



## ABOUT SB/SCAP

The primary mission of the DEQ's Small Business & Small Community Assistance Program is to provide important environmental regulatory assistance to small businesses and to provide environmental regulatory information to small communities.

The SB/SCAP technical advisors listed below are experienced, highly knowledgeable, and committed to enhancing the relationships between DEQ and small businesses & communities.

## DIRECTORY

### CAPITAL REGIONAL OFFICE

Jonathan McFarland, PE: 225.219.3956

Yanfu Zhao, PE: 225.219.0860

Jada Lewis: 225.219.3963

### NORTHEAST REGIONAL OFFICE

(Kisatchie Central Office)

Jason Dewitt: 318.487.5528

Faith Stephens, QEP: 318.362.5429

### SOUTHWEST REGIONAL OFFICE

Markle Farber: 337.491.2804

Ned Richard: 337.491.2719

### SOUTHEAST REGIONAL OFFICE

Kurt Wilson: 504.736.7767

My Trinh: 504.736.7768

Ella Barbe: 504.736.7739

### ACADIANA REGIONAL OFFICE

Mike Savoy: 337.262.5591

Jeff Jackson: 337.262.5582

### SMALL BUSINESS OMBUDSMAN

Tomeka Prioleau: 225.219.0877

E-MAIL: [sbap@la.gov](mailto:sbap@la.gov)

**TOLL FREE: 1.800.259.2890**

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SMALLBUSINESS**



## Small Business Panel on the Development of a National Rulemaking for Stormwater Management Including Discharges from Newly Developed and Redeveloped Sites

The Environmental Protection Agency's (EPA) current national stormwater program regulates stormwater discharges from certain municipal separate storm sewer systems (MS4s), stormwater discharges associated with industrial activity, and stormwater discharges associated with construction activity from sites one acre or larger. See Clean Water Act (CWA) section 402(p); 40 CFR 122.26(a). Most of these stormwater discharges are required to be covered by National Pollutant Discharge Elimination System (NPDES) permits that must include certain requirements including, for discharges from MS4s, stormwater management programs for newly developed and redeveloped sites.

In July 2006, EPA commissioned the National Research Council (NRC) to review its program for controlling stormwater discharges under the CWA. The NRC released its report, entitled *Urban Stormwater Management in the United States*, National Academy of Sciences Press, in October 2008. The NRC report states that stormwater discharges from the built environment remain one of the greatest challenges of modern water pollution controls, "as this source of contamination is a principal contributor to water quality impairment of waterbodies nationwide." The NRC found that the current regula-



tory approach by EPA is not adequately controlling all sources of stormwater discharges that are contributing to waterbody impairment. NRC recommended that EPA address stormwater discharges from impervious land cover and promote what are often called "green infrastructure" practices. Green infrastructure approaches and technologies, including "Low Impact Development" (LID), can infiltrate, harvest, evapotranspire, capture, reuse or otherwise manage stormwater in order to maintain or restore the natural hydrology of a developed site. The maintenance or restoration of the natural hydrology is critical to reducing pollutant loadings to our Nation's waters.

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# Louisiana SB/SCAP Newsletter

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Based on EPA's review of the stormwater program to date, including the NRC report, EPA published a Federal Register Notice on December 28, 2009 announcing an intention to initiate rulemaking to strengthen its stormwater program under the CWA particularly by reducing the impact of stormwater discharges from developed sites to our Nation's waters (See [74 FR 68617-68622](#)). As described in that notice, EPA is considering numerous actions as part of its rulemaking, for example:

Expanding the scope of stormwater discharges regulated under the CWA. This may mean regulating additional discharges from MS4s, regulating additional discharges from areas served by currently regulated MS4s, and/or regulating discharges from developed sites.

Establishing national standards for stormwater discharges from newly developed and redeveloped sites.

Strengthen existing requirements for discharges from MS4s.

Revising existing MS4 regulations to set out the requirements for MS4 permits together in one place (as opposed to the separate Phase I and Phase II rules).

Revising the existing MS4 regulations

to include requirements for retrofitting stormwater controls at existing developed sites that discharge to an MS4, and

Including specific regulatory provisions for stormwater discharges in the Chesapeake Bay watershed.

## What is a Small Business Advocacy Panel?

EPA expects to conduct a Small Business Advocacy Review (SBAR) Panel for the development of a proposed rule to strengthen and expand its stormwater program under the CWA with a focus on reducing the discharge of pollutants in order to protect water quality.

The Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act (RFA/SBREFA) requires EPA to convene a SBAR Panel for a proposed rule unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The Panel process offers an opportunity for small entities that are expected to be subject to the requirements of a proposed rule to provide input into the rulemaking process in

order to ensure that small entity concerns are carefully considered by the Agency.

Small entities that participate in the Panel process are referred to as Small Entity Representatives.

## How Can I Learn More?

If you are a developer or owner of sites such as, but not limited to, subdivisions, roadways, industrial facilities, and commercial buildings or shopping centers and your business is a small business, or if you own or operate a small MS4, you may be subject to this rulemaking.

While the opportunity to participate as a small entity representative to this Panel has passed, you will have the chance to submit comments concerning this rulemaking during the standard public comment period commencing after publication of the notice of proposed rulemaking in the Federal Register.

Updates about the development status of this action are available at EPA's Rulemaking Gateway and additional information about EPA's stormwater program is available at <http://www.epa.gov/npdes/stormwater/rulemaking>.

## Reminders for the quarter

Jan 5	Annual Hazardous Waste Report Workshop; 1pm-2:30pm; Alexandria; Contact phone: 225-219-3185
Jan 6	Annual Hazardous Waste Report Workshop; 9am-10:30am; Shreveport; Contact phone: 225-219-3185
Jan 12	Annual Hazardous Waste Report Workshop; 9:30am-11:00am; Baton Rouge; Contact phone: 225-219-3185
Jan 13	Annual Hazardous Waste Report Workshop; 10am-11:30am; Lake Charles; Contact phone: 225-219-3185
Feb 12	Sewage Sludge Training; Pineville; Phone: 225-219-0877
Mar 11	NESHAP 6H Notification Due to LDEQ
Mar 31	Toxic EI in ERIC, Criteria EI in Eric due

## Underground Storage Tanks Training

Date	Location	Time
Jan. 19, 2011	Baton Rouge	1pm-5pm
Feb. 16, 2011	West Monroe	8am-12pm
Mar. 16, 2011	Boutte	1pm-5pm

To register for UST training, call: Tommie Johnson (225) 219-3805, Cheryl Easley (225) 219-3713, or Vicki Tabora (225) 219-3808. This is a FREE training.

## Sanitary Wastewater Compliance Assistance Training

Date	Location	Time
Feb. 25, 2011	Crowley	8:30 am - 12:30 pm

To register for these FREE classes: Call (225) 219-3718 or (225) 219-3722.