Discharge permit apparently missing

By Bob Anderson

Shell dredging operations in Lake Pontchartrain are discharging large amounts of turbid water without a permit, but the state's top water quality official says it would be unfair to issue them a citation.

A law requiring permits for all point-source discharges has never been applied to dredges, said Dale Givens, head of water pollution control for the Department of Natural Resources.

It would be unfair to apply the law now to a few companies and not handle the matter universally for all dredges, Givens said.

Instead, DNR is investigating a water pollution complaint against the dredgers by studying the lake water in front of and behind a shell dredge to determine what effect the operation is having. Four state boats took samples around a dredging operation Tuesday and Wednesday.

Whatever the results, Givens said DNR will not issue any of the shell dredging companies a citation based solely on this first sampling, but it plans to sample several more times over the summer before making a decision.

The investigation is being conducted in response to a complaint filed by an attorney representing various fishing and environmental groups opposed to dredging.

Asked why DNR did not simply cite the company for an unpermitted discharge, if one was visible, Givens said:

"Because that was not the complaint."

The complaint filed by attorney Michael Osborne was that the companies were operating without an unpermitted discharge, but that they were violating state water quality standards.

There is a discharge off the dredge," Givens said. "There is one off every dredge operating in the state," but no action has ever been taken against any of them for not having a permit.

It's a matter DNR needs to look at, but it needs to be done on a universal basis and not by singling out one company, Givens said.

"A 36-inch pipe off the back of a dredge ought to be permitted, but times just haven't caught up with it," he said.

The volume of discharges vary with the size of the dredge, but most discharge several hundred gallons a minute, he said.

DNR's investigation is aimed at determining whether shell dredges in the lake are violating state standards for turbidity and suspended solids, but those are difficult standards to enforce, according to Givens.

There are no numerical standards, so the decision of what is a violation, according to Givens, is subjective rather than objective.

"It's in the eye of the beholder," he added.

Asked if DNR would issue a citation to the firm based on the first samples, if they appear to violate the standard, Givens said:

"If I was going to do that, I could have done it without ever going out there."

He said DNR will conduct three or four sampling trips to the area, and hopes to have the investigation completed by the fall.

Givens said Radcliff Materials Inc. was informed ahead of time of the intention of monitoring its discharge.

"There is nothing sinister about that," he said.

The company can do nothing to alter the quality of its discharge except to change the depth of the cutter head, said Givens, who added that DNR can check on the depths being used.

It's a different situation than pulling a spot check on an industry, he said.

Radcliff has cooperated fully in the first phase of the testing, said Givens. The company moved its dredge to a location where DNR could better run its tests.

The investigation can be better conducted if the company is aware of what is happening, Givens said.

Shell dredging companies received coastal use permits from DNR earlier this year, and recently fought off an attempt by several organizations to get the Louisiana Coastal Commission to void the permits.

Coastal use permits are different from water discharge permits.

The companies cited studies indicating that dredging no long-term effect on aquatic life in the lake, while opponents introduced evidence that the operations hurt productivity of the lake.