that shall accompany all compost sold or given away either in bulk or in a bag or other container, are required to contain the following information:

(i). soluble salt content;

(ii). water holding capacity;

(iii). bulk density (lbs/yd3);

(iv). particle size;

(v). moisture content; and

(vi). percent organic matter content.

(i). samples required to be collected in accordance with Subclauses 1.b.i.(a)-(c) of this Subsection shall be from at least four representative samplings of the biosolids taken at least 60 days apart within the 12 months prior to the date of the submittal of the sewage sludge and biosolids use or disposal permit application form;

(j). for the term of the permit, the preparer of the Exceptional Quality biosolids shall conduct continued sampling at a frequency of monitoring indicated in Table 6 of LAC 33:IX.7303.F. The samples shall be analyzed for the parameters specified in Subclauses 1.b.i.(a)-(c) of this Subsection, and for the pathogen and vector attraction reduction requirements in Subclauses 1.b.i.(d) and (e) of this Subsection, as required by LAC 33:IX.7309.

c. Pollutant Limits—Exceptional Quality Biosolids

i. Exceptional Quality biosolids sold or given away in a bag or other container shall not be applied to the land if the concentration of any pollutant in the biosolids exceeds the ceiling concentration for the pollutant in Table 1 of LAC 33:IX.7303.F.

ii. If Exceptional Quality biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site, either:

(a). the cumulative loading rate for each pollutant in the Exceptional Quality biosolids shall not exceed the cumulative pollutant loading rate for the pollutant in Table 2 of LAC 33:IX.7303.F; or

(b). the concentration of each pollutant in the Exceptional Quality biosolids shall not exceed the concentration for the pollutant in Table 3 of LAC 33:IX.7303.F.

iii. If Exceptional Quality biosolids are applied to a lawn or a home garden, the concentration of each pollutant in the biosolids shall not exceed the ceiling concentrations in Table 1 of LAC 33:IX.7303.F and the pollutant concentrations for each pollutant listed in Table 3 of LAC 33:IX.7303.F, and the concentration of PCBs must be less than 10 mg/kg of total solids (dry wt.).

iv. If Exceptional Quality biosolids are sold or given away in a bag or other container for application to the land, either:

(a). the concentration of each pollutant in the Exceptional Quality biosolids shall not exceed the ceiling concentration for the pollutant in Table 1 of LAC 33:IX.7303.F and the concentration for the pollutant in Table 3 of LAC 33:IX.7303.F, and the concentration of PCBs must be less than 10 mg/kg of total solids (dry wt.); or

(b). the product of the concentration of each pollutant in the Exceptional Quality biosolids and the annual whole biosolids application rate for the biosolids shall not cause the annual pollutant loading rate for the pollutant in Table 4 of LAC 33:IX.7303.F to be exceeded, and the concentration of PCBs must be less than 10 mg/kg of total solids (dry wt.). The procedure used to determine the annual whole biosolids application rate is presented in LAC 33:IX.7397.Appendix A.

2. Pollutant Concentrations and Loading Rates—Exceptional Quality Biosolids

a. The administrative authority may require that the Exceptional Quality biosolids meet more stringent pollutant limits or limits for additional pollutants than those listed in the Tables 1-4 of LAC 33:IX.7303.F on a case-by-case basis after determining that the more stringent pollutant limits or limits for additional pollutants are needed to protect human health and the environment from any reasonably anticipated adverse effect that may occur from the application of the biosolids to the land.

3. Operational Standards for Exceptional Quality Biosolids—Pathogens and Vector Attraction Reduction

a. Pathogens

i. The Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 shall be met when biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

ii. The Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 shall be met when biosolids are applied to a lawn or a home garden.

iii. The Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 shall be met when biosolids are sold or given away in a bag or other container for application to the land.

b. Vector Attraction Reduction

i. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g shall be met when Exceptional Quality biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

ii. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be met when Exceptional Quality biosolids are applied to a lawn or a home garden.

iii. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be met when Exceptional Quality biosolids are sold or given away in a bag or other container for application to the land.

4. Frequency of Monitoring. The frequency of monitoring for the pollutants listed in Tables 1-4 of LAC 33:IX.7303.F; the frequency of monitoring for pathogen density requirements in LAC 33:IX.7309.C.1; and the frequency of monitoring for vector attraction reduction requirements in LAC 33:IX.7309.E.a-e shall be the frequency specified in Table 6 of LAC 33:IX.7303.F.

5. Recordkeeping

a. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Exceptional Quality biosolids shall keep a record of the following for a period of five years:

i. annual production of Exceptional Quality biosolids (i.e., dry tons or dry metric tons); and

ii. the sewage sludge/biosolids management practice used;

iii. sampling results for hazardous characteristics; and

iv. sampling results for PCBs.

b. Additional Recordkeeping

i. The person who prepares the Exceptional Quality biosolids shall develop and retain the following information for five years:

(a). the results of the sample analysis required in Subclause 1.b.i.(j) of this Subsection;

ii. For Exceptional Quality biosolids that are applied to agricultural land, forest, a public contact site, or a reclamation site and that meet the pollutant concentrations in Table 3 of LAC 33:IX.7303.F, the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1, and the vector attraction reduction requirements in either LAC 33:IX.7309.E.2.f or g:

(a). the person who prepares the Exceptional Quality biosolids shall develop and retain the following information for five years:

(i). the concentration of each pollutant listed in Table 3 of LAC 33:IX.7303.F;

(ii). a description of how the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 are met;

iii. For Exceptional Quality biosolids applied to the land that is agricultural land, forest, a public contact site, or a reclamation site whose cumulative loading rate for each pollutant does not exceed the cumulative pollutant loading rate for each pollutant in Table 2 of LAC 33:IX.7303.F and that meet the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

(a). the person who prepares the Exceptional Quality biosolids shall develop and retain the following information for five years:

(i). the concentration of each pollutant listed in Table 1 of LAC 33:IX.7303.F in the Exceptional Quality biosolids;

(ii). a description of how the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 are met;

(iii). a description of how one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g is met; and

iv. For Exceptional Quality biosolids sold or given away in a bag or other container for application to the land meeting the requirement at Subclause E.1.c.iv.(b) of this Subsection, the Exceptional Quality biosolids pathogen requirements at LAC 33:IX.7309.C.1, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

(a). the person who prepares the Exceptional Quality biosolids that are sold or given away in a bag or other container shall develop and retain the following information for five years:

(i). the annual whole biosolids application rate for the Exceptional Quality biosolids that does not cause the annual pollutant loading rates in Table 4 of LAC 33:IX.7303.F to be exceeded;

(ii). the concentration of each pollutant listed in Table 3 of LAC 33:IX.7303.F in the biosolids;

(iii). a description of how the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 are met;

(iv). a description of how one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g is met;

(v). the permittee shall either affix a label to the bag or other container holding Exceptional Quality biosolids that are sold or given away for application to the land, or provide an information sheet to the person who receives Exceptional Quality biosolids sold or given away in a bag or other container for application to the land. The label or information sheet shall contain the following information:

(a). the information required in Subclauses 6E.1.b.i.(a)-(f) of this Subsection and if the Exceptional Quality biosolids are compost, the information in Subclauses E.1.b.i.(a)-(h) of this Subsection; and

(b). the annual whole biosolids application rate that does not cause any of the annual pollutant loading rates in Table 4 of LAC 33:IX.7303.F to be exceeded.

v. the following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the requirements in Subclauses E.1.b.i.(f)-(g) of this Subsection, the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1, and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g] was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and/or imprisonment."

6. Reporting

a. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Exceptional Quality biosolids shall submit the information in Subparagraph 5.a of this Subsection to the administrative authority on or before February 19 of each year.

b. Additional Reporting Requirements

i. The person who prepares the biosolids shall develop and retain the following information for five years:

(a). the results of the sample analysis required in Subclause E.1.b.i.(a)-(c) of this Section; and

(b). the following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g] was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

ii. The person who prepares Exceptional Quality biosolids shall forward the information required in Clause 6.b.i of this Subsection to the administrative authority as follows.

(a). For facilities having a frequency of monitoring in Table 6 of LAC 33:IX.7303.F of once per quarter (four times per year), the reporting periods and the report due dates shall be as specified in Table 8 of LAC 33:IX.7303.F.

(b). For facilities having a frequency of monitoring in Table 6 of LAC 33:IX.7303.F of once per month (12 times per year), the reporting periods and the report due dates shall be as specified in Table 10 of LAC 33:IX.7303.F.

7. Any person subject to these regulations who prepares Exceptional Quality biosolids may petition the administrative authority to allow the land application of Exceptional Quality biosolids that is mixed with grease that was pumped or removed from a food service facility.

a. The administrative authority may grant conditional approval for the land application of Exceptional Quality biosolids that are mixed with grease that was pumped or removed from a food service facility, along with the appropriate monitoring, sampling and analysis,

recordkeeping, and reporting requirements, when petitions for such are deemed appropriate after consideration of the factors enumerated in Subparagraph 1.b of this Subsection as well as any other pertinent factors.

b. Each petition for the allowance of land application of Exceptional Quality biosolids that are mixed with grease that was pumped or removed from a food service facility shall:

i. be submitted in writing to the administrative authority; and

ii. be accompanied by evidence of public notice in the state and local journal containing the following information:

(a). documentation to prove that the preparation or treatment process will be a composting process to further reduce pathogens described in LAC 33:IX.7309.D.2;

(b). documentation to satisfy the requirements in Subparagraph 1.b of this Subsection and LAC 33:IX.7305.

c. If the owner/operator wishes to continue operation of the compost facility, he or she shall submit to the administrative authority a completed permit application for use or disposal of sewage sludge and biosolids at least 180 days prior to the expiration date of the approval. The decision to grant or deny a permit for continuation of the compost operation shall be based on:

i. the information provided in the permit application;

ii. the monitoring and sampling and analysis results submitted during the conditional approval period; and

iii. any comments or other information received during the one-year approval period or during the standard permit public notice period.

F. Reference Tables for Preparation and Land Application of Biosolids

1. Table 1—Ceiling Concentrations

Table 1 of LAC 33:IX.7303.F	
Ceiling Concentrations	
Pollutant	**Ceiling Concentration (milligrams per kilogram)[1]**
Arsenic	75
Cadmium	85
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100
Zinc	7500
[1] Dry weight basis	

2. Table 2—Cumulative Pollutant Loading Rates

Table 2 of LAC 33:IX.7303.F	
Cumulative Pollutant Loading Rates	
Pollutant	**Cumulative Pollutant Loading Rate (kilograms per hectare)**
Arsenic	41
Cadmium	39

Table 2 of LAC 33:IX.7303.F	
Cumulative Pollutant Loading Rates	
Pollutant	**Cumulative Pollutant Loading Rate (kilograms per hectare)**
Copper	1500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2800

3. Table 3—Pollutant Concentrations

Table 3 of LAC 33:IX.7303.F	
Pollutant Concentrations	
Pollutant	**Monthly Average Concentration (milligrams per kilogram)[1]**
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Nickel	420

Selenium	100
Zinc	2800
[1]Dry weight basis	

4. Table 4—Annual Pollutant Loading Rates

Table 4 of LAC 33:IX.7303.F	
Annual Pollutant Loading Rates	
Pollutant	**Annual Pollutant Loading Rate (kilograms per hectare per 365-day period)**
Arsenic	2.0
Cadmium	1.9
Copper	75
Lead	15
Mercury	0.85
Nickel	21
Selenium	5.0
Zinc	140

5. Table 5—Monitoring Frequency (Class B Biosolids)

Table 5 of LAC 33:IX.7303.F
Frequency of Monitoring—Land Application (Class B Biosolids)

Amount of Biosolids[1] (metric tons per 365-day period)	**Frequency**
Greater than zero but less than 290	Once per year
Equal to or greater than 290 but less than 1,500	Once per quarter (four times per year)
Equal to or greater than 1,500 but less than 15,000	Once per 60 days (six times per year)
Equal to or greater than 15,000	Once per month (12 times per year)
[1]Either the amount of bulk biosolids applied to the land (on a dry weight basis) or the amount of biosolids that are bagged and sold or given away for application to the land (on a dry weight basis).	

6. Table 6—Monitoring Frequency (Exceptional Quality Biosolids)

Table 6 of LAC 33:IX.7303.F	
Frequency of Monitoring—Exceptional Quality Biosolids	
Amount of Biosolids[1] (metric tons per 365-day period)	**Frequency**

Greater than zero but less than 15,000	Once per quarter (four times per year)
Equal to or greater than 15,000	Once per month (12 times per year)
[1]The amount of biosolids sold or given away either in bulk or in a bag or other container.	

7. Table 7—Once Per Year Reporting Period

Table 7 of LAC 33:IX.7303.F	
Reporting—Land Application (Class B Biosolids)	
Monitoring Period (Once per Year)	**Report Due Date**
January – December	February 19

8. Table 8—Once Per Quarter Reporting Period

Table 8 of LAC 33:IX.7303.F	
Reporting—Land Application (Exceptional Quality and Class B Biosolids)	
Monitoring Period[1] (Once per Quarter)	**Report Due Date**
January, February, March	August 19
April, May, June	

July, August, September	February 19
October, November, December	
[1]Separate reports must be submitted for each monitoring period.	

9. Table 9—Once per 60 Days (6 Times per Year) Reporting Period

Table 9 of LAC 33:IX.7303.F	
Reporting—Land Application (Class B Biosolids)	
Monitoring Period[1] (Once per 60 Days)	**Report Due Date**
January, February	June 19
March, April	
May, June	October 19
July, August	
September, October	February 19
November, December	
[1]Separate reports must be submitted for each monitoring period.	

10. Table 10—Once per Month (12 Times per Year) Reporting Period

Table 10 of LAC 33:IX.7303.F
Reporting—Land Application (Exceptional Quality and Class B Biosolids)

Monitoring Period[1] **(Once per Month)**	**Report Due Date**
January	May 19
February	
March	
April	August 19
May	
June	
July	November 19
August	
September	
October	February 19
November	
December	
[1]Separate reports must be submitted for each monitoring period.	

11. Table 11—Slope Limitations

Table 11 of LAC 33:IX.7303.F	
Slope Limitations for Land Application of Biosolids	
Slope Percent	**Application Restriction**
0-3	None, except drainage to prevent standing water shall be provided.

Table 11 of LAC 33:IX.7303.F	
Slope Limitations for Land Application of Biosolids	
Slope Percent	**Application Restriction**
3-6	A 100-foot vegetated runoff area should be provided at the down slope end of the application area if a liquid is applied. Measures should be taken to prevent erosion.
6-12	Liquid material shall be injected into the soil. Solid material shall be incorporated into the soil if the site is not covered with vegetation. A 100-foot vegetated runoff area is required at the down slope end of the application area for all applications. Measures shall be taken to prevent erosion. Terracing may be required if deemed a necessity by the administrative authority to prevent runoff from the land application site and erosion.

Table 11 of LAC 33:IX.7303.F	
Slope Limitations for Land Application of Biosolids	
Slope Percent	**Application Restriction**
>12	Unsuitable for application unless terraces are constructed and a 200-foot vegetated buffer area with a slope of less than three percent is provided at the down slope edge of the application area and the material is incorporated (solid material) and injected (liquid material) into the soil. Measures shall be taken to prevent runoff from the land application site and to prevent erosion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:785 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2374 (November 2007), LR 35:929 (May 2009), LR 37:2994 (October 2011), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§7305. Siting and Operation Requirements for Commercial Preparers of Sewage Sludge

A. — A.2. …

B. Siting—Class B Biosolids

1. — 1.m. …

2. Facility Characteristic—Class B and Exceptional Quality Biosolids

a. — b. …

3. Facility Surface Hydrology—Class B and Exceptional Quality Biosolids

a. — d. …

4. Facility Geology—Class B and Exceptional Quality Biosolids

a. — c. …

5. Facility Plans and Specifications—Class B and Exceptional Quality Biosolids. Facility plans and specifications represented and described in the permit applications or permit modifications for all facilities must be prepared under the supervision of, and certified by, a professional engineer, licensed in the state of Louisiana.

6. Notification of Completion – Class B and Exceptional Quality Biosolids. Within 10 days of completion of the facility or completion of a facility modification, the owner of the facility shall submit a notification of completion to the administrative authority. The notification of completion shall include a certification statement by a professional engineer, licensed in the state of Louisiana, that the facility meets the plans and specifications as described in the Sewage Sludge and Biosolids Use or Disposal permit application.

7. Initial Start-Up Inspection – Class B and Exceptional Quality Biosolids

a. — d.…

C. Operations – Class B and Exceptional Quality Biosolids

1. — 2.e. …

f. The final composted product shall be stable and mature. In addition to meeting the applicable time and temperature for pathogen and vector attraction reduction requirements, proof of the stability and maturity of the final composted product shall be provided by utilizing the applicable methods in the source referenced in LAC 33:IX.7301.K.2.a.x.

3. Facility Closure Requirements

a. Notification of Intent to Close a Facility

i. All permit holders shall notify the administrative authority in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

(a). the date of planned closure;

(b). changes, if any, requested in the approved closure plan; and

(c). the closure schedule.

b. — b.iii. …

c. Additional Closure Requirements

i. Additional closure requirements for commercial preparers of sewage sludge who utilize composting as the process to prepare the sewage sludge and for all other commercial preparers of sewage sludge who prepare an amount of sewage sludge equal to or greater than 15,000 metric tons per year are as follows.

(a). The permit holder shall verify that the soils within the facility boundary have not been contaminated in the operation of the facility.

(b). If contamination exists, in order to satisfy the closure requirements of this Section the permit holder must utilize the Risk Evaluation/Corrective Action Program (RECAP) standards in accordance with LAC 33:I.Chapter 13 to the fullest extent possible. Any residual contamination must meet the RECAP standards approved by the administrative authority, including any residual contamination in the underlying and surrounding soils and/or groundwater. Otherwise, the permit holder shall enter into a cooperative agreement with the administrative authority to perform corrective action (i.e., additional closure activities including site investigation, remedial investigation, a corrective action study, and/or remedial action).

d. Closure Inspection. After the closure requirements have been met, the permit holder shall file a request for a closure inspection with the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:794 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2382 (November 2007), LR 35:930 (May 2009), LR 37:2995 (October 2011), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§7307. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:796 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2386 (November 2007), LR 35:931 (May 2009), LR 37:2995 (October 2011), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§7309. Pathogens and Vector Attraction Reduction

A. — B. …

* * *

C. Pathogens

1. Exceptional Quality Biosolids

a. The requirements in Subparagraph C.1.b-h of this Section shall be met for biosolids classified as Exceptional Quality biosolids with respect to pathogens.

b. The Exceptional Quality biosolids pathogen requirements in Subparagraphs C.1.c-h of this Section shall be met either prior to meeting or at the same time that the vector attraction reduction requirements in Subsection E of this Section, except the vector attraction reduction requirements in Subparagraphs E.2.d-e.ii of this Section, are met.

c. Exceptional Quality Biosolids—Alternative 1

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp*. bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. — ii.(d). …

* * *

d. Exceptional Quality Biosolids—Alternative 2

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp*. bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. — ii.(c). …

e. Exceptional Quality Biosolids—Alternative 3

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp*. bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total

solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. …

(a). When the density of enteric viruses in the sewage sludge prior to pathogen treatment is less than 1 Plaque-forming Unit (PFU) per 4 grams of total solids (dry weight basis), the sewage sludge is Exceptional Quality biosolids with respect to enteric viruses until the next monitoring episode for the sewage sludge.

(b). When the density of enteric viruses in the sewage sludge prior to pathogen treatment is equal to or greater than 1 Plaque-forming Unit (PFU) per 4 grams of total solids (dry weight basis), the sewage sludge is Exceptional Quality biosolids with respect to enteric viruses when the density of enteric viruses in the sewage sludge after pathogen treatment is less than 1 Plaque-forming Unit (PFU) per 4 grams of total solids (dry weight basis) and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the sewage sludge that meets the enteric virus density requirement are documented.

ii.(c). — iii.(c). …

f. Exceptional Quality Biosolids—Alternative 4

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp*. bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land,

or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. — iii. …

g. Exceptional Quality Biosolids—Alternative 5

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp*. bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. Sewage sludge that is used or disposed shall be treated in one of the Processes to Further Reduce Pathogens described in LAC 33:IX.7309.D.2.

h. Exceptional Quality Biosolids—Alternative 6

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp*. bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. — iii. …

2. Class B Biosolids

a. The requirements in Subparagraph C.2.b-d of this Section shall be met for biosolids classified as Class B biosolids with respect to pathogens. The site restrictions in Subparagraph C.2.e of this Section must be met when biosolids that meet the Class B biosolids pathogen requirements in Subparagraph C.2.b-d of this Section are applied to the land.

b. Class B Biosolids—Alternative 1

i. Seven representative samples of the biosolids that are used or disposed shall be collected.

ii. The geometric mean of the density of fecal coliform in the samples required by Clause C.2.b.i of this Section shall be less than either 2,000,000 Most Probable Number (MPN) per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units (CFU) per gram of total solids (dry weight basis).

c. — e.vi. …

vii. Public access to land with a high potential for public exposure shall be restricted for one year after application of biosolids, by mean approved by the administrative authority. Examples of land with high potential for public access includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of biosolids, by means approved by the administrative authority. Examples of land with low potential for public access includes, but it not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area (e.g., a strip mine located in a rural area).

ix. — ix.(c). …

D. Pathogen Treatment Processes—Exceptional Quality and Class B Biosolids

1. Processes to Significantly Reduce Pathogens (PSRP)

a. Aerobic Digestion. Sewage sludge is agitated with air or oxygen to maintain aerobic conditions for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 40 days at 20°C and 60 days at 15°C.

b. Air Drying. Sewage sludge is dried on sand beds or on paved or unpaved basins. The sewage sludge dries for a minimum of three months. During two of the three months, the ambient average daily temperature is above 0°C.

c. Anaerobic Digestion. Sewage sludge is treated in the absence of air for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 15 days at 35°to 55°C and 60 days at 20°C.

d. Composting. Using either the within-vessel, static aerated pile, or windrow composting methods, the temperature of the sewage sludge is raised to 40°C or higher and remains at 40°C or higher for five days. For four hours during the five days, the temperature in the compost pile exceeds 55°C.

e. Lime Stabilization. Sufficient lime is added to the sewage sludge to raise the pH of the sewage sludge to 12 after two hours of contact.

2. Processes to Further Reduce Pathogens (PFRP)

a. Composting. Using either the within-vessel composting method or the static aerated pile composting method, the temperature of the sewage sludge is maintained at 55°C or higher for three days. Using the windrow composting method, the temperature of the sewage sludge is maintained at 55°C or higher for 15 days or longer. During the period when the compost is maintained at 55°C or higher, there shall be a minimum of five turnings of the windrow.

b. Heat Drying. Sewage sludge is dried by direct or indirect contact with hot gases to reduce the moisture content of the sewage sludge to 10 percent or lower. Either the temperature of the

sewage sludge particles exceeds 80°C or the wet bulb temperature of the gas in contact with the sewage sludge as the sewage sludge leaves the dryer exceeds 80˚C.

c. Heat Treatment. Liquid sewage sludge is heated to a temperature of 180°C or higher for 30 minutes.

d. Thermophilic Aerobic Digestion. Liquid sewage sludge is agitated with air or oxygen to maintain aerobic conditions and the mean cell residence time of the sewage sludge is 10 days at 55° to 60°C.

e. Beta Ray Irradiation. Sewage sludge is irradiated with beta rays from an accelerator at dosages of at least 1.0 megarad at room temperature (approximately 20°C).

f. Gamma Ray Irradiation. Sewage sludge is irradiated with gamma rays from certain isotopes, such as 60Cobalt and 137Cesium, at dosages of at least 1.0 megarad at room temperature (approximately 20°C).

g. Pasteurization. The temperature of the sewage sludge is maintained at 70°C or higher for 30 minutes or longer.

E. Vector Attraction Reduction – Class B and Exceptional Quality Biosolids

1. Land Application Requirements

a. One of the vector attraction reduction requirements in Subparagraphs E.2.a-g of this Section shall be met when bulk biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

b. One of the vector attraction reduction requirements in Subparagraphs E.2.a-h of this Section shall be met when bulk biosolids are applied to a lawn or a home garden.

c. One of the vector attraction reduction requirements in Subparagraphs E.2.a-g of this Section shall be met when biosolids are sold or given away in a bag or other container for application to the land.

2. Procedures to Attain Vector Attraction Reduction for Land Application

a. Volatile Solids Reduction

i. The mass of volatile solids in the biosolids shall be reduced by a minimum of 38 percent (see calculation procedures in *Environmental Regulations and Technology—Control of Pathogens and Vector Attraction in Sewage Sludge*, EPA-625/R-92/013, (most recent edition) U.S. Environmental Protection Agency).

ii. When the 38 percent volatile solids reduction requirement in Clause E.2.a.i of this Section cannot be met for an anaerobically digested sewage sludge, vector attraction reduction can be demonstrated by digesting a portion of the previously digested sewage sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30˚ and 37˚C. When, at the end of the 40 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 17 percent, vector attraction reduction is achieved.

iii. When the 38 percent volatile solids reduction requirement in Clause E.2.a.i of this Section cannot be met for an aerobically digested sewage sludge, vector attraction reduction can be demonstrated by digesting a portion of the previously digested sewage sludge that has a percent solids of 2 percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20˚C. When at the end of the 30 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 15 percent, vector attraction reduction is achieved.

b. Specific Oxygen Uptake Rate (SOUR). The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20˚C.

c. Aerobic Treatment. Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40˚C and the average temperature of the sewage sludge shall be higher than 45˚C.

d. Alkaline Treatment. The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for two hours and then at 11.5 or higher for an additional 22 hours.

e. Percent Solids. In order to attain vector attraction reduction through percent solids, either of the following must be met:

i. the percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75 percent based on the moisture content and total solids prior to mixing with other materials; or

ii. the percent solids of sewage sludge that does contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90 percent based on the moisture content and total solids prior to mixing with other materials.

f. Injection of Biosolids

i. Biosolids shall be injected below the surface of the land.

ii. No significant amount of biosolids shall be present on the land surface within one hour after the biosolids are injected.

iii. When the biosolids that are injected below the surface of the land are Exceptional Quality biosolids with respect to pathogens, the biosolids shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

g. Incorporation of Biosolids

i. Biosolids applied to the land surface shall be incorporated into the soil within six hours after application to the land, unless otherwise specified by the permitting authority.

ii. When biosolids that are incorporated into the soil are Exceptional Quality biosolids with respect to pathogens, the biosolids shall be applied to the land within eight hours after being discharged from the pathogen treatment process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:806 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2395 (November 2007), LR 35:941 (May 2009), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§7311. Incineration

A. — C.2.f. …

3. In conducting the performance tests required in Paragraph C.2 of this Section, the owner or operator shall use as reference methods and procedures the test methods referenced in LAC 33:IX.7301.K or other methods and procedures as specified in this Section, except as provided for in Subparagraph C.2.b of this Section.

C.4. — D.6.b.iv. …

* * *

v. samples of the sewage sludge charged to the incinerator shall be collected in nonporous jars at the beginning of each run and at approximately 1-hour intervals thereafter until the test

ends, and Part 2540, G. Total Fixed, and Volatile Solids in Solid and Semisolid Samples (the test method indicated in LAC 33:IX.7301.K.2.a.vii) shall be used to determine dry sewage sludge content of each sample (total solids residue), except that:

D.6.v.(a). — I.5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:809 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2399 (November 2007), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§7313. Standard Conditions Applicable to All Sewage Sludge and Biosolids Use or Disposal Permits

A. — A.4.b. …

5. Duty to Reapply for an Individual Permit. If the permittee wishes to continue an activity regulated by an existing permit after the expiration date of that 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 administrative authority. The administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit. A permit that was issued in accordance with these regulations and that has expired shall be administratively continued until such time as a decision on an application to continue an activity under the permit has been issued by the administrative authority, if the application was received by the department at least 180 days prior to the permit expiration.

6. Permit Action

a. Termination of Permit. The conditions set forth in LAC 33:IX.2907, 3105, and 6509 as causes for termination of a permit shall apply to permits issued in accordance with these regulations.

b. Modification, Revocation and Reissuance

i. Any permittee shall report to the administrative authority any facility changes in the specific use or disposal practices, the storage, the treatment, or the appropriate transportation of sewage sludge and/or biosolids. Any such changes that are expected to last in excess of 180 days shall be reported by submission of a modified permit application or by submission of notice to the administrative authority of the nature of such facility changes. The permittee shall not commence any facility changes in disposal practices, storage, treatment, or transportation of sewage sludge and/or biosolids without receiving a modified Sewage Sludge and Biosolids Use or Disposal permit or written authorization from the administrative authority. The provisions of this Subsection shall not apply to facility changes that were considered and approved during the permitting process.

ii. When the administrative authority receives any new information or receives a request for modification or revocation, such permit may, after an opportunity for hearing, be modified, or alternatively revoked and reissued, in whole or in part, for cause, including but not limited to the conditions in LAC 33:IX.2903, 2905, 3105, and 7313.

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

iv. If a permit modification satisfies the following minor modification requirements, the permit may be modified without issuance of a draft permit or public review. Any permit modification not processed as a minor modification shall be made in accordance with a fact sheet and public notice requirements as described in LAC 33:IX.7313. Minor modifications may only:

(a). correct typographical errors;

(b). require a change in the frequency of monitoring or reporting by the permittee;

(c). allow for a change in ownership or operational control of a facility where the administrative authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between new permittees has been submitted to the department;

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

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

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

7. — 12.i. …

13. Public Notice of Permit Actions and Public Comment Period

a. The conditions set forth in LAC 33:IX.3113 and 6521 for public notices and the public comment period shall apply to all permits issued in accordance with these regulations.

b. For sewage sludge/biosolids individual permits and master general permits, in lieu of the requirement for publication of a notice in a daily or weekly newspaper, as described in LAC 33:IX.3113.2, the administrative authority may publish all notices of activities as described in LAC 33:IX.3113.A.1 to the department’s website. If the administrative authority selects this

option for the *draft permit*, as defined in LAC 33:IX.3101, the administrative authority shall post the draft permit and the fact sheet on the website for the duration of the public comment period. NOTE: The administrative authority is encouraged to ensure that all method(s) of public notice effectively informs all interested communities and allows access to the permitting process for those seeking to participate.

14. Public Comments and Requests for Public Hearings

a. The conditions set forth in LAC 33:I.1505 and IX.3115 for public comments and requests for public hearings shall apply to all permits issued in accordance with these regulations.

b. The conditions set forth in LAC 33:IX.7313.A.13.b shall apply to all permits issued in accordance with these regulations.

A.15. — D. …

1. Facility Changes. The permittee shall give notice to the administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility.

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

3. Transfers. A permit is not transferable to any person except after notice to the administrative authority. The administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Louisiana Environmental Quality Act. Except as provided in LAC 33:IX.2901.A, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification

made to identify the new permittee and incorporate such other requirements as may be necessary under the Louisiana Environmental Quality Act.

4. — 6. …

7. Availability of Reports. All recorded information concerning permits and permit applications under this Chapter (completed permit application forms, fact sheets, draft permits or any public document) not classified as confidential information under R.S. 30:2030(A) and 2074(D) and designated as such in accordance with LAC 33:IX.2323.A and C and LAC 33:IX.6503 shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq. Claims of confidentiality for the following will be denied:

a. the name and address of any permit applicant or permittee;

b. permit applications, permits, and effluent data; and

c. information required by the sewage sludge and biosolids use or disposal permit application forms provided by the administrative authority. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:2406 (November 2007), amended LR 35:941 (May 2009), amended by the Office of the Secretary, Legal Division, LR 38:2760 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2143 (November 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§7315. Fee Schedule

A. — B.2. …

C. Due Date. Fees shall be received by the department by the due date indicated on the invoice.

D. Late Payment Fee

1. Payments not received within 15 days of the due date will be charged a late payment fee.

2. Any late payment fee shall be calculated from the due date indicated on the invoice.

3. Payments not received by the department by the:

a. fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee;

b. thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee; and

c. sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

E. Failure to Pay. Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

F. Refunds. The fees in this Section are nontransferable and nonrefundable.

G. Methods of Payment

1. All payments made by check, draft, or money order shall be made payable to the Louisiana Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

2. Electronic Methods of Payment

a. Persons wishing to make payments using the electronic pay method should access the department’s website and follow the instructions provided on the website.

b. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

3. Cash is not an acceptable form of payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 43:949 (May 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§7317. Signatory Requirements

A. All applications, reports, or information prepared in accordance with this Chapter shall be signed and certified.

1. All applications, reports, or information shall be signed as follows.

a. For a Corporation—by a Responsible Corporate Officer

i For the purposes of this Section, a responsible corporate officer shall mean:

(a). a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation (These responsible corporate officers are presumed to have the authority to sign permit applications unless the corporation has notified the administrative authority to the contrary); or

(b). the manager of one or more manufacturing, production, or operating facilities, provided that the manager is authorized to make management decisions that govern the operation of the regulated facility including:

(i). having the explicit or implicit duty of making major capital investment recommendations; and

(ii). initiating and directing other comprehensive measures to ensure long term compliance with environmental laws and regulations; and

(c). the manager has the authority to ensure that the necessary systems are established or actions are taken to gather complete and accurate information for permit application requirements; and

(d). the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals);

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

c. for a municipality or a state, federal, or other public agency—by either a principal executive officer or ranking elected official;

i. for purposes of this Paragraph, a principal executive officer of a federal agency includes:

(a). the chief executive officer of the agency; or

(b). a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator
of EPA).

2. All reports required by permits, and submission of other information requested by the administrative authority, shall be signed by a person described in Paragraph 1 of this Section, or by a duly authorized representative of that person. For the purposes of this Subparagraph, a person is a duly authorized representative only if:

a. his or her authorization has been made in writing by a person described in Subparagraph 1 of this Section;

b. the authorization specifies either an individual or a position now having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or an individual occupying a named position); and

c. the written authorization is submitted to the administrative authority.

C. Changes to Authorization. If an authorization under Subparagraph 2 of this Section is no longer accurate because a different individual or position now has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Subparagraph 2 of this Section shall be submitted to the administrative authority prior to, or together with, any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under the provisions of Subparagraphs 1 or 2 of this Section shall make the following certification.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 52:

Subchapter B. Appendices

§7395. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(1)(c), (B)(3), and (B)(4).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:818 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of Environmental Assessment, LR 30:2028 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2519 (October 2005), LR 33:2409 (November 2007), LR 35:941 (May 2009), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§7397. Procedure to Determine the Annual Whole Biosolids Application Rate (AWBAR)—Appendix A

A. LAC 33:IX.7303.E.1.c.iv.(b) requires that the product of the concentration for each pollutant listed in Table 3 of LAC 33:IX.7303.F in biosolids sold or given away in a bag or other container for application to the land and the annual whole biosolids application rate (AWBAR) not cause the annual pollutant loading rate for the pollutant in Table 4 of LAC 33:IX.7303.F to be exceeded. This Appendix contains the procedure used to determine the AWBAR for a sewage sludge that does not cause the annual pollutant loading rates in Table 4 of LAC 33:IX.7303.F to be exceeded.

B. — C. …

* * *

D. The procedure used to determine the AWBAR is presented below.

1. Analyze a sample of the biosolids to determine the concentration for each of the pollutants listed in Table 3 of LAC 33:IX.7303.F in the biosolids.

2. Using the pollutant concentrations from Step 1 and the APLRs from Table 4 of LAC 33:IX.7303.F, calculate an AWBAR for each pollutant using Equation (2) above.

3. The AWBAR for the biosolids is the lowest AWBAR calculated in Step 2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(1)(c), (B)(3), and (B)(4).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:817 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2417 (November 2007), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§7399. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(1)(c), (B)(3), and (B)(4).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:817 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2417 (November 2007), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known adverse impact on small business as described in R.S. 49:974.1 - 974.8. The rewrite of LAC 33:IX.Chapter 73 will lessen the costs to small businesses that are affected by and subject to the Chapter 73 regulations. Any small business currently permitted under the Sewage Sludge and Biosolids Use or Disposal Permit LAJ650000 or the Sewage Sludge and Biosolids Use or Disposal Permit for out-of-state land application will have an annual savings of $600 and $2,000, respectively. The LAJ650000 and out-of-state land application permits will no longer be required after promulgation of the rule. Small businesses that meet the applicability of the LAJ660000 Sewage Sludge and Biosolids Use or Disposal permit will no longer have to submit annual reports to the department, only keep them on file.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by WQ113. Such comments must be received no later than June 10, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies

of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ113. The proposed Rule is available on the Internet at https://deq.louisiana.gov/page/rules-regulations.

Public Hearing

A public hearing will be held on June 3, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at https://deqlouisiana.zoom.us/j/6836133613?omn=94258719092 or by telephone by dialing (646) 255-1997 using the meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Aurelia S. Giacometto
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement:	Ronda Burtch	Dept.:	Municipal and Biosolids Permits
Phone:	(225) 219-3213	Office:	Office of Environmental Services
Return Address:	602 North 5th Street	Rule Title:	Chapter 73, Standards for the Use or Disposal of Sewage Sludge
	Baton Rouge, LA 70802		(LAC 33:IX.Chapter 73)
		Date Rule Takes Effect:	Upon Promulgation

SUMMARY
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs (savings) to state or local governmental units. Changes will be implemented by existing staff.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be a decrease of approximately $139,800 in the state general fund since the Sewage Sludge and Biosolids Use or Disposal Permits for LAJ650000 and out-of-state land applications will no longer be required.

Currently 143 LAJ650000 permits issued x $600/year = $85,800
Currently 27 out-of-state permits issued x $2,000 /year = $54,000
Total=$139,800

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

There will be a benefit to directly affected persons, small business, and non-governmental groups with the promulgation of this rule. Any person, small business, or non-governmental groups currently permitted under the Sewage Sludge and Biosolids Use or Disposal Permit LAJ650000 or the Sewage Sludge and Biosolids Use or Disposal Permit for out-of-state land application will have an annual savings of $600 and $2,000, respectively. The LAJ650000 and out-of-state land application permits will no longer be required after the promulgation of this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no estimated effect on competition and employment.

Signature of Head or Designee	Legislative Fiscal Officer or Designee
Aurelia S. Giacometto, Secretary Typed Name & Title of Agency Head or Designee	
Date of Signature	Date of Signature