



To: Applicants for Stormwater Discharges Associated with Industrial Activity under the LPDES Multi-Sector General Permit.

Attached is a **Notice of Intent (NOI) for Stormwater Discharges Associated with Industrial Activity under the LPDES Multi-Sector General Permit, MSGP**, for a Louisiana Pollutant Discharge Elimination System (LPDES) permit, authorized under EPA's delegated NPDES program under the Clean Water Act. To be considered complete, every item on the form must be addressed and the last page signed by an authorized company agent.

Three copies (one original and two copies) of your **completed NOI**, should be submitted to:

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

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

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

Louisiana DOTD
Office of Highways
Post Office Box 94245
Baton Rouge, LA 70804-9245
(225) 379-1301

AND

Louisiana DHH
Office of Public Health
6867 Bluebonnet Road, Box 7
Baton Rouge, LA 70810
(225) 765-5044

A copy of the LPDES regulations may be obtained from the Department's website at <http://www.deq.state.la.us/planning/regs/index.htm> or by contacting the Office of Environmental Assessment, Regulations Development Section, Post Office Box 4314, Baton Rouge, Louisiana 70821-4314, phone (225) 219-3550.

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

For questions regarding this NOI please contact the Water & Waste Permits Division at (225) 219-3181. For help regarding completion of this NOI please contact DEQ, Small Business Assistance at 1-800-259-2890.

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

LPDES NOTICE OF INTENT (NOI) TO DISCHARGE STORM WATER
ASSOCIATED WITH INDUSTRIAL ACTIVITY UNDER THE
LPDES MULTI-SECTOR GENERAL PERMIT
(Attach additional pages if needed.)

Submittal of this Notice of Intent (NOI) constitutes notice that the entity identified in Section I of this form requests authorization by LDEQ's Multi-Sector General Permit for storm water discharges associated with industrial activity in Louisiana. Submittal of the NOI also constitutes notice that the party identified in Section I of this form has read, understands, and meets the eligibility conditions of Part I.B. of the permit; agrees to comply with all applicable terms and conditions of the permit; understands that continued authorization under the permit is contingent on maintaining eligibility for coverage, and that the permittee is required to implement a storm water management program. In order to be granted coverage, all information required on this form must be completed. **Three copies of the completed NOI** (one original and two copies) should be mailed to the Permits Division at the above address.

SECTION I - FACILITY INFORMATION

A. Permit is to be issued to the following: (must have operational control over the facility operations - see LAC 33:IX.2501.B and LAC 33:IX.2503.A and B).

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

Facility Name _____

Mailing Address _____

_____ Zip Code: _____

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

Please check status: Federal Parish Municipal
 State Public Private Other: _____

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

City _____ Zip Code: _____ Parish _____

Front Gate Coordinates:

Latitude- _____ deg. _____ min. _____ sec. Longitude- _____ deg. _____ min. _____ sec.

Method of Coordinate Determination: _____

(Quad Map, Previous Permit, website, GPS)

Is the facility located on Indian Lands? Yes No

SECTION I - FACILITY INFORMATION (cont.)

B. Discharge Information

1. Indicate the waterbody that will receive the stormwater discharge under this permit.

2. If discharge from facility first enters a Municipal Separate Storm Sewer System (MS4), provide the name of the MS4.

3. SIC Codes/Storm Water Activity Codes applicable to facility:
Primary Code _____ Secondary Codes _____
SIC codes can be obtained from the U. S. Department of Labor internet site at <http://www.osha.gov/oshstats/sicscr.html>
4. Sectors of Industrial Activity the facility will be covered under (see Part 1.2.1 of Permit)

5. Has the Pollution Prevention Plan has been prepared, including obtaining and attaching a copy of the permit language?
 Yes No
6. Are any historic properties listed or eligible for listing on the National Register of Historic Places located on the facility or in proximity to the discharge?
 Yes No
7. Was the State Historic Preservation Officer (see Permit Part 1.2.3.7) involved in your determination of eligibility?
 Yes No
8. Based on the Endangered Species Guidance (see attached), are any listed endangered or threatened species, or critical habitat, in proximity to the facility?
 Yes No

SECTION II – LAC 33.I.1701 REQUIREMENTS

- A. Does the company or owner have federal or state environmental permits identical to, or of a similar nature to, the permit for which you are applying in other states? (This requirement applies to all individuals, partnerships, corporations, or other entities who own a controlling interest of 50% or more in your company, or who participate in the environmental management of the facility for an entity applying for the permit or an ownership interest in the permit.)
 Permits in Louisiana. List Permit Numbers: _____
 Permits in other states (list states): _____
 No other environmental permits.
- B. Do you owe any outstanding fees or final penalties to the Department? Yes No
If yes, please explain.

- C. Is your company a corporation or limited liability company? Yes No
If yes, is the corporation or LLC registered with the Secretary of State? Yes No

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

Chapter 25. Permit Application and Special LPDES Program Requirements

2503. Signatories to permit applications and reports

- A. All permit applications shall be signed as follows:
1. For a corporation - by a responsible corporate officer. For the purpose of this Section responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - (b) The manager of one or more manufacturing, production, or operating facilities 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.
 2. For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or
 3. For a municipality, parish, State, Federal or other public agency - either a principal executive officer or ranking elected official. For the purposes of this Section a principal executive officer of a Federal agency includes:
 - (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).
- B. All reports required by permits, and other information requested by the state administrative authority shall be signed by a person described in LAC 33:IX.2503.A, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
1. The authorization is made in writing by a person described in LAC 33:IX.2503.A.
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as a position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 3. The written authorization is submitted to the state administrative authority.
- C. Changes to authorization. If an authorization under LAC 33:IX.2503.B is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of LAC 33:IX.2503.B must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Any person signing any document under LAC 33:IX.2503.A or B shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Signatory Requirements

Pursuant to the Water Quality Regulations (specifically LAC 33:IX.2503) promulgated September 1995, the state NOI must be signed by a responsible individual as described in LAC 33:IX.2503 and that person shall make the following certification:

"I certify under penalty of law that I have read and understand the Part 1.2 eligibility requirements for coverage under the multi-sector storm water general permit including those requirements relating to the protection of endangered or threatened species or critical habitat. To the best of my knowledge, the stormwater and allowable non-stormwater discharge authorized by this permit (and discharge related activities) are not likely and will not likely adversely affect endangered or threatened species or critical habitat, or are otherwise eligible for and coverage under Part 1.2.3.6 of the permit. To the best of my knowledge, I further certify that such discharges and discharge related activities do 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 1.2.3.7 of the permit. I understand that continued coverage under the multi-sector stormwater general permit is contingent upon maintaining eligibility as provided for in Part 1.2. "

Signature _____
Printed Name _____
Title _____
Company _____
Date _____
Telephone _____

CHECKLIST

To prevent any unnecessary delay in the processing of your notice of intent to be covered under the general permit, please take a moment and check to be certain that the following items have been addressed and enclosed:

1. ALL questions and requested information have been answered (N/A if the question or information was not applicable).
2. The appropriate person has signed the signatory page.
4. Please forward the original and two copies of this NOI and all attachments.

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

NOTE: UPON RECEIPT AND SUBSEQUENT REVIEW OF THE NOI BY THE PERMITS DIVISION, YOU MAY BE REQUESTED TO FURNISH ADDITIONAL INFORMATION IN ORDER TO COMPLETE THE PROCESSING OF THE PERMIT

ENDANGERED SPECIES GUIDANCE

I. INSTRUCTIONS

Below is a list of endangered and threatened species that EPA has determined, and LDEQ concurs, may be affected by the activities covered by the Multi-Sector General Permit (MSGP). These species are listed by parish. In order to get MSGP coverage, applicants must:

- Indicate in box provided on the NOI whether any species listed in this Guidance or critical habitat are in proximity to the facility,
- Certify pursuant to Part 1.2.3.6 that they have followed the procedures found in this Guidance to protect listed endangered and threatened species and designated critical habitat and that the storm water discharges and BMPs to control storm water run off covered under this permit meet the eligibility requirements of Part 1.2.3.6 of this permit. Signature and submittal of the NOI is deemed to constitute the Applicant's certification of eligibility for permit coverage.

To do this, please follow steps 1 through 5 below when developing the pollution prevention plan.

STEP 1: DETERMINE IF THE INDUSTRIAL SITE IS FOUND WITHIN DESIGNATED CRITICAL HABITAT FOR LISTED SPECIES.

Some (but not all) listed species have designated critical habitat. Exact locations of such habitat is provided in the Service regulations at 50 CFR part 17 and part 226. To determine if their industrial activity occurs within (also known as “in proximity to”) critical habitat, applicants should either review those regulations or contact the nearest Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) Office.

Fish and Wildlife Service
646 Cajundome Blvd.
Suite 400
Lafayette, LA 70506
(337) 291-3124

National Marine Fisheries Service
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702
(727) 570-5301

If the industrial site is not located in designated critical habitat, then the applicant need not consider impacts to critical habitat when following steps 2 through 5. If the applicant's site is located within (i.e. in proximity to) critical habitat then the applicant must look at impacts to critical habitat when following steps 2 through 5.

(It is noted that many measures imposed to protect listed species under steps 2 through 5 will also protect critical habitat. However, obligations to ensure that an action is not likely to result in the destruction or adverse modification of critical habitat are separate from those of ensuring that an action is not likely to jeopardize the existence of threatened and endangered species. Thus, meeting the eligibility requirements of this permit may require measures to protect critical habitat that are separate and distinct from those to protect listed species.)

STEP 2: REVIEW THE PARISH SPECIES LIST TO DETERMINE IF ANY SPECIES ARE LOCATED IN THE PARISH WHERE THE INDUSTRIAL ACTIVITIES OCCUR:

If no species are listed in a facility's parish or if a facility's parish is not found on the list, an applicant is eligible for MSGP coverage and may indicate in the NOI that no species are found in proximity and certify that it is eligible for MSGP coverage under Part 1.2.3.6 of the permit by marking "No" on the NOI. Where a facility is located in more than one parish, the lists for all parishes should be reviewed. *If species are located in the parish, follow step 3 below.*

STEP 3: DETERMINE IF ANY SPECIES MAY BE FOUND "IN PROXIMITY" TO THE INDUSTRIAL ACTIVITY'S STORM WATER DISCHARGES:

A species is in proximity to an industrial 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 the facility to the point of discharge into the receiving water.
- Located in the immediate vicinity of, or nearby, the point of discharge into receiving waters.
- Located in the area of a site where storm water BMP's 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 facility, the nature and quantity of the storm water discharges, and the type of receiving waters. Given the number of industrial activities potentially covered by the MSGP, no specific method to determine whether species are in proximity is required for permit coverage under the MSGP. Instead, applicants should use the method or methods that best allow them to determine to the best of their knowledge whether species are in proximity to their particular industrial activities. These methods may include:

- Conducting visual inspections: This method may be particularly suitable for facilities 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 industrial activities that discharge directly into municipal storm water collection systems.
- Contacting the nearest State Wildlife Agency or U.S. Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS) offices. Many endangered and threatened species are found in well-defined areas or habitats. That information is frequently known to State 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 facilities 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 industrial activities may require environmental assessments under NEPA. Such assessments may indicate if listed species are in proximity. (MSGP 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 industrial activities might require review under NEPA because of Federal funding or other Federal nexus.)

If no species are in proximity, an applicant is eligible for MSGP coverage under Part 1.2.3.6 of the permit.

If listed species are found in proximity to a facility, applicants must indicate the location and nature of this presence in the storm water pollution prevention plan and follow step 4 below.

STEP 4: DETERMINE IF SPECIES OR CRITICAL HABITAT COULD BE ADVERSELY AFFECTED BY THE INDUSTRIAL 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. Applicants 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 FACILITY 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 applicant is eligible for MSGP coverage under Part 1.2.3.6 of the permit.

If adverse effects are likely, applicants should follow step 5 below.

STEP 5: DETERMINE IF MEASURES CAN BE IMPLEMENTED TO AVOID ANY ADVERSE EFFECTS:

If an applicant determines that adverse effects are likely, it can receive coverage if appropriate measures are undertaken to avoid or eliminate any actual or potential adverse affects prior to applying for permit coverage. These measures may involve relatively simple changes to the facility activities such as re-routing a storm water discharge to bypass an area where species are located, relocating BMPs, or limiting the size of the industrial activity that will be subject to storm water discharge controls.

At this stage, applicants may wish to contact the FWS and/or NMFS 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 that is described in more detail below at step 6.

If applicants adopt measures to avoid or eliminate adverse affects, 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 applicant, the applicant should follow step 6 below.

STEP 6: DETERMINE IF THE ELIGIBILITY REQUIREMENTS OF PART 1.2.3.6 CAN BE MET.

Where adverse effects are likely, the applicant must contact the LDEQ and FWS/NMFS. Applicants may still be eligible for MSGP coverage if any likelihood of adverse effects are addressed through meeting the criteria of Part 1.2.3.6 of the permit if:

- 1.2.3.6.1.2. The applicant's activity has received previous authorization through an earlier 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 the ESA).
- 1.2.3.6.1.3. The applicant's activity was considered as part of a larger, more comprehensive assessment of impacts on endangered and threatened species and /or critical habitat under Section 10 of the Endangered Species Act that 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 industrial activities including those from storm water or a NEPA review is conducted which incorporates ESA procedures).
- 1.2.3.6.1.4. Enter consultation with the FWS and/or NMFS for the applicant's storm water discharges and BMPs to control storm water runoff.

In such cases, the applicant is automatically designated as a non-federal representative. *See* Part 1.2.3.6.4. When conducting consultation as a non-federal representative, applicants should follow the procedures found in 50 CFR 402 the ESA regulations. Applicants must also notify LDEQ and the appropriate FWS/NMFS office of its intention to conduct consultation as a non-federal representative.

Coverage by the MSGP is permissible under Part 1.2.3.6.4 if the consultation 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 and/or NMFS finds that the action is not likely to jeopardize the continued existence of listed endangered threatened species or result in the adverse modification or destruction of adverse 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, applicants may, if they wish, initiate consultation during step Four above (upon becoming aware that endangered and threatened species are in proximity to the facility).

The determination of eligibility under the conditions of permit Part 1.2.3.6 shall be documented in the facility's SWPPP and copies of all applicable documents, such as FWS approval letters, included in the SWPPP.

The applicant must comply with any terms and conditions imposed under the eligibility requirements of permit Part 1.2.3.6 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.

If the eligibility requirements of Part 1.2.3.6 cannot be met then the applicant may not receive coverage under this permit. Applicants should then consider applying to LDEQ for an individual permit.

This permit does not authorize any "taking" (as defined under Section 9 of the Endangered Species Act) of endangered or threatened species unless such takes are authorized under Section 10 of the Endangered Species Act. Applicants who believe their facility's 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.state.la.us/permits/lpdes/species.pdf>