OFFICE OF ENVIRONMENTAL SERVICES

Water Discharge Permit

GENERAL PERMIT NUMBER LAR100000 – AI 83363

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

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001, et seq.), rules and regulations effective or promulgated under the authority of said Acts, this Louisiana Pollutant Discharge Elimination System (LPDES) General Permit is reissued. This permit authorizes operators of storm water discharges from construction activities of five (5) acres or more, and defined dedicated support and 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 becomes effective on October 1, 2004

This permit and the authorization to discharge shall expire five (5) years from the effective date.

Issued on July 30, 2004

Karen K. Gautreaux
Deputy Secretary

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

Part I. COVERAGE UNDER THIS PERMIT 4
A. Applicability 4
B. Obtaining Authorization 12
C. Terminating Coverage 13

Part II. NOTICE OF INTENT REQUIREMENTS 14
A. Deadlines for Notification 14
B. Contents of Notice of Intent 15
C. Where to Submit 16

Part III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS 17
A. Prohibition on Non-Storm Water Discharges 17
B. Releases in Excess of Reportable Quantities 18
C. Spills 19
D. Discharge Compliance with Water Quality Standards 19
E. Responsibilities of Operators 20

Part IV. STORM WATER POLLUTION PREVENTION PLANS 22
A. Deadlines for Plan Preparation and Compliance 22
B. Signature, Plan Review and Making Plans Available 23
C. Keeping Plans Current 24
D. Contents of Plan 24
E. Contractor and Subcontractor Responsibilities 32

Part V. RETENTION OF RECORDS 34
A. Documents 34
B. Accessibility 34
C. Addresses 34

Part VI. STANDARD PERMIT CONDITIONS 35
A. Duty to Comply 35
B. Continuation of the Expired General Permit 36
C. Need to Halt or Reduce Activity not a Defense 36
D. Duty to Mitigate 36
E. Duty to Provide Information 37
F. Other Information 37

INTERNET COPY

G. Signatory Requirements 37
H. Penalties for Falsification of Reports 39
I. Oil and Hazardous Substance Liability 39
J. Property Rights 39
K. Severability 39
L. Requiring an Individual Permit or an Alternative General Permit 39
M. State Environmental Laws 40
N. Proper Operation and Maintenance 41
O. Inspection and Entry 41
P. Bypass of Treatment Facilities 41
Q. Upset Conditions 42
R. Removed Substances 43
S. Prohibition for Tampering: Penalties 43
T. Reporting Requirements 43
U. Monitoring and Reporting Requirements 44
V. Additional Monitoring by the Permittee 45
W. Averaging of Measurements 45
X. 40 CFR Part 136 (See LAC 33:IX.4901) Analytical Requirements 46
Y. Inactive Plants 46
Z. Availability of Reports 46
AA. Permit Actions 46
AB. Dilution 47
AC. Prohibitions for Asphalt Plants 47
AD. Laboratory Accreditation 47

Part VII. REOPENER CLAUSE 48

Part VIII. TERMINATION OF COVERAGE 49
A. Notice of Termination 49
B. Addresses 50

Part IX. DEFINITIONS 51

ADDENDA
A. ENDANGERED SPECIES GUIDANCE
B. NOTICE OF INTENT (NOI) FORM
C. NOTICE OF TERMINATION (NOT) FORM
D. HISTORIC PROPERTIES GUIDANCE

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Part I. COVERAGE UNDER THIS PERMIT

A. Applicability.

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

   Construction activities are defined as land-disturbing activities including, but not limited to, clearing, grading and/or excavating activities, and/or adding fill material. Construction activities regulated under this permit include clearing, grading and excavation that result in the disturbance of five acres of land or more. Road and pipeline building, construction of residential houses, office buildings, or industrial buildings, demolition accompanied by a land disturbance, and runways are examples of construction activities. For oil/gas exploration and production activities, the permit is applicable to the initial installation of access roads, pipelines and well pads plus any subsequent additional land disturbances of five or more acres, and subsequent activities at the disturbed areas.

   The clearing of land solely for agricultural purposes is NOT a regulated activity so is exempted from LPDES permitting requirements. 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. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a site is not a regulated construction activity.

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

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Any discharges authorized by a different LPDES permit may be commingled with discharges authorized by this permit. Any permittee issued authorization under an individual permit to discharge storm water from construction activities 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 permittee will be covered by this general permit, and the individual permit terminated.

2. This permit also authorizes discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, etc.) at construction sites covered by this permit 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;

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

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

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

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

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

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

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

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

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PART I - COVERAGE UNDER THIS PERMIT
LAR100000 – AI 83363

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

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

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

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

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

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

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

There shall be no discharge of floating solids or visible foam in other than trace amounts, or of free oil or other oily materials, or of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. There shall be no accumulation of solids in the receiving stream which has the potential to negatively impact aquatic life or hinder natural drainage.

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

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

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

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

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

2) non-storm water discharges listed below 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 storm water pollution prevention plan in such a manner as to identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge, as required below in Part IV.D.5. Any discharge authorized by a different LPDES permit may be commingled with discharges authorized by this permit.

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

d. Discharges Threatening Water Quality. Storm water discharges from construction sites that the State Administrative Authority (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 State Administrative Authority that an individual permit application is necessary.) However, the State Administrative Authority may authorize coverage under this permit after appropriate controls and implementation procedures designed to bring the discharges into compliance with water quality standards have been included in the storm water pollution prevention plan.

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e. Discharges that are not Protective of Endangered and Threatened Species.

(1) A discharge of storm water associated with construction activity is covered under this permit only if the applicant certifies that it meets at least one of the following criteria. Failure to continue to meet one of these criteria during the term of the permit will result in the storm water discharges associated with construction being ineligible for coverage under this permit.

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

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

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

(d) Consultation under Section 7 of the Endangered Species Act is conducted for the applicant's activity which results in either a no jeopardy opinion or a written concurrence on a finding of no likelihood of adverse effects; or

(e) The applicant's activity was considered as part of a larger, more comprehensive site-specific assessment of impacts on endangered and threatened species by the owner or other operator of the site and that permittee certified eligibility under item (a), (b), (c), or (d) above (e.g., owner was able to certify no adverse impacts for the project as a whole under item (a)), so the contractor can then certify under item (e). Utility companies applying for permit coverage for the entire permit area of

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coverage may certify under item (e) since authorization to discharge is contingent on a principal operator of a construction project having been granted coverage under this, or an alternative LPDES permit for the areas of the site where utilities installation activities will occur.

(2) All applicants must follow the procedures provided in Addendum A of this permit when applying for permit coverage.

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

(4) For the purposes of conducting consultation to meet the eligibility requirements of paragraph (1)(d) above, applicants are designated as non-Federal representatives. See 50 CFR 402.08. However, applicants who choose to conduct consultation as a non-Federal representative must notify EPA and the appropriate Fish and Wildlife Service office in writing of that decision.

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

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

f. Discharges Adversely Affecting Properties Eligible for Protection Under the National Historic Preservation Act.

(1) Eligibility for coverage under this permit is contingent upon compliance with the National Historic Preservation Act. Discharges may be authorized under this permit only if:

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

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

(c) Addendum D of this permit provides guidance and references to assist applicants with determining permit eligibility concerning this provision.

g. Discharging into Receiving Waters With an Approved Total Maximum Daily Load Analysis

(1) You are not eligible for coverage under this permit for discharges of pollutants of concern to waters for which there is a total maximum daily load (TMDL) established or approved by LDEQ unless you incorporate into your SWPPP measures or controls that are consistent with the assumption and requirements of such TMDL. To be eligible for coverage under this general permit, you must incorporate into your SWPPP any conditions applicable to your discharges necessary for consistency with the assumptions and requirements of such TMDL. If a specific wasteload allocation has been established that would apply to your discharge you must incorporate that allocation into your SWPPP and implement necessary steps to meet that allocation.

(2) In a situation where an LDEQ-approved or established TMDL has specified a general wasteload allocation applicable to construction storm water discharges, but no specific requirements for construction sites have been identified in the TMDL, you should consult with the State or Federal TMDL authority to confirm that adherence to a SWPPP that meets the requirements of this permit will be consistent with the approved TMDL. Where an LDEQ-approved or established TMDL has not specified a wasteload allocation applicable to construction storm water discharges, but has not specifically excluded these discharges, adherence to a SWPPP that meets the requirements of this permit will generally be assumed to be consistent with the approved TMDL. If the LDEQ-approved or established TMDL specifically precludes such discharges, the operator is not eligible for coverage under this permit.

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B. Obtaining Authorization.

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

a. meet the Part I.A applicability requirements.

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

c. submit a correct and accurate Notice of Intent (NOI) in accordance with the requirements of Part II, using an NOI form provided by the State Administrative Authority (or a photocopy thereof). Only one NOI needs to be submitted to cover all of the permittee's activities on the common plan of development or sale (e.g., you do not need to submit a separate NOI for each separate lot in a residential subdivision or for two separate buildings being constructed at a manufacturing facility, provided your SWPPP covers each area for which you are an operator). The storm water pollution prevention plan must be implemented upon commencement of construction activities.

Application for coverage shall be made by:

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

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

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

The entities who are considered operators will commonly consist of the owner or developer of a project (the party with control of project specifications) and the general contractor (the party with day to day operational control of the activities at project site which are necessary to ensure compliance with the permit). Contractors and subcontractors who are under the general supervision of the general contractor are not considered operators and would not need to submit NOIs.

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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 State Administrative Authority to the contrary, dischargers who submit a correct 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 this permit upon the receipt of a hand-delivered NOI by the Office of Environmental Services, Permits Division or 48 hours after the postmark date on the envelope that contains the NOI. The State Administrative Authority may deny coverage under this permit and require submittal of an application for an individual LPDES permit based on a review of the NOI or other information (see Part VI.L of this permit).

C. Terminating Coverage.

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

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

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

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

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

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

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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 with operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, an initial complete and accurate Notice of Intent (NOI) in accordance with the requirements of this Part must be received by this Office prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities);

2. Except as provided below 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 storm water pollution prevention plan or other permit conditions (e.g., general contractor, erosion control contractor, etc.), a complete and accurate NOI must be received by this Office prior to commencing work at the site.

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

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

5. This permit replaces the LPDES General Permit for Storm Water Discharges From Construction Activities, issued September 23, 1999. In accordance with the provisions of LAC 33:IX.2515.B.2.f, those permittees currently authorized under that permit are automatically covered under this permit as of the effective date of this reissued permit and must take the following actions unless they request and obtain an individual permit:

   a. for the first 30 days after the effective date of the permit, comply with the terms and conditions of the 1999 construction general permit; and

   b. no later than 30 days after the permit effective date of the reissued permit, take the necessary actions to comply with all conditions of the reissued permit including updating the storm water pollution prevention plan to incorporate any new/changed requirements in Part IV of the reissued permit.

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6. Permittees of construction projects not currently authorized to discharge under the previous construction general permit issued in 1999 must:

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

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

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

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

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

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

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

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

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

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

7. an estimate of project start date and completion dates, and estimates of the number of acres of the site on which soil will be disturbed;

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

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

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

C. Where to Submit.

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

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

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

A. **Prohibition on Non-Storm Water Discharges.**

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

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

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

a. discharges from fire fighting activities;

b. fire hydrant flushings;

c. waters used to wash vehicles where detergents are not used;

d. waters used to control dust in accordance with Part IV.D.2.c.(2);

e. potable water sources including waterline flushings;

f. routine external building washdown which does not use detergents;

g. pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;

h. air conditioning condensate; uncontaminated ground water or spring water;

i. foundation or footing drains where flows are not contaminated with process materials such as solvents;

j. uncontaminated excavation dewatering; and

k. landscape irrigation.

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

1. Emergency Notification - The permittee shall report any noncompliance which may endanger human health or the environment. As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health, safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. A written report shall be provided within seven calendar days after the telephone notification. The report shall contain the following information:

a. name of person, company, or other party who is filing the written report;

b. time and date of verbal notification, name of person making the notification, and identification of the site or facility from which the unauthorized discharge occurred;

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

d. details of the circumstances and events leading to an emergency condition;

e. statement of actual or probable fate or disposition of the pollutant; and

f. remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants.

2. Prompt Notification - As required by LAC 33:I.3917, in the event of an unauthorized discharge which does not cause an emergency condition, the discharger shall notify the Office of Environmental Compliance by e-mail utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveilance or by telephone within 24 hours

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after learning of the discharge. Otherwise, verbal notification should be made to the Office of Environmental Compliance at (225) 219-3640 during office hours or (225) 342-1234 after hours, weekends, and holidays.

3. The storm water pollution prevention plan required under Part IV of this permit must be modified within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the recurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

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

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

1. You must select, install, implement and maintain BMPs at your construction site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general, except in situations in explained in Part III.D.2 below, your SWPPP developed, implemented, and updated consistent with Part IV is considered as stringent as necessary to ensure that your discharges do not cause or contribute to an excursion above any applicable water quality standard.

2. At any time after authorization LDEQ may determine that your storm water discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, LDEQ will require you to:

   a. Develop a supplemental BMP action plan describing SWPPP modifications 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 discharges of pollutants from construction activity and submit an individual permit application according to Part VI.L.

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E. Responsibilities of Operators.

Permittees may meet one or both of the operational control components in the definition of "operator" found in Part IX. Either E.1 or E.2 below, or both, will apply depending on the type of operational control exerted by an individual permittee. 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 storm water pollution prevention plan indicates the areas of the project where they have operational control over project specifications (including the ability to make modifications in 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 storm water pollution prevention plan 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 storm water pollution prevention plan or other permit conditions. If these parties have not been identified at the time the storm water pollution prevention plan 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 storm water pollution prevention plan for the site or other permit conditions (e.g., general contractor) must:

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

b. ensure that the storm water pollution prevention plan indicates areas of the project where they have operational control over day-to-day activities; and

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c. ensure that the storm water pollution prevention plan 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 specifications).

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

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Part IV. STORM WATER POLLUTION PREVENTION PLANS

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

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

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

The storm water pollution prevention plan shall:

1. Be completed prior to the submittal of an NOI to be covered under this permit (except as provided in Parts II.A.5 and II.A.6) and updated as appropriate; and

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

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B. Signature, Plan Review and Making Plans Available

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

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

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

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

c. a brief description of the project; and

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

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

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

4. The State Administrative Authority, or authorized representative, may notify the permittee (co-permittees) at any time that the SWPPP does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of this permit which are not being met by the SWPPP, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this Part. Within 7 calendar days of receipt of such notification from the State Administrative

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Authority, (or as otherwise provided by the State Administrative Authority), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the State Administrative Authority a written certification that the requested changes have been made. The State Administrative Authority may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of the permit.

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

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

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

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

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

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

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

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

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

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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 similar scale) and 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, the location of areas where stabilization practices are expected to occur, locations of off-site material, waste, borrow or equipment storage areas, surface waters (including wetlands), and locations where storm water is discharged to a surface water;

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

g. 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;

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

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

j. information on whether the storm water discharges or storm water discharge-related activities from the construction site would have an effect on a property that is listed or eligible for listing under the National Historic Register and, where effects may occur, any written agreements with the State Historic Preservation Officer (SHPO) to mitigate these effects.

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

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

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

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

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

a. Erosion and Sediment Controls.

(1) Short and Long Term Goals and Criteria:

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

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

(c) If sediments escape the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).

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

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

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

(2) Stabilization Practices. The SWPPP must include a description of interim and permanent stabilization practices for the site, including a site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include, but are not limited to: establishment of temporary vegetation, establishment of permanent 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. Except as provided in paragraphs IV.D.2.(a).(1).(a), (b), and (c) below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

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

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

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

(3) Structural Practices. The SWPPP must include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include but are not limited to: silt fences, earth

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dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

(a) For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin providing storage for a calculated volume of runoff from a 2 year, 24 hour storm from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per 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 areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin.

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

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

b. Storm Water Management. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed must be included in the SWPPP. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may also require a separate permit under Section 404 of the CWA. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have been eliminated from the site. However, post-construction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate LPDES permit.

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

(2) Velocity dissipation devices shall be placed 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.

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(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 to reduce pollutants from these materials including storage practices to minimize exposure of the materials to storm water, and spill prevention and response.

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

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

(7) The SWPPP shall include measures to protect properties that are listed or eligible for listing under the National Historic Register including any measures agreed to through written agreements with SHPO. Failure to include these measures will result in the storm water discharges from the construction activities being ineligible for coverage under this permit.

d. Approved State or Local Plans.

(1) Permittees which discharge storm water associated with construction activities must include in their storm water pollution prevention plan procedures and requirements 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.

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(2) Storm water pollution prevention plans must be updated as necessary to reflect any changes applicable to protecting surface water resources in 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 to determine that other protective measures identified in the site plan are effective and in good 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.

4. **Inspections.** Except for linear or remote projects as discussed below, inspection must be conducted in accordance with one of the two schedules listed below. You must specify in the SWPPP which schedule will be followed.

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

   Where sites have been temporarily stabilized but not finally stabilized, the inspection frequency may be reduced to at least once every month until final stabilization occurs.

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

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

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b. Based on the results of the inspection, the site description identified in the plan in accordance with paragraph IV.D.1 of this permit and pollution prevention measures identified in the plan in accordance with paragraph 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. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan (including the location(s) of discharges of sediment or other pollutants from the site and of any control device that failed to operate as designed or proved inadequate for a particular location), and actions taken in accordance with paragraph IV.D.4.b of the permit shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the site is finally stabilized. Such reports shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part VI.G of this permit.

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

E. **Contractor and Subcontractor Responsibilities**

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

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

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3. **Utility Companies:** The storm water pollution prevention plan 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.

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Part V. RETENTION OF RECORDS

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

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

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

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

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Part VI. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

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

2. **Penalties for Violations of Permit Conditions.**

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

a. Criminal Penalties

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

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

(3) Knowing Endangerment The Louisiana Revised Statutes LA. R.S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the Secretary under the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES by the Secretary, and who knows at that time that he thereby places another

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person in imminent danger or death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000, or by imprisonment for not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this Part, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this part, the maximum punishment shall be doubled with respect to both fine and imprisonment.

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

b. Civil Penalties - The Louisiana Revised Statutes LA. R.S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the Secretary, an Assistant Secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than $27,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

B. Continuation of the Expired General Permit.

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

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

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely

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affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

E. **Duty to Provide Information.** The permittee shall furnish to the State Administrative Authority, within a reasonable time, any information which the 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.

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

G. **Signatory Requirements.** All Notices of Intent, storm water pollution prevention plans, reports, certifications or information either submitted to the State Administrative Authority or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows:

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

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

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

(2) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

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b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(1) the chief executive officer of the agency, or

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

2. All reports required by the permit and other information requested by the State Administrative Authority or authorized representative shall be signed by a person described above or by a duly authorized representative of that person (LAC 33:IX.2503.B). A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above,

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

c. The written authorization is submitted to the State Administrative Authority.

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

e. Certification. Any person signing documents under paragraph VI.G 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 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

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prepared for the site in accordance with the permit and that such plan complies with approved State, Tribal and/or local sediment and erosion plans or permits and/or storm water management plans or permits. I am aware that signature and submittal of the NOI is deemed to constitute my determination of eligibility under one or more of the requirements of Permit Part I.A.3.e(1), related to the Endangered Species Act requirements. To the best of my knowledge, I further certify that such discharges and discharge related activities will not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, or are otherwise eligible for coverage under Part I.A.3.f of the permit. I am also aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. **Penalties for Falsification of Reports.** The Louisiana Revised Statutes L.A.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 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 2 years, or both. If a conviction of a person is a violation committed after a first conviction of such person, he shall be subject to a fine of not more than $20,000 per day of violation, or by imprisonment or not more than 4 years or both.

I. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

J. **Property Rights.** Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land this permit does not relieve the permittee from obtaining approval from the landowner for appropriate easements and rights of way.

K. **Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

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

1. The State Administrative Authority may require any person authorized by this permit to apply for and/or obtain either an individual LPDES permit or an alternate LPDES general permit. Any interested person may petition the State Administrative Authority to take

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action under this paragraph. Where the State Administrative Authority requires a discharger authorized to discharge under this permit to apply for an individual LPDES permit or an alternate general permit, the State Administrative Authority shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual LPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted as indicated in Part V.C of this permit. The State Administrative Authority may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an LPDES permit application as required by the State Administrative Authority under this paragraph, then the applicability of this permit to the LPDES permittee is automatically terminated at the end of the day specified by the State Administrative Authority for application submittal.

2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of LAC 33:IX.2511.C.b., with reasons supporting the request, to the State Administrative Authority at the address indicated in Part V.C of this permit. The request may be granted by issuance of an individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.

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

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

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

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

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N. **Proper Operation and Maintenance.** 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 and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

O. **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), or, in the case of a construction site which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

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

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

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

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

P. **Bypass of Treatment Facilities**

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

2. Bypass not exceeding limitations. The permittee may allow any bypass to occur which

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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 Parts VI.P.3 and 4 below.

3. Notice

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

b. Unanticipated bypass. The permittee shall, within 24 hours, submit notice of an unanticipated bypass as required in Part III.B.1, III.B.2, and III.B.3.

4. Prohibition of bypass

a. Bypass is prohibited, and the State Administrative Authority may take enforcement action against a permittee for bypass, unless:

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

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

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

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

Q. Upset Conditions

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

2. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part VI.Q.3 are met. No determination made during administrative

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review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

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

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

b. The permitted facility was at the time being properly operated;
c. The permittee submitted notice of the upset as required by Part III.B.1, III.B.2. and III.B.3.; and,

d. The permittee complied with any remedial measures required by Part IV.D.

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

R. Removed Substances

Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State.

S. Prohibition for Tampering: Penalties

1. No person shall falsify, tamper with, or knowingly render inaccurate, any monitoring device or method required to be maintained under this permit.

2. Any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method to be maintained under this permit shall, upon conviction, be subject to penalties in accordance with the state statutes LA. R. S. 30:2076.2.

T. 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 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

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LAC 33:IX.2703.A.1.

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.

U. Monitoring and Reporting Requirements

1. All sampling and testing shall be conducted in accordance with the latest EPA approved edition of Standard Methods For the Examination of Water and Wastewater.
2. If effluent monitoring is required, samples shall be taken after the point of discharge from the treatment system, if treatment is employed, but in all cases before the effluent joins or is diluted by any other waste stream, body of water, or substance.

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

4. Provisions must be made during the installation of the treatment unit for obtaining a proper sample.

5. Proper sampling techniques shall be used to ensure that analytical results are representative of pollutants in the discharge.

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

7. All monitoring records must be retained for a period of at least three (3) years from the date of the sample measurements. The permittee shall make available to this Office, upon request, copies of all monitoring data required by this permit.
Records of monitoring information shall include:

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

8. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). If there is no discharge event at the monitored outfall(s) during the sampling period, write "No Discharge" in the upper right

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corner of the DMR.

Monitoring results for each Monitoring Frequency period (1/month, 1/3 months, etc.) shall be summarized on a Discharge Monitoring Report (DMR) Form per outfall for each reporting period (one DMR Form per month for sampling frequencies less than or equal to once per month), and submitted to this Office on a quarterly basis. If more than one sample is obtained during the prescribed Measurement Frequency period, the results are averaged and reported on the DMR. DMR General Instruction Number 5 defines "Average" as the arithmetic average (geometric average for bacterial parameters) of all sample measurements for each parameter obtained during the "Monitoring Period". Monitoring results obtained for a 1/month measurement frequency shall be summarized on a DMR for each month but submitted quarterly. The schedules for quarterly and semiannual DMR submission are as follows.

Quarterly Submission

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

In accordance with LAC 33:IX.2503.B, DMRs must be signed and certified by an authorized person. Discharge Monitoring Reports and all other monitoring reports shall be submitted to the Enforcement Division of the Office of Environmental Compliance at the following address, and to the appropriate regional office for the parish in which the discharge is located.

Enforcement Division
Office of Environmental Compliance
Department of Environmental Quality
P. O. Box 4312
Baton Rouge, Louisiana 70821-4312

V. 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 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.

W. 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.

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X. 40 CFR Part 136 (See LAC 33:IX.4901) Analytical Requirements

Unless otherwise specified in this permit, monitoring shall be conducted according to analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed at 40 CFR Part 136, and in particular, Appendices A, B, and C (See LAC 33:IX.4901).

Y. Inactive Plants

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

Z. Availability of Reports

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

Claims of confidentiality for the following will be denied:

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

b. Permit applications, permits, and effluent data.

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

AA. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2903, 2905, 2907, 3105 and 6509. The 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.

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AB. 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.

AC. Prohibitions for Asphalt Plants

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

AD. Laboratory Accreditation

1. Laboratory procedures and analyses performed by commercial laboratories, for this facility, shall be conducted in accordance with the requirements set forth under LAC 33:I.Subpart 3, Chapters 49-55.

2. All laboratory data generated by commercial laboratories, for this facility, that are not accredited under LAC 33:I.Subpart 3, Chapters 47-57, will not be accepted by the department and retesting of analyses will be required by an accredited commercial laboratory.

3. Regulations on the Environmental Laboratory Accreditation Program, and a list of labs that have applied for accreditation, are available on the department website located at http://www.deq.state.la.us/laboratory/index.htm, or questions concerning the program may be directed to (225) 765-0582.

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Part VII. REOPENER CLAUSE

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

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Part VIII. TERMINATION OF COVERAGE

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

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

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

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

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

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

> *"I certify under penalty of law that either: a) all storm water discharges associated with construction activity from the portion of the identified facility where I was an operator have ceased or have been eliminated or b) I am no longer an operator at the construction site and a new operator has assumed operational control for those portions of the construction site where I previously had operational control. 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 United States is unlawful under the Clean Water Act where the discharge is not authorized by a LPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act."*

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

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construction site where the operator had control.

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

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Part IX. DEFINITIONS

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

"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.

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

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

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

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

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

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If you have a long-range master plan of development where some portions of the master plan are a conceptual rather than a specific plan of future development and the future construction activities would, if they occur at all, happen over an extended period of time, you may consider the "conceptual" phases of development to be separate "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. However, if the same two well pads and an interconnecting access road were all under construction at the same time, they would generally be considered as a part of a single "common plan" for permitting purposes.

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

"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. When grab samples are used, the "daily discharge" determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.

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

"Demolition" means destruction activities which will disturb five or more acres of land.

"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 or maintenance (e.g., fill piles, concrete truck washout, fueling, etc.), or other industrial storm water directly related to the construction process (e.g., cement/concrete or asphalt batch plants, etc.) are located.

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"Final Stabilization" means that:

(i) All soil disturbing activities at the site have been completed and either of the two following criteria are met:
   a. a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
   b. equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

(ii) When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent (0.70 X 0.50 = 0.35) would require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.

(iii) In arid and semi arid areas only all soil disturbing activities at the site have been completed and both of the following criteria have been met:
   a. Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by you,
   b. The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

(iv) For individual lots in residential construction, final stabilization means that either:
   a. The homebuilder has completed final stabilization as specified above, or
   b. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.

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

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

"Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

(i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR 122); or

(ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of

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40 CFR 122); or
(iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the State Administrative Authority as part of the large or medium municipal separate storm sewer system.

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

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

"Monthly Average" (also known as Daily Average), other than for fecal coliform bacteria, discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, 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, 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 =

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

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

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

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

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

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

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

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

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

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

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

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

"Storm Water Associated with Industrial Activity" is defined at LAC 33:IX.2511.B.14 and incorporated here by reference. Most relevant to this permit is LAC 33:IX.2511.B.14.j, which relates to construction activity including clearing, grading and excavation activities.

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

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

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

"Waters of the State" for 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 there from three miles into the Gulf of Mexico. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface

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waters that are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as *Waters of the United States* in 40 CFR 122.2, and tributaries of all such waters. *Waters of the State* does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.

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ADDENDUM A

ENDANGERED SPECIES GUIDANCE

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ENDANGERED SPECIES GUIDANCE – LARGE CONSTRUCTION GP

I. INSTRUCTIONS

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

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

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

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

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

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

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

If either the proposed site or the path of stormwater from the site to the receiving stream is in a parish included on the Endangered Species List, the applicant should proceed to **Step 2** below. If, however, neither is located in a listed parish, then the applicant should proceed directly to **Step 5.**

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

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

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

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

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

$ Located in the area of a site where storm water BMPs are planned or are to be constructed.

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

$ <u>Conducting visual inspections</u>: 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.

$ <u>Contacting the nearest State or Tribal Wildlife Agency or U.S. Fish and Wildlife Service (FWS) offices</u>. Many endangered and threatened species are found in well-defined areas

or habitats. That information is frequently known to State, Tribal, or Federal wildlife agencies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OR

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

impacts from construction activities including those from storm water or a NEPA review is conducted which incorporates ESA Section 7 procedures).

OR

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

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

OR

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

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

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

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

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

II. ENDANGERED SPECIES PARISH LIST

See http://www.deq.louisiana.gov/portal/tabid/243/Default.aspx.