



OFFICE OF ENVIRONMENTAL SERVICES
Water Discharge Permit

STORM WATER GENERAL PERMIT FOR LARGE CONSTRUCTION
ACTIVITIES

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, including smaller areas that are part of a larger plan of development or sale that cumulatively disturb at least five acres, 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 October 1, 2024

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

Issued on September 24, 2024

Amanda Vincent

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Assistant Secretary

**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 storm water general permit for large construction activities authorizes discharges of storm water from construction activities that disturb five acres or more of total land area, including the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more, as defined in LAC 33:IX.2511.B.14.j and 40 CFR 122.26(b)(14)(x) 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 and A.9.a, 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 VIII.

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. Construction of residential houses, office buildings, industrial facilities, roadways, 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 (LAC 33:IX.2315.A). Projects on cultivated croplands are not regulated, as these are already “disturbed” areas.

Construction activities related to oil and gas exploration, production, processing, or treatment, or transmission activities are exempt from regulation. The exemption from obtaining LPDES permit coverage for storm water discharges from construction activities at oil and gas sites is codified in the Environmental Regulatory Code at LAC 33:IX.2511.A.2. Consequently, construction activities related to these oil and gas exploration, production, processing, or treatment operations or transmissions facilities, which are necessary to prepare a site for drilling and the movement and placement of drilling equipment, constructing access roads, drilling waste management pits, in field treatment plants and the transportation infrastructure (e.g., crude oil and natural gas pipelines, natural gas treatment plants and both natural gas transmission pipeline compressor and oil pumping stations) necessary for the operation of most producing oil and gas fields, are exempt from regulation, regardless of the amount of disturbed acreage.

Section 323 of the Energy Policy Act of 2005 modified paragraph (24) of Section 502 of the Clean Water Act (CWA) to define the term “oil and gas exploration, production, processing, or treatment, or transmission facilities”. This term is used in the CWA Section 402(1)(2) to identify oil and gas activities for which the Environmental Protection Agency (EPA) shall not require National Pollutant Discharge Elimination System (NPDES) permit coverage for certain storm water discharges. The effect of this statutory change is to make construction activities at oil and gas sites eligible for the exemption established by the CWA Section 402(1)(2). The types of oil and gas facilities/activities that are subject to the waiver/exemption for NPDES storm water permitting are further explained on the EPA website at <https://www.epa.gov/npdes/oil-and-gas-stormwater-permitting>. This website also addresses

the 9th Circuit Court's vacatur (*Natural Resources Defense Council v. United States Environmental Protection Agency*, 526 F.3d 591) of federal regulatory text at 40 CFR 122.26(a)(2)(ii) stating that discharges of sediment from these same construction activities are not subject to the provisions of 40 CFR 122.26(c)(1)(iii), which would require permit coverage if such discharges contribute to a violation of a water quality standard. This means that an NPDES permit would be required if a discharge of sediment from the oil and gas activities described above contributes to a water quality standard violation." Additionally, the LDEQ notes that federal regulations require NPDES permit coverage for discharges from these construction activities if there is a discharge of storm water resulting in a reportable quantity discharge pursuant to 40 CFR 122.26(c)(1)(iii)(A) and (B).

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 site/facility.** 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 shall not go beyond the footprint of the previous structure. Examples of routine maintenance include:

- 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 (USACE) 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;
- 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;
- 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.

The following examples of activities that commonly disturb less than five acres, and if disturbing less than one acre and not part of a common plan of development, do not require a permit:

- 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; and
- Road Replacement without adding any lanes.

To determine if construction activities at a particular site are regulated under this general permit, 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 must be determined. Construction activities that 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.

Assistance/additional information about the permit may be obtained by contacting the Water Permits Division General and Municipal Water Permits Section, at (225) 219-3590 or by e-mail at DEQ-LAR10Permits@la.gov, or at the address in Part II.C.

2. This permit also authorizes discharges from support activities related to a construction site (e.g., 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 within the Storm Water Pollution Prevention (SWPPP) to minimize discharges from the support activity areas.
 - d. effective pollution prevention measures must be designed, installed, implemented, and maintained to minimize:
 - (1) Discharges of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

- (2) Exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to storm water and to precipitation. Minimization of exposure is not required in cases where the exposure to precipitation and to storm water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (such as final products and materials intended for outdoor use);
- (3) Discharges of pollutants from spills and leaks, and implement chemical spill and leak prevention and response procedures; and
- (4) Pollutant discharges from the support activity areas located on and off the construction site to the maximum extent practicable and comply with all permit conditions.

3. Discharge Limitations

The permit conditions which were determined applicable to these discharges are narrative effluent limitations and conditions on storm water discharges and requirements for developing and implementing SWPPPs to comply with those limits and conditions. These narrative effluent limit guidelines are intended to minimize and control pollutants in storm water discharges associated with large construction activities. These requirements were developed by the EPA under authority of 40 CFR 122.44(k)(2), which allows for BMPs in lieu of numeric effluent limitations in NPDES permits when the EPA finds numeric effluent limitations to be infeasible. The SWPPP requirements (see Part IV) describe the construction and development point source category effluent limit guidelines found in 40 CFR 450, Subpart B, which are considered narrative discharge limitations.

a. Technology-Based Effluent Limitations

The following conditions are included as requirements for the SWPPPs and are hereby adopted as enforceable Technology-based Effluent Limitations of the permit:

- (1) 40 CFR 450.21(a) *Erosion and sediment controls*: see Part IV.D.2.a(1), (2), and (4) and Part IV.D.3;
- (2) 40 CFR 450.21(b) *Soil stabilization*: see Part IV.D.2.a(3), Part IV.D.2.b, and Part VIII. "Final Stabilization";
- (3) 40 CFR 450.21(c) *Dewatering*: see Part III.A.3.m, Part III.A.4.d, and Part IV.D.1.g;
- (4) 40 CFR 450.21(d) *Pollution prevention measures*: see Part I.A.2.d.(1) – (3) and Part IV.D.2.c;
- (5) 40 CFR 450.21(e) *Prohibited discharges*: see Parts I.A.4 and 5, Part III.A.4, and Part IV.F; and
- (6) 40 CFR 450.21(f) *Surface outlets*: see Part IV.D.2.a(2)(i).

b. Water Quality-Based Effluent Limitations

- (1) Discharges Threatening Water Quality and Water Quality Standards/TMDL Requirements: see Parts I.A.4.d and g and Part IV.D.1 and 4.a;

- (2) Buffer Zone Requirements: see Part IV.D.2.a.(2)(g); and
- (3) Approved State or Local Plans: see Part IV.D.2.d.

4. 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, 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 Part I.A.2 above (including equipment staging yards and material storage areas), and
- (2) non-storm water discharges listed in Part III.A.3 which are authorized under this permit, 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 SWPPP 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. 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 the 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 the LDEQ that an individual permit application is necessary. However, the 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 SWPPP.

Furthermore, if a discharge flows into a water body that is listed on the most recent EPA-approved 303(d) list, then the permittee's SWPPP must include specific control measures targeting the pollutant(s) of concern for any impairment(s). The control measures must be designed and implemented to ensure discharges of storm water will not have the reasonable potential to cause or contribute to the impairment. Impaired water bodies (without a TMDL) are listed as Category 5 in Appendix A of the LDEQ's most recent Integrated Report (IR), located at: <https://deq.louisiana.gov/page/579>.

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

- (1) Coverage under this permit is available only if the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities will not adversely affect any species that are federally-listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) and will not result in the adverse modification or destruction of habitat that is federally-designated as "critical habitat" under the ESA. All operators must follow the procedures in Addendum A and meet at least one of the eligibility criteria (Criteria A - E) described in the addendum when determining eligibility for coverage under the permit. Failure to continue to meet one or more of these criteria 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.
- (2) The operator must comply with any terms and conditions imposed under the eligibility requirements above to ensure that storm water discharges or Best Management Practices (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 SWPPP.
- (3) This permit does not authorize any "take" (as defined under Section 9 of the ESA) of endangered and/or threatened species unless such take is authorized under Section 7 or 10 the ESA.
- (4) 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 ESA.

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 site ensures storm water discharges, allowable non-storm water discharges, and discharge-related activities do not have the potential to adversely 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 site has obtained and is in compliance with a written agreement with the Louisiana State Historic Preservation Officer (LSHPO) that outlines all measures to be undertaken to mitigate or prevent adverse effect(s) to the historic property.

Addendum B of this permit provides guidance and references to assist operators with determining permit eligibility concerning this provision. The operator must certify coordination and compliance with the SHPO requirements upon submittal of the NOI.

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

Covered dischargers shall not cause, have the reasonable potential to 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 submission of the NOI.

The discharge of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by the LDEQ is not authorized unless the discharge is consistent with the requirement(s) of that TMDL. During determination of eligibility for coverage under the permit, **new dischargers** (see LAC 33:IX.2313) to a 303(d) water body 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 water body for which there is an impairment and/or an approved or established TMDL must confirm that the impairment and/or 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 water body is impaired or the TMDL developed. Such discharges are expected to be rare for the wastewater types covered by the reissued permit because the required control/prevention measures are designed to prevent the release of these pollutants in storm water. Permittees located within a regulated Municipal Separate Storm Sewer System (MS4) that has been assigned a wasteload allocation (WLA) may be required to implement additional BMPs in accordance with local ordinances and/or the MS4's Storm Water Management Plan (SWMP).

In a situation where an LDEQ-approved or established TMDL has specified a general WLA applicable to construction storm water discharges, but no specific requirements for construction sites have been identified in the TMDL, the operator must consult with the 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, including on and off-site construction support activities, 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 WLA 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 may be found at: <http://deq.louisiana.gov/page/tmdl-reports-and-models> and <https://mywaterway.epa.gov/>.

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, have the reasonable potential to 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.

In order to verify the impaired status of the water body and determine if any TMDLs have been established, the permit applicant shall consult the most recent Integrated Report (also referred to as the 305(b) Report) at: <https://deq.louisiana.gov/page/579> or obtain a copy of the report from the Office of Environmental Services, Water Permits Division. This list is updated every even-numbered year. Operators are expected to utilize the most recent Integrated Report.

5. 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.
- 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 the LDEQ has determined to be causing, or has the reasonable potential to cause, or will contribute to a violation of a water quality standard.
- e. Storm water discharges from construction activities, allowable non-storm water discharges, 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 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 NHPA.

B. Obtaining Authorization

1. In order for storm water discharges from construction activities to be authorized to discharge under this general permit, an applicant must:
 - a. meet the Part I.A applicability requirements;
 - b. develop a SWPPP covering either the entire site or all portions of the site for which the applicant is the operator (see definition of operator in Part VIII) according to the requirements in Part IV (preparation and implementation of the SWPPP may be a cooperative effort where there is more than one operator at a site); and then
 - c. submit payment for the annual maintenance and surveillance fee(s) in accordance with Part I.C of this permit and a complete and accurate NOI form (Form CSW-G) in accordance with the requirements of Part II, using an NOI form provided by the State Administrative Authority (or a photocopy thereof). **Only one NOI needs to be submitted to cover all of the applicant's activities on the common plan of development or sale (e.g., there is no 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 the applicant's SWPPP covers each area for which the applicant is an operator.)** The SWPPP must be implemented upon commencement of construction activities.

Application for coverage shall be made by:

- a party having operational control over construction plans and specifications (including the ability to make modifications in those 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 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, each party shall submit an NOI. In cases with only one control party, that party alone is required to submit the NOI.

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

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 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 submitted in accordance with Part II.
3. Unless notified by the LDEQ to the contrary, all applicants who submit payment for the annual maintenance and surveillance fee(s) and 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 48 hours after the receipt of the hand-delivered

NOI with the payment of the annual maintenance and surveillance fee(s), 48 hours after the submittal of a payment of the annual maintenance and surveillance fee(s) and complete and accurate electronic NOI (e-NOI) should e-NOIs become available for use during this permit term, or 48 hours after the postmark date on the envelope that contains the correct and accurate NOI with the payment of the annual maintenance and surveillance fee(s) by the Office of Environmental Services, Water Permits Division.

Operators who submit incomplete NOIs, NOIs without payment of the annual fee(s), or 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 the LDEQ.

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

A printed hard copy of this permit may be obtained by contacting the LDEQ's Water Permits Division at (225) 219-3590 or by e-mail at DEQ-LAR10Permits@la.gov, or a copy can be downloaded from the LDEQ website at <http://deq.louisiana.gov/page/lpdes-water-permits>. Go through the following links to find the permit: Water – Permits – LPDES Permit Information – LAR100000 –. A printed hard copy of the NOI can be downloaded from the LDEQ website at <http://deq.louisiana.gov/page/lpdes-water-permits>. Go through the following links to find the NOI form: Water – Permits – LPDES Forms – LPDES Permit Application Forms – CSW-G.

C. Annual Maintenance and Surveillance Fees

An annual maintenance and surveillance fee will be assessed for coverage under the permit. Operators applying for coverage under the general permit shall select the time frame for which permit coverage is needed, a minimum of one year and up to five years. Prior to receiving coverage, the applicant(s) shall submit payment of the annual maintenance fee(s) for the entirety of the selected coverage (LAC 33:IX.1309.F and N).

1. The annual maintenance and surveillance fee(s) must be submitted with the NOI in accordance with the following time frames:
 - a. \$291.00 – 0 months – 1 year
 - b. \$582.00 – 2 years
 - c. \$873.00 – 3 years
 - d. \$1164.00 – 4 years
 - e. \$1455.00 – 5 years
2. Fees are due upon submission of the NOI. An NOI will not be declared administratively complete unless the associated fee has been paid in full.
3. Permittees will not receive annual invoices as the annual maintenance and surveillance fee(s) will be paid in advance as described above.

D. Notice of Extension (NOE)

If a continuation of coverage under this permit is needed beyond the selected number of years, the permittee must submit two copies (one original and one copy) of the completed and signed NOE (Form NOE-G) with payment of the annual maintenance and surveillance fee(s) 30 days before the permittee's expiration date of permit coverage to avoid a lapse in coverage. The full payment of the fee(s) must be submitted in accordance with the same time frames as specified for the NOI in Part I.C.1.

Please note that authorizations under this general permit and/or extensions of coverage shall not exceed the 5-year term of the permit.

E. Automatic Termination of Coverage

1. Termination of coverage under the permit shall be automatic. The termination date shall be determined by the number of years selected by the permittee (see Part I.C above) and the date the NOI is received by the Water Permits Division. To clarify, an NOI that is received and processed on October 1, 2024, and where the applicant selected one year of coverage shall automatically terminate on September 30, 2025. Permittees will be notified of the automatic termination date in the permit authorization letter that this Office will send to them, and **they will not be required to submit a Notice of Termination (NOT) unless Permit Part I.F applies.**

The automatic termination date is an estimate provided by the owner and/or operator regarding when construction activities will be completed. The automatic termination date is not intended to allow additional time to comply with final stabilization requirements. If construction activities are completed prior to the termination date, the owner and/or operator must comply with final stabilization deadlines and requirements in Part IV.D.2.a(3) at the time construction activities have ceased.

2. One or more of the following conditions must be met by the termination date:
 - a. final stabilization 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 operational control according to Part VI.D.10 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.
3. If one or more of the above conditions are not met, the permittee must submit a NOE in accordance with Part I.D.

4. Enforcement actions may be taken if a permittee does not meet one or more of the above conditions by the termination date.
5. **For owners and/or operators with effective permit authorizations at the time this permit is reissued:** If a permittee received authorization to discharge under the previous LAR100000 general permit and the authorization of coverage has an expiration date of September 30, 2024, the construction activity will be reauthorized under the terms and conditions of the reissued general permit for a period of 180 days (October 1, 2024 - March 28, 2025). **If construction activities, including final stabilization, are expected to continue beyond March 28, 2025, the permittee must submit a NOE by March 1, 2025, with payment of the surveillance and maintenance fee, in order to avoid a lapse in permit coverage.** In accordance with 40 CFR 122.28(b)(2)(vi) and LAC 33:IX.2515.B.2.f, currently permitted owners and/or operators shall be notified in writing of the requirements for continued coverage prior to permit reauthorization.

F. Notice of Termination

Termination of coverage is automatic provided that the owner and/or operator has complied with the requirements in Part I.E. Owners and/or operators are responsible for ensuring the elimination of storm water discharges associated with construction activity by the automatic termination date. All disturbed soils at the portion of the construction site where the operator had control shall be 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.

Permittees shall 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. If final stabilization requirements of the permit have not been met, a NOE must be submitted. Termination of permit coverage does not relieve the permittee of any future liabilities associated with environmental damage caused by the permittee's activities.

Where another owner and/or operator has assumed operational control (see Part III.E and Part IV.E) over all areas of the site that have not been finally stabilized, the previous owner and/or operator must submit a complete and accurate NOT (Form CSW-T), which may be obtained from the LDEQ website at <https://www.deq.louisiana.gov/page/lpdes-permit-termination-forms>. Current permitted owners and/or operators who determine that coverage is no longer needed may also submit an NOT. 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 NOT;

3. the LPDES permit authorization number for the storm water discharge identified by the NOT;
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.D.10 (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 site 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.”

All NOTs are to be sent, using the forms provided by the State Administrative Authority, to the Water Permits Division at the address specified on the NOT form.

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 NOI with payment of the annual maintenance and surveillance fee(s) in accordance with the requirements of Part I.C 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 with payment of maintenance and surveillance fee(s) 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 with payment of the annual maintenance and surveillance fee(s) in accordance with the requirements of this Part I.C 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. Applicants are not prohibited from submitting late completed NOIs. When a late completed 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 June 21, 2019. **Current permitted owners and/or operators:** If a permittee received authorization to discharge under the previous LAR100000 general permit and the authorization of coverage has an expiration date of September 30, 2024, the construction activity will be reauthorized under the terms and conditions of the reissued general permit for a period of 180 days (October 1, 2024 - March 28, 2025). **If construction activities, including final stabilization, are expected to continue beyond March 28, 2025, the permittee must submit a NOE by March 1, 2025, with payment of the surveillance and maintenance fee, in order to avoid a lapse in permit coverage.** In accordance with 40 CFR 122.28(b)(2)(vi) and LAC 33:IX.2515.B.2.f, currently permitted owners and/or operators shall be notified in writing of the requirements for continued coverage prior to permit reauthorization.

B. Contents of Notice of Intent

The Notice(s) of Intent shall be signed in accordance with Part VI.D.10 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 Tribal Lands;
4. a certification that a SWPPP, 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 shall 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 selected number of years for which permit coverage is needed (i.e. the projected completion date is assumed to be “x” number of years after the estimated start date, as indicated by the permit applicant), 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 Addendum D of the NOI, whether the storm water runoff from the site will flow directly into a water body 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 of the NOI, 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 B of the NOI, 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 SHPO was involved in the 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.

12. certification page that has been dated and signed by permittee or authorized responsible representative as described in Permit Part V.D.10 who certifies the following:

"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."

Should electronic NOIs (e-NOIs) become available during the term of this permit, the Department may suspend the use of paper NOIs. However, applicants will be expected to continue to comply with the above requirements through the electronic submittal process.

C. Where to Submit

Two copies (one original and one copy) of the completed NOI, signed in accordance with Part VI.D.10 of this permit and accompanied by the payment for the annual maintenance and surveillance fee(s) in accordance with Part I.C of the permit, must be submitted to the LDEQ at the following address:

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 North Fifth Street
Baton Rouge, LA 70802
Attention: Water Permits Division

Current mailing addresses for the different Department offices are posted on the LDEQ web page at <https://www.deq.louisiana.gov/directory>.

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 the permit terms and conditions:
 - a. discharges from firefighting activities;
 - b. fire hydrant flushings;
 - c. waters used to wash vehicles where detergents, soaps, or solvents are not used;
 - d. waters used to control dust in accordance with Part IV.D.2.c.(2) – minimizing dust from vehicles;
 - e. potable water sources including uncontaminated waterline flushings;
 - f. routine external building wash down which does not use detergents, soaps, or solvents (the use of non-biodegradable or emulsifying soaps and detergents, tire cleaners containing potentially hazardous chemicals, and solvents is prohibited);
 - g. diverted stream flows in compliance with a USACE 404 permit;
 - h. pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where soaps, solvents, and detergents are not used; directing pavement wash waters directly into any surface water, storm drain inlet, or storm water conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or other effective control is prohibited;
 - i. uncontaminated air conditioning or compressor condensate;
 - j. uncontaminated and/or non-turbid ground water infiltration (as defined at 40 CFR 35.2005(b)(20));
 - k. uncontaminated and/or non-turbid pumped ground water or spring water;
 - l. foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated groundwater;
 - m. uncontaminated excavation dewatering if the discharge is managed by an appropriate control; and
 - n. landscape irrigation.
4. The following dischargers are prohibited:
 - a. wastewater from washout of concrete, **unless managed by an appropriate control**;
 - b. wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

- c. discharges related to concrete or asphalt batch plant operations located at the construction site. The presence of any such discharges require coverage by an alternative LPDES permit (e.g. LAG110000 or an individual permit);
- d. discharges from dewatering activities, including discharges from dewatering of trenches and excavations, **unless managed by an appropriate control**;
- e. fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- f. soaps or solvents used in vehicle and equipment washing;
- g. storm water discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity, has undergone final stabilization. Once the site has undergone final stabilization, any post-construction storm water discharges may need to be covered by a separate LPDES permit; and
- h. discharges mixed with sources of non-storm water other than the discharges identified in and are in compliance with Part III.A.3. Any discharge authorized by a different LPDES permit may be commingled with discharges authorized by this permit.

B. Requirements for Notification

The discharge of hazardous substances or oil in the storm water discharge(s) from a site shall be prevented or minimized in accordance with the applicable SWPPP for the site. 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 unauthorized discharges which may endanger human health or the environment. Please note that discharges in direct noncompliance with LPDES permit conditions must also comply with the reporting requirements in LAC 33:IX.2701.L, which requires written notification within 5 days. The report shall contain information as required in Part VI.D.6 of this permit and compliance with the procedures in this part are required.

- 2. The LDEQ may waive the written report on a case-by-case basis, if the oral report has been received within 24 hours of the incident.
- 3. The SWPPP required under Part IV of this permit must be modified within 14 calendar days of the permittee's 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. Spills resulting in an emergency condition or non-compliance under this general permit must be reported in accordance with LAC 33:I.3923 or LAC 33:IX.2701.L.6.

D. Discharge Compliance with Water Quality Standards

1. Operators must select, install, implement and maintain control measures at the construction site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general, except in situations explained below, the storm water controls must be developed, implemented, and updated consistent with the other provisions of Part III. The storm water controls must be as stringent as necessary to ensure that the discharges do not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.
2. Operators 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, the LDEQ may determine that the operator's 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, the LDEQ will require the following:
 - a. Modify storm water controls in accordance with Part IV.C to address adequately the identified water quality concerns;
 - b. 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
 - c. Cease discharge of pollutants from construction activity and submit an individual application.
3. All written responses required under this part must include a signed certification consistent with Part VI.D.10.
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 VIII (Additional 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), all other permit conditions, 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: (1) protection of endangered and/or threatened species and their critical habitat (2) protection of historic sites listed and/or proposed to be listed on national and state registries and (3) 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 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).

SWPPPs 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 minimize 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, operators must follow the procedures in Addendum A of this permit to determine whether listed endangered and/or threatened species or critical habitat would be affected by the operator'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.4.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. The SWPPP must be implemented upon commencement of construction activities. Permittees must implement the applicable provisions of the SWPPP required under this Part as a condition of this permit. SWPPP templates may be found at <http://deq.louisiana.gov/page/storm-water-protection>.

A. Deadlines for Plan Preparation and Compliance

The SWPPP shall:

1. Be completed prior to the submittal of an NOI to be covered under this permit (except as provided in Part II.A.5) and updated as appropriate; and
2. 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.D.10 (Signatory Requirements), and be retained on-site at the site (or other local site accessible to the LDEQ and the public) 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. LPDES permit number for the project or a copy of the NOI if a permit authorization number has not yet been assigned;
 - b. name and telephone number of a local contact person;
 - c. brief description of the project; and
 - d. SWPPP's location if the site is inactive or lacks 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. For a linear construction project (e.g., pipeline, highway, etc.), the notice must be placed in a publicly-accessible location in close proximity to where construction is actively underway, and it is moved as necessary. This permit does not require permittees to allow the public's access to a construction site for any reason, including inspection of a site, nor does it provide the public any right to trespass on a construction site.

3. The permittee shall make SWPPPs available upon request to: the LDEQ; the local agency approving sediment and erosion plans, grading plans, or SWMPs; local government officials; or the operator of a MS4 receiving discharges from the site. The copy of the SWPPP that is required to be kept on-site (or locally available, including electronic copies) must be made available to the LDEQ (or authorized representative) for review at the time of an on-site inspection. Also, in the interest of public involvement, the 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 Part IV. Such notification shall identify those provisions of the permit which are not being met by the SWPPP and those provisions of the SWPPP requiring modifications to meet the minimum requirements. Within 7 calendar days of receipt of the notification from the LDEQ (or authorized representative), the permittee shall make the required changes to the SWPPP and shall submit to the LDEQ a written certification that the changes have been made. The LDEQ may take appropriate enforcement action for the period of time the permittee was operating under a SWPPP that did not meet the minimum requirements of the permit.

C. Keeping Plans Current

The permittee must amend the SWPPP within 7 calendar days whenever:

1. there is a change in design, construction, operation, or maintenance, which has or may have 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 SWPPP is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.1 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 SWPPP (see Part IV.E). The plan must also be amended to address any measures necessary to protect endangered and/or threatened species and their critical habitat, and historic sites listed and/or proposed to be listed on national and state registries, if applicable. Amendments to the plan may be reviewed by the LDEQ in the same manner as Part IV.B above.

D. Contents of Plan

The SWPPP 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 and function of the project (i.e., highway, mall, etc.);
- b. a description of the intended sequence and timing of major activities (i.e. initial land clearing, installing sewer lines, roads, major buildings) which disturb soils for major portions (i.e. defined phases of a subdivision) 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.** the location and description of any allowable non-storm water discharges 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 and/or threatened species and/or critical habitat are found in proximity to the construction activity and whether such species or critical habitat may be affected by the operator's storm water discharges or storm water discharge-related activities;
- k.** documentation supporting the permittee's determination of permit eligibility and compliance with Permit Part I.A.4.f (National Historic Preservation Act), including:

 - (1)** information on whether storm water discharges or storm water discharge-related activities would have an effect on a property that is listed or proposed to be listed on the National Register of Historic Places or state registries;
 - (2)** where effects may occur, any written agreements made between the operator and the SHPO to mitigate those effects;
 - (3)** results of the Addendum B historic places screening determinations; and
 - (4)** 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.4.f of this permit.
- l.** documentation supporting the permittee's determination of permit eligibility and compliance with Part I.A.4.g regarding discharges to waters that are impaired and/or have an LDEQ-established or approved TMDL, including:

 - (1)** identification of whether the permittee's discharge is identified, either specifically or generally, in an LDEQ-established or approved TMDL and any associated allocations, requirements, and assumptions identified for the 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 Water Quality Standards and the assumption and requirements of the LDEQ-established or approved TMDL, including any specific WLA that has been established that would apply to the permittee's discharge.

2. Controls

Each SWPPP shall include a description of all appropriate control measures (i.e., structural and non-structural BMPs) that will be installed and implemented as part of the construction activities and construction support activities 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 WLA 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 approved or 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 shall 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 manufacturer's 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 in accordance with Parts IV.D.3 and IV.D.4. For additional guidance, see the EPA's recommendations for silt fences (<https://www3.epa.gov/npdes/pubs/siltfences.pdf>) and SWPPPs (https://www3.epa.gov/npdes/pubs/sw_swppp_guide.pdf).
- (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 on the 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) On-site and 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 SWPPP.
- (2) Effluent limitations reflecting the best practicable technology currently available (BPT) [40 CFR 450.21 (a)]. Design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:
- (a) Control storm water volume and velocity to minimize soil erosion in order to minimize pollutant discharges.
 - (b) Control storm water discharges, including both peak flow rates and total storm water volume to minimize channel and stream bank erosion and scour in the immediate vicinity of discharge points.
 - (c) Minimize amount of soil exposed during construction activity.
 - (d) Unless infeasible, preserve topsoil. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.
 - (e) Minimize the disturbance of steep slopes.
 - (f) Minimize sediment discharge from the site: design, install, and maintain erosion and sediment controls to address factors such as the amount, frequency, intensity and duration of precipitation, the nature of the resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.
 - (g) Provide and maintain natural buffers around Waters of the State, direct storm water to the vegetated areas, and maximize storm water infiltration to reduce pollutant discharges, unless infeasible;
 - i. A buffer zone of sufficient width to reduce pollutant discharges and minimize erosion shall be maintained between disturbed areas and all Waters of the State;
 - ii. For discharges to waters designated as Outstanding Natural Resource Waters, permittees are required to maintain at a minimum a 100-foot natural,

vegetated riparian buffer zone between any disturbance and all edges of the receiving water as means of providing adequate protection to receiving waters, unless infeasible. Additional buffer zone/riparian requirements may be imposed through a Louisiana Department of Wildlife and Fisheries Scenic River permit.

- iii. For discharges to waters that are listed as impaired (Category 5 or 4a) on the most recent Integrated Report for sedimentation/siltation or turbidity AND where the suspected source is site clearance (land development or redevelopment), permittees are required to maintain at a minimum a 50-foot natural buffer zone between any disturbance and all edges of the receiving water as means of providing adequate protection to receiving waters, unless infeasible. This requirement does not supersede any additional requirements of a WLA. The most recent Integrated Report can be found at: <https://deq.louisiana.gov/page/579>.
- iv. If the buffer zone between any disturbance and the edge of the receiving water on all edges of the water body cannot be maintained due to site constraints, an adequately protective alternate practice may be employed, or a combination of alternative practices with a narrower buffer zone. The SWPPP shall explain any alternate practices and how these practices are adequately protective. Such cases include, but are not limited to, redevelopment in an urban setting or construction of water features, such as: docks, bridges, levees, dams, and dredge and fill areas.

- (h) Minimize soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.
- (i) When discharging storm water from settling basins or impoundments, utilize outlet structures that withdraw water from the surface of the basin or impoundment, unless infeasible.

(3) 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 shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Final stabilization practices may include, but are not limited to: 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.

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.

- (a) Deadline to Initiate Stabilization Measures. Stabilization measures shall be initiated immediately in portions of the site where clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site or temporarily ceased and will not resume for a period exceeding 14 calendar days.

For the purposes of this permit, “immediately” is interpreted to mean no later than the next work day. Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 14 days, stabilization measures do not have to be initiated on that portion of site.

For the purposes of this permit, the types of activities that constitute the initiation of stabilization include, but are not limited to:

- i. prepping the soil for vegetative or non-vegetative stabilization;
- ii. applying mulch or other non-vegetative product to the exposed area;
- iii. seeding or planting the exposed area;
- iv. starting any of the activities above in Part IV.D.2.a(3)(a)(i - iii) on a portion of the area to be stabilized, but not on the entire area; and
- v. finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

- (b) Deadline to Complete Installation of Stabilization Measures. As soon as practicable, but no later than 14 calendar days after the initiation of soil stabilization measures, permittees are required to have completed:

- i. For vegetative stabilization, all activities necessary to initially seed or plant the area to be stabilized; and/or
- ii. For non-vegetative stabilization, the installation or application of all such non-vegetative measures.

In extenuating circumstances and per 40 CFR 450.21(b), stabilization must be completed within the time period as follows: in areas experiencing droughts where the completion 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 completed as soon as practicable. These extenuating circumstances must be documented in the SWPPP.

In general, permittees shall 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. Permittees must continue routine inspections until they have met the final stabilization requirements of the permit.

- (c) Deadlines for projects that are affected by circumstances beyond the permittee’s control that delay the initiation and/or completion of vegetative stabilization. If permittees are

unable to meet the deadlines in sections (a) or (b) above due to circumstances beyond their control, and they are using vegetative cover for temporary or permanent stabilization, they may comply with the following stabilization deadlines instead:

- i. Immediately initiate, and within 14 calendar days complete, the installation of temporary **non-vegetative** stabilization measures to prevent erosion;
- ii. Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on the site; and
- iii. Document the circumstances that prevent the previous stabilization measures deadlines required in sections (a) and (b) from being met and the schedule for initiating and completing stabilization that will be followed.

(4) Structural Practices

The SWPPP must include a description of structural practices to divert flows from exposed soils, retain 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 shall 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 of the site. The 3,600 cubic feet of storage area per acre drained does not apply to flows from off-site and 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 relative 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 shall 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. The 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 shall 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 shall 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 until final stabilization is achieved, and are not responsible for maintenance after storm water discharges associated with construction activity have been eliminated from the site. Final stabilization often takes time (weeks or even months), especially during times of low rainfall or during the colder months of the year. Routine inspections must continue until the final stabilization requirements of the permit are met. However, post-construction storm water BMPs that discharge pollutants from point sources once construction is completed may 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 SWPPP 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 runoff and precipitation and spill prevention and response.
- (5) The SWPPP shall include a description of pollutant sources from areas other than construction 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 endangered and/or threatened species and their critical habitat, and historic sites listed and/or proposed to be listed on national and state registries that are imposed under the eligibility requirements of Parts I.A.4.e and I.A. 4.f and Addenda A and B 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.
- (7) The SWPPP shall identify appropriate controls and measures to minimize discharges from the support activity areas.
- (8) Effective pollution prevention measures must be designed, installed, implemented, and maintained to minimize:

 - i. Discharges of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Prior to discharge wash waters must be treated in a sediment basin or an alternative control that provides equivalent or better treatment;
 - ii. Exposure of building materials and products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to storm water and to precipitation. Minimization of exposure is not required in cases where the exposure to precipitation and to storm water will not result in a discharge of pollutants or where exposure of a specific material or product poses little risk of storm water contamination (such as final products and materials intended for outdoor use);
 - iii. Discharges of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures; and
 - iv. Pollutant discharges from the support activity areas located on and off the construction site to the maximum extent practicable and comply with all permit conditions.

d. Approved State or Local Plans

- (1) Permittees which discharge storm water associated with construction activities must include in their SWPPP 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 SWPPP any measures that result from agreements from the LSHPO or tribal historic preservation offices.
- (3) SWPPPs 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 shall 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 and storm water runoff; structural and non-structural control measures; and locations where vehicles enter or exit the site. It must be specified in the SWPPP which schedule will be followed, and the schedule must be adhered to throughout the term of the permit.

- At least once every 7 calendar 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, shall 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 14 days, 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 and storm water runoff shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. All storm water 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 meeting water quality standards and 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 control measures 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, an inspection report must be completed and, which, at a minimum, 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 each storm event's beginning, duration, and approximate amount of rainfall (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 within 7 calendar days and retained as part of the SWPPP 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 site is in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part VI.D.10 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 to reduce and/ or eliminate the non-storm water component(s) of the discharge.

E. Contractor and Subcontractor Responsibilities

Permittees must either implement their portion of a common SWPPP or develop and implement their 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 endangered and/or threatened species and their critical habitat, and historic sites listed and/or proposed to be listed on national and state registries). Permittees must ensure either directly or through coordination with other permittees, that their 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 the contractor(s) and the subcontractor(s) who will conduct activities which might impact the effectiveness of control measures but who do not meet the definition of "operator" 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 if managed by an appropriate control structure, such as 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 must be done in such a manner that there is no runoff of rinse water from the construction site (unless managed by an appropriate control), especially into surface drainage, storm sewers, or surface waters.

Contractors may follow the EPA guidance (https://www.epa.gov/sites/default/files/2015-11/documents/concretewashout_0.pdf) 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 must 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 mixer and hoppers of concrete pumps at a construction site, he must 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 wash out 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 shall 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 SWPPPs and all records and reports required by this permit, and records of all data used to complete the NOI 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 the LDEQ at any time.

B. Accessibility

The permittee shall retain a copy of the SWPPP required by this permit (including a copy of the permit language) at the construction site (or other local site accessible to the 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 SWPPP 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 site 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

SECTION A. GENERAL CONDITIONS

1. Introduction

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

2. Duty to Comply

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

3. Penalties for Violation of Permit Conditions

- a. R.S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. R.S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details.)
- b. Any person may be assessed an administrative penalty by the state administrative authority under R.S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

4. Toxic Pollutants

- a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant, and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.
- b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

5. Duty to Reapply

- a. Individual Permits. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.
- b. General Permits. General permits expire five years after the effective date. The 180-day reapplication period as defined above is not applicable to general permit authorizations. Reissued general permits may provide automatic coverage for permittees authorized under the previous version of the permit, and no new application is required. Requirements for obtaining authorization under the reissued general permit will be outlined in Part I of the new permit. Permittees authorized to discharge under an expiring general permit should follow the requirements for obtaining coverage under the new general permit to maintain discharge authorization.

6. Permit Action

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; or
- 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.

7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private or public property, nor any infringement of federal, state, or local laws or regulations.

8. Duty to Provide Information

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

9. Criminal and Civil Liability

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

10. 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.

11. State Laws

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

12. 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.

13. 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.

14. Facilities Requiring Approval from Other State Agencies

In accordance with R.S. 40:4(A)(6) the plans and specifications of all sewerage works, both public and private, must be approved by the Louisiana Department of Health state health officer or his designee. It is unlawful for any person, firm, or corporation, both municipal and private, to operate

a sanitary sewage treatment facility without proper authorization from the state health officer.

In accordance with R.S. 40:1281.9, it is unlawful for any person, firm or corporation, both municipal and private, operating a sewerage system to operate that system unless the competency of the operator is duly certified by the Louisiana Department of Health state health officer. Furthermore, it is unlawful for any person to perform the duties of an operator without being duly certified.

In accordance with R.S. 48.385, it is unlawful for any industrial wastes, sewage, septic tanks effluent, or any noxious or harmful matter, solid, liquid, or gaseous to be discharged into the side or cross ditches or placed upon the rights-of-ways of state highways without the prior written consent of the Department of Transportation and Development chief engineer or his duly authorized representative and of the secretary of the Louisiana Department of Health.

15. The standards provided in Chapter 11 – Surface Water Quality Standards are official regulations of the state, and any person who discharges pollutants to the waters of the state in such quantities as to cause these standards to be violated shall be subject to the enforcement procedures of the state as specified in R.S. 30:2025.
16. The General Criteria, as listed in LAC 33:IX.1113.B, including criteria for floating, suspended, and settleable solids, aesthetics, color, taste and odor, toxic substances, oil and grease, foaming or frothing materials, nutrients, turbidity, flow, radioactive materials, and biological and aquatic community integrity shall apply at all times to the surface waters of the state, including wetlands, whether they are identified in the standards or not (except where specifically exempted elsewhere in the standards). These general criteria specifically apply to human activities and not to naturally occurring conditions.

SECTION B. PROPER OPERATION AND MAINTENANCE

1. Need to Halt or Reduce not a Defense

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

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal 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.

3. Proper Operation and Maintenance

- a. 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 backup 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.

- b. 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.

4. Bypass of Treatment Facilities

- a. Bypass. The intentional diversion of waste streams from any portion of a treatment facility.
- b. 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 Section B.4.c. and 4.d of these standard conditions.
- c. Notice
 - (1) 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 10 days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2701.L.6 (24-hour notice) and Section D.6.e of these standard conditions.
- d. Prohibition of bypass
 - (1) Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) 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 backup 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
 - (c) The permittee submitted notices as required by Section B.4.c of these standard conditions.
 - (2) 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 Section B.4.d(1) of these standard conditions.

5. Upset Conditions

- a. 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.
- b. 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 Section B.5.c are met. No determination made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, constitutes final administrative action subject to judicial review.
- c. 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:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required by LAC 33:IX.2701.L.6.b.ii and Section D.6.e(2) of these standard conditions; and
 - (4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.
- d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. 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.

7. Percent Removal

For Publicly Owned Treatment Works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.5905.A.3 and B.3. Publicly owned treatment works utilizing waste stabilization ponds/oxidation ponds are not subject to the 85 percent removal rate for Total Suspended Solids.

SECTION C. MONITORING AND RECORDS

1. Inspection and Entry

The permittee shall allow the state administrative authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the

presentation of credentials and other documents as may be required by the law to:

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

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than 30 minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of 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;

- b. 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;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes 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.
- e. Sample Collection

- (1) When the inspector announces that samples will be collected, the permittee may be given an additional 30 minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.

- (2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a above), and the inspector shall supply the permittee with a duplicate sample.

- f. It shall be the responsibility of the permittee to ensure that a facility representative familiar with provisions of its wastewater discharge permit, including any other conditions or limitations, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in Section C.1.b of these standard conditions. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.

- g. Upon written request, copies of field notes, drawings, etc., taken by department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

2. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All samples shall be taken at the outfall location(s) indicated in the permit. The state administrative authority shall be notified prior to any changes in the outfall location(s). Any changes in the outfall location(s) may be subject to modification, revocation, and reissuance in accordance with LAC 33:IX.2903.

3. Retention of Records

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer, as required by 40 CFR 503), the permittee shall retain records of all monitoring information, including 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, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the state administrative authority at any time.

4. Record Contents

Records of monitoring information shall include:

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

5. Monitoring Procedures

- a. Measurements and analyses must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in this permit.
- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to ensure accuracy of measurements and shall maintain appropriate records of such activities.
- c. The permittee or designated laboratory shall have an adequate analytical quality assurance/quality control program to produce defensible data of known precision and accuracy.

All quality control measures shall be assessed and evaluated on an ongoing basis, and quality control acceptance criteria shall be used to determine the validity of the data. All method-specific quality controls as prescribed in the method shall be followed. If quality control requirements are not included in the method, the permittee or designated laboratory shall follow the quality control requirements as prescribed in the Approved Edition (40 CFR Part 136) *Standard Methods for the Examination of Water and Wastewater*, Sections 1020A and 1020B. General sampling protocol shall follow guidelines established in the *Handbook for Sampling and Sample Preservation of Water and Wastewater*, 1982 U.S. Environmental Protection Agency. This publication is available from the National Service Center for Environmental Publications

<https://nepis.epa.gov/Exe/ZyNET.exe/30000QSA.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1981+Thru+1985&Docs=&Query=&Time=&EndTime=&SearchMethod=1&To cRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&Int QFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C81thru85%5Ctxt%5C00000001%5C30000QSA.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL>

6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes and shall be calibrated by a qualified source at least once a year to ensure their accuracy. A qualified source is a person that has received formal training and/or has practical field experience in the calibration of the flow measurement device used at the facility. Guidance in selection, installation, calibration, and operation of acceptable flow measurement devices can be obtained from the following references:

- a. *A Guide to Methods and Standards for the Measurement of Water Flow*, 1975, U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, telephone number (800) 553-6847. Order by NTIS publication number COM-75-10683.

<https://www.govinfo.gov/content/pkg/GOVPUB-C13-a301a5f6bf6ec378b4fabc9c626c03e2/pdf/GOVPUB-C13-a301a5f6bf6ec378b4fabc9c626c03e2.pdf>

- b. *Flow Measurement in Open Channels and Closed Conduits*, Volumes 1 and 2 U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Service (NTIS), Springfield, VA, 22161, telephone number (800) 553-6847. Order by NTIS publication number PB-273 535.

Volume 1:

<https://www.govinfo.gov/content/pkg/GOVPUB-C13-c0f8a094b9fcc5c32be685edbd48f942/pdf/GOVPUB-C13-c0f8a094b9fcc5c32be685edbd48f942.pdf>

Volume 2:

<https://www.govinfo.gov/content/pkg/GOVPUB-C13-b3daf36f1cc0f770bc04d66da5cdc937/pdf/GOVPUB-C13-b3daf36f1cc0f770bc04d66da5cdc937.pdf>

- c. *NPDES Compliance Flow Measurement Manual*, U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, telephone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

<https://nepis.epa.gov/Exe/ZyNET.exe/9101TZLK.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1981+Thru+1985&Docs=&Query=&Time=&EndTime=&SearchMethod=1&To cRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&Int QFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C81thru85%5CTxt%5C00000026%5C9101TZLK.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL>

7. Prohibition for Tampering: Penalties

- a. 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.
- b. 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.

8. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (see LAC 33:IX.4901), or in the case of sludge use and disposal, approved under 40 CFR Part 136 (see LAC 33:IX.4901) unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.

9. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

10. Laboratory Accreditation

- a. LAC 33:I.Subpart 3, Chapters 45–59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical

analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:

- (1) Submitted on behalf of any facility, as defined in R.S. 30:2004;
 - (2) Required as part of any permit application;
 - (3) Required by order of the department;
 - (4) Required to be included on any monitoring reports submitted to the department;
 - (5) Required to be submitted by contractor; and/or
 - (6) Otherwise required by department regulations.
- b. 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. Retesting of analysis by an accredited commercial laboratory will be required.

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

- c. Regulations on the Louisiana Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation are available on the department's website located under LDEQ → About LDEQ → Public Participation and Permit Support → LA Lab Accreditation at the following link: <http://deq.louisiana.gov/page/la-lab-accreditation>.

Questions concerning the program may be directed to (225) 219-3247.

SECTION D. REPORTING REQUIREMENTS

1. Facility Changes

The permittee shall give notice to the state administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit nor to notification requirements under LAC 33:IX.2703.A.1.
- c. For Municipal Permits. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301 or 306 of the CWA if it were directly discharging those pollutants, and any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

2. 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.

3. Transfers

This permit is not transferable to any person except after notice to the state administrative authority. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act or the Louisiana Environmental Quality Act. (See LAC 33:IX.2901; in some cases, modification or revocation and reissuance is mandatory.)

A permit may be transferred by the permittee to a new owner or operator only if: (1) the permit has been modified or revoked and reissued (under LAC 33:IX.2903.A.2.b) by the permittee and new owner submitting a Name/Ownership/Operator Change Form (NOC-1 Form) and approved by LDEQ (LAC 33:I.Chapter 19); or (2) a minor modification made (under LAC 33:IX.2905) to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act and the Louisiana Environmental Quality Act.

The NOC-1 form can be found using the pathway LDEQ → Water → LPDES Application Forms at the following link: <http://deq.louisiana.gov/page/lpdes-water-permits>

4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be submitted through a department-approved electronic document receiving system (NetDMR) in accordance with LAC 33:I.Chapter 21 unless the state administrative authority gives written authorization to the permittee to submit monitoring results in an alternative format such as paper DMRs.

Information about NetDMR and gaining access can be viewed using the pathway LDEQ → Water → Enforcement → NETDMR on the department's website at: <http://deq.louisiana.gov/page/netdmr>.

The permittee shall submit properly completed Discharge Monitoring Reports (DMRs) using the format specified in the permit.

If authorized to report using an alternative format such as paper DMRs, then preprinted DMRs will be provided to majors and other designated facilities. Please contact the Permit Compliance Unit (PCU) concerning preprints. Self-generated DMRs must be pre-approved by the PCU prior to submittal. Self-generated DMRs are approved on an individual basis. Requests for approval of self-generated DMRs should be submitted to the following address:

Supervisor, Permit Compliance Unit
Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, LA 70821-4312

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

6. Requirements for Notification

a. Emergency Notification

As required by LAC 33.I.3915, in the event of an unauthorized discharge that causes an emergency condition, the discharger shall notify the hotline [Department of Public Safety (DPS) 24-hour Louisiana Emergency Hazardous Materials Hotline] by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a 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 and 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. Prompt Notification Procedures are listed in Section D.6.c of these standard conditions.

A written report shall be provided within seven calendar days after the notification. The report shall contain the information listed in Section D.6.d of these standard conditions and any additional information in LAC 33:I.3925.B.

b. 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.Chapter 39.Subchapter E, but does not cause an emergency condition, the discharger shall promptly notify DPS by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) within 24 hours after learning of the discharge.

In the event of an unauthorized discharge that requires notification, the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will notify the Department of Environmental Quality.

In accordance with LAC 33:I.3923, notifications not required by LAC 33:I.3915 or 3917 shall be provided to the department within a time frame not to exceed 24 hours, or as specified by the specific regulation or permit provision requiring the notification, and shall be given to Single Point of Contact (SPOC), as follows:

- (1) by the Online Incident Reporting screens found at <http://deq.louisiana.gov/page/file-a-complaint-report-an-incident>; or

- (2) by e-mail utilizing the Incident Report Form and instructions found at <https://www.deq.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=single-point-of-contact>; or
- (3) by telephone at (225) 219-3640 during office hours, or (225) 342-1234 after hours and on weekends and holidays.

c. Content of Prompt Notifications

The following guidelines will be utilized as appropriate, based on the conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge:

- (1) the name of the person making the notification and the telephone number where any return calls from response agencies can be placed;
- (2) the name and location of the facility or site where the unauthorized discharge is imminent or has occurred, using common landmarks. In the event of an incident involving transport, include the name and address of the transporter and generator;
- (3) the date and time the incident began and ended, or the estimated time of continuation if the discharge is continuing;
- (4) the extent of any injuries and identification of any known personnel hazards that response agencies may face;
- (5) the common or scientific chemical name, the U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all discharged pollutants; and
- (6) a brief description of the incident sufficient to allow response agencies to formulate their level and extent of response activity.

d. Written Notification Procedures

Written reports for any unauthorized discharge that requires notification under Section D.6.a or b, shall be submitted by the discharger to the Office of Environmental Compliance, Emergency and Radiological Services Division - SPOC in accordance with LAC 33:I.3925 within seven calendar days after the notification required by D.6.a or 6.b, unless otherwise provided for in a valid permit or other department regulation. Written notification reports shall include, but not be limited to, the following information:

- (1) 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 this section;
- (2) the time and date of prompt notification, the state official contacted when reporting, the name of person making that notification, identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred, and the location where the incident occurred;

- (3) date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;
- (4) 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:
 - (a) the current permitted limit for the pollutant(s) released and
 - (b) the permitted release point/outfall ID;
- (5) 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);
- (6) a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted; and
- (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.

Written notification reports shall be submitted to the Office of Environmental Compliance, SPOC by mail or e-mail. The transmittal envelope and report or e-mail subject line and report should be clearly marked **“UNAUTHORIZED DISCHARGE NOTIFICATION REPORT.”**

Written reports (LAC 33:I.3925) should be mailed to:

Louisiana Department of Environmental Quality
Post Office Box 4312
Baton Rouge, LA 70821-4312
ATTENTION: OFFICE OF ENVIRONMENTAL COMPLIANCE – SPOC
"UNAUTHORIZED DISCHARGE NOTIFICATION REPORT"

The Written Notification Report may be e-mailed to the Louisiana Department of Environmental Quality, Office of Environmental Compliance, Single Point of Contact at: writtennotificationLDEQ@la.gov.

Please see LAC 33:I.3925.B for additional written notification procedures.

e. Twenty-four Hour Reporting

The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been

corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2701.M.3.b);
- (2) Any upset which exceeds any effluent limitation in the permit; and/or
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Part II of the permit to be reported within 24 hours (LAC 33:IX.2707.G).

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D.4, 5, and 6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section D.6.e.

8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

9. Discharges of Toxic Substances

In addition to the reporting requirements under Section D.1–8, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Water Permits Division as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant:
 - (1) listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (a) One hundred micrograms per liter (100 µg/L);
 - (b) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2501.G.7; or
 - (d) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or
 - (2) which exceeds the reportable quantity levels for pollutants at LAC 33:I.Chapter 39.Subchapter E.

- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant:
 - (1) listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (a) Five hundred micrograms per liter (500 µg/L);
 - (b) One milligram per liter (1 mg/L) for antimony;
 - (c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2501.G.7; or
 - (d) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or
 - (2) which exceeds the reportable quantity levels for pollutants at LAC 33:I.Chapter 39.Subchapter E.

10. Signatory Requirements

All applications, reports, or information submitted to the state administrative authority shall be signed and certified.

- a. All permit applications shall be signed as follows:
 - (1) For a corporation—by a responsible corporate officer. For the purpose of this section, a 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 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: The department does not require specific assignments or delegations of authority to responsible corporate officers identified in Section D.10.a(1)(a). 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 Section D.10.a(1)(b) 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 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 (for example, Regional Administrators of EPA).
- b. All reports required by permits and other information requested by the state administrative authority shall be signed by a person described in Section D.10.a, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in Section D.10.a of these standard conditions;
 - (2) 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 of a well or a well field, 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 an individual occupying a named position); and
 - (3) The written authorization is submitted to the state administrative authority.
- c. Changes to authorization. If an authorization under Section D.10.b is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.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.
- d. Certification. Any person signing a document under Section D.10.a or b above, shall make the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, 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 applicant or permittee; or
- b. Permit applications, permits, and effluent data.

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.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

1. Criminal

a. Negligent Violations

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 one year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$50,000 per day of violation, or imprisonment of not more than two years, or both.

b. Knowing Violations

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 three years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.

c. Knowing Endangerment

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

of such person under this Paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

d. False Statements

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

2. Civil Penalties

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

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

SECTION F. DEFINITIONS

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

1. Clean Water Act (CWA) means the Public Law 92-500 as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et seq. The CWA was formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972.
2. Accreditation means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.
3. Administrator means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.
4. Applicable Standards and Limitations means all state, interstate and federal standards and limitations to which a discharge is subject under the Clean Water Act, including effluent limitations, water quality standards of performance, toxic effluent standards or prohibitions, best

management practices, and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308, and 403.

5. Applicable water quality standards means all water quality standards to which a discharge is subject under the Clean Water Act.
6. Commercial Laboratory means any laboratory, wherever located, that performs analyses or tests for third parties for a fee or other compensation and provides chemical analyses, analytical results, or other test data to the department. The term commercial laboratory does not include laboratories accredited by the Louisiana Department of Health in accordance with R.S. 49:1001 et seq.
7. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample.
8. Daily Maximum discharge limitation means the highest allowable "daily discharge."
9. Director means the U.S. Environmental Protection Agency Regional Administrator, or the state administrative authority, or an authorized representative.
10. Domestic septage means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from grease trap at a restaurant.
11. Domestic sewage means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.
12. Environmental Protection Agency (or EPA) means the U.S. Environmental Protection Agency.
13. Grab sample means an individual sample collected over a period of time not exceeding 15 minutes, unless more time is needed to collect an adequate sample, and is representative of the discharge.
14. Industrial user means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
15. LEQA means the Louisiana Environmental Quality Act.
16. Loading is presented in the permit and reported in the DMR as the total amount of a pollutant entering the facility or discharged in the effluent. It is calculated by knowing the amount of flow, the concentration, and the density of water. Results should be rounded off and expressed with the same number of significant figures as the permit limit. If the permit does not explicitly state how many significant figures are associated with the permit limit, the permittee shall use two.

Loading (lbs/day) = Flow (in MGD) x Concentration (mg/L) x 8.34*

*8.34 is the unit conversion for the weight of water

17. 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.
18. Monthly Average discharge limitations (other than for bacteria indicators, such as fecal coliform and enterococci) 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 limitations or conditions, and flow is measured as continuous record or with a totalizer, the monthly average 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 =

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

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 bacteria indicators is the geometric mean of the values for all effluent samples collected during a calendar month.

19. National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.
20. POTW means Publicly Owned Treatment Works.
21. Sanitary Wastewater Term(s):
- a. 3-hour composite sample consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 3-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 3-hour period.
 - b. 6-hour composite sample consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 6-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 6-hour period.

- c. 12-hour composite sample consists of 12 effluent portions collected no closer together than one hour over the 12-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 12-hour period. The daily sampling intervals shall include the highest flow periods.
 - d. 24-hour composite sample consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample continuously collected in proportion to flow over the 24-hour period.
22. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
23. Sewage sludge means any solid, semisolid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. *Sewage sludge* includes, but is not limited to, solids removed during primary, secondary, or advanced wastewater treatment, scum, domestic septage, portable toilet pumpings, Type III marine sanitation device pumpings (33 CFR Part 159), and sewage sludge products. *Sewage sludge* does not include grit or screenings, or ash generated during the incineration of sewage sludge.
24. Stormwater Runoff means aqueous surface runoff including any soluble or suspended material mobilized by naturally occurring precipitation events.
25. Surface Water means all lakes, bays, rivers, streams, springs, ponds, impounding reservoirs, wetlands, swamps, marshes, water sources, drainage systems and other surface water, natural or artificial, public or private within the state or under its jurisdiction that are not part of a treatment system allowed by state law, regulation, or permit.
26. 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. (See Part 212 of the Clean Water Act.)
27. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
28. The term MGD shall mean million gallons per day.
29. The term GPD shall mean gallons per day.
30. The term mg/L shall mean milligrams per liter or parts per million (ppm).
31. The term SPC shall mean Spill Prevention and Control. This is a plan covering the release of pollutants as defined by the Louisiana Administrative Code (LAC 33:IX.Chapter 9).
32. The term SPCC shall mean Spill Prevention Control and Countermeasures Plan. This is a plan

covering the release of pollutants as defined in 40 CFR Part 112.

33. The term µg/L shall mean micrograms per liter or parts per billion (ppb).
34. The term ng/L shall mean nanograms per liter or parts per trillion (ppt).
35. Visible Sheen means a silvery or metallic sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface.
36. Wastewater means liquid waste resulting from commercial, municipal, private, or industrial processes. Wastewater includes, but is not limited to, cooling and condensing waters, sanitary sewage, industrial waste, and contaminated rainwater runoff.
37. Waters of the State means 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 Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as “waters of the United States” in 40 CFR 122.2, and tributaries of all such waters. “Waters of the state” does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.
38. Weekly average, other than for bacteria indicators, such as fecal coliform and enterococci, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all “daily discharge(s)” measured during a calendar week divided by the number of “daily discharge(s)” measured during that week. When the permit establishes weekly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the weekly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar week where C = daily discharge concentration, F = daily flow and n = number of daily samples; weekly average discharge

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

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

The weekly average for bacteria indicators is the geometric mean of the values for all effluent samples collected during a calendar week.

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 III.D and VI.A.6 of this permit or the permit may be modified to include different requirements and/or limitations.

PART VIII. ADDITIONAL DEFINITIONS

Aggregate Spray – potable water used to cool aggregate stockpiles and to maintain the specific gravity of lightweight aggregate.

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

Arid Areas – areas with an average annual rainfall of 0 to 10 inches.

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 State. 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.

(<https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu>)

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

Control Measure – as used in this permit, refers to any BMP or other method used to prevent or reduce the discharge of pollutants to Waters of the State.

Commencement of Construction Activities – the initial disturbance of soils associated with clearing, grading, or excavating activities as well as support activities related to a construction site.

Common Plan of Development – 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, commercial and industrial 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., the project is being built on 6 half-acre residential lots in a 10-acre development or put 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 on-going construction activities (i.e., all areas are either undisturbed or have been finally stabilized), 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, compliance with the terms and conditions of the Small Construction General Permit is required. If less than one acre remains of the original common plan, the individual project may be treated as a part of a less than one acre development and no permit would be required.

If there is 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, 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.

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.), construction materials or equipment storage, maintenance (e.g., fill piles, fueling, etc.) or defined dedicated construction support activities are located.

Drought-Stricken Area – for the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration’s U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) “Drought to persist or intensify”, (2) “Drought ongoing, some improvement”, (3) “Drought likely to improve, impacts ease”, or (4) “Drought development likely”.

See http://www.cpc.ncep.noaa.gov/products/expert_assessment/season_drought.gif.

Facility means a pollution source, or any public or private property or site and all contiguous land and structures, other appurtenances and improvements, where any activity is conducted which discharges or may result in the discharge of pollutants into waters of the state.

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 destabilized 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 the operator.
 - 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.
- (iv) 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.

Infeasible – not technologically possible, or not economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer System (MS4) – refers to a publicly-owned conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that discharges to Waters of the State 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)(see LAC 33:IX.2511.B.4, B.7, and B.16 or 40 CFR 122.26(b)(4), (b)(7), and (b)(16)).

Natural Buffer – as used in this permit, an area of undisturbed natural cover surrounding surface waters. Natural cover includes vegetation, exposed rock, or barren ground that exists prior to commencement of construction activities at the site

New Source – any building, structure, site, or installation from which there is or may be discharge of pollutants, the construction of which commenced:

- a. after promulgation of standards of performance under Section 306 of the CWA which are applicable to such source; or
- b. after proposal of standards of performance in accordance with Section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

Non-turbid – for the purposes of this permit, means that the discharge does not cause or contribute to an exceedance of turbidity-related water quality standards.

NOE – notice of extension to continue coverage or to reauthorize under the reissued LAR100000 (see Part I.D of this permit).

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

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

Operator – any party associated with the construction project that meets either of the following two criteria: (1) the party has operational control over project plans and 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 SWPPP or other permit conditions (e.g., they are authorized to direct workers at the site to carry out activities identified in the SWPPP or comply with other permit conditions).

Permittee - an operator with permit authorization to discharge storm water associated with construction activity in Louisiana under the terms and conditions of this permit.

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

Point Source – 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 – 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 – 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 – the fraction of total rainfall that will leave the site as runoff.

Semi-Arid Areas – areas with an average annual rainfall of 10 to 20 inches.

Site – 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 and/or off-site construction support activities.

State Administrative Authority – the Secretary of the Department of Environmental Quality or his/her designee, or the appropriate assistant secretary or his/her designee.

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

Storm Water Discharge Associated with Large Construction Activity – this includes discharges of storm water from construction activities including clearing, grading excavating, and support activities related to a construction site that results in land disturbance greater than five acres. Also included is construction activity that disturbs less than five acres of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb greater than five acres.

Support Activities Related to Construction Sites - includes, but is not limited to, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas, material stockpiles, and placement of raw material. Support activities related to the operation of concrete or asphalt batch plants located at a construction site are not authorized by this permit.

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

Uncontaminated – for the purposes of this permit, means that the discharge does not cause or contribute to an exceedance of applicable water quality standards.

Wasteload allocation (WLA) means that portion of the assimilative capacity of the receiving water apportioned to a specific discharger in such a way that water quality standards are maintained under design conditions

ADDENDUM A

ENDANGERED SPECIES GUIDANCE

ENDANGERED SPECIES GUIDANCE

I. INSTRUCTIONS

A list of endangered and threatened species that the US Fish and Wildlife Service (FWS) has determined may be affected by the activities covered by the Construction General Permit is available in the Fish and Wildlife Service Memorandum of Understanding (MOU) letter at <http://deq.louisiana.gov/page/lpdes>.

The species listing by parish is found using the link labeled Endangered Species Act (ESA) and Migratory Bird Treaty Act (MBTA) Project Review. 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 site,
- Pursuant to Permit Part I.A.4.e follow the procedures found in this Guidance to protect listed endangered and/or threatened species and designated critical habitat and determine that the storm water discharges and BMPs to control storm water runoff covered under this permit meet one or more of the eligibility requirements of Part I.A.4.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 listed threatened or endangered species or on the critical habitat for those species, the operator must follow this Guidance's Steps 1 through 4 (and 5 if applicable) when developing the SWPPP.

NOTE: At any step in the determination operators may contact the 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
Louisiana Ecological Services
200 Dulles Drive
Lafayette, LA 70506
(337) 291-3100
lafayette@fws.gov

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

If no species are listed in the site's parish or if a site'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 the NEPA. Such assessments may indicate if listed species are in proximity. (Construction General Permit coverage does not trigger the 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 the NEPA because of federal funding or other federal nexus.)
- Using the ESA and MBTA project review application at the FWS Louisiana Ecological Services website (<https://www.fws.gov/office/louisiana-ecological-services>).

If no species are in proximity and there is no likelihood of any BMPs to control storm water causing adverse

effects on species identified in in this addendum, an operator is eligible for Construction General Permit coverage based upon this **Criterion A**.

If adverse effects are determined to be unlikely, then the operator is eligible for permit coverage

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 (SWPPP) and follow Step 3.

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 unlikely, then the operator is eligible for permit coverage

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

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

If it is determined that adverse effects cannot be ruled out or are likely, the operator 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 (NMFS) if referred to that Service by the FWS] to see what appropriate measures might be suitable to avoid or eliminate adverse impacts to listed species and/or critical habitat. This can entail the initiation of informal coordination with the FWS (and/or NMFS, if appropriate) which is described in more detail in 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 SWPPP and may be enforceable as permit conditions.

If appropriate measures to avoid the likelihood of adverse effects are not available, then the operator must follow Step 5.

STEP 5: CONSULTATION WITH FWS TO DETERMINE IF THE ELIGIBILITY REQUIREMENTS CAN BE MET

Where adverse effects are likely, the operator must contact the FWS. The operator may still be eligible for permit coverage if any likelihood of adverse effects is addressed by meeting at least one of the following criteria, as required by Part I.A.4.e if:

- **Criterion B.** The operator's activity has received previous authorization through an earlier Section 7 consultation or issuance of a 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

- **Criterion C.** The operator's activity was previously considered 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 ESA, which accounts for storm water discharges and BMPs to control storm water runoff (e.g., where an area-wide habitat conservation plan and the ESA's Section 10 permit is issued which addresses impacts from construction activities, including those from storm water, or a NEPA review is conducted which incorporates the ESA Section 7 procedures).

OR

Criterion D. Consultation with the USFWS (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 USFWS (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 SWPPP. As noted above, operators must initiate consultation during Step 4 (upon becoming aware that endangered and threatened species are in proximity to the facility).

OR

Criterion E. The operator's activity was considered 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 Criterion A, B, C, or D [e.g., owner was able to determine there would be no adverse impacts for the project as a whole under Criterion A, so contractor meets the eligibility requirements stated Criterion D]. Utility companies applying for area-wide permit coverage meet the eligibility requirements stated in Criterion 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.

The determination of eligibility of Criteria B - D shall be documented in the facility's SWPPP, and copies of all applicable documents, such as the FWS approval letters, shall be retained with the SWPPP. The operator must comply with any terms and conditions imposed under the all eligibility criteria requirements to ensure that storm water discharges or BMPs used 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 SWPPP.

If the eligibility requirements of Criteria A - D cannot be met, then the operator may not receive coverage under this permit and should consider applying to the LDEQ for an individual permit.

This permit does not authorize any "taking" (as defined under Section 9 of the ESA) of endangered or threatened species unless such takes are authorized under Section 7 or 10 the ESA. 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 of the ESA.

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 ESA or result in the adverse modification or destruction of designated critical habitat.

II. ENDANGERED SPECIES PARISH LIST

See: <http://deq.louisiana.gov/page/lpdes>. Click on **Water**, then **Permits**, then **LPDES Permit Information**, then the "U.S. Fish and Wildlife Service [Endangered Species Act \(ESA\) and Migratory Bird Treaty Act \(MBTA\) Project Review](#)" under **LPDES Support Documents**.

ADDENDUM B
HISTORIC PRESERVATION

HISTORIC PROPERTIES GUIDANCE

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

For existing operators 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 sites that are new storm water dischargers, and for existing sites that are planning to construct BMPs for permit eligibility, operators shall 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 shall 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 (SHPO) to respond to inquiries concerning the location of historic properties, it is suggested that operators first access the "NRHP" information listed on the National Park Service's web page at the address listed in this Guidance. The address for the Louisiana State Historic Preservation Officer (LSHPO) is also listed in this Guidance. For projects that will result in permanent discharges that will need a separate LPDES permit (i.e. individual or sanitary), the LDEQ requires the applicant/operator to submit formal site plans to the SHPO for review. 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.

As referenced in I.A.4.f of the permit, operators must meet one of the following the permit eligibility criteria for protection of historic properties under this permit:

(1) If historic properties are **not identified** in the path of a site'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.4.f.

(2) If historic properties **are identified** in the path of a site'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 site's storm water pollution prevention plan.

In situations where an agreement cannot be reached between an operator and the State Historic Preservation Officer, applicants shall 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. The 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 of Historic Places (NRHP), can be accessed on the Internet at <https://www.nps.gov/subjects/nationalregister/index.htm>.

II. Louisiana State Historic Preservation Officer (LSHPO)

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) 342-8200.

III. Advisory Council on Historic Preservation

Advisory Council on Historic Preservation, 401 F Street NW, Suite 308, Washington, DC 20001-2637, Telephone: (202) 517-0200, E-mail: achp@achp.gov; Web site: <https://www.achp.gov/>.

The LDEQ does not have the authority to issue LPDES permits for activities on federal Native American lands.

ADDENDUM C

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

Acadiana Regional Office
Surveillance Division
Office of Environmental Compliance
111 New Center Drive
Lafayette, Louisiana 70508
(337) 262-5584

Capital Regional Office
Surveillance Division
Office of Environmental Compliance
P.O. Box 4312
Baton Rouge, Louisiana 70821-4312
(225) 219-3600

Northeast Regional Office
Surveillance Division
Office of Environmental Compliance
508 Downing Pines Road
West Monroe, Louisiana 71292
(318) 362-5439

Northwest Regional Office
Surveillance Division
Office of Environmental Compliance
1525 Fairfield Avenue, Room 520
Shreveport, Louisiana 71130
(318) 676-7476

Southeast Regional Office
Surveillance Division
Office of Environmental Compliance
201 Evans Road, Bldg. 4, Suite 420
New Orleans, LA 70123-5230
(504) 736-7701

Southwest Regional Office
Surveillance Division
Office of Environmental Compliance
1301 Gadwall Street
Lake Charles, Louisiana 70615-5176
(337) 491-2667

Jurisdictional Parishes For Each Regional Office

Acadia, Avoyelles, Catahoula, Concordia,
Evangeline, Grant, Iberia, Lafayette, LaSalle,
Rapides, St. Landry, St. Mary, Vermilion

Ascension, Assumption, East Baton Rouge, East
Feliciana, Iberville, Livingston, Pointe Coupee,
St. Helena, St. James, St. Martin, Tangipahoa,
West Baton Rouge, West Feliciana

Caldwell, East Carroll, Franklin, Jackson,
Lincoln, Madison, Morehouse, Ouachita, ,
Richland, Tensas, Union, West Carroll, Winn

Bienville, Bossier, Caddo, Claiborne, De Soto,
Natchitoches, Red River, Sabine, Webster

Jefferson, Lafourche, Orleans, Plaquemines,
St. Bernard, St. Charles, St. John the Baptist,
St. Tammany, Terrebonne, Washington

Allen, Beauregard, Calcasieu, Cameron, Jefferson
Davis, Vernon

ADDENDUM D

LIST OF OUTSTANDING NATURAL RESOURCE WATERS AND
SCENIC STREAMS

OUTSTANDING NATURAL RESOURCE WATERS AND SCENIC STREAMS

ATCHAFALAYA RIVER BASIN: None

BARATARIA BASIN:

Bayou Des Allemands – from Lac Des Allemands to old US Highway 90

Bayou Des Allemands – from Highway 90 to Lake Salvador

CALCASIEU RIVER BASIN:

Barnes Creek – from headwaters to Little Barnes Creek (Scenic Stream only)

Barnes Creek – from Little Barnes Creek to Calcasieu River (Scenic Stream only)

Beckwith Creek – from headwaters to West Fork Calcasieu River (Scenic Stream only)

Bundicks Creek – from headwaters to Bundicks Lake (Scenic Stream only)

Bundicks Creek – from Bundicks Lake to Whiskey Chitto Creek (Scenic Stream only)

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

Hickory Branch – from headwaters to West Fork Calcasieu River (Scenic Stream only)

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:

Abita River (St. Tammany Parish) – from its headwaters to its entrance into the Bogue Falaya River (Scenic Stream only)

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 U.S. Highway 190; includes tributaries

Tchefuncte River – from U.S. Highway 190 to Bogue Falaya River, includes tributaries

Tchefuncte River – from Bogue Falaya River to LA Highway 22

Bogue Falaya River – from headwaters to Tchefuncte River

Bayou Lacombe – from headwaters to Interstate Highway 12

Bayou Lacombe – from CDM Ecoregion boundary to Lake Pontchartrain

Bayou Lacombe – from Interstate Highway 12 to U.S. Highway 190

Bayou Lacombe – from US Highway 190 to CDM Ecoregion boundary

Bayou Cane – from the headwaters to U.S. Highway 190

Bayou Cane – from CDM Ecoregion boundary 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; also known as Bayou
Desiard and Lake Bartholomew
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 Castor Creek-Dugdemona River confluence to Bear Creek
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
Georgetown Reservoir

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 and Bradley Slough – from Pearl River 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