To: **Prospective Applicants for a Stormwater General Permit Associated with Construction Activity Greater than 5 Acres**

Attached is a **Stormwater General Permit Associated with Construction Activity Greater than 5 Acres Notice of Intent (NOI) CSW-G,** for a Louisiana Pollutant Discharge Elimination System (LPDES) permit, authorized under EPA's delegated NPDES program under the Clean Water Act. To be considered complete, every item on the form must be addressed and the last page signed by an authorized company agent. If an item does not apply, please enter "NA" (for not applicable) to show that the question was considered.

Two copies (one original and one copy) of your **completed NOI** should be submitted to:

Mailing Address:
Department of Environmental Quality
Office of Environmental Services
Post Office Box 4313
Baton Rouge, LA 70821-4313
Attention: Water Permits Division

Physical Address (if NOI is hand delivered):
Department of Environmental Quality
Office of Environmental Services
602 N Fifth Street
Baton Rouge, LA 70802
Attention: Water Permits Division

Please be advised that completion of this NOI may not fulfill all state, federal, or local requirements for facilities of this size and type.

According to L. R. S. 48:385, any discharge to a state highway ditch, cross ditch, or right-of-way shall require approval from:

Louisiana DOTD
Office of Highways
Post Office Box 94245
Baton Rouge, LA 70804-9245
(225) 379-1927

AND

Louisiana DHH
Office of Public Health
Center for Environmental Services
Post Office Box 4489
Baton Rouge, LA 70821-4489
(225) 342-7395

A copy of the LPDES regulations may be obtained from the Department's website at **http://www.deq.louisiana.gov/portal/tabid/1674/Default.aspx**.

After the review of the NOI, this Office will issue written notification to those applicants who are accepted for coverage under this general permit.

For questions regarding this NOI please contact the Water Permits Division at (225) 219-9371. For help regarding completion of this NOI please contact DEQ, Small Business/Small Community Assistance at 1-800-259-2890.

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Environmental Services, Permits Division
Post Office Box 4313
Baton Rouge, LA 70821-4313
PHONE#: (225) 219-9371

LPDES NOTICE OF INTENT (NOI) TO DISCHARGE STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITY GREATER THAN 5 ACRES

(Attach additional pages if needed.)

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by an LPDES permit issued for stormwater discharges associated with construction activity in Louisiana. In order to be automatically authorized under General Permit LAR100000 you must submit a complete and accurate NOI to LDEQ.

EVERY ITEM MUST BE COMPLETED.

Submission of this Notice of Intent also constitutes that implementation of the Storm Water Pollution Prevention Plan required under the general permit will begin at the time the permittee commences work on the construction project identified in Section II below.

SECTION I - FACILITY INFORMATION

A. Permit is to be issued to the following: (must be a party having operational control over construction plans and specifications and /or a party having day-to-day operational control over those activities at a project site which are necessary to ensure compliance with the storm water pollution prevention plan or other permit conditions LAC 33:IX.2501.B and LAC 33:IX.2503.A and B).

1. Legal Name of Applicant
(Company, Partnership, Corporation, etc.) _____

Project Name _____

(NOTE: Only one NOI needs to be submitted to cover all of the permittee's activities on the common plan of development or sale (e.g., you do not need to submit a separate NOI for each separate lot in a **residential subdivision** or for two separate buildings being constructed on the same property, provided your SWPPP covers each area for which you are the operator.)

Mailing Address _____

_____ Email: _____ Zip Code: _____

If the applicant named above is not also the owner, state owner name, phone # and address.

_____

_____

Check status: ☐ Federal ☐ Parish ☐ Municipal ☐
☐ State ☐ Public ☐ Private ☐ Other: _____

2. Location of project. Provide a specific address, street, road, highway, interstate, and/or River Mile/Bank location of the project for which the NOI is being submitted.

_____

City _____ Zip Code _____ Parish _____

SECTION I - FACILITY INFORMATION

Front Gate Coordinates:

Latitude- _____deg. ____min. _____sec. Longitude- _____deg. _____ min. ____sec.

Method of Coordinate Determination: _____

(ex:http://terraserver-usa.com/Quad Map, Previous Permit, website, GPS)

Is the facility located on Indian Lands? ☐ Yes ☐ No

B. Stormwater Pollution Prevention Plan Information.

1. Has the Stormwater Pollution Prevention Plan (SWPPP) been prepared? (NOTE: The SWPPP must be prepared prior to submittal of the NOI. Do **not** submit SWPPP with this NOI.)

   ☐ Yes ☐ No

2. Indicate address of location of SWPPP if different from Project Location. **(N/A if SWPPP is located at the construction site.)**

   Address _____

   City _____ State _____ Zip _____

C. Location Information

1. Estimated Construction Start Date: (mo/day/yr) _____
2. Estimated Construction Completion Date: (mo/day/yr) _____
3. Estimate of area to be disturbed (to nearest acre) _____
4. Describe the project or facility being constructed, such as a subdivision, single home, business, road project, or retail development (**be specific, if clearing land indicate if there are future plans to build a facility, subdivision, or retail development**):

   _____

   _____

5. Is the project part of a larger development or subdivision? (5 acres or greater) ☐ Yes ☐ No

   If yes, provide the name of the development or subdivision. _____

D. Discharge Information

1. Indicate how the storm water run-off reaches state waters (named water bodies). This will usually be either *directly*, by *open ditch* (if it is a highway ditch, indicate the highway), or by *pipe*. Please specifically name all of the minor water bodies that your discharge will travel through on the way to a major water body. This information can be obtained from U.S.G.S. Quadrangle Maps. Maps can also be obtained online at http://map.deq.state.la.us/ or www.topozone.com. Private map companies can also supply you with these maps. If you cannot locate a map through these sources you can contact the Louisiana Department of Transportation and Development at the address on the first page of this form.

   By _____(effluent pipe, ditch, etc.);

   thence into _____(effluent pipe, ditch, etc.);

   thence into _____(Parish drainage ditch, canal, etc.);

   thence into (named bayou, creek, stream, etc.)

2. Based on Appendix C, the Outstanding Natural Resource Water (ONRW) list, does your stormwater run-off flow directly into a waterbody listed as an ONRW?

☐ Yes ☐ No

NOTE: If the discharge will ultimately enter a scenic stream, contact the Louisiana Department of Wildlife and Fisheries (LDWF) Scenic Stream Division at 318-343-4044 for direction regarding how to comply with their requirements.

3. Based on Appendix A, Endangered Species Guidance, are there any listed endangered or threatened species in the project area?

☐ Yes ☐ No

NOTE: Use the Endangered Species Guidance in Appendix A to determine if there are listed endangered or threatened species in the project area. Applicants should contact the U. S. Fish and Wildlife Service (address is in Appendix A) for guidance if they need assistance in making a determination.

4. Based on Appendix B, Historic Properties Guidance, are any historic properties listed or eligible for listing on the National Register of Historic Places located on the facility or in proximity to the discharge?

☐ Yes ☐ No

5. Was the State Historic Preservation Office (see Part I.A.3.f of the permit) involved in your determination of eligibility?

☐ Yes ☐ No

E. Additional Discharge Information

1. Will the project or facility expansion, post-construction, result in a discharge that will require a wastewater discharge permit such as treated sanitary wastewater from a subdivision or apartment complex, industrial storm water or process wastewater?

☐ Yes ☐ No (e.g. direct to city POTW or no post-construction discharge)

2. If yes, does the subdivision, complex, or facility have an LPDES water discharge permit?

☐ Yes ☐ No

If yes, what is the LPDES permit number? _____

3. If the facility has an LPDES water discharge permit, will the construction activity result in an increase to the permitted discharge?

☐ No ☐ Yes – Please Explain:_____

4. If the facility **does not** have an LPDES permit or if the construction will result in an **increased discharge,** the party or developer responsible for construction plans and specifications must provide a Request for Preliminary Determination (RPD), Notice of Intent (NOI), or a request for permit modification within **14 days** of submittal of the Construction NOI to: DEQ, OES, P.O. Box 4313, Baton Rouge, LA 70821-4313, Attn: Water Permits Division**.** Failure to submit this information may result in denial of this and/or any future applications for discharge of wastewater to waters of the state. The "Request for Preliminary Determination of LPDES Permit Issuance Form" requests the information referenced above and can be accessed on our web page http://www.deq.louisiana.gov under DIVISIONS, Water Permits, LPDES Permits, LPDES forms.

SECTION II – LAC 33.I.1701 REQUIREMENTS

A. Does the company or owner have federal or state environmental permits in other states that are identical to, or of a similar nature to, the permit for which you are applying? (This requirement applies to all individuals, partnerships, corporations, or other entities who own a controlling interest of 50% or more in your company, or who participate in the environmental management of the facility for an entity applying for the permit or an ownership interest in the permit.)

☐ Permits in Louisiana. List Permit Numbers: _____

☐ Permits in other states (list states): _____

☐ No environmental permits.

B. Do you owe any outstanding fees or final penalties to the Department? ☐ Yes ☐ No

If yes, please explain.

_____

C. Is your company a corporation or limited liability company? ☐ Yes ☐ No

If yes, is the corporation or LLC registered with the Secretary of State? ☐ Yes ☐ No

SECTION III - SIGNATURE

According to the Louisiana Water Quality Regulations, LAC 33:IX.2503, the following requirements shall apply to the signatory page in this application:

Chapter 25. Permit Application and Special LPDES Program Requirements

2503. Signatories to permit applications and reports

A. All permit applications shall be signed as follows:

1. For a corporation - by a responsible corporate officer. For the purpose of this Section responsible corporate officer means:

   (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

   (b) The manager of one or more manufacturing, production, or operating facilities provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken together complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporation procedures.

NOTE: LDEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in the Permit **Standard Permit Conditions, Part VI.G.1.a(1)** The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the state administrative authority to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Permit **Standard Permit Conditions, Part VI.G.1a.(2)** rather than to specific individuals.

2. For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or

3. For a municipality, state, federal or other public agency – by either a principal executive officer or ranking elected official. For the purposes of this section a principal executive officer of a federal agency includes:

   (a) The chief executive officer of the agency, or

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

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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I also certify that a storm water pollution prevention plan, including both construction and post construction controls, has been prepared for the site in accordance with the permit and that such plan complies with approved State, Tribal and/or local sediment and erosion plans or permits and/or storm water management plans or permits. I am aware that signature and submittal of the NOI is deemed to constitute my determination of eligibility under one or more of the requirements of Permit Part I.A.3.e(1), related to the Endangered Species Act requirements. To the best of my knowledge, I further certify that such discharges and discharge related activities will not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, or are otherwise eligible for coverage under Part I.A.3.f of the permit. I am also aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NOTE: **SIGNATURE MUST COMPLY WITH REQUIREMENTS STATED ABOVE IN SECTION III.**

Signature _____

Printed Name _____

Title _____

Company _____

Date _____

Telephone _____

*****ANY NOI THAT DOES NOT CONTAIN ALL OF THE REQUESTED INFORMATION WILL BE CONSIDERED INCOMPLETE. NOI PROCESSING CANNOT PROCEED UNTIL ALL REQUIRED INFORMATION HAS BEEN SUBMITTED**.

APPENDIX A
ENDANGERED SPECIES GUIDANCE – LARGE CONSTRUCTION GP

I. INSTRUCTIONS

A list of endangered and threatened species that EPA has determined may be affected by the activities covered by the Construction General Permit is available under OTHER LPDES DOCUMENTS in http://www.deq.louisiana.gov/portal/Default.aspx?tabid=243. These species are listed by parish. In order to be eligible for coverage under this permit, operators must:

Determine whether any species listed in this Guidance or critical habitat are in proximity to the facility,

Pursuant to Permit Part I.A.3.e follow the procedures found in this Guidance to protect listed endangered and threatened species and designated critical habitat and determine that the stormwater discharges and BMPs to control stormwater run off covered under this permit meet one or more of the eligibility requirements of Part I.A.3.e.(1) of this permit. Signature and submittal of the Notice of Intent form is deemed to constitute the Operator's compliance with eligibility requirements for permit coverage.

To determine permit eligibility and to avoid unauthorized impacts upon threatened or endangered species or on the critical habitat for those species, you must follow steps 1 through 4 (and 5 if applicable), below when completing the NOI form and when developing the pollution prevention plan.

NOTE: At any step in the determination, applicants may contact the U.S. Fish and Wildlife Service (FWS) for guidance. That request should be in writing and should include a description of the facility and a topographic map depicting the locations of the facility, the proposed construction activities, and the associated stormwater discharges.

U.S. Fish and Wildlife Service
646 Cajundome Blvd.
Suite 400
Lafayette, LA 70506
(337) 291-3108

STEP 1: DETERMINE IF THE CONSTRUCTION SITE OR ASSOCIATED STORMWATER DISCHARGES ARE WITHIN THE VICINITY OF FEDERALLY LISTED THREATENED OR ENDANGERED SPECIES, OR THEIR DESIGNATED CRITICAL HABITAT.

If either the proposed site or the path of stormwater from the site to the receiving stream is in a parish included on the Endangered Species List, the applicant should proceed to Step 2 below. If, however, neither is located in a listed parish, then the applicant should enter “no” in Section I.D.3 of the NOI, and move on to the next item.

If no species are listed in the site’s parish or if a facility’s parish is not found on the list, the applicant is eligible for permit coverage and may indicate in the Notice of Intent that no species are found in the project area and certify that it is eligible for permit coverage by marking “No” on the NOI. Where a project is located in more than one parish, the lists for all parishes shall be reviewed.

STEP 2: DETERMINE IF ANY SPECIES MAY BE FOUND "IN PROXIMITY" TO THE CONSTRUCTION ACTIVITY'S STORMWATER DISCHARGES:

A species is in proximity to a construction activity's stormwater discharge when the species is:

- Located in the path or immediate area through which or over which contaminated point source stormwater flows from construction activities to the point of discharge into the receiving water; or

- Located in the immediate vicinity of, or nearby, the point of discharge into receiving waters; or

- Located in the area of a site where stormwater BMPs are planned or are to be constructed.

The area in proximity to be searched/surveyed for listed species will vary with the size and structure of the construction activity, the nature and quantity of the stormwater discharges, and the type of receiving waters. Given the number of construction activities potentially covered by the permit, no specific method to determine whether species are in proximity is required for permit coverage. Instead, operators should use the method or methods which best allow them to determine to the best of their knowledge whether species are in proximity to their particular construction activities. These methods may include:

- Conducting visual inspections: This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal stormwater collection systems.

- Contacting the nearest State or Tribal Wildlife Agency or U.S. Fish and Wildlife Service (FWS) offices. Many endangered and threatened species are found in well-defined areas or habitats. That information is frequently known to State, Tribal, or Federal wildlife agencies.

- Contacting local/regional conservation groups. These groups inventory species and their locations and maintain lists of sightings and habitats.

- Conducting a formal biological survey. Larger construction sites with extensive stormwater discharges may choose to conduct biological surveys as the most effective way to assess whether species are located in proximity and whether there are likely adverse effects.

- Conducting an Environmental Assessment Under the National Environmental Policy Act (NEPA). Some construction activities may require environmental assessments under NEPA. Such assessments may indicate if listed species are in proximity. (Construction General Permit coverage does not trigger NEPA because it does not regulate any dischargers subject to New Source Performance Standards under Section 306 of the Clean Water Act. See CWA 511(c). However, some construction activities might require review under NEPA because of Federal funding or other Federal nexus.)

If no species are in proximity, an operator is eligible for Construction General Permit coverage under Permit Part I.A.3.E.(1)(a).

If listed species are found in proximity to a facility, operators must indicate the location and nature of this presence in the stormwater pollution prevention plan and follow step 3 below.

STEP 3: DETERMINE IF SPECIES OR CRITICAL HABITAT COULD BE ADVERSELY AFFECTED BY THE CONSTRUCTION ACTIVITY'S STORMWATER DISCHARGES OR BY BMPs TO CONTROL THOSE DISCHARGES.

Scope of Adverse Effects: Potential adverse effects from stormwater include:

- Hydrological. Stormwater may cause siltation, sedimentation or induce other changes in the receiving waters such as temperature, salinity or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.

- Habitat. Stormwater may drain or inundate listed species habitat.

- Toxicity. In some cases, pollutants in stormwater may have toxic effects on listed species.

The scope of effects to consider will vary with each site. Operators must also consider the likelihood of adverse effects on species from any BMPs to control stormwater. Most adverse impacts from BMPs are likely to occur from the construction activities. However, it is possible that the operation of some BMPs (for example, larger stormwater retention ponds) may affect endangered and threatened species.

If adverse effects are determined to be not likely, then the operator is eligible for permit coverage under Part I.A.3.e(1)(a).

If adverse effects are likely, operators should follow step 4 below.

STEP 4: DETERMINE IF MEASURES CAN BE IMPLEMENTED TO AVOID ANY ADVERSE EFFECTS:

If an operator determines that adverse effects cannot be ruled out or are likely, it can receive coverage if appropriate measures are undertaken to avoid or eliminate any actual or potential adverse effects prior to applying for permit coverage. These measures may involve relatively simple changes to construction activities such as re-routing a stormwater discharge to bypass an area where species are located, relocating BMPs, or limiting the size of construction activity that will be subject to stormwater discharge controls.

At this stage, operators must contact the FWS (or the National Marine Fisheries Service if referred to that Service by FWS) to see what appropriate measures might be suitable to avoid or eliminate adverse impacts to listed species and/or critical habitat. (See 50 CFR 402.13(b)). This can entail the initiation of informal consultation with the FWS (and/or NMFS, if appropriate) which is described in more detail below at step 5.

If operators adopt measures to avoid or eliminate adverse effects, they must continue to abide by them during the course of permit coverage. These measures must be described in the stormwater pollution prevention plan and may be enforceable as permit conditions.

If appropriate measures to avoid the likelihood of adverse effects are not available to the operator, the operator should follow step 5 below.

STEP 5: DETERMINE IF THE ELIGIBILITY REQUIREMENTS OF PART I.A.3.E.(1)(b)-(e) CAN BE MET.

Where adverse effects are likely, the operator must contact FWS. Operators may still be eligible for permit coverage if any likelihood of adverse effects is addressed through meeting the criteria of Part I.A.3.e.(1)(b)-(e) of the permit if:

- I.A.3.e.(1)(b). The operator's activity has received previous authorization through an earlier Section 7 consultation or issuance of a Endangered Species Act (ESA) Section 10 permit (incidental taking permit) and that authorization addressed stormwater discharges and/or BMPs to control stormwater runoff (e.g., developer included impact of entire project in consultation over a wetlands dredge and fill permit under Section 7 of the ESA).

OR

- I.A.3.e.(1)(c). The operator's activity was previously considered as part of a larger, more comprehensive assessment of impacts on endangered and threatened species and /or critical habitat under Section 7 or Section 10 of the Endangered Species Act which accounts for stormwater discharges and BMPs to control stormwater runoff (e.g., where an area-wide habitat conservation plan and Section 10 permit is issued which addresses impacts from construction activities including those from stormwater or a NEPA review is conducted which incorporates ESA Section 7 procedures).

OR

- I.A.3.e.(1)(d). Consultation with the FWS (or NMFS, if appropriate) for the operator's stormwater discharges and BMPs to control stormwater runoff results in either: 1) FWS/NMFS written concurrence with a finding of no likelihood of adverse effects (see 50 CFR 402.13) or 2) issuance of a biological opinion in which FWS (or NMFS) finds that the action is not likely to jeopardize the continued existence of listed endangered or threatened species or result in the adverse modification or destruction of critical habitat (see 50 CFR 403.14(h)).

Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the pollution prevention plan. As noted above, operators must initiate consultation during Step 4 above (upon becoming aware that endangered and threatened species are in proximity to the facility).

OR

- I.A.3.e.(1)(e). The operator's activity was considered as part of a larger, more comprehensive site-specific assessment of impacts on endangered and threatened species by the owner or other operator of the site when it developed a SWPPP and that permittee met the eligibility requirements stated in items I.A.3.e.(1)(a), (b), (c), or (d) of the permit (e.g., owner was able to determine there would be no adverse impacts for the project as a whole under item (a), so contractor meets the eligibility requirements stated in item (e)). Utility companies applying for area-wide permit coverage meet the eligibility requirements stated in item (e) since authorization to discharge is contingent on a principal operator of a construction project having been granted coverage under this, or an alternative LPDES permit for the areas of the site where utilities installation activities will occur.

The determination of eligibility under the conditions of permit Parts I.A.3.e.(1) (b)-(e) shall be documented in the facility's SWPPP and copies of all applicable documents, such as FWS approval letters, included in the SWPPP. The operator must comply with any terms and conditions imposed under the eligibility requirements of permit Parts I.A.3.e.(1)(a), (b), (c), (d), (e) to ensure that stormwater discharges or BMPs to control stormwater runoff are protective of listed endangered and threatened species and/or critical habitat. Such terms and conditions must be incorporated in the operator's stormwater pollution prevention plan.

If the eligibility requirements of Part I.A.3.e.(1)(a)-(e) cannot be met then the operator may not receive coverage under this permit. Operators should then consider applying to LDEQ for an individual permit.

This permit does not authorize any taking (as defined under Section 9 of the Endangered Species Act) of endangered or threatened species unless such takes are authorized under Sections 7 or 10 the Endangered Species Act. Operators who believe their construction activities may result in takes of listed endangered and threatened species should be sure to get the necessary coverage for such takes through an individual consultation or Section 10 permit.

This permit does not authorize any stormwater discharges or BMPs to control stormwater runoff that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act or result in the adverse modification or destruction of designated critical habitat.

II. ENDANGERED SPECIES PARISH LIST

See http://www.deq.louisiana.gov/portal/. Click on Info About **Water**, then "LPDES Permits, Information, . . ." under Permits, then "Current Endangered Species Listing" under **Other LPDES Documents**.

APPENDIX B
HISTORIC PROPERTIES GUIDANCE

Applicants must determine whether their facility's stormwater discharge has the potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.

For existing dischargers who do not need to construct BMPs for permit coverage, a simple visual inspection may be sufficient to determine whether historic properties are affected. However, for facilities which are new stormwater dischargers, applicants should conduct further inquiry to determine whether historic properties may be affected by the stormwater discharge or BMPs to control the discharge. In such instances, applicants should first determine whether there are any historic properties or places listed on the National Register or if any are eligible for listing on the register (e.g., they are “eligible for listing”).

Due to the large number of entities seeking coverage under this permit and the limited number of personnel available to the State Historic Preservation Officer to respond to inquiries concerning the location of historic properties, it is suggested that applicants first access the “National Register of Historic Places” information listed on the Louisiana Office of Cultural Development’s web page at the address listed below. The address for the Louisiana State Historic Preservation Officer is also listed below. Applicants may also contact city, parish or other local historical societies for assistance, especially when determining if a place or property is eligible for listing on the register.

The following scenarios describe how applicants can meet the permit eligibility criteria for protection of historic properties under this permit:

(1) If historic properties **are not identified** in the path of a facility’s stormwater discharge or where construction activities are planned to install BMPs to control such discharges (e.g., diversion channels or retention ponds), or

    if historic properties **are identified** but it is determined that they will not be **affected** by the discharge or construction of BMPs to control the discharge

    then the applicant has met the permit eligibility criteria under Part I.A.3.f.

(2) If historic properties **are identified** in the path of a facility’s stormwater discharge or where construction activities are planned to install BMPs to control such discharges, and it is determined that **there is the potential** to adversely affect the property, the applicant can still meet the permit eligibility criteria if he/she obtains and complies with a written agreement with the State Historic Preservation Officer which outlines measures the applicant will follow to mitigate or prevent those adverse effects. The contents of such a written agreement must be included in the facility's stormwater pollution prevention plan.

In situations where an agreement cannot be reached between an applicant and the State Historic Preservation Officer, applicants should contact the Advisory Council on Historic Preservation listed below in this addendum for assistance.

The term “adverse effects” includes but is not limited to damage, deterioration, alteration or destruction of the historic property or place. LDEQ encourages applicants to contact the Louisiana State Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historic property.

Applicants are reminded that they must comply with all applicable State and local laws concerning the protection of historic properties and places.

I. Internet Information on the National Register of Historic Places

An electronic listing of the “National Register of Historic Places,” as maintained by the Louisiana Office of Cultural Development, Division of Historic Preservation, can be accessed on the Internet at http://www.crt.state.la.us/hp/historicplacesprogram.asp. Remember to use small case letters when accessing Internet addresses.

II. Louisiana State Historic Preservation Officer (SHPO)

Louisiana, SHPO, Office of Cultural Development, P.O. Box 44247, Baton Rouge, LA 70804-4247. For questions contact the Section 106 Review Coordinator, Telephone: (225) 342-8170.

III. Advisory Council on Historic Preservation

Advisory Council on Historic Preservation, 12136 W. Bayaud Ave., Suite 330, Lakewood, CO 80228, Telephone (303) 969-5110, Fax: (303) 969-5115, Email: achp@achp.gov

APPENDIX C
Outstanding Natural Resource Waters

ATCHAFALAYA RIVER BASIN:

None

BARATARIA BASIN:

Bayou Des Allemands – from Lac Des Allemands to old US 90
Bayou Des Allemands – fro Hwy. 90 to Lake Salvador

CALCASIEU RIVER BASIN:

Calcasieu River – from LA Highway 8 to the Rapides/Allen Parish line
Calcasieu River – from Rapides-Allen Parish line to Marsh Bayou
Calcasieu River – from Marsh Bayou to saltwater barrier
Whiskey Chitto Creek – from the southern boundary of Fort Polk Military Reservation to the Calcasieu River
Six Mile Creek – East and West Forks from the southern boundary of Fort Polk Military Reservation to Whiskey Chitto Creek
Ten Mile Creek – from headwaters to Whiskey Chitto Creek

LAKE PONTCHARTRAIN BASIN:

Comite River – from Wilson-Clinton Highway to entrance of White Bayou
Amite River – from Mississippi State Line to LA Highway 37
Blind River – from the Amite River Diversion Canal to the mouth at Lake Maurepas
Blind River – from headwaters to Amite River Diversion Canal
Tickfaw River – from the Mississippi State Line to LA Highway 42
Tangipahoa River – from the Mississippi State Line to I-12
Chappepeela Creek – from Louisiana Highway 1062 to Tangipahoa River
Tchefuncte River – from headwaters to Bogue Falaya River, includes tributaries
Lower Tchefuncte River – from Bogue Falaya River to LA Highway 22
Bogue Falaya River – from headwaters to Tchefuncte River
Bayou Lacombe – from the headwaters to U.S. Highway 190
Bayou Lacombe – from U.S. Highway 190 to Lake Pontchartrain
Bayou Cane – from the headwaters to U.S. Highway 190
Bayou Cane – from U.S. Highway 190 to Lake Pontchartrain
Bayou Labranche – from headwaters to Lake Pontchartrain
Bayou Trepagnier – from Norco to Bayou Labranche
Bayou St. John
Bayou Chaperon
Bashman Bayou – from headwaters to Bayou Dupre
Bayou Dupre – from Lake Borgne Canal to Terre Beau Bayou
Lake Borgne Canal – from the Mississippi River siphon at Violet to Bayou Dupre; also called Violet Canal
Pirogue Bayou – from Bayou Dupre to New Canal
Terre Beau Bayou – from Bayou Dupre to New Canal
Bayou Bienvenue – from Bayou Villere to Lake Borgne

MERMENTAU RIVER BASIN:

None

VERMILION-TECHE RIVER BASIN:

Spring Creek – from headwaters to Cocodrie Lake

Bayou Cocodrie – from U.S. Highway 167 to the Bayou Boeuf-Cocodrie Diversion Canal

MISSISSIPPI RIVER BASIN:

None

OUACHITA RIVER BASIN:

Bayou Bartholomew – from Arkansas State Line to Ouachita River

Bayou de L'Outre – from the Arkansas State Line to the Ouachita River

Bayou D'Arbonne – from Bayou D'Arbonne Lake to the Ouachita River

Corney Bayou – from the Arkansas State Line to Corney Lake

Corney Bayou – from Corney Lake to Bayou D'Arbonne Lake

Middle Fork of Bayou D'Arbonne – from headwaters to Bayou D'Arbonne Lake

Little River – from Bear Creek to Catahoula Lake

Fish Creek – from headwaters to Little River

Trout Creek – from headwaters to Little River

Big Creek – from the headwaters to Little River

PEARL RIVER BASIN:

Holmes Bayou – from Pearl River to West Pearl River

West Pearl River – from headwaters to Holmes Bayou

West Pearl River – from Holmes Bayou to The Rigolets; includes the east and west mouths)

Morgan River – from Porters River to West Pearl River

Wilson Slough – from Bogue Chitto to West Pearl River

Bradley Slough - from Bogue Chitto to West Pearl River

Pushepatapa Creek – from headwaters and tributaries at Mississippi State Line to Pearl River flood plain

Bogue Chitto River – from Mississippi State Line to Pearl River Navigation Canal

RED RIVER BASIN:

Bayou Dorcheat – from Arkansas State Line to Lake Bistineau

Black Lake Bayou – from one mile north of Leatherman Creek to Black Lake

Saline Bayou – from headwaters near Arcadia to Saline Lake

Kisatchie Bayou – from its Kisatchie National Forest to Old River

Saline Bayou – from Larto Lake to Saline Lake

Bayou Cocodrie – from Little Cross Bayou to Wild Cow Bayou

SABINE RIVER BASIN:

Pearl Creek – from headwaters to Sabine River

TERREBONNE BASIN:

Bayou Penchant – from Bayou Chene to Lake Penchant

DEQ
LOUISIANA

GENERAL PERMIT FOR DISCHARGES OF STORM WATER FROM CONSTRUCTION ACTIVITIES FIVE (5) ACRES OR MORE

MASTER GENERAL PERMIT NO. LAR100000
AUTHORIZATION TO DISCHARGE UNDER THE LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, this Louisiana Pollutant Discharge Elimination System (LPDES) General Permit is reissued. This permit authorizes operators of storm water discharges from construction activities of five (5) acres or more, and defined dedicated support activities, to discharge to waters of the State, in accordance with the conditions and requirements set forth herein.

Only those operators who obtain coverage in accordance with Parts I and II of this permit are authorized under this general permit.

This permit shall become effective on 01 October 2009

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

Issued on 30 September 2009

Cheryl Sonnier Nolan
Assistant Secretary

GALVEZ BUILDING • 602 N. FIFTH STREET • P.O. BOX 4313 • BATON ROUGE, LA 70821-4313 • PHONE (225) 219-3181

LPDES GENERAL PERMIT
FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES
FIVE (5) ACRES OR MORE

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Part I. COVERAGE UNDER THIS PERMIT

A. Applicability.

1. This permit authorizes discharges of storm water from construction activities that disturb 5 acres or more of total land area as defined in LAC 33:IX.2511.B.14.j and those construction site discharges designated by the State Administrative Authority as needing a storm water permit under LAC 33:IX.2511.A.1.e, except for discharges identified below under Permit Part I.A.3. Permit coverage is required from the "commencement of construction activities" until "final stabilization" as defined in Permit Part IX.

Construction activities regulated under this permit include clearing, grading, excavation operations, and/or adding fill material that result in the disturbance of five acres of land or more. Road and pipeline building and construction of residential houses, office buildings, industrial buildings, and runways are examples of construction activities.

The **clearing of land solely for agricultural purposes is NOT a regulated activity** so it is exempted from Louisiana Pollutant Discharge Elimination System (LPDES) permitting requirements. Projects on cultivated croplands are not regulated, as these are already "disturbed" areas.

Storm water discharges at field activities or operations associated with oil and gas exploration, production, processing, or treatment or transmission, are regulated in accordance with the latest provisions of LAC 33:IX.2511.A.

Repaving of roads and reworking of utility lines or pipelines are not regulated under this permit unless five or more acres of underlying and/or surrounding soil are cleared, graded or excavated as part of the operation. **A construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility/structure.** If a construction activity is only performed to maintain its original purpose, then LPDES permit coverage under this general permit is not required to discharge storm water from that construction activity. Such activities include replacing structures that are due for and require maintenance. In order to qualify as a routine maintenance activity, the land disturbance should not go beyond the footprint of the previous structure. Examples of routine maintenance activities include the following.

Berm Repair or Topsoil Replacement Along Shoulders - placing berm material or topsoil on shoulders adjacent to pavement to eliminate drop-offs;
Bridge Abutment Repairs, Deck Overlays, and Deck Replacement;
Bridge Replacement without widening;
Chip Sealing – placing asphalt or polymer binder and stone on existing roads;
Culvert Replacement/Repair/Lining – replacing/repairing/relining a culvert with the same line, grade, and hydraulic capacity and within US Army Corps of Engineers Nationwide Permit (NWP) #3 parameters;

Curb Repairs – repairing existing curbing along a roadway;
Ditch Cleanout – maintaining or restoring original flow line and cross-section only;
Fence Repair/Replacement;
Full Depth Pavement Repairs – isolated repairs of pavement build-up down to sub-grade;
Guardrail Installation/Replacement – installing or repairing with minor grading work to create proper grade for end assemblies;
Lighting Maintenance;
Linear Grading – reshaping of graded shoulders to establish proper drainage away from pavement;
Loop Detector Repairs – repairing loop detectors in existing pavement;
Noise Wall Repair;
Partial Depth Pavement Repairs – isolated repairs of surface courses of pavement;
Pothole Filling;
Resurfacing – replacing several inches of asphalt wearing course by milling existing surface and replacing with new material;
Road Re-paving with new asphalt provided the activity does not expose soil to storm water;
Road Replacement without adding any lanes;
Sign Repair/Maintenance – installing or repairing traffic signs and poles/posts;
Signal Installation/Maintenance – installing or repairing traffic signals and poles/posts; and
Tree/Brush Removal – when it is considered a road maintenance activity.

To determine if construction activities at a particular site are regulated under this general permit you should determine the total amount of land area that will be disturbed during a construction project rather than the total land area owned at a project site. Construction activities which require storm water permit coverage under this general permit are activities that result in the disturbance of five or more acres of total land area, including smaller areas that are part of a larger plan of development or sale that cumulatively disturb at least five acres.

Any discharge authorized by a different LPDES permit may be commingled with discharges authorized by this permit. Any permittee covered by an individual permit may request that the individual permit be terminated if the permitted source or activity is also eligible for coverage under this general permit. Upon written notification by this Office, the individual permit will be terminated and the permittee will be covered by this general permit.

An annual maintenance and surveillance fee will be assessed for coverage under this permit.

Assistance/additional information about the permit may be obtained by contacting the Water Permits Division, Municipal and General Water Permits Section, at (225) 219-3181, or at the address in Part II.C below.

2. This permit also authorizes discharges from support activities related to a construction site (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas, etc.) from which there otherwise is a storm water discharge from a construction activity provided:

a. the support activity is directly related to a construction site that is required to have LPDES permit coverage for discharges of storm water associated with construction activity;

b. the support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports;

c. appropriate controls and measures are identified in the storm water pollution prevention plan for the discharges from the support activity areas;

d. pollutant discharges from the support activity areas (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants) are minimized to the maximum extent practicable; and

e. for cement/concrete or asphalt batch plants, that are not already covered by another LPDES permit, the following conditions are met.

PROCESS WASTEWATER AND PROCESS AREA STORM WATER FROM CEMENT AND CONCRETE FACILITIES

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS*	
	MONTHLY AVERAGE	DAILY MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
FLOW (gpd)	Report	Report	1/month	estimate
TSS	------	50 mg/L	1/month	grab
Oil & Grease	------	15 mg/L	1/month	grab
pH -Allowable Range (Standard Units)	6.0 (Minimum)	9.0 (Maximum)	1/month	grab

PROCESS AREA STORM WATER DISCHARGE FROM HOT MIX ASPHALT/ASPHALTIC CONCRETE FACILITIES WITH NO DISCHARGE OF PROCESS WASTEWATER[1,2]

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS*	
	MONTHLY AVERAGE	DAILY MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
FLOW (gpd)	Report	Report	1/month	estimate
TSS	-----	45 mg/l	1/month	grab
TOC	-----	50 mg/l	1/month	grab
Oil & Grease	-----	15 mg/l	1/month	grab
pH - Allowable Range (Standard Units)	6.0 (Minimum)	9.0 (Maximum)	1/month	grab

1 Hot Mix/Asphalt Concrete Plants shall have no discharge of process wastewater.

2 The effluent limitations in this outfall are not applicable if the facility implements an effective pollution prevention plan for capturing and retaining the asphalt releaser used to keep working parts moving. Asphalt releasers used for this purpose must be captured by a drip pan, absorbent material, or other appropriate means and removed from the process area for proper disposal on a daily basis so as to prevent the asphalt releaser from coming in contact with storm water. Facilities using these methods will be assigned the effluent section for storm water from stockpiles of washed sand and gravel in lieu of this effluent section for process area storm water discharges.

STORM WATER AND AGGREGATE SPRAY FROM SAND & GRAVEL UNLOADING AREAS AND STOCKPILES OF WASHED SAND & GRAVEL[1,2]

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS*	
	MONTHLY AVERAGE	DAILY MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
FLOW (gpd)	Report	Report	1/month	estimate

1 TSS: Daily Maximum Concentration of 100 mg/L will be used as a benchmark level (not a limitation) for pollution prevention practices to be either initiated or modified by the facility. The discharge from this permitted outfall shall not exceed a Daily Maximum of 50 mg/L TOC, 15 mg/L Oil and Grease, or have a pH less than 6.0 or greater than 9.0 standard units. Sampling and analysis on a regular basis is not required. In accordance with Part IV. D.4, an annual visual inspection and report are required.

2 This outfall includes the discharge of storm water from the unloading hopper and scales used for rail and truck transport of sand and gravel materials where the materials are transported by conveyor to the material storage area and the discharge of potable water used to wet down aggregate storage piles. Wastewater from these activities that percolates into the ground or is evaporated so that wastewater does not leave the facility or enter a receiving stream does not constitute a discharge.

NONPROCESS AREA STORM WATER FROM CEMENT, CONCRETE, AND ASPHALT FACILITIES[1]

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS*	
	MONTHLY AVERAGE	DAILY MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
FLOW (gpd)	Report	Report	1/month	estimate

1 The discharge from this permitted outfall shall not exceed a Daily Maximum of 50 mg/L TOC, 15 mg/L Oil and Grease, or have a pH less than 6.0 or greater than 9.0 standard units. Sampling and analysis on a regular basis is not required. In accordance with Part IV.D.4, an annual visual inspection and report are required.

There shall be no discharge of floating solids or visible foam in other than trace amounts, or of free oil or other oily materials, or of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. There shall be no accumulation of solids in the receiving stream which has the potential to negatively impact aquatic life or hinder natural drainage. The use of dilution or flow augmentation (LAC 33:IX.3705.F) to achieve effluent concentration limitations is prohibited.

*For monitoring and reporting procedures and requirements for the cement/concrete/asphalt plant discharges limited above, see Part VI.W.

3. Limitations on Coverage. The following storm water discharges from construction sites are not authorized by this permit.

a. Post Construction Discharges. Storm water discharges that originate from the site after construction activities have been completed, and the site, including any temporary support activity at the site, has undergone final stabilization. Industrial post-construction storm water discharges may need to be covered by a separate LPDES permit.

b. Discharges Mixed with Non-storm Water. Discharges that are mixed with sources of non-storm water other than:

1) discharges which are identified in Parts I.A.2 above (including concrete or asphalt batch plants, equipment staging yards, material storage areas), and

2) non-storm water discharges listed in Part III.A.3 which are authorized under this system, and

3) discharges of material other than storm water that are in compliance with another LPDES permit issued for that discharge, and which are addressed in the storm water pollution prevention plan in such a manner as to identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge, as required below in Part IV.D.5. Any discharge authorized by a different LPDES permit may be commingled with discharges authorized by this permit.

c. Discharges Covered by Another Permit. Storm water discharges associated with construction activity that have been issued an individual permit or required to obtain coverage under an alternative general permit in accordance with Part VI.L. As provided in Part I.A.1 above, any permittee covered by an individual permit may request that the individual permit be terminated if the permitted source or activity is also eligible for coverage under this general permit. Upon written approval of that request by this Office, the individual permit will be terminated and the permittee will be covered by this general permit.

d. Discharges Threatening Water Quality. Storm water discharges from construction sites that LDEQ determines will cause, or have the reasonable potential to cause or contribute to, violations of water quality standards. (Where such determinations have been made, the discharger will be notified by LDEQ that an individual permit application is necessary.) However, LDEQ may authorize coverage under this permit after appropriate controls and implementation procedures designed to bring the discharges into compliance with water quality standards have been included in the storm water pollution prevention plan.

e. Discharges That Are Not Protective of Endangered and Threatened Species.

(1) A discharge of storm water associated with construction activity is covered under this permit only if the applicant certifies that it meets at least one of the following criteria. The

applicant must use the process in Addendum A (Endangered Species Guidance) to determine eligibility **PRIOR** to submittal of the Notice of Intent (NOI). Failure to continue to meet one or more of these criteria ((a)-(d)) during the entire term of the permit will result in the storm water discharges associated with construction activity being ineligible for coverage under this permit.

(a) The storm water discharge(s), and the construction and implementation of Best Management Practices (BMPs) to control storm water runoff, are not likely to adversely affect species identified in Addendum A of this permit or critical habitat for a listed species; or

(b) The applicant's activity has received previous authorization under Section 7 or Section 10 of the Endangered Species Act (ESA) and that authorization addressed storm water discharges and/or BMPs to control storm water runoff (e.g., developer included impact of entire project in consultation over a wetlands dredge and fill permit under Section 7 of the Endangered Species Act); or

(c) The applicant's activity was considered as part of a larger, more comprehensive assessment of impacts on endangered and threatened species under Section 7 or Section 10 of the Endangered Species Act which accounts for storm water discharges and BMPs to control storm water runoff (e.g., where an area-wide habitat conservation plan and Section 10 permit is issued which addresses impacts from construction activities including those from storm water, or a National Environmental Policy Act (NEPA) review is conducted which incorporates ESA Section 7 procedures); or

(d) The operator's activity was considered as part of a larger, more comprehensive site-specific assessment of impacts on endangered and threatened species by the owner or other operator of the site and that permittee certified eligibility under item (a), (b), or (c) above (e.g., owner was able to certify no adverse impacts for the project as a whole under item (a)), so the contractor can then certify under item (d). Utility companies applying for permit coverage for the entire permit area of coverage may certify under item (d) since authorization to discharge is contingent on a principal operator of a construction project having been granted coverage under this, or an alternative LPDES permit for the areas of the site where utilities installation activities will occur.

(2) All applicants must follow the procedures provided in Addendum A of this permit when determining eligibility to operate under the permit.

(3) The applicant must comply with any terms and conditions imposed under the eligibility requirements of paragraphs (1)(a), (b), (c), or (d) above to ensure that storm water discharges or BMPs to control storm water runoff are protective of listed endangered and threatened species and/or critical habitat. Such terms and conditions must be incorporated in the applicant's storm water pollution prevention plan.

(4) This permit does not authorize any "take" (as defined under Section 9 of the Endangered Species Act) of endangered or threatened species unless such take is authorized under Section 7 or 10 the Endangered Species Act.

(5) This permit does not authorize any storm water discharges or require any BMPs to control storm water runoff that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act or result in the adverse modification or destruction of habitat that is designated as critical under the Endangered Species Act.

f. Discharges Adversely Affecting Properties Eligible for Protection Under the National Historic Preservation Act. Eligibility for coverage under this permit is contingent upon compliance with the National Historic Preservation Act (NHPA). Discharges are authorized under this permit only if:

(1) the facility's storm water discharges, allowable non-storm water discharges, and discharge-related activities do not affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior; or

(2) if historical properties are identified and it is determined there is the potential to adversely affect the property, the facility has obtained and is in compliance with a written agreement with the Louisiana State Historic Preservation Officer (SHPO) that outlines all measures to be undertaken to mitigate or prevent adverse effect(s) to the historic property.

Addendum D of this permit provides guidance and references to assist operators with determining permit eligibility concerning this provision.

g. Discharges Not in Compliance with State Water Quality Standards/TMDL Requirements

Covered dischargers shall not cause or contribute to a violation of a state water quality standard. New or proposed dischargers must evaluate eligibility by determining compliance with this provision prior to assuming authorization by the permit.

The discharge of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by LDEQ is not authorized unless the discharge is consistent with that TMDL. During determination of eligibility for coverage under the permit, **new dischargers** (see LAC 33:IX.2313) to a 303(d) waterbody must determine that their proposed discharges will be in compliance with LAC 33:IX.2317.A.9. In essence, a new discharger is one initiated after August 13, 1979, and not previously permitted. Any discharger (**both existing and new**) to a waterbody for which there is an approved TMDL must confirm that the TMDL allocated a portion of the load for storm water point source discharges if the proposed discharges will contain the pollutant(s) for which the waterbody is impaired or the TMDL developed. Such discharges are expected to be rare for the wastewater types covered by the reissuance permit because the required control/prevention measures are designed to prevent the release of these pollutants in storm water.

In a situation where an LDEQ-approved or established TMDL has specified a general wasteload allocation applicable to construction storm water discharges, but no specific requirements for construction sites have been identified in the TMDL, the operator should consult with LDEQ to confirm that adherence to a SWPPP that meets the requirements of this permit will be consistent with the approved TMDL. The SWPPP must clearly state which BMPs were selected for the site and describe how the design and implementation of the selected BMPs are expected to ensure that storm water discharges from the construction site are in compliance with the established TMDL. If the LDEQ-approved or established TMDL specifically precludes such discharges, the operator is not eligible for coverage under this permit.

Where an LDEQ-approved or established TMDL has not specified a wasteload allocation applicable to construction storm water discharges, but has not specifically excluded these discharges, adherence to a SWPPP that meets the requirements of this permit will be considered to be consistent with the approved TMDL. Current TMDL reports are located on the Internet at http://www.deq.louisiana.gov/portal/default.aspx?tabid=1563#Reports and at http://www.epa.gov/region6/water/npdes/tmdl/2008/louisiana/final/index.htm.

Broadly stated, new or existing discharges of a particular pollutant are prohibited where there is a TMDL unless the discharge meets the requirements established in the TMDL. If a discharge is not/will not meet these requirements, the operator must seek coverage under an alternative permit. Where a discharger is already operating under the permit and is later discovered to cause or have the reasonable potential to cause or contribute to the violation of a state water quality standard, the permitting authority will notify the operator of such violation(s) and the permittee shall take all necessary actions to ensure that future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the pollution prevention plan. If violations remain or recur, then coverage under the permit is automatically terminated and alternate coverage must be obtained. Compliance with this requirement does not preclude any enforcement activity as provided by the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.) for the underlying violation.

The list of impaired waterbodies (sometimes referred to as 303(d) waterbodies) may be accessed on the LDEQ Internet site at www.deq.louisiana.gov/portal/. Go through the following links to view the list: INFO FOR Citizens – Surface and Ground Water Quality Assessment – Quick Link to Water Quality Assessments in Louisiana – Water Quality Assessments – 2006. Contact the Water Permits Division at (225) 219-3181 if you have trouble locating or accessing the list.

4. Exclusions.

This general permit **shall not** apply to:

a. Storm water discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization as defined in Part IX.

b. Non-storm water discharges (except certain non-storm water discharges specifically listed in this general permit). However, this permit can authorize storm water discharges from construction where the discharges are mixed with non-storm water discharges that are authorized by a different LPDES permit.

c. Storm water discharges from construction activities that are covered by an existing LPDES permit. However, any permittee covered by another permit may request that the other permit be terminated if the permitted source or activity is also eligible for coverage under this general permit. Upon written approval of that request by this Office, the permittee will be covered by this general permit, and the other permit terminated.

d. Storm water discharges from construction activities that LDEQ has determined to be or may reasonably be expected to be causing or contributing to a violation of a water quality standard.

e. Storm water discharges from construction activities and storm water discharge-related activities, if the discharges are likely to adversely affect a listed endangered or threatened species or its critical habitat (unless in compliance with specific Endangered Species Act (ESA) related conditions in the permit).

f. Storm water discharges from construction activities and storm water discharge-related activities, if the discharges are not in compliance with the National Historic Preservation Act (NHPA).

B. <u>Obtaining Authorization</u>.

1. In order for storm water discharges from construction activities to be authorized to discharge under this general permit, a discharger must:

a. meet the Part IA applicability requirements.

b. develop a storm water pollution prevention plan (SWPPP) covering either the entire site or all portions of the site for which they are operators (see definition in Part IX) according to the requirements in Part IV (preparation and implementation of the Plan may be a cooperative effort where there is more than one operator at a site), and then

c. submit a <u>complete</u> and <u>accurate</u> Notice of Intent (NOI) in accordance with the requirements of Part II, using an NOI form provided by the State Administrative Authority (or a photocopy thereof). **Only <u>one</u> NOI needs to be submitted to cover all of the permittee's activities on the common plan of development or sale (e.g., you do not need to submit a separate NOI for each separate lot in a residential**

subdivision or for two separate buildings being constructed at a manufacturing facility, provided your SWPPP covers each area for which you are an operator.) The storm water pollution prevention plan must be implemented upon commencement of construction activities.

Application for coverage shall be made by:

(1) a party having operational control over construction plans and specifications; and/or

(2) a party having day-to-day operational control over those activities at a project site which are necessary to ensure compliance with the SWPPP or other permit conditions.

When operational control over plans and specifications, and control over the day-to-day activities described above, are held by separate parties, both shall submit an NOI. In cases with only one control party, that party alone is required to submit the NOI.

The entities who are considered operators will commonly consist of the owner or developer of a project (the party with control of project specifications) and the general contractor (the party with day to day operational control of the activities at the project site which are necessary to ensure compliance with the permit).

For subdivisions and commercial developments, an NOI shall be submitted by the owner/developer, the general contractor, and each individual builder within the subdivision or commercial development.

Any entity with operational control over only a portion of a larger project (e.g., one of four homebuilders in a subdivision), must submit its own NOI and obtain its own permit authorization number. They may share a SWPPP with other permittees operating in the area of the larger project; however, each permittee is responsible for compliance with all conditions of this permit as it relates to their activities on their portion of the construction site. Each permittee shall ensure either directly or through coordination with other permittees, that their activities do not render another party's pollutant discharge controls ineffective. Any entity with operational control over only a portion of a larger project shall either implement their portion of a common SWPPP or develop and implement their own site specific SWPPP.

For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWPPP is encouraged. Individual operators at a site may, but are not required to develop separate SWPPPs that cover only their portion of the project provided reference is made to other operators at the site.

In instances where there is more than one SWPPP for a site, cooperation between the permittees is encouraged to ensure storm water discharge control measures are consistent with one another (e.g., provisions to protect listed species and critical habitat).

All permitted entities are responsible for compliance with all applicable conditions of this permit as it relates to your activities on your portion of the construction site, including protection of endangered species, critical habitat, and historic properties, and implementation of control measures described in the SWPPP.

Contractors and subcontractors who are under the general supervision of the general contractor are not considered operators and would not need to submit NOIs. The general contractor shall be responsible for submitting the NOI, implementing the SWPPP, and ensuring that contractors and subcontractors actions/activities do not render the general contractor's pollutant discharge controls ineffective.

2. For construction sites where the operator changes, or where a new operator is added after the submittal of an NOI under Part II, a new NOI must be submitited in accordance with Part II.

3. Unless notified by LDEQ to the contrary, all dischargers who submit a complete and accurate NOI in accordance with the requirements of this permit are authorized to discharge storm water from construction activities under the terms and conditions of the permit upon the receipt of a hand-delivered NOI by the Office of Environmental Services, Water Permits Division or 48 hours after the postmark date on the envelope that contains the complete and accurate NOI.

   Operators who submit NOIs with errors will be notified and are not authorized to discharge storm water from construction activities until the errors or deficiencies have been corrected and the corrected NOI has been delivered to LDEQ.

   If warranted, LDEQ may deny coverage under this general permit and require submittal of an application for an individual LPDES permit (see Part VI.L of this permit).

   An annual maintenance fee will be assessed for coverage under the permit.

   A printed hard copy of this permit may be obtained by contacting LDEQ's Water Permits Division at (225) 219-3181, or a copy can be downloaded from the LDEQ website at www.deq.louisiana.gov/portal. Go through the following links to find the permit: INFO ABOUT Water – Permits – LPDES Permits, Information, and Applications – LPDES General Permits – LAR100000. A printed hard copy of the Notice of Intent (NOI) to be covered under the permit can be downloaded from the LDEQ website at www.deq.louisiana.gov/portal/. Go through the following links to find the NOI form: INFO ABOUT Water – Permits – LPDES Permits, Information, and Applications – LPDES Forms – LPDES Permit Application Forms – Stormwater Permit Notices of Intent – CSW-G.

C. Terminating Coverage.

1. Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) in accordance with Part VIII of this permit. Compliance with this permit is required until an NOT is submitted. The permittee's authorization to discharge under this permit terminates at midnight of the day the NOT is postmarked.

2. All permittees must submit an NOT within thirty (30) days after one or more of the following conditions have been met.

   a. final stabilization (see definition Part IX) has been achieved on all portions of the site for which the permittee is responsible (including if applicable, returning agricultural land to its pre-construction agricultural use);

   b. another operator/permittee has assumed control according to Part VI.G.2.d over all areas of the site that have not been finally stabilized;

   c. coverage under an individual or alternative general LPDES permit has been obtained; or

   d. for residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

   Enforcement actions may be taken if a permittee submits an NOT without meeting one or more of these conditions.

   [**NOTE:** Annual permit fees continue to be assessed for all permit authorizations which remain active. Permittees who meet any of the conditions of item 2 above and who fail to submit a completed NOT form to the Water Permits Division will continue to receive invoices for annual permit fees. If you meet any of the conditions of item 2 above you must submit a completed NOT form to the Water Permits Division to terminate permit coverage; otherwise, you will continue receiving invoices from LDEQ for annual permit fees.]

Part II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification.

1. Except as provided below in Parts II.A.3 and II.A.4, for parties required to obtain permit authorization, defined above in Part I.B.1, an initial complete and accurate Notice of Intent (NOI) in accordance with the requirements of this Part must be received by this Office prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities);

2. Except as provided in Parts II.A.3 and II.A.4, for parties defined as operators solely due to their day-to-day operational control over those activities at a project site which are necessary to ensure compliance with the SWPPP or other permit conditions (e.g., general contractor, erosion control contractor, etc.), a complete and accurate NOI must be received by this Office prior to commencing work at the site.

3. For storm water discharges from construction sites where the operator changes, (including projects where an operator is added after an NOI has been submitted under Parts II.A.1 or II.A.2), a complete and accurate NOI in accordance with the requirements of this Part must be received by this Office from the new operator prior to when the new operator assumes operational control over site specifications or commences work at the site.

4. Dischargers are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after permit coverage is granted. The Agency reserves the right to bring appropriate enforcement actions for any unpermitted activities that may have occurred between the time construction commenced and authorization of future discharges is granted.

5. This permit replaces the LPDES General Permit for Storm Water Discharges From Construction Activities, issued July 30, 2004. In accordance with the provision of LAC 33:IX.2515.B.2.f., those permittees currently authorized under that permit are not required to submit a new NOI. Provided the applicability requirements of the reissued permit are met, these permitted dischargers will automatically be covered under the reissued LPDES permit; notification of coverage and a copy of the permit will be sent to each permittee after permit finalization. Three (3) days after the postmark date of the notification of the permittee's coverage under the reissued permit each automatically reauthorized permittee must take the following actions unless they request and obtain an individual permit:

   a. for the first 30 days after the effective date of the permit, comply with the terms and conditions of the 2004 construction general permit; and

   b. no later than 30 days after the postmark date of the notification of the reissued permit, take the necessary actions to comply with all conditions of the reissued permit including updating the SWPPP to incorporate any new/changed requirements in Part IV of the reissued permit.

6. Operators of ongoing construction projects not currently authorized to discharge under the previous construction general permit issued in 2004 must:

   a. prior to submittal of an NOI, prepare and comply with a storm water pollution prevention plan in accordance with the requirements in this general permit; and

   b. Immediately submit an NOI according to Part II.A and B.

B. **Contents of Notice of Intent.**

Notice of Intent for Construction Projects. The Notice(s) of Intent shall be signed in accordance with Part VI.G of this permit and shall include at a minimum:

1. the name, address, and telephone number of the construction site owner or operator filing the NOI for permit coverage and operator status as a Federal, State, Tribal, private, or other public entity;

2. the name (or other identifier), street address (description of location if no street address is available), city, parish, and the latitude and longitude of the approximate center of the construction site/project for which the notification is submitted;

3. whether or not the construction project is located on Indian Lands;

4. a certification that a storm water pollution prevention plan, including both construction and post-construction controls, has been developed, and that the SWPPP is compliant with any applicable State and/or local sediment and erosion plans. (A copy of the plans or permits should not be included with the NOI submission);

5. the location where the SWPPP may be viewed and the name and telephone number of a contact person for scheduling viewing times;

6. an estimate of project start date and completion dates, estimates of the number of acres of the site on which soil will be disturbed, and the type of facility being constructed;

7. the name of the receiving water(s);

8. based on Appendix C, whether the storm water runoff from the site will flow directly into a waterbody listed as an Outstanding Natural Resource Water (ONRW); (if the discharge will ultimately enter a Scenic Stream, the applicant is instructed to contact the Louisiana Department of Wildlife and Fisheries (LDWF) at 318-343-4044);

9. based on the instructions in Addendum A, whether any listed or proposed threatened or endangered species, or designated critical habitat, are in proximity to the storm water discharges covered by this permit;

10. based on the instructions in Addendum D, whether any properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act are located on the construction site and whether the State Historic Preservation Office was involved in your determination of eligibility;

11. the permit number of any LPDES permit(s) for any discharge(s) (including any storm water discharges or any non-storm water discharges) from the site, to the extent available.

C. Where to Submit.

NOIs signed in accordance with Part VI.G of this permit, are to be submitted to the State Administrative Authority at the following address:

Louisiana Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, LA 70821-4313
Attn: Water Permits Division

Current mailing addresses for the different Department offices are posted on the LDEQ web page at www.deq.louisiana.gov/portal/. Mailing addresses for the different Department offices are posted on the LDEQ web page at http://www.deq.louisiana.gov/portal/. Go through the following links to find the current mailing addresses: ABOUT – Contact Information – Scroll down to **Mailing Addresses**.

Part III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

A. Prohibition on Non-Storm Water Discharges.

1. Except as provided in Part I.A.2 and in items 2 and 3 below, all discharges covered by this permit shall be composed entirely of storm water associated with construction activity.

2. Discharges of material other than storm water that are in compliance with an LPDES permit (other than this permit) issued for that discharge may be mixed with discharges authorized by this permit.

3. The following non-storm water discharges are authorized by this permit provided the non-storm water component of the discharge is in compliance with Part IV.D.5 (Non-storm Water Discharges):

- **a.** discharges from fire fighting activities;
- **b.** fire hydrant flushings;
- **c.** waters used to wash vehicles where detergents are not used;
- **d.** waters used to control dust in accordance with Part IV.D.2.c.(2);
- **e.** potable water sources including waterline flushings;
- **f.** routine external building washdown which does not use detergents;
- **g.** diverted stream flows;
- **h.** pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
- **i.** uncontaminated air conditioning or compressor condensate;
- **j.** uncontaminated ground water infiltration (as defined at 40 CFR 3.2005(20));
- **k.** uncontaminated pumped ground water or spring water;
- **l.** foundation or footing drains where flows are not contaminated with process materials such as solvents;
- **m.** uncontaminated excavation dewatering; and
- **n.** landscape irrigation.

B. Requirements for Notification. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of LAC 33:I.3915 and LAC 33:I.3917.

1. Emergency Notification - The permittee shall report any noncompliance which may endanger human health or the environment. As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency

of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health, safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. A written submission shall be provided within 7 calendar days after the telephone notification. The report shall contain the following information:

a. the name, address, telephone number, Agency Interest (AI) number (number assigned by the department) if applicable, and any other applicable identification numbers of the person, company, or other party who is filing the written report, and specific identification that the report is the written follow-up report required by the permit;

b. the time and date of verbal notification, the state official contacted when reporting, the name of person making that notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;

c. date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;

d. details of the circumstances (unauthorized discharge description and root cause) and events leading to any unauthorized discharge, including incidents of loss of sources of radiation, and if the release point is subject to a permit:
(i) the current permitted limit for the pollutant(s) released; and
(ii) the permitted release point/outfall ID;

e. the common or scientific chemical name of each specific pollutant that was released as the result of an unauthorized discharge, including the CAS number and U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all released pollutants (total amount of each compound expressed in pounds, including calculations);

f. a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted;

g. remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation;

h. the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

i. Written notification reports shall be submitted to the Office of Environmental Compliance, Surveillance Division SPOC by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked "UNAUTHORIZED DISCHARGE NOTIFICATION REPORT."

2. Prompt Notification – As required by LAC 33:I.3917, in the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Subchapter E, but does not cause an emergency condition, the discharger shall promptly notify the department within 24 hours after learning of the discharge. Notification should be made to the Office of Environmental Compliance, Surveillance Division Single Point of Contact (SPOC) in accordance with LAC 33:I.3923.

In accordance with LAC 33:I.3923, prompt notification shall be provided within a time frame not to exceed 24 hours and shall be given to the Office of Environmental Compliance, Surveillance Division Single Point of Contact (SPOC) as follows:

a. by the Online Incident Reporting screens found at http://www3.deq.louisiana.gov/surveillance/irf/forms/ ; or
b. by email utilizing the Incident Report Form and instructions found at http://www.deq.louisiana.gov/portal/Default.aspx?tabid=279, or
c. by telephone at (225) 219-3640 during office hours, or (225) 342-1234 after hours and on weekends and holidays.

3. The SWPPP required under Part IV (Storm Water Pollution Prevention Plans) of this permit must be modified within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the recurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

C. **Spills.** This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

D. **Discharge Compliance with Water Quality Standards.**

1. You must select, install, implement and maintain control measures at your construction stie that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general, except in situations explained below, your storm water controls developed, implemented, and updated consistent with the other provisions of Part III are considered as stringent as necessary to ensure that your discharges do not cause or contribute to an excursion above any applicable water quality standard.

2. Dischargers covered under this permit shall not cause or have the reasonable potential to cause or contribute to a violation of a water quality standard. At any time after authorization, LDEQ may determine that your storm water discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, LDEQ will require you to:
   i. Modify your storm water controls in accordance with Part IV.C to address adequately the identified water quality concerns;
   ii. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
   iii. Cease discharge of pollutants from construction activity and submit an individual application according to Part VI.L .

3. All written responses required under this part must include a signed certification consistent with Part VI.G.2.

4. If violations remain or recur, then coverage under this permit may be terminated by the permitting authority and an alternative permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the Clean Water Act and Environmental Quality Act for the underlying violation.

E. Responsibilities of Operators.

Permittees may meet one or both of the operational control components in the definition of "operator" found in Part IX (Definitions). Either Part III.E.1 or Part III.E.2 or both will apply depending on the type of operational control exerted by an individual permittee. Part III.E.3 applies to all permittees.

1. Permittee(s) with operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g., developer or owner) must:

a. ensure the project specifications that they develop meet the minimum requirements of Part IV (Storm Water Pollution Prevention Plans) and all other applicable conditions;

b. ensure that the SWPPP indicates the areas of the project where they have operational control over project specifications (including the ability to make modifications in the specifications), and ensure all other permittees implementing portions of the SWPPP impacted by any changes they make to the plan are notified of such modifications in a timely manner; and

c. ensure that the SWPPP for portions of the project for which they are operators indicates the name and LPDES permit number for parties with day-to-day operational control of those activities necessary to ensure compliance with the SWPPP or other permit conditions. If these parties have not been identified at the time the SWPPP is initially developed, the permittee with operational control over project specifications shall be considered to be the responsible party until such time as the authority is transferred to another party (e.g., general contractor) and the plan updated.

2. Permittee(s) with day-to-day operational control of those activities at a project which are necessary to ensure compliance with the SWPPP for the site or other permit conditions (e.g., general contractor) must:

a. ensure the SWPPP for portions of the project for which they are operators meets the minimum requirements of Part IV (Storm Water Pollution Prevention Plans) and identifies the parties responsible for implementation of control measures identified in the plan;

b. ensure that the SWPPP indicates areas of the project where they have operational control over day-to-day activities; and

c. ensure that the SWPPP for portions of the project for which they are operators indicates the name and LPDES permit number of the party(ies) with operational control over project specifications (including the ability to make modifications in the specifications).

3. Permittees with operational control over only a portion of a larger construction site (e.g., one of four homebuilders in a subdivision) are responsible for compliance with all applicable terms and conditions of this permit as it relates to their activities on their portion of the construction site, including protection of endangered species and implementation of BMPs and other controls required by the SWPPP. Permittees shall ensure either directly or through coordination with other permittees that their activities do not render another party's pollution controls ineffective. Permittees must either implement their portions of a common SWPPP or develop and implement their own SWPPP.

Part IV. STORM WATER POLLUTION PREVENTION PLANS

At least one storm water pollution prevention plan (SWPPP) shall be developed for each construction project or site covered by this permit. For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWPPP is encouraged. Individual operators at a site may, but are not required to, develop separate SWPPPs that cover only their portion of the project provided that reference is made to other operators at the site. In instances where there is more than one SWPPP for a site, coordination must be conducted between the permittees to ensure the storm water discharge controls and other measures are consistent with one another (e.g., provisions to protect listed species and critical habitat).

Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. The SWPPP shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges associated with construction activity at the construction site and to assure compliance with the terms and conditions of this permit. When developing SWPPPs, applicants must follow the procedures in Addendum A of this permit to determine whether listed endangered or threatened species or critical habitat would be affected by the applicant's storm water discharges or storm water discharge-related activities. Any information on whether listed species or critical habitat is found in proximity to the construction site must be included in the SWPPP. Any terms or conditions that are imposed under the eligibility requirements of Part I.A.3.e and Addendum A of this permit to protect listed species or critical habitat from storm water discharges or storm water discharge-related activity must be incorporated into the SWPPP. Permittees must implement the applicable provisions of the SWPPP required under this Part as a condition of this permit.

A. <u>Deadlines for Plan Preparation and Compliance</u>.

The storm water pollution prevention plan shall:

1. Be completed prior to the submittal of an NOI to be covered under this permit (except as provided in Parts II.A.5) and updated as appropriate; and

2. The plan shall provide for compliance with the terms and schedule of the SWPPP beginning with the initiation of construction activities.

B. Signature, Plan Review and Making Plans Available.

1. The SWPPP shall be signed in accordance with Part VI.G (Signatory Requirements), and be retained on-site at the facility which generates the storm water discharge in accordance with Part V (Retention of Records) of this permit.

2. The permittee shall post a notice near the main entrance of the construction site with the following information:

a. the LPDES permit number for the project or a copy of the NOI if a permit authorization number has not yet been assigned;

b. the name and telephone number of a local contact person;

c. a brief description of the project; and

d. the location of the SWPPP if the site is inactive or does not have an on-site location to store the plan.

If posting this information near a main entrance is infeasible due to safety concerns, the notice shall be posted in a local public building. If the construction project is a linear construction project (e.g., pipeline, highway, etc.), the notice must be placed in a publicly accessible location near where construction is actively underway and moved as necessary. This permit does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site, nor does this permit require that permittees allow members of the public access to a construction site.

3. The permittee shall make SWPPPs available upon request to: LDEQ; the local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or to the operator of a municipal separate storm sewer receiving discharges from the site. The copy of the SWPPP that is required to be kept on-site (or locally available) must be made available to LDEQ (or authorized representative) for review at the time of an on-site inspection. Also, in the interest of public involvement, LDEQ encourages permittees to make their SWPPPs available to the public for viewing during normal business hours.

4. The LDEQ may notify the permittee (co-permittees) at any time that the SWPPP does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of this permit which are not being met by the SWPPP, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this Part. Within 7 calendar days of receipt of such notification from LDEQ, (or as otherwise provided by LDEQ), or authorized representative, the permittee shall make the required changes to the plan and shall submit to LDEQ a written certification that the requested changes have been made. The LDEQ may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of the permit.

C. **Keeping Plans Current**. The permittee must amend the storm water pollution prevention plan whenever:

1. there is a change in design, construction, operation, or maintenance, which has a significant effect on the discharge of pollutants to the waters of the State and which has not otherwise been addressed in the SWPPP;

2. inspections or investigations by site operators, local, state, or federal officials indicate the storm water pollution prevention plan is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.2 of this permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity; and

3. the plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the storm water pollution prevention plan (see Part IV.E). The plan must also be amended to address any measures necessary to protect endangered and threatened species or historic properties. Amendments to the plan may be reviewed by LDEQ in the same manner as Part IV.B above.

D. **Contents of Plan.** The storm water pollution prevention plan shall include the following items:

1. **Site Description**. Each SWPPP shall provide a description of potential pollutant sources and other information as indicated below:

a. a description of the nature of the construction activity;

b. a description of the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation, etc);

c. estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities including off-site borrow and fill areas;

d. an estimate of the runoff coefficient of the site for both the pre-construction and post-construction conditions and data describing the soil or the quality of any discharge from the site;

e. a general location map (e.g., portion of a city or county map or other map with enough detail to identify the location of the construction site and waters of the United States within one mile of the site);

f. a site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which will not be disturbed, the location of major structural and nonstructural controls identified in the SWPPP, locations of off-site material, waste, borrow or equipment storage areas, surface waters (including wetlands), locations where storm water is discharged to a surface water; the location of areas where stabilization practices are expected to occur;

g. location and description of any discharge associated with industrial activity other than construction (including discharges from dedicated cement/concrete and asphalt plants) covered by the permit;

h. the name of the receiving water(s), and areal extent and description of wetland or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project;

i. a copy of the permit requirements (may simply attach a copy of this permit);

j. information on whether listed endangered or threatened species and/or critical habitat are found in proximity to the construction activity and whether such species may be affected by the applicant's storm water discharges or storm water discharge-related activities;

k. documentation supporting the determination of permit eligibility with regard to Permit Part I.A.3.f (National Historic Preservation Act), including:

information on whether storm water discharges or storm water discharge-related activities would have an effect on a property that is listed or eligible for listing on the National Register of Historic Places;

where effects may occur, any written agreements made between the operator and the State Historic Preservation Officer to mitigate those effects;

results of the Addendum C historic places screening determinations; and

a description of measures necessary to avoid or minimize adverse impacts on places listed, or eligible for listing, on the National Register of Historic Places, including any terms or conditions that are imposed under the eligibility requirements of Part I.A.3.f of this permit.

l. documentation supporting the determination of permit eligibility with regard to waters that have an LDEQ-established or approved TMDL, including:

(1) identification of whether your discharge is identified, either specifically or generally, in an LDEQ-established or approved TMDL and any associated allocations, requirements, and assumptions identified for your discharge;

(2) summaries of consultation with the LDEQ authorities on consistency of SWPPP conditions with the approved TMDL; and

(3) measures taken to ensure that the discharge of pollutants for the site is consistent with the assumption and requirements of the LDEQ-established or approved TMDL, including any specific wasteload allocation that has been established that would apply to your discharge.

2. Controls. Each SWPPP shall include a description of appropriate control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. The SWPPP must clearly describe for each major activity identified in Part IV.D.1.b: a) appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and b) which permittee is responsible for implementation (e.g., perimeter controls for one portion of the site will be installed by Contractor A after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained by Contractor B until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed by Owner after final stabilization).

In a situation where an LDEQ-approved or established TMDL has specified a general wasteload allocation applicable to construction storm water discharges, but no specific requirements for construction sites have been identified in the TMDL, the SWPPP must specifically state which BMPs were selected for the site and describe how the design and implementation of the selected BMPs are expected to ensure that storm water discharges from the construction site are in compliance with the established TMDL.

The description and implementation of control measures shall address the following minimum components:

a. Erosion and Sediment Controls.

(1) Short and Long Term Goals and Criteria:

(a) The construction-phase erosion and sediment controls should be designed to retain sediment on-site to the maximum extent practicable.

(b) All control measures must be properly selected, installed, and maintained in accordance with the manufacturers specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for site situations.

(c) If sediments escape the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts (e.g., fugitive

sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).

(d) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

(e) Trapped sediment must be removed from a silt fence before the deposit reaches 50 percent of the above-ground fence height (or before it reaches a lower height based on manufacturer's specifications.)

(f) Litter, construction debris, and construction chemicals exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily, etc.).

(g) Off-site material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and shall be addressed in the storm water pollution prevention plan.

(2) Stabilization Practices. The SWPPP must include a description of interim and permanent stabilization practices for the site, including a site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include, but are not limited to: establishment of temporary vegetation, establishment of permanent self-sustaining perennial vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.

In general, you should be aware that final stabilization often takes time (weeks or even months), especially during times of low rainfall or during the colder months of the year. You must continue routine inspections until you have met the final stabilization requirements of the permit. **"Final stabilization" is defined/described in Part IX of the permit.**

The following records shall be maintained and attached to the SWPPP: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; and the dates when stabilization measures are initiated. Except as provided in Parts IV.D.2.(a).(2).(a)-(c) below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases, is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.

(b) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of site.

(c) In areas experiencing droughts where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonal arid conditions, stabilization measures shall be initiated as soon as practicable.

(3) Structural Practices. The SWPPP must include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

(a) For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin providing storage for a calculated volume of runoff from a 2 year, 24 hour storm from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization (see Part IX) of the site. The 3,600 cubic feet of storage area per acre drained does not apply to flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin.

In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on-site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin would preclude a safe design. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all downslope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. LDEQ encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

(b) For drainage locations serving less than 10 acres, small sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all downslope boundaries (and those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2 year, 24 hour storm or 3,600 cubic feet of storage per acre drained is provided.

b. Storm Water Management. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed must be included in the SWPPP. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may also require a separate permit under Section 404 of the CWA. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have been eliminated from the site. You should be aware that final stabilization often takes time (weeks or even months); especially during times of low rainfall or during the colder months of the year. You must continue routine inspections until you have met the final stabilization requirements of the permit (see Part IX). However, post-construction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate LPDES permit.

(1) Such practices may include but are not limited to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff on-site; and sequential systems (which combine several practices). The storm water pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.

(2) Velocity dissipation devices may be needed at discharge locations and along the length of any outfall channel for the purpose of providing a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).

c. Other Controls.

(1) No solid materials, including building materials, shall be discharged to waters of the State, except as authorized by a permit issued under Section 404 of the CWA. "Solid materials" refers to such items as boards, wrapping materials, bricks and concrete debris, and land clearing debris such as leaves and tree limbs, but does not include total suspended solids.

(2) Off-site vehicle tracking of sediments and the generation of dust shall be minimized.

(3) The SWPPP shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations to the extent these are located within the permitted area.

(4) The SWPPP shall include a narrative description of construction and waste materials expected to be stored on-site, with updates as appropriate. The SWPPP shall also include a description of controls developed to reduce pollutants from these materials including storage practices to minimize exposure of the materials to storm water, and spill prevention and response.

(5) The SWPPP shall include a description of pollutant sources from areas other than construction (including discharges from dedicated cement/concrete and asphalt plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

(6) The SWPPP shall include a description of measures necessary to protect listed endangered and threatened species and/or critical habitat including any terms or conditions that are imposed under the eligibility requirements of Part I.A.3.e of this permit. Failure to describe and implement such measures will result in the storm water discharges from the construction activities being ineligible for coverage under this permit.

d. Approved State or Local Plans.

(1) Permittees which discharge storm water associated with construction activities must include in their storm water pollution prevention plan the procedures and requirements which are specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by State or local officials.

(2) Permittees which discharge storm water associated with construction activities must include in their storm water pollution prevention plan any measures that result from agreements from Louisiana State Historic Preservation Officer or tribal historic preservation offices.

(3) Storm water pollution prevention plans must be updated as necessary to reflect any changes which are applicable to protecting surface water resources in the sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by State, or local officials for which the permittee receives written notice.

3. **Maintenance.** A description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures, and other protective measures identified in the site plan are in good and effective operating condition must be provided. Maintenance needs identified in inspections or by other means shall be accomplished before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable. Employees and subcontractors as necessary should be made aware of the applicable control measures implemented at the site so that they follow applicable procedures.

4. **Inspections.** Except for linear or remote projects as discussed below, qualified personnel (provided by the permittee or cooperatively by multiple permittees) shall inspect the construction site in accordance with one of the two schedules listed below. Areas to be inspected include disturbed areas that have not been finally stabilized; areas used for storage of materials that are exposed to precipitation; structural control measures; and locations where vehicles enter or exit the site. You must specify in the SWPPP which schedule you will follow:

- At least once every 7 days, or
- At least once every 14 calendar days, before anticipated storm events (or series of storm events such as intermittent showers over one or more days) and within 24 hours of the end of a storm event of 0.5 inches or greater.

Employees and subcontractors as necessary should be made aware of the applicable control measures implemented at the site so that they follow applicable procedures.

Because linear or remote, unmanned projects often cannot be inspected from stabilized locations without damage to BMPs or re-vegetation efforts, these operators have the option of either 1) conducting regular visual inspections every two weeks, or 2) performing visual inspections within 24 hours following a storm event of 0.5 inches or greater. The option selected by the operator must be identified in the SWPPP and must be adhered to throughout the term of permit coverage.

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to the receiving waters. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

b. Based on the results of the inspection, the site description identified in the plan in accordance with Part IV.D.1 of this permit and pollution prevention measures identified in the plan in accordance with Part IV.D.2 of this permit shall be revised as appropriate, but in no case later than seven calendar days following the inspection. Such modifications shall

provide for timely implementation of any changes to the plan within seven calendar days following the inspection.

c. For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include:

1. The inspection date;
2. Names, titles, and qualifications of personnel making the inspection;
3. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
4. Weather information and a description of any discharges occurring at the time of the inspection;
5. Location(s) of discharges of sediment or other pollutants from the site;
6. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
7. Location(s) of BMPs that need to be maintained;
8. Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
9. Corrective action required including implementation dates.

The inspection report which includes the information listed in items 1-9 above and all actions taken in accordance with Part IV.D.4.b of the permit shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the site is finally stabilized. Such reports shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part VI.G of this permit.

5. Non-Storm Water Discharges – Except for flows from fire fighting activities, sources of non-storm water listed in Parts I.A.2 and III.A.2 and 3 of this permit that are combined with storm water discharges associated with construction activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

E. Contractor and Subcontractor Responsibilities.

You must either implement your portion of a common SWPPP or develop and implement your own SWPPP. In instances where there is more than one SWPPP for a site, cooperation between the permittees is encouraged to ensure the storm water discharge control measures are consistent with one another (e.g., provisions to protect listed species and critical habitat). You must ensure either directly or through coordination with other permittees, that your activities do not render another party's pollutant discharge controls ineffective.

1. Contractors and Subcontractors Implementing Storm Water Control Measures. The SWPPP must clearly identify for each control measure included in the plan, the party that will implement the measure. The permittee(s) shall ensure that all contractors and subcontractors are identified in the plan as being responsible for implementing storm water control measures.

2. Contractors and Subcontractors Impacting Storm Water Control Measures. The permittee shall ensure that contractor(s) and subcontractor(s) who will conduct activities which might impact the effectiveness of control measures, but who do not meet the definition of "operator" (Part IX), are identified in the plan and which control measures might be impacted.

3. Utility Companies. The SWPPP must clearly identify, for each control measure identified in the plan relating to the installation of utility service, the party that will implement the measure.

F. Wash Water from Concrete Trucks.

1. Concrete wash water from rinsing the chute. Wash water generated during the rinsing of the chute of a concrete truck at a construction site may be rinsed into a trap on the ground at the construction site. This activity usually generates a de minimis quantity of wash water that can be easily managed at the construction site. The rinsing activity should be done in such a manner that there is no runoff of rinse water from the construction site, especially into surface drainage, storm sewers, or surface waters. Contractors may follow EPA guidance (see http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=browse&Rbutton=detail&bmp=117) for rinsing out the chute of a concrete mixer and hoppers of concrete pumps at a construction site, provided they understand that the wash out structure is temporary and should be cleaned out and removed from the site when the construction project is completed. If a contractor follows the EPA guidance for rinsing out the chute of a concrete mixed and hoppers of concrete pumps at a construction site, he should contact the LDEQ Solid Waste Permits Section to determine if additional environmental protection regulations govern the containment and storage of the wash out material at the construction site.

2. Concrete wash out from the drum. The permit does not authorize the discharge of drum washout water at a construction site. More wash water is generated during the wash out of the drum of a concrete truck than is generated during the rinsing of the chute. The drum of a concrete truck should be washed out at a ready mix concrete plant that is permitted to discharge the wash water.

Part V. RETENTION OF RECORDS

A. **Documents.** The permittee shall retain copies of storm water pollution prevention plans and all records and reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of LDEQ at any time.

B. **Accessibility.** The permittee shall retain a copy of the storm water pollution prevention plan required by this permit (including a copy of the permit language) at the construction site (or other local site accessible to LDEQ and the public) from the date of project initiation to the date of final stabilization. The permittees with day-to-day operational control over pollution prevention plan implementation shall have a copy of the plan available at a central location on-site for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site. A copy of the plan must be readily available to inspectors during normal business hours.

C. **Addresses.** All written correspondence concerning discharges in Louisiana from any facility covered under this permit, including the submittal of individual permit applications, shall be identified by agency interest number and/or permit number, if one is assigned, and sent to the address below.

Louisiana Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, LA 70821-4313
Attn: Water Permits Division

Part VI. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

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

2. Penalties for Violations of Permit Conditions.

LA. R.S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R.S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under said program or implementing any provisions of the LPDES program.

a. Criminal Penalties

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

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

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

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

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

B. Continuation of the Expired General Permit.

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

C. Need to Halt or Reduce Activity not a Defense.

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

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

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

F. **Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to LDEQ, he or she shall promptly submit such facts or information.

G. **Signatory Requirements.** All Notices of Intent, SWPPPs, reports, certifications or information either submitted to LDEQ or the operator of a municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows.

1. All Notices of Intent shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,

(2) The manager of one or more manufacturing, production, or operating facilities, provided: the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: LDEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Part V.G.1.a.(1). **The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications and Notices of Intent unless the corporation has notified the state administrative authority to the contrary. Corporate procedures governing authority to sign permit applications and Notices of Intent may provide for assignment or delegation to applicable corporate positions under Part V.G.1.a.(2) 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, state, federal or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

(1) The chief executive officer of the agency, or
(2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. The SWPPP, all reports required by the permit and other information requested by LDEQ shall be signed by a person described in Part V.G.1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above in Part V.G.1;

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

c. The written authorization is submitted to the state administrative authority (a copy of the signed and dated written authorization shall be included in the SWPPP);

d. **Changes to authorization.** If an authorization under Part I.B is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new Notice of Intent satisfying the requirements of Part I.B must be submitted to the State Administrative Authority prior to or together with any reports, information, or applications to be signed by an authorized representative.

e. **Certification.** Any person signing documents under this Part shall make the following certifications:

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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I also certify that a storm water pollution prevention plan, including both construction and post construction controls, has been prepared for the site in accordance with the permit and that such plan complies with approved State, Tribal and/or local sediment and erosion plans or permits and/or storm water management plans or permits. I am aware that signature and submittal of the NOI is deemed to constitute my determination of eligibility under one or more of the requirements of Permit Part I.A.3.e(1),

related to the Endangered Species Act requirements. To the best of my knowledge, I further certify that such discharges and discharge related activities will not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, or are otherwise eligible for coverage under Part I.A.3.f of the permit. I am also aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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

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

J. Property Rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

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

L. Requiring an Individual Permit or an Alternative General Permit.

1. Applicants who fail to meet all permit eligibility conditions are not authorized and will be provided written notice of ineligibility. These operators may pursue coverage under an individual permit or alternative general permit by submitting the appropriate application form.

2. The LDEQ may require any person authorized by this permit to apply for and/or obtain either an individual LPDES permit or an alternative LPDES general permit. Any interested person may petition LDEQ to take action under this Part. Where LDEQ requires a discharger authorized to discharge under this permit to apply for another LPDES permit, LDEQ shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual LPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted as indicated

in Part II.C (Addresses) of this permit. The LDEQ may grant additional time to submit the application upon request of the operator. If a discharger fails to submit in a timely manner an individual LPDES permit application as required by LDEQ under this Part, then the applicability of this permit to the individual LPDES permittee is automatically terminated at the end of the day specified by LDEQ for application submittal.

3. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit or an alternative general permit. In such cases, the permittee shall submit an individual application, with reasons supporting the request, to LDEQ at the address indicated in Part II.C of this permit. The request may be granted by issuance of an individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.

4. When an individual LPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative LPDES general permit, the applicability of this permit to the LPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual LPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative LPDES general permit, the applicability of this permit to the LPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by LDEQ.

M. <u>State Laws</u>.

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

2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

N. <u>Proper Operation and Maintenance</u>.

1. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

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

O. Inspection and Entry.

The permittee shall allow LDEQ or an authorized representative (including an authorized contractor acting as a representative of the Administrator), or, in the case of a construction site which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

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

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

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

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

P. Bypass of Treatment Facilities.

1. Bypass is the intentional diversion of waste streams from any portion of a treatment facility.

2. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part VI.P.3 and 4 below.

3. Notice

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

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2701.L.6, (24-hour notice) and Part III.B.1, III.B.2, and III.B.3.

4. Prohibition of Bypass

a. Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:

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

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(3) The permittee submitted notices as required by Part IV.P.3.

b. The state administrative authority may approve an anticipated bypass after considering its adverse effects, if the state administrative authority determines that it will meet the three conditions listed in Part VI.P.4.a.

Q. Upset Conditions.

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

2. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part VI.Q.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

3. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required by LAC 33:IX.2701.L.6.b.ii and Part III.B.1, III.B.2. and III.B.3.; and,

d. The permittee complied with any remedial measures required by Part III.D (Discharge Compliance with Water Quality Standards).

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

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

S. Prohibition for Tampering: Penalties.

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

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

T. Reporting Requirements.

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

U. Availability of Reports.

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

Claims of confidentiality for the following will be denied:

a. The name and address of any permit operator or permittee;

b. Permit applications, permits, and effluent data;

c. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2501 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

V. Permit Actions.

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

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

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

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

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

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

f. Change of ownership or operational control.

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

W. Monitoring and Reporting Requirements.

1. All sampling and testing shall be conducted in accordance with the methods prescribed by the latest approved 40 CFR 136, Tables A, B, C, D, E, F, G.

2. If effluent monitoring is required, samples shall be taken prior to mixing with the receiving water (immediately after exiting the treatment mechanism, if treatment is required.)

3. If treatment is required, provisions must be made during the installation of the treatment unit for obtaining a proper sample.

4. All samples collected from storm water discharge outfalls shall be collected from the discharge during normal operating hours, during the first hour of discharge. For discharges during periods when operating personnel are not on duty, sampling shall be no later than 8:00 a.m. the following morning.

5. Proper sampling techniques shall be used to ensure that analytical results are representative of pollutants in the discharge. Monitoring shall be conducted according to analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed at 40 CFR Part 136, and in particular, Appendices A, B, and C. [LAC 33:IX.4901]

6. The flow measurement sample type for the effluent schedules contained in this general permit are specified as "estimate". Therefore, the permittee shall not be subject to the accuracy provisions for flow measurement established in the Standard Conditions of this permit. When collecting samples for permit compliance purposes, the flow value may be estimated using best engineering judgment. [LAC 33:IX.2701]

7. If a discharge is found to be in violation of specified limits, the permittee will be subject to enforcement action, including civil penalties, and may be required to obtain an individual permit.

8. Records of all monitoring information must be retained for a period of at least three (3) years from the date of the sample, measurement, report or application. These records shall include all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. The permittee shall make available to this Office, upon request, copies of all monitoring information required by this permit.

   Records of monitoring information shall also include:

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

9. Monitoring results for each discharge point must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or and LDEQ approved substitute). If there is no discharge event at an outfall(s) during the sampling period, check "No Discharge" in the upper right corner of the DMR that is completed for that outfall.

   All permittees who are required to monitor under Part I, pages 7 and 8 of the permit shall submit a DMR quarterly for each permitted outfall even if there were no discharges from that outfall during a particular monitoring period. Monitoring results for each Monitoring Frequency (1/month, 1/3 months, etc.) shall be summarized in a Discharge Monitoring Report. Complete one DMR per outfall for each reporting period (one DMR Form per month for sampling frequencies less than or equal to once per month), and submit the DMRs to LDEQ on a quarterly basis.

   If more than one sample is obtained during the prescribed Measurement Frequency period, the results are averaged and report on the DMR. DMR General Instruction Number 5 defines "Average" as the arithmetic average (geometric average for bacterial parameters) of all sample measurements for each parameter obtained during the "Monitoring Period". Monitoring results obtained for a 1/month measurement frequency shall be summarized on one DMR for each month of the Monitoring Period, and the DMRs for the Monitoring Period shall be submitted to LDEQ quarterly.

The schedule for quarterly DMR submission is as follows:

Quarterly Submission

Monitoring Period	DMR Postmark Date
January, February, March	April 28th
April, May, June	July 28th
July, August, September	October 28th
October, November, December	January 28th

DMRs shall be submitted to the Enforcement Division, Office of Environmental Compliance, Department of Environmental Quality, P. O. Box 4312, Baton Rouge, LA 70821-4312. DMRs must be postmarked or hand delivered to LDEQ no later than the DMR Postmark Dates noted above in the schedule for Quarterly Submission.

In accordance with LAC 33:IX.2503.A and B, DMRs must be signed and certified by an authorized person. Be aware that LDEQ will accept laboratory results only from "LELAP accredited" laboratories.

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

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

Regulations on the Louisiana Environmental Accreditation Program and a list of labs that have applied for accreditation are available on the department website located under DIVISIONS -> LABORATORY SERVICES at the following link:

http://www.deq.louisiana.gov

Questions concerning the program may be directed to (225) 219-9800.

X. Inactive Plants.

Whenever a cement, concrete or asphalt plant covered under Permit Part I.A.2.d is inactive during the effluent limitations monitoring reporting period, the permittee shall submit a Discharge Monitoring Report (DMR) form indicating "No Discharge – Facility Inactive." For the purpose of this permit, inactive means a site that is not operating, is unstaffed (except for site security personnel or maintenance personnel making repairs which do not create a wastewater discharge), and has no process wastewater discharges during the effluent limitations monitoring period.

Y. Dilution.

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

Z. Prohibitions for Asphalt Plants.

Neither hazardous nor non-biodegradable asphalt releasers nor diesel fuel shall be used as an asphalt releaser in the bed of dump trucks or at the plant on moving parts unless the releaser or diesel fuel is captured and contained. At no time shall these releasing agents or diesel fuel be discharged to the ground, surface waters, or be allowed to come in contact with storm water runoff. The use of non-hazardous, biodegradable releasing agents shall be considered as an alternative to the hazardous, non-biodegradable releasers or diesel fuel.

Part VII. REOPENER CLAUSE

If there is evidence indicating that the discharges authorized by this permit cause, have the reasonable potential to cause, or contribute to a violation of a water quality standard, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with Part VI.L of this permit or the permit may be modified to include different requirements and/or limitations.

Part VIII. TERMINATION OF COVERAGE

A. Notice of Termination. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, or where the operator of all storm water discharges at a facility changes, the permittee must submit a Notice of Termination (NOT) that is signed in accordance with Part VI.G of this permit. The NOT shall include the following information:

1. the name (or other identifier), street address (description of location if no street address is available), city, parish, and the latitude and longitude of the approximate center of the construction site/project for which the notification is submitted;

2. the name, address and telephone number of the permittee submitting the Notice of Termination;

3. the LPDES permit authorization number for the storm water discharge identified by the Notice of Termination;

4. an indication of whether the storm water discharges associated with construction activity have been eliminated or the operator of the discharges has changed; and

5. the following certification signed in accordance with Part VI.G (Signatory Requirements) of this permit:

> *"I certify under penalty of law that all storm water discharges associated with construction activity from the portion of the identified facility where I was an operator have ceased or have been eliminated or that I am no longer an operator at the construction site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with construction activity under this general permit, and that discharging pollutants in storm water associated with construction activity to waters of the State is unlawful under the Clear Water Act where the discharge is not authorized by an LPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violation of this permit or the Clean Water Act."*

For the purposes of this certification, elimination of storm water discharges associated with construction activity means that all disturbed soils at the portion of the construction site where the operator had control have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time to ensure final stabilization is maintained, or that all storm water discharges associated with construction activities from the identified site that are authorized by an LPDES general permit have

otherwise been eliminated from the portion of the construction site where the operator had control.

You should be aware that final stabilization often takes time (weeks or even months), especially during times of low rainfall or during the colder months of the year. You should not submit a Notice of Termination until you have met the final stabilization requirements of the permit (see Part IX). Termination of permit coverage does not relieve the permittee of any future liabilities associated with environmental damage caused by the permittee's activities.

B. Addresses. All Notices of Termination are to be sent, using the form provided by the State Administrative Authority (or a photocopy thereof), to the Water Permits Division at the address specified on the NOT form.

Part IX. DEFINITIONS

"Aggregate Spray" means potable water used to cool aggregate stockpiles and to maintain the specific gravity of light weight aggregate.

"Alternative permit" means another permit – either an individual permit or a different general permit.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

"Control Measure" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

"Commencement of Construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

"Common Plan of Development" means a contiguous (sharing a boundary or edge; adjacent; touching) area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. Such a plan might consist of many small projects (e.g., a common plan of development for a residential subdivision might lay out the streets, house lots, and areas for parks, schools and commercial development that the developer plans to build or sell to others for development.) All these areas would remain part of the common plan of development or sale. The following items can be used as guidance for deciding what might or might not be considered a "Common Plan of Development or Sale:"

> If a smaller project is part of a large common plan of development or sale that collectively will disturb five or more acres (e.g., you are building on 6 half-acre residential lots in a 10-acre development or are putting in a fast food restaurant on a ¾ acre pad that is part of a 20 acre retail center) permit coverage is needed.
>
> If a small portion of the original common plan of development remains undeveloped and there has been a period of time where there is no ongoing construction activities (i.e., all areas are either undisturbed or have been finally stabilized), you may re-evaluate the original project based on the acreage remaining from the original "common plan." If less than five but more than one acre remains to build out the original "common plan", coverage under this permit may not be required. However, you will need to comply with the terms and conditions of the Small Construction General Permit. If less than one acre remains of the original common plan, your individual project may be treated as a part of a less than one acre development and no permit would be required.

If you have a long-range master plan of development where some portions of the master plan are a conceptual rather than a specific plan of future development and the future construction activities would, if they occur at all, happen over an extended period of time, you may consider the "conceptual" phases of development to be separate a "common plans" provided the periods of construction for the physically interconnected phases will not overlap.

A public entity (a municipality, state or federal agency) need not consider all construction projects within their entire jurisdiction to be part of an overall "common plan." Only the interconnected parts of a project would be considered to be a "common plan."

Where discrete construction projects within a larger common plan of development or sale are located ¼ mile or more apart and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

"CWA" means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C.§1251 et seq.

"Daily Maximum" discharge limitations means the highest allowable "daily discharge" during the calendar month.

"Discharge of Storm Water Associated with Construction Activity" as used in this permit, refers to storm water "point source" discharges from areas where soil disturbing activities (e.g., clearing, grading, or excavation, etc.), or construction materials or equipment storage or maintenance (e.g., fill piles, fueling, etc.) are located.

"Final Stabilization" means that:

(i) all soil disturbing activities at the site have been completed, and that a **uniform** (e.g., evenly distributed, without large bare areas) **perennial vegetative cover** with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geo-textiles) have been employed. Establishing at least 70% of the natural cover of self-sustaining native vegetation meets the vegetative cover criteria for final stabilization. For example, if the native vegetation covers 50% of the ground prior to commencement of construction activities, 70% of 50% would require 35% total cover for final stabilization.

A site does not meet the final stabilization permit requirement until self-sustaining native vegetation is established uniformly over each disturbed area on the site. Stabilizing seven of ten slopes, or leaving an area equivalent to 30 percent of the disturbed area completely unstabilized will not satisfy the **uniform vegetative cover** standard.

(ii) In arid and semi arid areas only all soil disturbing activities at the site have been completed and both of the following criteria have been met:

a. Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by you.

b. The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

(iii) For individual lots in residential construction, final stabilization means that either:

a. The homebuilder has completed final stabilization as specified above, or

b. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.

(v) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.) final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to "waters of the State," and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (i) or (ii) or (iii) above.

"Grab Sample" means an individual sample collected in less than 15 minutes.

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

"mg/L" means milligrams per liter or parts per million (ppm).

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

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

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

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

"Municipal Separate Storm Sewer System (MS4)" is a publicly-owned conveyance or system of conveyances that discharges to waters of the U.S. and is designed or used for collecting or conveying storm water, is not a combined sewer, and is not part of a publicly-owned treatment works (POTW).

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

"NOI" means notice of intent to be covered by this permit (see Part II of this permit).

"NOT" means notice of termination of permit coverage (see Part VII of this permit).

"Operator" means any party associated with the construction project that meets either of the following two criteria: (1) the party has operational control over project specifications (including the ability to make modifications in those specifications), or (2) the party has day-to-day operational control of those activities at a project site which are necessary to ensure compliance with the storm water pollution prevention plan or other permit conditions (e.g., they are authorized to direct workers at the site to carry out activities identified in the storm water pollution prevention plan or comply with other permit conditions).

"Person" means an individual, association, partnership, corporation, municipality, state or federal agency, or any agency thereof, or an agent or employee thereof.

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Process Wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater may include interior or exterior washing of plant trucks or product receptacles.

"Qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.

"Runoff coefficient" means the fraction of total rainfall that will leave the site as runoff.

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

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

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm Water Associated with Industrial Activity" is defined at LAC 33:IX.2511.B.14 and incorporated here by reference.

"Storm Water Discharge Associated with Small Construction Activity" is defined at LAC 33:IX.2511.B.15. This includes discharges of storm water from construction activities including clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one or less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

"Total Suspended Solids (TSS)" means the amount of solid material suspended in water commonly expressed as a concentration in terms of mg/L.

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

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

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

ADDENDUM A

ENDANGERED SPECIES GUIDANCE

ENDANGERED SPECIES GUIDANCE
CONSTRUCTION ACTIVITIES FOR FIVE ACRES OR MORE

I. INSTRUCTIONS

A list of endangered and threatened species that EPA has determined may be affected by the activities covered by the Construction General Permit is available on the LDEQ Internet website at www.deq.louisiana.gov/portal/. Go through the following links to find the Current Endangered Species List: INFO ABOUT Water – Permits – LPDES Permits, Information, and Applications – OTHER LPDES DOCUMENTS – Current Endangered Species Listing. These species are listed by parish. In order to be eligible for coverage under this permit, operators must:

Determine whether any species listed in this Guidance or critical habitat are in proximity to the facility,

Pursuant to Permit Part I.A.3.e follow the procedures found in this Guidance to protect listed endangered and threatened species and designated critical habitat and determine that the storm water discharges and BMPs to control storm water run off covered under this permit meet one or more of the eligibility requirements of Part I.A.3.e.(1) of this permit. Signature and submittal of the Notice of Intent form is deemed to constitute the Operator's compliance with eligibility requirements for permit coverage.

To determine permit eligibility and to avoid unauthorized impacts upon threatened or endangered species or on the critical habitat for those species, you must follow steps 1 through 4 (and 5 if applicable), below when completing the NOI form and when developing the pollution prevention plan.

NOTE: At any step in the determination, applicants may contact the U.S. Fish and Wildlife Service (FWS) for guidance. That request should be in writing and should include a description of the facility and a topographic map depicting the locations of the facility, the proposed construction activities, and the associated storm water discharges.

U.S. Fish and Wildlife Service
646 Cajundome Blvd.
Suite 400
Lafayette, LA 70506
(337) 291-3108

STEP 1: DETERMINE IF THE CONSTRUCTION SITE OR ASSOCIATED STORM WATER DISCHARGES ARE WITHIN THE VICINITY OF FEDERALLY LISTED THREATENED OR ENDANGERED SPECIES, OR THEIR DESIGNATED CRITICAL HABITAT.

If either the proposed site or the path of stormwater from the site to the receiving stream is in a parish included on the Endangered Species List, the applicant should proceed to Step 2 below. If, however, neither is located in a listed parish, then the applicant should enter "no" in Section I.D.3 of the NOI, and move on to the next item.

If no species are listed in the site's parish or if a facility's parish is not found on the list, the applicant is eligible for permit coverage and may indicate in the Notice of Intent that no species are found in the project area and certify that it is eligible for permit coverage by marking "No" on the NOI. Where a project is located in more than one parish, the lists for all parishes shall be reviewed.

STEP 2: DETERMINE IF ANY SPECIES MAY BE FOUND "IN PROXIMITY" TO THE CONSTRUCTION ACTIVITY'S STORM WATER DISCHARGES:

A species is in proximity to a construction activity's storm water discharge when the species is:

- Located in the path or immediate area through which or over which contaminated point source storm water flows from construction activities to the point of discharge into the receiving water; or
- Located in the immediate vicinity of, or nearby, the point of discharge into receiving waters; or
- Located in the area of a site where storm water BMPs are planned or are to be constructed.

The area in proximity to be searched/surveyed for listed species will vary with the size and structure of the construction activity, the nature and quantity of the storm water discharges, and the type of receiving waters. Given the number of construction activities potentially covered by the permit, no specific method to determine whether species are in proximity is required for permit coverage. Instead, operators should use the method or methods which best allow them to determine to the best of their knowledge whether species are in proximity to their particular construction activities. These methods may include:

- Conducting visual inspections: This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal storm water collection systems.
- Contacting the nearest State or Tribal Wildlife Agency or U.S. Fish and Wildlife Service (FWS) offices. Many endangered and threatened species are found in well-defined areas or habitats. That information is frequently known to State, Tribal, or Federal wildlife agencies.
- Contacting local/regional conservation groups. These groups inventory species and their locations and maintain lists of sightings and habitats.
- Conducting a formal biological survey. Larger construction sites with extensive storm water discharges may choose to conduct biological surveys as the most effective way to assess whether species are located in proximity and whether there are likely adverse effects.
- Conducting an Environmental Assessment Under the National Environmental Policy Act (NEPA). Some construction activities may require environmental assessments under NEPA. Such assessments may indicate if listed species are in proximity. (Construction General Permit coverage does not trigger NEPA because it does not regulate any dischargers subject to New Source Performance Standards under Section 306 of the Clean Water Act. See CWA 511(c). However, some construction activities might require review under NEPA because of Federal funding or other Federal nexus.)

If no species are in proximity, an operator is eligible for Construction General Permit coverage under Permit Part I.A.3.E.(1)(a).

If listed species are found in proximity to a facility, operators must indicate the location and nature of this presence in the storm water pollution prevention plan and follow step 3 below.

STEP 3: DETERMINE IF SPECIES OR CRITICAL HABITAT COULD BE ADVERSELY AFFECTED BY THE CONSTRUCTION ACTIVITY'S STORM WATER DISCHARGES OR BY BMPs TO CONTROL THOSE DISCHARGES.

Scope of Adverse Effects: Potential adverse effects from storm water include:

- Hydrological. Storm water may cause siltation, sedimentation or induce other changes in the receiving waters such as temperature, salinity or pH. These effects will vary with the amount of storm water discharged and the volume and condition of the receiving water. Where a storm water discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.

- Habitat. Storm water may drain or inundate listed species habitat.

- Toxicity. In some cases, pollutants in storm water may have toxic effects on listed species.

The scope of effects to consider will vary with each site. Operators must also consider the likelihood of adverse effects on species from any BMPs to control storm water. Most adverse impacts from BMPs are likely to occur from the construction activities. However, it is possible that the operation of some BMPs (for example, larger storm water retention ponds) may affect endangered and threatened species.

If adverse effects are determined to be not likely, then the operator is eligible for permit coverage under Part I.A.3.e(1)(a).

If adverse effects are likely, operators should follow step 4 below.

STEP 4: DETERMINE IF MEASURES CAN BE IMPLEMENTED TO AVOID ANY ADVERSE EFFECTS:

If an operator determines that adverse effects cannot be ruled out or are likely, it can receive coverage if appropriate measures are undertaken to avoid or eliminate any actual or potential adverse effects prior to applying for permit coverage. These measures may involve relatively simple changes to construction activities such as re-routing a storm water discharge to bypass an area where species are located, relocating BMPs, or limiting the size of construction activity that will be subject to storm water discharge controls.

At this stage, operators must contact the FWS (or the National Marine Fisheries Service if referred to that Service by FWS) to see what appropriate measures might be suitable to avoid or eliminate adverse impacts to listed species and/or critical habitat. (See 50 CFR 402.13(b)). This can entail the initiation of informal consultation with the FWS (and/or NMFS, if appropriate) which is described in more detail below at step 5.

If operators adopt measures to avoid or eliminate adverse effects, they must continue to abide by them during the course of permit coverage. These measures must be described in the storm water pollution prevention plan and may be enforceable as permit conditions.

If appropriate measures to avoid the likelihood of adverse effects are not available to the operator, the operator should follow step 5 below.

STEP 5: DETERMINE IF THE ELIGIBILITY REQUIREMENTS OF PART I.A.3.E.(1)(b)-(e) CAN BE MET.

Where adverse effects are likely, the operator must contact FWS. Operators may still be eligible for permit coverage if any likelihood of adverse effects is addressed through meeting the criteria of Part I.A.3.e.(1)(b)-(e) of the permit if:

- I.A.3.e.(1)(b). The operator's activity has received previous authorization through an earlier Section 7 consultation or issuance of a Endangered Species Act (ESA) Section 10 permit (incidental taking permit) and that authorization addressed storm water discharges and/or BMPs to control storm water runoff (e.g., developer included impact of entire project in consultation over a wetlands dredge and fill permit under Section 7 of the ESA).

OR

- I.A.3.e.(1)(c). The operator's activity was previously considered as part of a larger, more comprehensive assessment of impacts on endangered and threatened species and /or critical habitat under Section 7 or Section 10 of the Endangered Species Act which accounts for storm water discharges and BMPs to control storm water runoff (e.g., where an area-wide habitat conservation plan and Section 10 permit is issued which addresses impacts from construction activities including those from storm water or a NEPA review is conducted which incorporates ESA Section 7 procedures).

OR

- I.A.3.e.(1)(d). Consultation with the FWS (or NMFS, if appropriate) for the operator's storm water discharges and BMPs to control storm water runoff results in either: 1) FWS/NMFS written concurrence with a finding of no likelihood of adverse effects (see 50 CFR 402.13) or 2) issuance of a biological opinion in which FWS (or NMFS) finds that the action is not likely to jeopardize the continued existence of listed endangered or threatened species or result in the adverse modification or destruction of critical habitat (see 50 CFR 403.14(h)).

  Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the pollution prevention plan. As noted above, operators must initiate consultation during Step 4 above (upon becoming aware that endangered and threatened species are in proximity to the facility).

OR

- I.A.3.e.(1)(e). The operator's activity was considered as part of a larger, more comprehensive site-specific assessment of impacts on endangered and threatened species by the owner or other operator of the site when it developed a SWPPP and that permittee met the eligibility requirements stated in items I.A.3.e.(1)(a), (b), (c), or (d) of the permit (e.g., owner was able to determine there would be no adverse impacts for the project as a whole under item (a), so contractor meets the eligibility requirements stated in item (e)). Utility companies applying for area-wide permit coverage meet the eligibility requirements stated in item (e) since authorization to discharge is contingent on a principal operator of a construction project having been granted coverage under this, or an alternative LPDES permit for the areas of the site where utilities installation activities will occur.

The determination of eligibility under the conditions of permit Parts I.A.3.e.(1) (b)-(e) shall be documented in the facility's SWPPP and copies of all applicable documents, such as FWS approval letters, included in the SWPPP. The operator must comply with any terms and conditions imposed under the eligibility requirements of permit Parts I.A.3.e.(1)(a), (b), (c), (d), (e) to ensure that storm water discharges or BMPs to control storm water runoff are protective of listed endangered and threatened species and/or critical habitat. Such terms and conditions must be incorporated in the operator□s storm water pollution prevention plan.

If the eligibility requirements of Part I.A.3.e.(1)(a)-(e) cannot be met then the operator may not receive coverage under this permit. Operators should then consider applying to LDEQ for an individual permit.

This permit does not authorize any taking (as defined under Section 9 of the Endangered Species Act) of endangered or threatened species unless such takes are authorized under Sections 7 or 10 the Endangered Species Act. Operators who believe their construction activities may result in takes of listed endangered and threatened species should be sure to get the necessary coverage for such takes through an individual consultation or Section 10 permit.

This permit does not authorize any storm water discharges or BMPs to control storm water runoff that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act or result in the adverse modification or destruction of designated critical habitat.

II. ENDANGERED SPECIES PARISH LIST

See http://www.deq.louisiana.gov/portal/. Click on Info About **Water**, then "LPDES Permits, Information, . . ." under **Permits**, then "Current Endangered Species Listing" under **Other LPDES Documents**.

ADDENDUM B

NOTICE OF INTENT (NOI) FORM

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Environmental Services, Water Permits Division
Post Office Box 4313
Baton Rouge, LA 70821-4313
PHONE#: (225) 219-3181

LPDES NOTICE OF INTENT (NOI) TO DISCHARGE STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITY GREATER THAN 5 ACRES

(Attach additional pages if needed.)

Submission of this Notice of Intent (NOI) constitutes notice that the party identified in Section I of this form intends to be authorized by an LPDES permit issued for stormwater discharges associated with construction activity in Louisiana. **In order to be automatically authorized under General Permit LAR100000 you must submit a complete and accurate NOI to LDEQ.**

EVERY ITEM MUST BE COMPLETED.

Submission of this Notice of Intent also constitutes that implementation of the Storm Water Pollution Prevention Plan required under the general permit will begin at the time the permittee commences work on the construction project identified in Section II below.

SECTION I - FACILITY INFORMATION

A. **Permit is to be issued to the following:** (must be a party having operational control over construction plans and specifications and /or a party having day-to-day operational control over those activities at a project site which are necessary to ensure compliance with the storm water pollution prevention plan or other permit conditions LAC 33:IX.2501.B and LAC 33:IX.2503.A and B).

1. Legal Name of Applicant
(Company, Partnership, Corporation, etc.) _____

Project Name _____
(NOTE: Only one NOI needs to be submitted to cover all of the permittee's activities on the common development or sale (e.g., you do not need to submit a separate NOI for each separate lot in a **residential subdivision** or for two separate buildings being constructed on the same property, provided your SWPPP covers each area for which you are the operator.)

Mailing Address _____

_____ Zip: _____ Phone #: _____

If the applicant named above is not also the owner, state owner name, phone # and address.

_____

_____

Check status: ☐ Federal ☐ Parish ☐ Municipal
☐ State ☐ Public ☐ Private ☐ Other: _____

2. Location of project. Provide a specific address, street, road, highway, interstate, and/or River Mile/Bank location of the project for which the NOI is being submitted.

_____

City _____ Zip Code _____ Parish _____

SECTION I - FACILITY INFORMATION

Front Gate Coordinates:

Latitude: ____deg. _____min. _____sec. Longitude: __deg. _____ min. ____sec.

Method of Coordinate Determination: _____

(ex:http://terraserver-usa.com/Quad Map, Previous Permit, website, GPS)

Is the facility located on Indian Lands? ☐ Yes ☐ No

B. Stormwater Pollution Prevention Plan Information.

1. Has the Stormwater Pollution Prevention Plan (SWPPP) been prepared? (NOTE: The SWPPP must be prepared prior to submittal of the NOI. Do **not** submit SWPPP with this NOI.)

   ☐ Yes ☐ No

2. Indicate address of location of SWPPP if different from Project Location. **(N/A if SWPPP is located at the construction site.)**

   Address _____

   City _____ State _____ Zip _____

C. Location Information

1. Estimated Construction Start Date: (mo/day/yr) _____
2. Estimated Construction Completion Date: (mo/day/yr) _____
3. Estimate of area to be disturbed (to nearest acre) _____
4. Type of facility being constructed: **(circle one)** Subdivision, Mall, Retail Outlet, Industrial Park, Business, Other (explain) _____
5. Is the project part of a larger development or subdivision? ☐ Yes ☐ No

   If yes, provide the name of the development or subdivision. _____

D. Discharge Information

1. Indicate how the storm water run-off reaches state waters (named water bodies). This will usually be either *directly*, by *open ditch* (if it is a highway ditch, indicate the highway), or by *pipe*. Please specifically name all of the minor water bodies that your discharge will travel through on the way to a major water body. This information can be obtained from U.S.G.S. Quadrangle Maps. Maps can also be obtained online at http://map.deq.state.la.us/ or www.topozone.com. Private map companies can also supply you with these maps. If you cannot locate a map through these sources you can contact the Louisiana Department of Transportation and Development at the address on the first page of this form.

   By _____ (effluent pipe, ditch,

   thence into _____ (effluent pipe, ditch,

   thence into _____ (Parish drainage ditch, canal, etc.);

   thence into _____ (named bayou, creek, stream, etc.);

2. Based on Appendix C, the Outstanding Natural Resource Water (ONRW) list, does your stormwater run-off flow directly into a waterbody listed as an ONRW?

   ☐ Yes ☐ No

NOTE: If the discharge will ultimately enter a scenic stream, contact the Louisiana Department of Wildlife and Fisheries (LDWF) Scenic Stream Division at 318-343-4044 for direction regarding how to comply with their requirements.

SECTION I - FACILITY INFORMATION

3. Based on Appendix A, Endangered Species Guidance, are there any listed endangered or threatened species in the project area?

   ☐ Yes ☐ No

   NOTE: Use the Endangered Species Guidance in Appendix A to determine if there are listed endangered or threatened species in the project area. Applicants should contact the U. S. Fish and Wildlife Service (address is in Appendix A) for guidance if they need assistance in making a determination.

4. Based on Appendix B, Historic Properties Guidance, are any historic properties listed or eligible for listing on the National Register of Historic Places located on the facility or in proximity to the discharge?

   ☐ Yes ☐ No

5. Was the State Historic Preservation Office (see Part I.A.3.f of the permit) involved in your determination of eligibility?

   ☐ Yes ☐ No

E. Additional Discharge Information

1. Will the facility being constructed result in a discharge that will require a water discharge permit (including sanitary wastewater, such as a subdivision or apartment complex)?

   ☐ Yes ☐ No

2. If yes, the party or developer responsible for construction plans and specifications must provide this information to: DEQ, OES, P.O. Box 4313, Baton Rouge, LA 70821-4313, Attn: Water Permits Division, and obtain a preliminary determination whether permit limits may be more stringent. **Failure to submit this information may result in denial of this and/or any future applications for discharge of wastewater to waters of the state. The "Request for Preliminary Determination of LPDES Permit Issuance Form" requests the information referenced above and can be accessed on our web page http://www.deq.louisiana.gov under DIVISIONS, Water Permits, LPDES Permits, LPDES forms.**

SECTION II – LAC 33.I.1701 REQUIREMENTS

A. Does the company or owner have federal or state environmental permits in other states that are identical to, or of a similar nature to, the permit for which you are applying? (This requirement applies to all individuals, partnerships, corporations, or other entities who own a controlling interest of 50% or more in your company, or who participate in the environmental management of the facility for an entity applying for the permit or an ownership interest in the permit.)

☐ Permits in other states (list states): _____

☐ No other environmental permits.

B. Do you owe any outstanding fees or final penalties to the Department? ☐ Yes ☐ No

If yes, please explain.

_____

C. Is your company a corporation or limited liability company? ☐ Yes ☐ No

If yes, is the corporation or LLC registered with the Secretary of State? ☐ Yes ☐ No

SECTION III - SIGNATURE

According to the Louisiana Water Quality Regulations, LAC 33:IX.2503, the following requirements shall apply to the signatory page in this application:

Chapter 25. Permit Application and Special LPDES Program Requirements

2503. Signatories to permit applications and reports

A. All permit applications shall be signed as follows:

1. For a corporation - by a responsible corporate officer. For the purpose of this Section responsible corporate officer means:

   (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

   (b) The manager of one or more manufacturing, production, or operating facilities provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken together complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporation procedures.

NOTE: LDEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in the Permit **Standard Permit Conditions, Part VI.G.1.a(1)** The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the state administrative authority to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Permit **Standard Permit Conditions, Part VI.G.1a.(2)** rather than to specific individuals.

2. For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or

3. For a municipality, state, federal or other public agency – by either a principal executive officer or ranking elected official. For the purposes of this section a principal executive officer of a federal agency includes:

   (a) The chief executive officer of the agency, or

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

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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I also certify that a storm water pollution prevention plan, including both construction and post construction controls, has been prepared for the site in accordance with the permit and that such plan complies with approved State, Tribal and/or local sediment and erosion plans or permits and/or storm water management plans or permits. I am aware that signature and submittal of the NOI is deemed to constitute my determination of eligibility under one or more of the requirements of Permit Part I.A.3.e(1), related to the Endangered Species Act requirements. To the best of my knowledge, I further certify that such discharges and discharge related activities will not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, or are otherwise eligible for coverage under Part I.A.3.f of the permit. I am also aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NOTE: **SIGNATURE MUST COMPLY WITH REQUIREMENTS STATED ABOVE IN SECTION III.**

Signature _____

Printed Name _____

Title _____

Company _____

Date _____

Telephone _____

*****ANY NOI THAT DOES NOT CONTAIN ALL OF THE REQUESTED INFORMATION WILL BE CONSIDERED INCOMPLETE. NOI PROCESSING CANNOT PROCEED UNTIL ALL REQUIRED INFORMATION HAS BEEN SUBMITTED.**

ENDANGERED SPECIES GUIDANCE
CONSTRUCTION ACTIVITIES FOR FIVE ACRES OR MORE

I. INSTRUCTIONS

A list of endangered and threatened species that EPA has determined may be affected by the activities covered by the Construction General Permit is available on the LDEQ Internet website at www.deq.louisiana.gov/portal/. Go through the following links to find the Current Endangered Species List: INFO ABOUT Water – Permits – LPDES Permits, Information, and Applications – OTHER LPDES DOCUMENTS – Current Endangered Species Listing. These species are listed by parish. In order to be eligible for coverage under this permit, operators must:

Determine whether any species listed in this Guidance or critical habitat are in proximity to the facility,

Pursuant to Permit Part I.A.3.e follow the procedures found in this Guidance to protect listed endangered and threatened species and designated critical habitat and determine that the storm water discharges and BMPs to control storm water run off covered under this permit meet one or more of the eligibility requirements of Part I.A.3.e.(1) of this permit. Signature and submittal of the Notice of Intent form is deemed to constitute the Operator's compliance with eligibility requirements for permit coverage.

To determine permit eligibility and to avoid unauthorized impacts upon threatened or endangered species or on the critical habitat for those species, you must follow steps 1 through 4 (and 5 if applicable), below when completing the NOI form and when developing the pollution prevention plan.

NOTE: At any step in the determination, applicants may contact the U.S. Fish and Wildlife Service (FWS) for guidance. That request should be in writing and should include a description of the facility and a topographic map depicting the locations of the facility, the proposed construction activities, and the associated storm water discharges.

U.S. Fish and Wildlife Service
646 Cajundome Blvd.
Suite 400
Lafayette, LA 70506
(337) 291-3108

STEP 1: DETERMINE IF THE CONSTRUCTION SITE OR ASSOCIATED STORM WATER DISCHARGES ARE WITHIN THE VICINITY OF FEDERALLY LISTED THREATENED OR ENDANGERED SPECIES, OR THEIR DESIGNATED CRITICAL HABITAT.

If either the proposed site or the path of stormwater from the site to the receiving stream is in a parish included on the Endangered Species List, the applicant should proceed to Step 2 below. If, however, neither is located in a listed parish, then the applicant should enter "no" in Section I.D.3 of the NOI, and move on to the next item.

If no species are listed in the site's parish or if a facility's parish is not found on the list, the applicant is eligible for permit coverage and may indicate in the Notice of Intent that no species are found in the project area and certify that it is eligible for permit coverage by marking "No" on the NOI. Where a project is located in more than one parish, the lists for all parishes shall be reviewed.

STEP 2: DETERMINE IF ANY SPECIES MAY BE FOUND "IN PROXIMITY" TO THE CONSTRUCTION ACTIVITY'S STORM WATER DISCHARGES:

A species is in proximity to a construction activity's storm water discharge when the species is:

- Located in the path or immediate area through which or over which contaminated point source storm water flows from construction activities to the point of discharge into the receiving water; or
- Located in the immediate vicinity of, or nearby, the point of discharge into receiving waters; or
- Located in the area of a site where storm water BMPs are planned or are to be constructed.

The area in proximity to be searched/surveyed for listed species will vary with the size and structure of the construction activity, the nature and quantity of the storm water discharges, and the type of receiving waters. Given the number of construction activities potentially covered by the permit, no specific method to determine whether species are in proximity is required for permit coverage. Instead, operators should use the method or methods which best allow them to determine to the best of their knowledge whether species are in proximity to their particular construction activities. These methods may include:

- Conducting visual inspections. This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal storm water collection systems.
- Contacting the nearest State or Tribal Wildlife Agency or U.S. Fish and Wildlife Service (FWS) offices. Many endangered and threatened species are found in well-defined areas or habitats. That information is frequently known to State, Tribal, or Federal wildlife agencies.
- Contacting local/regional conservation groups. These groups inventory species and their locations and maintain lists of sightings and habitats.
- Conducting a formal biological survey. Larger construction sites with extensive storm water discharges may choose to conduct biological surveys as the most effective way to assess whether species are located in proximity and whether there are likely adverse effects.
- Conducting an Environmental Assessment Under the National Environmental Policy Act (NEPA). Some construction activities may require environmental assessments under NEPA. Such assessments may indicate if listed species are in proximity. (Construction General Permit coverage does not trigger NEPA because it does not regulate any dischargers subject to New Source Performance Standards under Section 306 of the Clean Water Act. See CWA 511(c). However, some construction activities might require review under NEPA because of Federal funding or other Federal nexus.)

If no species are in proximity, an operator is eligible for Construction General Permit coverage under Permit Part I.A.3.E.(1)(a).

If listed species are found in proximity to a facility, operators must indicate the location and nature of this presence in the storm water pollution prevention plan and follow step 3 below.

STEP 3: DETERMINE IF SPECIES OR CRITICAL HABITAT COULD BE ADVERSELY AFFECTED BY THE CONSTRUCTION ACTIVITY'S STORM WATER DISCHARGES OR BY BMPs TO CONTROL THOSE DISCHARGES.

Scope of Adverse Effects: Potential adverse effects from storm water include:

- Hydrological. Storm water may cause siltation, sedimentation or induce other changes in the receiving waters such as temperature, salinity or pH. These effects will vary with the amount of storm water discharged and the volume and condition of the receiving water. Where a storm water discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.

- Habitat. Storm water may drain or inundate listed species habitat.

- Toxicity. In some cases, pollutants in storm water may have toxic effects on listed species.

The scope of effects to consider will vary with each site. Operators must also consider the likelihood of adverse effects on species from any BMPs to control storm water. Most adverse impacts from BMPs are likely to occur from the construction activities. However, it is possible that the operation of some BMPs (for example, larger storm water retention ponds) may affect endangered and threatened species.

If adverse effects are determined to be not likely, then the operator is eligible for permit coverage under Part I.A.3.e(1)(a).

If adverse effects are likely, operators should follow step 4 below.

STEP 4: DETERMINE IF MEASURES CAN BE IMPLEMENTED TO AVOID ANY ADVERSE EFFECTS:

If an operator determines that adverse effects cannot be ruled out or are likely, it can receive coverage if appropriate measures are undertaken to avoid or eliminate any actual or potential adverse effects prior to applying for permit coverage. These measures may involve relatively simple changes to construction activities such as re-routing a storm water discharge to bypass an area where species are located, relocating BMPs, or limiting the size of construction activity that will be subject to storm water discharge controls.

At this stage, operators must contact the FWS (or the National Marine Fisheries Service if referred to that Service by FWS) to see what appropriate measures might be suitable to avoid or eliminate adverse impacts to listed species and/or critical habitat. (See 50 CFR 402.13(b)). This can entail the initiation of informal consultation with the FWS (and/or NMFS, if appropriate) which is described in more detail below at step 5.

If operators adopt measures to avoid or eliminate adverse effects, they must continue to abide by them during the course of permit coverage. These measures must be described in the storm water pollution prevention plan and may be enforceable as permit conditions.

If appropriate measures to avoid the likelihood of adverse effects are not available to the operator, the operator should follow step 5 below.

STEP 5: DETERMINE IF THE ELIGIBILITY REQUIREMENTS OF PART I.A.3.E.(1)(b)-(e) CAN BE MET.

Where adverse effects are likely, the operator must contact FWS. Operators may still be eligible for permit coverage if any likelihood of adverse effects is addressed through meeting the criteria of Part I.A.3.e.(1)(b)-(e) of the permit if:

- I.A.3.e.(1)(b). The operator's activity has received previous authorization through an earlier Section 7 consultation or issuance of a Endangered Species Act (ESA) Section 10 permit (incidental taking permit) and that authorization addressed storm water discharges and/or BMPs to control storm water runoff (e.g., developer included impact of entire project in consultation over a wetlands dredge and fill permit under Section 7 of the ESA).

OR

- I.A.3.e.(1)(c). The operator's activity was previously considered as part of a larger, more comprehensive assessment of impacts on endangered and threatened species and /or critical habitat under Section 7 or Section 10 of the Endangered Species Act which accounts for storm water discharges and BMPs to control storm water runoff (e.g., where an area-wide habitat conservation plan and Section 10 permit is issued which addresses impacts from construction activities including those from storm water or a NEPA review is conducted which incorporates ESA Section 7 procedures).

OR

- I.A.3.e.(1)(d). Consultation with the FWS (or NMFS, if appropriate) for the operator's storm water discharges and BMPs to control storm water runoff results in either: 1) FWS/NMFS written concurrence with a finding of no likelihood of adverse effects (see 50 CFR 402.13) or 2) issuance of a biological opinion in which FWS (or NMFS) finds that the action is not likely to jeopardize the continued existence of listed endangered or threatened species or result in the adverse modification or destruction of critical habitat (see 50 CFR 403.14(h)).

  Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the pollution prevention plan. As noted above, operators must initiate consultation during Step 4 above (upon becoming aware that endangered and threatened species are in proximity to the facility).

OR

- I.A.3.e.(1)(e). The operator's activity was considered as part of a larger, more comprehensive site-specific assessment of impacts on endangered and threatened species by the owner or other operator of the site when it developed a SWPPP and that permittee met the eligibility requirements stated in items I.A.3.e.(1)(a), (b), (c), or (d) of the permit (e.g., owner was able to determine there would be no adverse impacts for the project as a whole under item (a), so contractor meets the eligibility requirements stated in item (e)). Utility companies applying for area-wide permit coverage meet the eligibility requirements stated in item (e) since authorization to discharge is contingent on a principal operator of a construction project having been granted coverage under this, or an alternative LPDES permit for the areas of the site where utilities installation activities will occur.

The determination of eligibility under the conditions of permit Parts I.A.3.e.(1) (b)-(e) shall be documented in the facility's SWPPP and copies of all applicable documents, such as FWS approval letters, included in the SWPPP. The operator must comply with any terms and conditions imposed under the eligibility requirements of permit Parts I.A.3.e.(1)(a), (b), (c), (d), (e) to ensure that storm water discharges or BMPs to control storm water runoff are protective of listed endangered and threatened species and/or critical habitat. Such terms and conditions must be incorporated in the operator's storm water pollution prevention plan.

If the eligibility requirements of Part I.A.3.e.(1)(a)-(e) cannot be met then the operator may not receive coverage under this permit. Operators should then consider applying to LDEQ for an individual permit.

This permit does not authorize any taking (as defined under Section 9 of the Endangered Species Act) of endangered or threatened species unless such takes are authorized under Sections 7 or 10 of the Endangered Species Act. Operators who believe their construction activities may result in takes of listed endangered and threatened species should be sure to get the necessary coverage for such takes through an individual consultation or Section 10 permit.

This permit does not authorize any storm water discharges or BMPs to control storm water runoff that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act or result in the adverse modification or destruction of designated critical habitat.

II. ENDANGERED SPECIES PARISH LIST

See http://www.deq.louisiana.gov/portal/. Click on Info About **Water**, then "LPDES Permits, Information, . . ." under **Permits**, then "Current Endangered Species Listing" under **Other LPDES Documents**.

APPENDIX B
HISTORIC PROPERTIES GUIDANCE

Operators must determine whether their facility's industrial storm water discharge, or the construction of best management practices (BMPs) to control such discharge, have potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.

For existing dischargers who do not need to construct BMPs for permit coverage, a simple visual inspection may be sufficient to determine whether historic properties are affected. However, for facilities which are new industrial storm water dischargers, and for existing facilities which are planning to construct BMPs for permit eligibility, operators should conduct further inquiry to determine whether historic properties may be affected by the storm water discharge or BMPs to control the discharge. In such instances, operators should first determine whether there are any historic properties or places in the vicinity that are listed on the National Register, or if any are eligible for listing on the register (e.g., they are "eligible for listing").

Due to the large number of entities seeking coverage under this permit and the limited number of personnel available to the State Historic Preservation Officer to respond to inquiries concerning the location of historic properties, it is suggested that operators first access the "National Register of Historic Places" information listed on the National Park Service's web page at the address listed below. The address for the Louisiana State Historic Preservation Officer is also listed below. Operators may also contact city, parish or other local historical societies for assistance, especially when determining if a place or property is eligible for listing on the register.

The following scenarios describe how operators can meet the permit eligibility criteria for protection of historic properties under this permit:

(1) If historic properties are **not identified** in the path of a facility's industrial storm water discharge, or where construction activities are planned to install BMPs to control such discharges (e.g., diversion channels or retention ponds), or

if historic properties **are identified,** but it is determined that they will **not be affected** by the discharge, or construction of BMPs to control the discharge,

then the operator has met the permit eligibility criteria under Part I.A.3.f.

(2) If historic properties **are identified** in the path of a facility's industrial storm water discharge, or where construction activities are planned for the installation of BMPs to control such discharges, and it is determined that **there is the potential** to adversely affect the property, the operator can still meet the permit eligibility criteria if he/she obtains and complies with a written agreement with the State Historic Preservation Officer, which outlines measures that the operator will follow to mitigate or prevent those adverse effects. The contents of such a written agreement must be included in the facility's storm water pollution prevention plan.

In situations where an agreement cannot be reached between an applicant and the State Historic Preservation Officer, applicants should contact the Advisory Council on Historic Preservation listed below in this addendum for assistance.

The term "adverse effects" includes, but is not limited to, damage, deterioration, alteration, or destruction of the historic property or place. LDEQ encourages operators to contact the appropriate State or Tribal Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historic property.

Operators are reminded that they must comply with all applicable State and local laws concerning the protection of historic properties and places.

I. Internet Information on the National Register of Historic Places

An electronic listing of the "National Register of Historic Places," as maintained by the National Park Service on its National Register Information System (NRIS), can be accessed on the Internet at http://www.nps.gov/history/nr/research/nris.htm.

II. Louisiana State Historic Preservation Officer (SHPO)

Louisiana, SHPO, Office of Cultural Development, P.O. Box 44247, Baton Rouge, LA 70804-4247. For questions contact the Section 106 Review Coordinator, Telephone: (225) 342-8170.

III. Louisiana Tribes and Their Historic Preservation Officers

For questions related to identifying and protecting tribal cultural resources, operators should contact tribal leaders. A list of Louisiana Tribes and Their Historic Preservation Officers can be found at http://www.crt.state.la.us/archaeology/homepage/NatAmContacts.doc. LDEQ does not have the authority to issue LPDES permits for activities on federal Native American lands.

APPENDIX C
Outstanding Natural Resource Waters

ATCHAFALAYA RIVER BASIN:

None

BARATARIA BASIN:

Bayou Des Allemands – from Lac Des Allemands to old US 90
Bayou Des Allemands – from Hwy. 90 to Lake Salvador

CALCASIEU RIVER BASIN:

Calcasieu River – from LA Highway 8 to the Rapides/Allen Parish line
Calcasieu River – from Rapides-Allen Parish line to Marsh Bayou
Calcasieu River – from Marsh Bayou to saltwater barrier

Whiskey Chitto Creek – from the southern boundary of Fort Polk Military Reservation to the Calcasieu River

Six Mile Creek – East and West Forks from the southern boundary of Fort Polk Military Reservation to Whiskey Chitto Creek

Ten Mile Creek – from headwaters to Whiskey Chitto Creek

LAKE PONTCHARTRAIN BASIN:

Comite River – from Wilson-Clinton Highway to entrance of White Bayou
Amite River – from Mississippi State Line to LA Highway 37
Blind River – from the Amite River Diversion Canal to the mouth at Lake Maurepas
Blind River – from headwaters to Amite River Diversion Canal
Tickfaw River – from the Mississippi State Line to LA Highway 42
Tangipahoa River – from the Mississippi State Line to I-12
Chappepeela Creek – from Louisiana Highway 1062 to Tangipahoa River
Tchefuncte River – from headwaters to Bogue Falaya River, includes tributaries
Lower Tchefuncte River – from Bogue Falaya River to LA Highway 22
Bogue Falaya River – from headwaters to Tchefuncte River
Bayou Lacombe – from the headwaters to U.S. Highway 190
Bayou Lacombe – from U.S. Highway 190 to Lake Pontchartrain
Bayou Cane – from the headwaters to U.S. Highway 190
Bayou Cane – from U.S. Highway 190 to Lake Pontchartrain
Bayou Labranche – from headwaters to Lake Pontchartrain
Bayou Trepagnier – from Norco to Bayou Labranche
Bayou St. John
Bayou Chaperon
Bashman Bayou – from headwaters to Bayou Dupre
Bayou Dupre – from Lake Borgne Canal to Terre Beau Bayou
Lake Borgne Canal – from the Mississippi River siphon at Violet to Bayou Dupre; also called Violet Canal

Pirogue Bayou – from Bayou Dupre to New Canal
Terre Beau Bayou – from Bayou Dupre to New Canal
Bayou Bienvenue – from Bayou Villere to Lake Borgne

MERMENTAU RIVER BASIN:

None

VERMILION-TECHE RIVER BASIN:

Spring Creek – from headwaters to Cocodrie Lake
Bayou Cocodrie – from U.S. Highway 167 to the Bayou Boeuf-Cocodrie Diversion Canal

MISSISSIPPI RIVER BASIN:

None

OUACHITA RIVER BASIN:

Bayou Bartholomew – from Arkansas State Line to Ouachita River
Bayou de L'Outre – from the Arkansas State Line to the Ouachita River
Bayou D'Arbonne – from Bayou D'Arbonne Lake to the Ouachita River
Corney Bayou – from the Arkansas State Line to Corney Lake
Corney Bayou – from Corney Lake to Bayou D'Arbonne Lake
Middle Fork of Bayou D'Arbonne – from headwaters to Bayou D'Arbonne Lake
Little River – from Bear Creek to Catahoula Lake
Fish Creek – from headwaters to Little River
Trout Creek – from headwaters to Little River
Big Creek – from the headwaters to Little River

PEARL RIVER BASIN:

Holmes Bayou – from Pearl River to West Pearl River
West Pearl River – from headwaters to Holmes Bayou
West Pearl River – from Holmes Bayou to The Rigolets; includes the east and west mouths)
Morgan River – from Porters River to West Pearl River
Wilson Slough – from Bogue Chitto to West Pearl River
Bradley Slough - from Bogue Chitto to West Pearl River
Pushepatapa Creek – from headwaters and tributaries at Mississippi State Line to Pearl River flood plain
Bogue Chitto River – from Mississippi State Line to Pearl River Navigation Canal

RED RIVER BASIN:

Bayou Dorcheat – from Arkansas State Line to Lake Bistineau
Black Lake Bayou – from one mile north of Leatherman Creek to Black Lake
Saline Bayou – from headwaters near Arcadia to Saline Lake
Kisatchie Bayou – from its Kisatchie National Forest to Old River
Saline Bayou – from Larto Lake to Saline Lake
Bayou Cocodrie – from Little Cross Bayou to Wild Cow Bayou

SABINE RIVER BASIN:

Pearl Creek – from headwaters to Sabine River

TERREBONNE BASIN:

Bayou Penchant – from Bayou Chene to Lake Penchant

ADDENDUM C

NOTICE OF TERMINATION (NOT) FORM

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
Office of Environmental Services, Water Permits Division
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
PHONE#: (225) 219-3181

LPDES NOTICE OF TERMINATION OF COVERAGE UNDER LPDES GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES FIVE ACRES OR MORE (LAR100000)

I. PERMIT INFORMATION

Facility's Storm Water Authorization Number LAR10_____ AI #:_____

_____ Check here if you are no longer the Operator of the Facility OR if the facility has been sold

_____ Check here if the storm water discharge associated with the construction activity is Being Terminated

II. FACILITY OPERATOR INFORMATION

Name: _____

Mail Address: _____

City: _____

State: _____ Zip Code: _____ Phone: _____

III. FACILITY/SITE LOCATION INFORMATION

Name of Project: _____

Location of Project: _____

City: _____ State: _____ Zip Code: _____

Parish _____

IV. CERTIFICATION

I certify under penalty of law that all storm water discharges associated with construction activity from the portion of the identified facility where I was an operator have ceased or have been eliminated or that I am no longer an operator at the construction site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with construction activity under this general permit, and that discharging pollutants in storm water associated with construction activity to waters of the State is unlawful under the Clean Water Act where the discharge is not authorized by an LPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violation of this permit or the Clean Water Act.

Print Name: _____ Date: _____

Signature: _____

ADDENDUM D

HISTORIC PRESERVATION

HISTORIC PROPERTIES GUIDANCE

Operators must determine whether their facility's industrial storm water discharge, or the construction of best management practices (BMPs) to control such discharge, have potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.

For existing dischargers who do not need to construct BMPs for permit coverage, a simple visual inspection may be sufficient to determine whether historic properties are affected. However, for facilities which are new industrial storm water dischargers, and for existing facilities which are planning to construct BMPs for permit eligibility, operators should conduct further inquiry to determine whether historic properties may be affected by the storm water discharge or BMPs to control the discharge. In such instances, operators should first determine whether there are any historic properties or places in the vicinity that are listed on the National Register, or if any are eligible for listing on the register (e.g., they are "eligible for listing").

Due to the large number of entities seeking coverage under this permit and the limited number of personnel available to the State Historic Preservation Officer to respond to inquiries concerning the location of historic properties, it is suggested that operators first access the "National Register of Historic Places" information listed on the National Park Service's web page at the address listed below. The address for the Louisiana State Historic Preservation Officer is also listed below. Operators may also contact city, parish or other local historical societies for assistance, especially when determining if a place or property is eligible for listing on the register.

The following scenarios describe how operators can meet the permit eligibility criteria for protection of historic properties under this permit:

(1) If historic properties are **not identified** in the path of a facility's industrial storm water discharge, or where construction activities are planned to install BMPs to control such discharges (e.g., diversion channels or retention ponds), or

if historic properties **are identified,** but it is determined that they will **not be affected** by the discharge, or construction of BMPs to control the discharge,

then the operator has met the permit eligibility criteria under Part I.A.3.f.

(2) If historic properties **are identified** in the path of a facility's industrial storm water discharge, or where construction activities are planned for the installation of BMPs to control such discharges, and it is determined that **there is the potential** to adversely affect the property, the operator can still meet the permit eligibility criteria if he/she obtains and complies with a written agreement with the State Historic Preservation Officer, which outlines measures that the operator will follow to mitigate or prevent those adverse effects. The contents of such a written agreement must be included in the facility's storm water pollution prevention plan.

In situations where an agreement cannot be reached between an applicant and the State Historic Preservation Officer, applicants should contact the Advisory Council on Historic Preservation listed below in this addendum for assistance.

The term "adverse effects" includes, but is not limited to, damage, deterioration, alteration, or destruction of the historic property or place. LDEQ encourages operators to contact the appropriate State or Tribal Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historic property.

Operators are reminded that they must comply with all applicable State and local laws concerning the protection of historic properties and places.

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ADDENDUM E

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LIST OF ADDRESSES FOR LDEQ OFFICES

CURRENT ADDRESSES

Enforcement Division
Office of Environmental Compliance
Department of Environmental Quality
P. O. Box 4312
Baton Rouge, Louisiana 70821-4312
Telephone: (225) 219-3715

Mailing Addresses For Regional Offices	Jurisdictional Parishes For Each Regional Office
Acadiana Regional Office Surveillance Division Office of Environmental Compliance 111 New Center Drive Lafayette, Louisiana 70508 (337) 262-5584	Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary, Vermilion
Capital Regional Office Surveillance Division Office of Environmental Compliance P.O. Box 4312 Baton Rouge, Louisiana 70821-4312 (225) 219-3600	Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (East of the Atchafalaya River), Iberville, Livingston, Pointe Coupee, St. Helena, St. James, St. Martin (East of the Atchafalaya River), Tangipahoa, West Baton Rouge, West Feliciana
Northeast Regional Office Surveillance Division Office of Environmental Compliance 1823 Highway 546 West Monroe, Louisiana 71292 (318) 362-5439	Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, La Salle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll, Winn
Northwest Regional Office Surveillance Division Office of Environmental Compliance 1525 Fairfield Avenue, Room 520 Shreveport, Louisiana 71130 (318) 676-7476	Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, Webster
Southeast Regional Office Surveillance Division Office of Environmental Compliance 201 Evans Road, Bldg. 4, Suite 420 New Orleans, LA 70123-5230 (504) 736-7701	Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Terrebonne, Washington
Southwest Regional Office Surveillance Division Office of Environmental Compliance 1301 Gadwall Street Lake Charles, Louisiana 70615-5176 (337) 491-2667	Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vernon