DEQ
LOUISIANA

OFFICE OF ENVIRONMENTAL SERVICES

Water Discharge Permit

LPDES MULTI-SECTOR GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES

PERMIT NO. LAR050000

AUTHORIZATION TO DISCHARGE UNDER THE
LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001, et seq.), rules and regulations effective or promulgated under the authority of said Acts, this Louisiana Pollutant Discharge Elimination System (LPDES) General Permit is reissued. Operators of discharges associated with industrial activities that submit a complete Notice of Intent in accordance with Part 2.2 for a discharge that is located in the state of Louisiana and are eligible for permit coverage under Part 1.2 are authorized to discharge to waters of the State, in accordance with the conditions and requirements set forth herein.

This permit shall become effective on: May 4, 2011

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

Issued on: May 4, 2011

S L Phillips

Sam L. Phillips
Assistant Secretary

LPDES MULTI-SECTOR GENERAL PERMIT FOR STORM WATER
TABLE OF CONTENTS

1. Coverage Under This Permit 3
2. Notice of Intent Requirements 21
3. Special Conditions 26
4. Storm Water Pollution Prevention Plans 29
5. Monitoring Requirements and Numeric Limitations For All Facilities 49
6. Sector-Specific Requirements for Industrial Activity 62
- A. Timber Products 62
- B. Paper and Allied Products 68
- C. Chemicals and Allied Products 70
- D. Asphalt Paving and Roofing Materials and Lubricant 75
- E. Glass, Clay, Cement, Concrete, and Gypsum Products 77
- F. Primary Metals 80
- G. Metal Mining (Ore Mining and Dressing) 85
- H. Coal Mines and Coal Mining-Related Facilities 99
- I. Oil and Gas Extraction 105
- J. Mineral Mining and Dressing 109
- K. Hazardous Waste Treatment, Storage, or Disposal Facilities 116
- L. Landfills and Land Application Sites 122
- M. Automobile Salvage Yards 128
- N. Scrap Recycling and Waste Recycling Facilities 132
- O. Steam Electric Generating Facilities 141
- P. Land Transportation and Warehousing 146
- Q. Water Transportation 150
- R. Ship and Boat Building and Repairing Yards 154
- S. Air Transportation Facilities 158
- T. Treatment Works 165
- U. Food and Kindred Products 168
- V. Textile Mills, Apparel, and other Fabric Products 171
- W. Furniture and Fixtures 174
- X. Printing and Publishing 176
- Y. Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries 179
- Z. Leather Tanning and Finishing 182
- AA. Fabricated Metal Products 184
- AB. Transportation Equipment, Industrial or Commercial Machinery 189
- AC. Electronic and Electrical Equipment and Components, Photographic and Optical Goods 191

7. Reporting.....193
8. Retention of Records.....195
9. Standard Permit Conditions.....196
10. Reopener Clause.....207
11. Transfer or Termination of Coverage.....208
12. Definitions, Abbreviations and Acronyms.....210

ADDENDA

A. PROCEDURES RELATING TO ENDANGERED SPECIES PROTECTION
B. PROCEDURES RELATING TO HISTORIC PROPERTIES PRESERVATION
C. CURRENT ADDRESSES LIST
D. DMR
E. CALCULATING HARDNESS IN RECEIVING WATERS FOR HARDNESS DEPENDENT METALS

1. COVERAGE UNDER THIS PERMIT

1.1 Applicability

This Multi-Sector General Permit (MSGP) authorizes discharges of storm water within the state of Louisiana from industrial facilities as defined in LAC 33:IX.2511.B.14.a-i and k. Any discharge authorized by a different LPDES permit may be commingled with discharges authorized by this permit. Any permittee covered by an individual permit may request that the individual permit be terminated if the permitted source or activity is also eligible for coverage under this general permit. Upon written approval of that request by this Office, the permittee will be covered by this general permit, and the individual permit terminated.

1.2 Eligibility

To be eligible to discharge under this permit, you must (1) have a storm water discharge associated with industrial activity from your primary industrial activity, as defined in Part 12 (Definitions), provided your primary industrial activity is included in TABLE 1, or (2) be notified by LDEQ that you are eligible for coverage under this permit. You must maintain permit eligibility to discharge under this permit. Any discharges that are not compliant with the eligibility conditions of this permit are not authorized by the permit.

1.2.1 Facilities Covered

Your permit eligibility is limited to discharges from facilities in the "sectors" of industrial activity based on Standard Industrial Classification (SIC) codes and Industrial Activity Codes as summarized in Table 1. References to "sectors" in this permit (e.g., sector-specific monitoring requirements, etc.) refer to these sectors. Authorization for the discharge of these storm waters must be obtained under this permit or by equivalent coverage under another LPDES permit (e.g., an individual LPDES permit).

Table 1. Sectors of Industrial Activity Covered By This Permit	
SIC Code or Activity Code[1]	**Activity Represented**
SECTOR A: TIMBER PRODUCTS	
2421	General Sawmills and Planing Mills
2491	Wood Preserving
2411	Log Storage and Handling (Wet deck storage areas only authorized if no chemical additives are used in the spray water or applied to the logs)
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified
2431-2439, (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)
2441	Nailed and Lock Corner Wood Boxes and Shook
2448	Wood Pallets and Skids
2449	Wood Containers, Not Elsewhere Classified
2451,2452	Wood Buildings and Mobile Homes
2493	Reconstituted Wood Products
2499	Wood Products, Not Elsewhere Classified
SECTOR B: PAPER AND ALLIED PRODUCTS	
2611	Pulp Mills
2621	Paper Mills
2631	Paperboard Mills
2652-2657	Paperboard Containers and Boxes
2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
SECTOR C: CHEMICALS AND ALLIED PRODUCTS	
2812-2819	Industrial Inorganic Chemicals
2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
2833 –2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances
2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
2861-2869	Industrial Organic Chemicals
2873-2879	Agricultural Chemicals, Facilities that Make Fertilizer Solely from Leather Scraps and Leather Dust
2891-2899	Miscellaneous Chemical Products
2911	Petroleum Refining
3952 (limited to list of inks and paints)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors

SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS	
2951,2952	Asphalt Paving and Roofing Materials
2992,2999	Miscellaneous Products of Petroleum and Coal
SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS	
3211	Flat Glass
3221,3229	Glass and Glassware, Pressed or Blown
3231	Glass Products Made of Purchased Glass
3241	Hydraulic Cement
3251-3259	Structural Clay Products
3261-3269	Pottery and Related Products
3271-3275	Concrete, Gypsum and Plaster Products
3281	Cut Stone and Stone Products
3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
SECTOR F: PRIMARY METALS	
3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
3321-3325	Iron and Steel Foundries
3331-3339	Primary Smelting and Refining of Nonferrous Metals
3341	Secondary Smelting and Refining of Nonferrous Metals
3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
3363-3369	Nonferrous Foundries (Castings)
3398,3399	Miscellaneous Primary Metal Products
SECTOR G: METAL MINING (ORE MINING AND DRESSING)	
1011	Iron Ores
1021	Copper Ore and Mining Dressing Facilities
1031	Lead and Zinc Ores
1041,1044	Gold and Silver Ores
1061	Ferroalloy Ores, Except Vanadium
1081	Metal Mining Services
1094,1099	Miscellaneous Metal Ores
SECTOR H: COAL MINES AND COAL MINING RELATED FACILITIES	
1221-1241	Coal Mines and Coal Mining-Related Facilities
SECTOR I: OIL AND GAS EXTRACTION	
1311	Crude Petroleum and Natural Gas
1321	Natural Gas Liquids
1381-1389	Oil and Gas Field Services
SECTOR J: MINERAL MINING AND DRESSING	
1411	Dimension Stone
1422-1429	Crushed and Broken Stone, Including Rip Rap
1442	Construction Sand and Gravel
1446	Industrial Sand
1455,1459	Clay, Ceramic, and Refractory Materials
1474-1479	Chemical and Fertilizer Mineral Mining
1481	Nonmetallic Minerals Services, Except Fuels

1499	Miscellaneous Nonmetallic Minerals, Except Fuels
SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES	
HZ	Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA
SECTOR L: LANDFILLS AND LAND APPLICATION SITES	
LF	All Landfill, Land Application Sites, and Open Dumps
LF	All Landfill, Land Application Sites, and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60
SECTOR M: AUTOMOBILE SALVAGE YARDS	
5015	Automobile Salvage Yards
SECTOR N: SCRAP RECYCLING FACILITIES	
5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling
5093	Source-separated Recycling Facilities
SECTOR O: STEAM ELECTRIC GENERATING FACILITIES	
SE	Steam Electric Generating Facilities, including coal handling sites
SECTOR P: LAND TRANSPORTATION AND WAREHOUSING	
4011,4013	Railroad Transportation
4111-4173	Local and Highway Passenger Transportation
4212-4231	Motor Freight Transportation and Warehousing
4311	United States Postal Service
5171	Petroleum Bulk Stations and Terminals
SECTOR Q: WATER TRANSPORTATION	
4412-4499	Water Transportation Facilities
SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS	
3731,3732	Ship and Boat Building or Repairing Yards
SECTOR S: AIR TRANSPORTATION	
4512-4581	Air Transportation Facilities
SECTOR T: TREATMENT WORKS	
TW	Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA.

SECTOR U: FOOD AND KINDRED PRODUCTS	
2011-2015	Meat Products
2021-2026	Dairy Products
2032-2038	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties
2041-2048	Grain Mill Products
2051-2053	Bakery Products
2061-2068	Sugar and Confectionery Products
2074-2079	Fats and Oils Products
2082-2087	Beverages
2091-2099	Miscellaneous Food Preparations and Kindred Products
2111-2141	Tobacco Products
SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS	
2211-2299	Textile Mill Products
2311-2399	Apparel and Other Finished Products Made From Fabrics and Similar Materials
3131-3199	Leather and Leather Products (NOTE: see Sector Z for Leather Tanning and Finishing)
SECTOR W: FURNITURE AND FIXTURES	
2511-2599	Furniture and Fixtures
2434	Wood Kitchen Cabinets
SECTOR X: PRINTING AND PUBLISHING	
2711-2796	Printing, Publishing, and Allied Industries
SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES	
3011	Tires and Inner Tubes
3021	Rubber and Plastics Footwear
3052,3053	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hoses and Belting
3061,3069	Fabricated Rubber Products, Not Elsewhere Classified
3081-3089	Miscellaneous Plastics Products
3931	Musical Instruments
3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
3951-3955 (except 3952 facilities as specified in Sector C)	Pens, Pencils, and Other Artists' Materials
3961,3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
3991-3999	Miscellaneous Manufacturing Industries

SECTOR Z: LEATHER TANNING AND FINISHING	
3111	Leather Tanning and Finishing
SECTOR AA: FABRICATED METAL PRODUCTS	
3411-3499	Fabricated Metal Products, Except Machinery, and Transportation Equipment, and Coating, Engraving, and Allied Services
3911-3915	Jewelry, Silverware, and Plated Ware
3479	Fabricated Metal Coating and Engraving
SECTOR AB: TRANSPORTATION EQUIPMENT, InDUSTRIAL OR COMMERCIAL MACHINERY	
3511-3599 (except 3571-3579)	Industrial and Commercial Machinery (except Computer and Office Equipment) [see Sector AC]
3711-3799 (except 3731,3732)	Transportation Equipment (except Ship and Boat Building and Repairing) [see Sector R]
SECTOR AC: ELECTRONIC, ELECTRICAL EQUIPMENT AND COMPONENTS, PHOTOGRAPHIC AND OPTICAL GOODS	
3612-3699	Electronic and Electrical Equipment and Components, except Computer Equipment
3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches and Clocks
3571-3579	Computer and Office Equipment

[1] A complete list of SIC codes (and conversions from the newer North American Industry Classification System (NAICS)) can be obtained from the Internet at http://www.census.gov/epcd/www/naics.html or in paper form from various locations in the document titled *Handbook of Standard Industrial Classifications*, Office of Management and Budget, 1987.

1.2.1.1 Activities NOT Covered By the Multi-Sector General Permit

1.2.1.1.1 At wood preserving facilities, storm water that has come in contact with areas where spraying of chemical formulations designed to provide surface protection has occurred.

1.2.1.1.2 Non-storm water discharges containing: inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans; washwaters from material handling and processing areas; and washwaters from drum, tank, or container rinsing and cleaning.

1.2.1.1.3 Storm water from gypsum piles at phosphate fertilizer manufacturing facilities.

1.2.1.1.4 Acid drainage, contaminated springs or seeps at mining operations.

1.2.1.1.5 Discharges from: pollutant seeps or underground drainage from inactive coal mines and refuse disposal areas that do not occur as storm water discharges in response to precipitation events; and floor drains from maintenance buildings and other similar drains in mining and preparation plant areas.

1.2.1.1.6 Mine dewatering wastewaters at crushed stone mines, construction sand and gravel mines, and industrial sand mines.

1.2.1.1.7 Cell dewatering wastewaters from active, uncapped cells at Hazardous Waste Treatment, Storage, or Disposal Facilities.

1.2.1.1.8 Cell dewatering wastewaters from active, uncapped cells at landfills, land application sites, and open dumps.

1.2.1.1.9 Leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory–derived wastewater and contact washwater from washing truck and railcar exteriors and surface areas which have come in direct contact with solid waste at a landfill facility.

1.2.1.1.10 Non-storm water discharges from turnings containment areas. Discharges from containment areas in the absence of a storm event are prohibited unless covered by a separate LPDES permit.

1.2.1.1.11 Storm water discharges from ancillary facilities (e.g., fleet centers, gas turbine stations and substations) that are not contiguous to a steam electric power generating facility; and heat capture co-generating facilities.

1.2.1.1.12 Discharges of bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels.

1.2.1.1.13 Discharges of aircraft, ground vehicle, runway and equipment washwaters, and dry weather discharges of deicing/anti-icing chemicals.

1.2.1.1.14 Discharges containing boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging and vehicle washing/clean-out operations.

1.2.1.1.15 Discharges of wastewaters resulting from any processes relating to the production process, reused or recycled water, and waters used in cooling towers (please see exception in Part 1.2.2.2.11).

1.2.1.1.16 Contaminated storm water discharges from petroleum refining or drilling operations that are subject to nationally established BAT or BPT guidelines found at 40 CFR Parts 419 and 435, respectively. Note: most contaminated discharges at petroleum refining and drilling facilities are subject to these effluent guidelines.

1.2.1.1.17 Non-storm water discharges from oil and gas extraction and refining facilities resulting from vehicles and equipment washwater, including tank cleaning operations.

1.2.1.2 Co-located Activities

If you have co-located industrial activities on-site that are described in a sector(s) other than your primary sector, you must comply with all other applicable sector-specific conditions found in Part 6 for the co-located industrial activities. The extra sector-specific requirements are applied only to those areas of your facility where the extra-sector activities occur. An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the storm water regulations, and identified by the permit SIC code list (above, Table 1). For example, unless you are actually hauling substantial amounts of freight or materials with your own truck fleet or are providing a trucking service to outsiders, simple maintenance of vehicles used at your facility is unlikely to meet the SIC code group 42 description of a motor freight transportation facility. Even though

Sector P may not apply, the runoff from your vehicle maintenance facility would likely still be considered storm water associated with industrial activity. As such, your Storm Water Pollution Prevention Plan (SWPPP) must still address the runoff from the vehicle maintenance facility—although not necessarily with the same degree of detail as required by Sector P—but you would not be required to monitor as per Sector P.

If runoff from co-located activities commingle, you must monitor the discharge as per the requirements of all applicable sectors (regardless of the actual location of the discharge). If you comply with all applicable requirements from all applicable Sections of Part 6 for the co-located industrial activities, the discharges from these co-located activities are authorized by this permit.

1.2.2 Discharges Covered

1.2.2.1 Allowable Storm Water Discharges

Subject to the terms and conditions of this permit, you are authorized to discharge pollutants in:

1.2.2.1.1 storm water runoff associated with industrial activities as defined in LAC 33:IX.2511.B.14.a-i and k from the sectors of industry described in Table 1 except as noted above in Part 1.2.1.1 and in the Part 6 Sectors under "Limitations of Coverage";

1.2.2.1.2 non-storm water discharges as noted in Part 1.2.2.2 or otherwise specifically allowed by the permit;

1.2.2.1.3 discharges subject to an effluent guideline listed in Table 2 that also meet all other eligibility requirements of the permit. Interim coverage is also available for discharges subject to a new storm water effluent limitation guideline promulgated after the effective date of this permit;

1.2.2.1.4 any otherwise authorized discharge that is commingled with a discharge authorized by a different LPDES permit. Discharges not required to obtain an LPDES permit may also be commingled with discharges authorized by this permit;

Table 2. Effluent Guidelines Applicable to Discharges That May be Eligible for Permit Coverage		
Effluent Guidelines	**New Source Performance Standards Included in Effluent**	**Sectors with Affected Facilities**
Runoff from material storage piles at cement manufacturing facilities [40 CFR Part 411 Subpart C (established February 20, 1974)]	Yes	E
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874) [40 CFR Part 418 Subpart A (established April 8, 1974)]	Yes	C
Coal pile runoff at steam electric generating facilities [40 CFR Part 423 (established November 19, 1982)]	Yes	O
Discharges resulting from spray down or intentional wettings of logs at wet deck storage areas [40 CFR Part 429 Subpart I (established January 26, 1981)]	Yes	A
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities [40 CFR Part 436 Subparts B]	No	J
Runoff from asphalt emulsion facilities [40 CFR Part 443 Subpart A (established July 28, 1975)]	Yes	D
Runoff from hazardous waste and non-hazardous waste landfills [40 CFR Part 445, Subparts A and B (established February 2, 2000)][1]	Yes	K & L

[1] NSPS promulgated in 1974 were not removed via the 1982 regulation; therefore wastewaters generated by Part 423-applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS.

1.2.2.2 Allowable Non-Storm Water Discharges

Permittees eligible for coverage under the permit, as defined above in Part 1.1, 1.2, 1.2.1, and Table 1, are also authorized for the following non-storm water discharges at the permitted facility, provided the non-storm water component of the discharge is in compliance with Part 4.4 (non-storm water discharges):

1.2.2.2.1 discharges from fire fighting activities;

1.2.2.2.2 fire hydrant flushings;

1.2.2.2.3 potable water, including water line flushings using potable water;

1.2.2.2.4 uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;

1.2.2.2.5 irrigation drainage;

1.2.2.2.6 landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;

1.2.2.2.7 pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);

1.2.2.2.8 routine external building wash down which does not use detergents;

1.2.2.2.9 uncontaminated ground water or spring water;

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

1.2.2.2.11 incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

1.2.3 Limitations on Coverage

1.2.3.1 Discharges Mixed with Non-Storm Water

You are not authorized for discharges that are mixed with sources of non-storm water. This exclusion does not apply to discharges identified in Part 1.2.2.2, provided the discharges are in compliance with Part 4.4.2 (allowable non-storm water discharges), and to any discharge explicitly authorized by the permit.

1.2.3.2 Storm Water Discharges Associated with Construction Activity

You are not authorized for storm water discharges associated with construction activity as defined in LAC 33:IX.2511.B.14.j or LAC 33:IX.2511.B.15.

1.2.3.3 Discharges Currently or Previously Covered by Another Permit

You are not authorized by this permit for the following:

1.2.3.3.1 storm water discharges associated with industrial activity at facilities covered by an LPDES permit within the past five years prior to the effective date of this permit, if that permit established site-specific numeric water quality-based limitations developed for the storm water component of the discharge **if those limitations were more stringent than the benchmark limits or numeric limitations contained in this permit**; or

1.2.3.3.2 storm water discharges associated with industrial activity from facilities where any LPDES permit has been or is in the process of being denied, terminated, or revoked by LDEQ (other than in a replacement permit issuance process). Upon request, LDEQ may waive this exclusion if operation of the facility has since passed to a different owner/operator and new circumstances at the facility justify a waiver.

1.2.3.4 Discharges Subject to Effluent Limitations Guidelines

You are not authorized for discharges subject to any effluent limitation guideline that is not included in Table 2.

1.2.3.5 Discharge Compliance with Water Quality Standards

You must select, install, implement and maintain control measures at your facility that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general, except in the situations explained below, your SWPPP developed, implemented, and updated consistent with Part 4 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.

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 4.10 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 industrial activities and submit an individual permit application according to Part 9.12.

1.2.3.6 Discharges that are not Protective of Endangered and Threatened Species

For facilities applying for MSGP coverage through authorization under another LPDES permit for additional non-MSGP covered discharges (such as the Light Commercial General Permit (see Part 1.3.1.4.2 below)), eligibility in terms of Endangered Species Act (ESA) requirements shall be determined concurrently for both permits in accordance with established procedures based on the current MOA between LDEQ and the U.S. Fish and Wildlife Service. The procedures in Criterion A thru Criterion E do not apply to applicants using this alternate authorization method.

For facilities applying separately or solely for MSGP authorization (Part 1.3.1.4.1 below), Part 1.2.3.6 is applicable in its entirety.

Coverage under this permit is available only if your storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities will not adversely affect any species that are federally-listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) and will not result in the adverse modification or destruction of habitat that is federally-designated as "critical habitat" under the ESA. You must meet one of the criteria below, following the procedures in Addendum A.

Criterion A: No federally-listed threatened or endangered species or their designated critical habitat are likely to occur in the "action area" as defined in Part 12; or

Criterion B: Your industrial activities are authorized through the issuance of a permit under Section 10 of the ESA, and authorization addresses the effects of the storm water discharges associated with industrial activity, discharge-related activities,

and allowable non-storm water discharges on federally-listed species and federally-designated critical habitat; or

Criterion C: Coordination between you and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service has been concluded. The coordination must have addressed the effects of the facility's storm water discharges associated with industrial activity, discharge-related activities, and allowable non-storm water discharges on federally-listed threatened or endangered species and federally-designated critical habitat. The result of the coordination must be a written statement from the Service concluding that authorizing your storm water discharges, discharge-related activities, and allowable non-storm water discharges is consistent with the determination that the issuance of the MSGP is not likely to adversely affect federally-listed threatened or endangered species and federally-designated critical habitat. Any conditions or prerequisites deemed necessary to achieve consistency with the "not likely to adversely affect" determination become eligibility conditions for MSGP coverage, and permit requirements under Part 2.3 (Requirements Relating to Endangered Species and Historic Properties); or

Criterion D: Authorizing your storm water discharges associated with industrial activity, discharge-related activities, and allowable non-storm water discharges is consistent with the determination that the issuance of the MSGP is not likely to adversely affect any federally-listed endangered and threatened ("listed") species or designated critical habitat ("critical habitat").

Criterion E: The facility's storm water discharges associated with industrial activity, discharge-related activities, and allowable non-storm water discharges were already addressed in another operator's valid certification of eligibility that included these discharges and activities and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the "action area". To certify eligibility under this criterion there must be no lapse of coverage in the other operator's certification. By certifying eligibility under this criterion, you agree to comply with any measures or controls upon which the other operator's certification was based. You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility requirements of the criteria in this section to remain eligible for coverage under this permit. If your certification is based on another operator's certification under Criterion D, that certification is valid only if you have documentation showing that the other operator had certified under Criterion D, and you maintain a copy of that documentation in your SWPPP.

If you have determined that you meet the eligibility conditions of the permit and your eligibility was made possible through your, or another operator's agreement to include certain measures or prerequisite actions, or implement certain terms and conditions, you must comply with all such agreed-upon requirements to maintain eligibility under the MSGP.

1.2.3.7 Historic Properties Preservation

Eligibility for coverage under this permit is contingent upon compliance with the National Historic Preservation Act. Coverage under this permit is available only if your storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities meet one of the eligibility criteria below, following the procedures in Appendix B:

Criterion A. your storm water discharges and allowable non-storm water discharges do not have the potential to have an effect on historic properties and you are not constructing or installing new storm water control measures on your site that cause subsurface disturbance; or

Criterion B: your discharge-related activities (i.e., construction and/or installation of storm water control measures that involve subsurface disturbance) will not affect historic properties; or

Criterion C: your storm water discharges, allowable non-storm water discharges, and discharge-related activities have the potential to have an effect on historic properties, and you have consulted with the State Historic Preservation Officer (SHPO) regarding measures to mitigate or prevent any adverse effects on historic properties, and you have either
(1) obtained and are in compliance with the written agreement that outlines all such measures; or
(2) been unable to reach agreement on such measures; or

Criterion D: You have contacted the SHPO in writing informing them that you have the potential to have an effect on historic properties and you did not receive a response from the SHPO within 30 days of receiving your letter.

If you have been unable to reach agreement with a SHPO representative regarding appropriate measures to mitigate or prevent adverse effects, LDEQ may notify you of additional measures you must implement to be eligible for coverage under this permit.

If you have determined that you meet the eligibility conditions of the permit and your eligibility was made possible through your, or another operator's agreement to include certain measures or prerequisite actions, or implement certain terms and conditions, you must comply with all such agreed-upon requirements to maintain eligibility under the MSGP.

1.2.3.8 Storm Water Discharges to Water Quality-Impaired Waters

All dischargers are required to control its discharge as necessary to meet applicable water quality standards.

The LDEQ list of 303(d) listed impaired water bodies that require the development of TMDLs is titled "2006 303(d) List of Impaired Water Bodies: Including EPA's Additions" and is available on the LDEQ website at http://www.deq.louisiana.gov/portal/tabid/130/Default.aspx. That list is periodically updated. New dischargers should review the list to determine if their facility will discharge to an impaired water body. Existing dischargers should review the list periodically to keep informed of changes to the list and the establishment of TMDLs for listed impairments.

1.2.3.8.1 Except as provided below, this permit does not authorize new discharges to waters identified by the State under section 303(d) of the Clean Water Act as not meeting applicable water quality standards (a "303(d) waterbody"), except as provided under LAC 33: IX.2317.A.9. This provision applies only to discharges containing the pollutant(s) for which the waterbody is impaired. You are a new discharger if your facility started discharging after August 13, 1979 and your storm water was not previously permitted (see LAC 33: IX.2313 for full regulatory definition of "New Discharger").

Discharges to Impaired Waters Without an Approved or Established TMDL

If storm water runoff from a facility flows into a basin subsegment that is listed on the most recent EPA-approved 303(d) list, then your Storm Water Pollution Prevention Plan (SWPPP) must address the impairments.

You must document in your SWPPP how the storm water control measures (SCMs) and other controls implemented in your SWPPP will control the discharge of any pollutant(s) of concern for discharges into a receiving water which has been listed on the Clean Water Act 303(d) list of impaired waters. If a TMDL has not yet been approved for a 303(d) listed basin subsegment that receives storm water runoff from the facility then you must describe how the SCMs and other control(s) selected for your SWPPP will minimize the discharge of those pollutants which have been identified as causing the impairment.

Discharges to Impaired Waters With an Approved or Established TMDL

If a TMDL has been approved for a waterbody, you are required to describe how the SWPPP is consistent with any TMDL requirements applicable to industrial storm water discharges into a basin subsegment with one or more established TMDLs. The control measures must be sufficient to control the discharge of pollutants from the facility effectively enough to meet the in stream water quality criteria and to protect the designated uses of the receiving stream.

If a TMDL assigns an individual WLA specifically for your facility's storm water discharges, you must include that WLA in your SWPPP. If a WLA is assigned to discharges of a particular pollutant from your facility to a particular basin subsegment you must ensure that the storm water controls that you implement are adequate to maintain compliance with the facility's WLA.

For an existing discharger, if the SWPPP is not meeting the applicable requirements of a TMDL, the discharger must modify the SWPPP accordingly. **The permittee must modify its storm water pollution prevention plan to implement the TMDL within six months of the TMDL's approval or as otherwise specified in the TMDL.**

You must describe the additional or modified controls that will be implemented and include a schedule for implementation. You must continue to evaluate the adequacy of the SCMs that you have implemented to meet the WLA for a particular pollutant and modify as necessary to ensure that the WLAs are being met or that water quality

standards are being met. **[NOTE: You should consult the latest edition of the Louisiana Water Quality Management Plan, which is available on the LDEQ website at: http://www.deq.louisiana.gov/portal/Portals/0/planning/ Water%20 Quality%20Management%20Plan--volume%208.pdf to determine if a WLA for your discharges has been included in a TMDL that is issued after the effective date of this permit.]**

1.2.3.8.2 This permit does not authorize the discharge of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by the LDEQ unless your discharge is consistent with that TMDL.

In a situation where an approved or established TMDL has specified a general WLA applicable to industrial storm water discharges, but no specific requirements for industrial sites have been identified in the TMDL, adherence to a SWPPP that meets the requirements of this permit will be consistent with the approved TMDL. Where an approved or established TMDL has not specified a WLA applicable to industrial 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 approved or established TMDL specifically precludes such discharges, the operator is not eligible for coverage under this permit.

The list of impaired waterbodies (sometimes referred to as 303(d) waterbodies) may be accessed on the LDEQ Internet site at http://www.deq.louisiana.gov/portal/ default.aspx?tabid=130 or obtained from the Office of Environmental Services, Water Permits Division.

1.2.3.9 Storm Water Discharges Subject to Antidegradation Water Quality Standards

You are not authorized for discharges that do not comply with Louisiana's antidegradation policy and implementation plan for water quality standards and protection of existing and designated uses, as defined in LAC 33:IX.1109.A and 1119.

1.2.3.10 Permit Compliance

Any noncompliance with any of the requirements of this permit constitutes a violation of the Louisiana Environmental Quality Act (LEQA). (As detailed in Part 5.7 (Corrective Actions) of this permit, failure to take any required corrective actions constitute a violation of this permit and the LEQA.) Any actions and time period specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance. However, where corrective action is triggered by an event that does not itself constitute permit noncompliance, such as an exceedance of an applicable benchmark, there is no permit violation provided you take the required corrective action within the relevant deadlines established in Part 5.7.

1.2.3.11 Dischargers Notified of Permit Ineligibility

Unless otherwise specified by the Agency, you are not authorized for discharges after you have been notified that you do not meet the eligibility conditions of this permit.

1.3 Obtaining Authorization

1.3.1 You may be authorized under this permit only if you have a discharge of storm water associated with industrial activity from your facility. In order to obtain authorization under this permit, you must:

1.3.1.1 meet the Part 1.2 eligibility requirements; and

1.3.1.2 select, design, install, and implement control measures in accordance with Part 4 to meet numeric and non-numeric effluent limits; and

1.3.1.3 Develop a Storm Water Pollution Prevention Plan (SWPPP) according to the requirements in Part 4 of this permit; and

1.3.1.4 **either:**

1.3.1.4.1 for facilities at which all discharges may be covered under the MSGP, submit a complete Notice of Intent (NOI) Form MSGP-G in accordance with the requirements of Part 2 of this permit. **Permit authorization obtained in this manner is not transferable**. Any new operator at a facility, including those who replace an operator who has previously obtained permit coverage, must submit an NOI to be covered for discharges for which they are the operator;

or:

1.3.1.4.2 for facilities which require permit coverage for discharges in addition to those covered by the MSGP, submit an approved Notice of Intent (NOI)/application which covers all discharges and which meets the requirements in MSGP Part 2.2 below (Parts 2.2.5 and 2.2.9 are not applicable); authorization under the MSGP will be granted concurrently with authorization by the LPDES permit (such as the LPDES Light Commercial General Permit) which covers the additional, non-MSGP discharges. In these cases, the time frame for preparation of the Part 4 SWPPP shall be defined in the LPDES permit. Permit authorization under the MSGP may be transferred upon transfer of the LPDES permit which covers the non-MSGP discharges after all applicable requirements for LPDES permit transfer are met (LAC 33:IX.2901). The recipient of the permit transfer is required to comply with all MSGP requirements, including SWPPPs, monitoring requirements and numeric limitations in permit Parts 4 and 5, immediately upon the effective date of transfer.

1.3.2 Unless notified to the contrary, if you submit an **accurate and fully completed** NOI in accordance with the requirements of this permit, you are authorized to discharge under the terms and conditions of this permit upon submittal of hand-delivered NOI or 48 hours after the date that the NOI is postmarked. The LDEQ may deny you coverage under this permit and require submittal of an application for an individual LPDES permit based on a review of your NOI or other information (see Part 9.12). Authorization to discharge is not automatically granted if your NOI is materially

incomplete (e.g., information left off, NOI unsigned, etc.) or if your discharge(s) is (are) not eligible for coverage by the permit. It is suggested that, for planned facilities, eligibility be confirmed prior to beginning construction.

1.3.3 This permit replaces the LPDES General Permit for Storm Water Discharges from Industrial Activities, issued April 28, 2006. 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:

1.3.3.1 for the first 30 days after the effective date of the permit, comply with the terms and conditions of the 2006 MSGP; and

1.3.3.2 no later than 30 days after the permit effective date of the reissued permit, take 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 4 of the reissued permit.

1.3.3.3 LDEQ will accept late NOIs but authorization to discharge will not be retroactive.

1.4 Terminating Coverage

1.4.1 If you wish to terminate coverage under this permit, you must submit a complete and accurate Notice of Termination (NOT) in accordance with Part 11 of this permit. You must continue to comply with this permit until you submit an NOT. Your authorization to discharge under the permit terminates at midnight of the day the NOT is signed and mailed. If you submit a Notice of Termination without meeting one or more of the conditions identified in Part 1.4.2, then your Notice of Termination is not valid. You are responsible for meeting the terms of this permit until your authorization is terminated.

1.4.2 You must submit an NOT within thirty (30) days after one or more of the following conditions have been met:

1.4.2.1 a new owner/operator has assumed responsibility for the facility, or

1.4.2.2 you have ceased operations at the facility and there no longer are discharges of storm water associated with industrial activity from the facility; or

1.4.2.3 you are a Sector G, H, or I facility and you have met the applicable termination requirements; or

1.4.2.4 permit coverage has been obtained under an individual or alternative general permit for all discharges requiring LPDES permit coverage, either because LDEQ required you to obtain such coverage or you petitioned LDEQ requesting coverage under an alternative permit.

Note: Submittal of an NOT is not required if all storm water discharges associated with industrial activity at the facility became covered under an alternate LPDES permit. The applicability of this permit is automatically terminated on the effective date of coverage by the alternate permit. Likewise, if the facility qualifies for the "no exposure" exclusion, submittal of an NOT is not required.

1.4.3 Enforcement actions may be taken if you submit an NOT without meeting one or more of the above listed conditions, unless you have obtained coverage under an alternate permit or have satisfied the requirements of Part 1.5.

1.5 Transfer of Permit Coverage

Except as provided in Part 1.3.1.4.2, **transfers of permit coverage are not allowed for this general permit**. See Part 11.1 below.

1.6 Conditional Exclusion for No Exposure

If you are eligible for coverage by this permit, but qualify for the exclusion for "no exposure" (LAC 33:IX.2511.G), you are not required to obtain authorization by nor required to comply with the permit upon satisfying the applicable conditions for certifying eligibility for the "no exposure" exclusion. Under the conditional no exposure exclusion, operators of industrial facilities have the opportunity to certify to a condition of "no exposure" if their industrial materials and operations are not exposed to storm water. As long as the condition of "no exposure" exists at a certified facility, the operator is excluded from LPDES industrial storm water permit requirements, provided the operator notifies the permitting authority at least every five years. If you are no longer required to have permit coverage due to a "no exposure" exclusion, you are **not** required to submit a Notice of Termination. The No Exposure form can be found on the LDEQ website at http://www.deq.louisiana.gov/portal/LinkClick.aspx?fileticket=Npcz%2b2pXWhw%3d&tabid=1837. After you have **accurately and completely** filled out the No Exposure form, send it to the Office of Environmental Services at the address listed in Addendum C. To be excluded from LPDES industrial storm water requirements, the discharger must submit a No Exposure Certification once every five years.

2. NOTICE OF INTENT REQUIREMENTS

2.1 Deadlines for Notification

Your NOI must be submitted in accordance with the deadlines in Table 3.

Table 3 - DEADLINES FOR NOI SUBMITTAL	
Category	**Deadline**
1. Existing discharges covered under the 2006 MSGP (see also Part 2.1.2 and 2.1.3 below)	No reapplication required. Coverage automatic
2. New discharges (It is suggested that, for planned facilities, eligibility be confirmed prior to beginning construction.)	Two (2) days prior to commencing operation of the facility with discharges of storm water associated with industrial activity.
3. New owner/operators of existing discharges	Two (2) days prior to taking operational control of the facility.
4. Continued coverage when the permit expires in 2016	See Part 9.2

Only one NOI need be submitted to cover all of your activities at the facility (e.g., you do not need to submit a separate NOI for each separate type of industrial activity located at a facility or industrial complex, provided your SWPPP covers each area for which you are an operator).

2.1.1 Late Notification

You are not prohibited from submitting an NOI after the dates provided in Table 3. If a late NOI is submitted, your authorization is only for discharges that occur after permit coverage is granted. This Office reserves the right to take appropriate enforcement actions for any unpermitted discharges.

2.1.2 2006 MSGP Permittees Granted Automatic Coverage-Timely Update Requirements

Those permittees granted automatic coverage under the reissued MSGP because of their coverage under the 2006 MSGP shall, within 30 days following finalization of the reissued MSGP, review the conditions of the reissued MSGP and submit notification by means of a letter if the determination is made that the facility is not eligible for coverage under the new permit. In those cases, either application for an alternate permit or notification that permit coverage is no longer needed should be submitted to the agency within 30 days following finalization of the reissuance MSGP.

Permittees granted automatic coverage under the reissued MSGP because of their coverage under the 2006 MSGP shall, if eligible for continuing coverage under the reissued permit, update their

SWPPPs to comply with the requirements of the reissued permit within 30 days following finalization of the reissued MSGP.

2.1.3 Previously Covered Facilities Ineligible For the Reissuance MSGP

If you were previously covered by the 2006 MSGP but do not meet the eligibility requirements of this permit, you may nonetheless be authorized under this permit for a period not to exceed 270 days from the date this permit is effective. Application for an alternative permit shall be submitted within 60 days following the effective date of the reissued MSGP.

2.1.4 Newly-Covered Oil and Gas Facilities

After this MSGP is finalized, oil and gas facilities which subsequently meet the requirements for coverage in Part 6.I.1, by having a later discharge of a reportable quantity (RQ) of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6 or 40 CFR 302.6, shall submit an NOI for permit coverage within 14 calendar days after learning of the release and shall prepare and implement the SWPPP as required in Part 4 within 60 calendar days after learning of the release. During this interim period while the SWPPP is being prepared and implemented, the operator shall take all appropriate measures to limit the discharge of pollutants in the facility's storm water.

2.2 Contents of Notice of Intent (NOI)

Except as provided in Part 1.3.1.4.2, application for coverage under this permit shall be made by submittal of LPDES Form MSGP-G which will be completed to provide the following information:

2.2.1 the name, address, and telephone number of the operator (e.g., your company, etc.) filing the NOI for permit coverage;

2.2.2 an indication of whether you are a Federal, State, private, or other public entity;

2.2.3 the name (or other identifier), address, parish, and latitude/longitude of the facility for which the NOI is submitted;

2.2.4 an indication of whether the facility is located on Indian Country lands;

2.2.5 certification that a storm water pollution prevention plan (SWPPP) meeting the requirements of Part 4 has been developed (including attaching a copy of this permit to the plan);

2.2.6 the name of the receiving water(s) or the name of the municipal operator if the discharge is through a municipal separate storm sewer system;

2.2.7 based on the instructions and criterion in Addendum A, whether any listed or proposed threatened or endangered species, or designated critical habitat, are in proximity to the storm water discharges or storm water discharge-related activities to be covered by this permit;

2.2.8 whether any historic property listed or eligible for listing on the National Register of Historic Places is located on the site or in proximity to the discharge and whether SHPO participated in the determination of permit eligibility;

2.2.9 identification of applicable sector(s) in this permit, as designated in Table 1, that cover the discharges associated with industrial activity you wish to cover under this permit;

2.2.10 up to four 4-digit Standard Industrial Classification (SIC) codes or the 2-letter Activity Codes for hazardous waste treatment, storage, or disposal activities (HZ); land/disposal facilities that receive or have received any industrial waste (LF); steam electric power generating facilities (SE); or treatment works treating domestic sewage (TW) that best represent the principal products produced or services rendered by your facility and major co-located activities;

2.2.11 whether your company has any other environmental permits identical or similar to the permit which you are applying for in any other states;

2.2.12 whether your company owes any outstanding fees or final penalties to the department;

2.2.13 whether your company is a limited liability company;

2.2.14 authorization/permit number for any existing or prior water discharge permits;

2.2.15 include a diagram of the facility and a topographic map indicating the route(s) of storm water flow to the nearest named waterbody;

2.2.16 a signed and dated certification, signed by a legal representative of your facility as detailed in Part 9.7 that certifies the following:

"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 storm water and allowable non-storm water 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 storm water general permit is contingent upon maintaining eligibility as provided for in Part 1.2. "

2.3 Use of NOI Form

You must submit the information required under Part 2.2 on the latest version of the NOI form (or photocopy thereof) available from this Office - unless the Department notifies dischargers of other NOI form options that become available at a later date (e.g., electronic submission of forms). Your NOI must be signed and dated in accordance with Part 2.4 of this permit. The NOI

form is available at http://www.deq.louisiana.gov/portal/Default.aspx?tabid=1837 or may be obtained by phoning the LDEQ Customer Service Center at (225) 219-5337.

2.4 Signatory Requirements

All Notices of Intent, Notices of Termination, SWPPPs, reports, certifications or information either submitted to LDEQ or the operator of a municipal separate storm sewer system, or that this permit requires be maintained by the permittee, must be signed as follows:

2.4.1 In accordance with LAC 33:IX.2503.A, all Notices of Intent must be signed:

2.4.1.1 for a corporation: by a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: **a)** a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or **b)** the manager of one or more manufacturing, production or operating facilities, provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: LDEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Part 2.4.1.1.a. LDEQ will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified LDEQ to the contrary. Corporate procedures governing authority to sign applications may provide for assignment or delegation to applicable corporate positions under Part 2.4.1.1.b rather than to specific individuals.

2.4.1.2 for a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

2.4.1.3 for a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (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., Base Commander for a military base).

2.4.2 All reports required by this permit and other information requested by LDEQ 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:

2.4.2.1 the authorization is made in writing by a person described above in 2.4.1.1- 2.4.1.3

2.4.2.2 the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator, 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

2.4.2.3 the written authorization is submitted to LDEQ.

2.4.3 Changes to Authorization (LAC 33:IX.2503.C). If the information on the NOI filed for permit coverage is no longer accurate because a different operator has responsibility for the overall operation of the facility, a new Notice of Intent satisfying the requirements of Part 2 must be submitted to LDEQ prior to or together with any reports, information, or applications to be signed by an authorized representative. The change in authorization must be submitted within the time frame specified in Part 2.1, and sent to the address specified in Part 2.5.

2.5 Where to Submit

Your NOI must be signed in accordance with Part 2.4 above of this permit and submitted to the LDEQ Office of Environmental Services at the address in the CURRENT ADDRESSES LIST, Addendum C.

2.6 Additional Notification

If your facility discharges through a municipal separate storm sewer system (MS4), or into an MS4 that has been designated by LDEQ, you must also submit a signed copy of the NOI to the operator of that MS4, in accordance with the deadlines listed above in Table 3.

3. SPECIAL CONDITIONS

3.1 Hazardous Substances or Oil

You must prevent or minimize the discharge of hazardous substances or oil in your discharge(s) in accordance with the SWPPP for your facility. This permit does not relieve you of the reporting requirements of LAC 33:I, Chapter 39 relating to spills or other releases of oils or hazardous substances.

Should a release as described in this Part occur, you must modify your SWPPP required under Part 4 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, you must review your plan to identify measures to prevent the recurrence of such releases and to respond to such releases, and you must modify your plan where appropriate.

3.1.1 Emergency Notification: The permittee shall report any noncompliance which may endanger 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 (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this Part will be made regardless of the amount of discharge. A written submission shall be provided within 7 calendar days of the notification. The report shall contain the following information:

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

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

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

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

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

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

(7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation. procedures or measures which have or will be adopted to prevent recurrence of the incident or similar incidents;

(8) procedures or measures which have or will be adopted to prevent recurrence of the incident or similar incidents, including incidents of loss of sources of radiation;

(9) if an unpermitted site or facility is involved in the unauthorized discharge, as schedule for submitting a permit application to the department or a rationale for not requiring a permit;

(10) the reporting party's status;

(11) for discharges to the ground or groundwater, the following information shall also be included: all information of which the reporting party is aware that indicates pollutants are migrating, including, but not limited to, monitoring well data; possible routes of migrations; and all information of which the reporting party is aware regarding any public or private wells in the area of the migration used for drinking, stock watering, or irrigation;

(12) what other agencies were notified;

(13) the names of the responsible parties of which the reporting party is aware;

(14) a determination by the discharger of whether or not the discharge was preventable, or if not, an explanation of why the discharge was not preventable;

(15) the extent of injuries, if any; and

(16) the estimated quantity, identification, and disposition of recovered materials, if any;

(17) Written notification reports shall be submitted to the Office of Environmental Compliance, Inspection Division, Single Point of Contact (SPOC) by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked '**UNAUTHORIZED DISCHARGE NOTIFICATION REPORT**."

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

Louisiana Department of Environmental Quality
Post Office Box 4312
Baton Rouge, LA 70821-4312

ATTENTION: Office of Environmental Compliance - SPOC
"UNAUTHORIZED DISCHARGE NOTIFICATION REPORT"

The Written Notification Report may also be faxed to the Louisiana Department of Environmental Quality, Office of Environmental Compliance, Single Point of Contact at (225) 219-4044.

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

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

(1) by the Online Incident Reporting screens found at http://www.deq.louisiana.gov/portal/tabid/66/Default.aspx; or

(2) by e-mail utilizing the Incident Report Form and instructions found at http://www.deq.louisiana.gov/portal/tabid/66/Default.aspx; or

(3) By telephone at (225) 219-3640 during office hours. If calls are made after hours, leave a voice mail.

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

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

3.2 Additional Requirements for Salt Storage

Any storage piles of salt used for deicing or other commercial or industrial purposes that generate a storm water discharge associated with industrial activity must be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to waters of the state.

3.3 Discharge Compliance with Water Quality Standards

Your discharge must be controlled as necessary to meet applicable water quality standards. LDEQ expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. Your discharges must not cause or contribute to an exceedance of a water quality standard. Where a discharge is already authorized under this permit and is later determined to cause or contribute to exceedance of a water quality standard, the Department will notify you of such exceedance(s). You must take all necessary corrective actions to ensure future discharges do not cause or contribute to the exceedance of a water quality standard and document these actions in the SWPPP. If exceedances remain or re-occur, then coverage under this permit may be terminated by this Office, and an alternative general permit or individual permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by law for the exceedance.

4. STORM WATER POLLUTION PREVENTION PLANS

4.1 Storm Water Pollution Prevention Plan Requirements

Except as allowed in Part 1.3.1.4.2 for facilities authorized under the MSGP through coverage under an alternate LPDES permit, and Part 2.1.4 for oil and gas facilities which are required to obtain coverage (due to a later RQ spill) after this permit is finalized, **you must prepare a storm water pollution prevention plan (SWPPP) for your facility before submitting your Notice of Intent (NOI) for permit coverage**. Copies of the plan should **not** be submitted to this Office unless specifically requested by LDEQ. Your SWPPP is intended to document the selection, design, and installation of control measures. Your SWPPP must be prepared in accordance with good engineering practices. EPA has developed guidance entitled "Developing your SWPPP, A Guide for Industrial Operators" EPA #833/B-09-002, February 2009, to assist permittees in developing and implementing pollution prevention measures. A printed hard copy may be obtained by contacting EPA's Water Resource Center at (202) 260-7786 or center.water-resource@epa.gov. Use of a registered professional engineer for SWPPP preparation is not required by the permit, but may be independently required under local ordinance. As distinct from the SWPPP, the Additional Documentation Requirements (see Part 4.16) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements. Your SWPPP must:

4.1.1 identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from your facility;

4.1.2 describe and ensure implementation of practices which you will use to reduce the pollutants in storm water discharges from the facility; and

4.1.3 assure compliance with the terms and conditions of this permit.

Note: At larger installations such as military bases where there are well-defined industrial versus non-industrial areas, the SWPPP required under this Part need only address those areas with discharges of storm water associated with industrial activity. (e.g., under this permit, a U.S. Air Force Base would need to address the vehicle maintenance areas associated with the "airport" portion of the base in the SWPPP, but would not need to address a car wash that served only the on-base housing areas.)

4.2 Contents of Your SWPPP

For coverage under this permit, your SWPPP must contain all of the following elements:

- Storm water pollution prevention team (see Part 4.2.1);
- Site description (see Part 4.2.2);
- Summary of potential pollutant sources (see Part 4.2.3);
- Description of control measures (see Part 4.2.4);
- Schedule and procedures (see Part 4.2.5);
- Documentation to support eligibility considerations under other federal laws (see Part 4.2.6); and
- Signature requirements (see Part 9.7).

Where your SWPPP refers to procedures in other facility documents, such as a Spill Prevention and Control (SPC) Plan or an Environmental Management System (EMS) developed for a National Environmental Performance Track facility, copies of the relevant portions of these documents must be kept with your SWPPP.

4.2.1 Storm Water Pollution Prevention Team

You must identify the staff member(s) (by name or title) that comprise the facility's storm water pollution prevention team as well as their individual responsibilities. Your storm water pollution prevention team is responsible for assisting the facility manager in developing and revising, the facility's SWPPP as well as maintaining control measures and taking corrective actions where required. Each member of the storm water pollution prevention team must have ready access to either an electronic or paper copy of the applicable portions of this permit and your SWPPP.

4.2.2 Site Description

Your SWPPP must include the following:

- *Activities at Facility.* Provide a description of the nature of the industrial activity(ies) at your facility;
- *General Location Map.* Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle, or other map) with enough detail to identify the location of your facility and all the receiving waters (including ditches, intermittent streams, dry sloughs, and arroyos), wetlands, or other "special aquatic sites" (see Part 10 for definition) that may receive discharges from your facility;
- *Site Map*. Provide a map showing the following:
  - The size of the property in acres;
  - The location and extent of significant structures and impervious surfaces;
  - Directions of storm water flow (use arrows);
  - Locations of all existing structural control measures;
  - Locations of all receiving waters in the immediate vicinity of your facility, indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established for them;
  - Locations of all storm water conveyances including ditches, pipes, and swales;
  - Locations of potential pollutant sources identified under Part 4.2.3. have occurred;
  - Locations of all storm water monitoring points;
  - Locations of storm water inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc.), indicating if you are treating one or more outfalls as "substantially identical" under Parts 4.13.5, Part 4.2.6, and Part 5.3.5, and an approximate outline of the areas draining to each outfall;
  - Municipal separate storm sewer systems, where your storm water discharges to them;
  - Locations and descriptions of all non-storm water discharges identified under Part 4.4.1 (Non Storm Water Discharges);
  - Locations of the following activities where such activities are exposed to precipitation:
    - Fueling stations
    - Vehicle and equipment maintenance and/or cleaning areas;
    - Loading/unloading areas;

- Locations used for the treatment, storage, or disposal of wastes;
- Liquid storage tanks;
- Processing and storage areas;
- Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
- Transfer areas for substances in bulk; and
- Machinery; and

- Locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

4.2.3 Summary of Potential Pollutant Sources

You must document areas at your facility where industrial materials or activities are exposed to storm water and from which allowable non-storm water discharges are released. *Industrial materials or activities* include, but are not limited to: material handling equipment or activities, industrial machinery, raw materials, industrial production and processes; and intermediate products, by-products, final products, and waste products. *Material handling activities* include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the description must include:

4.2.3.1 *Activities in Area.* A list of the industrial activities exposed to storm water (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

4.2.3.2 *Pollutants.* A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents, etc.) associated with each identified activity. The pollutant list must include all significant materials that have been handled, treated, stored or disposed, and that have been exposed to storm water in the 3 years prior to the date you prepare or amend your SWPPP.

4.2.3.3 *Spills and Leaks*. You must document where potential spills and leaks could occur that could contribute pollutants to storm water discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. You must document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a storm water conveyance, in the 3 years prior to the date you prepare or amend your SWPPP.

Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under LAC 33:I.3931 Reportable Quantity List for Pollutants, which incorporates by reference and modifies requirements of Section 311 of the CWA (see 40 CFR 110 and 40 CFR 117.3) and 40 CFR 302.4 (CERCLA Hazardous Substances).

4.2.3.4 *Non-Storm water Discharges*. You must document that you have evaluated for the presence of non-storm water discharges and that all unauthorized discharges have been eliminated. Documentation of your evaluation must include:

- The date of any evaluation;
- A description of the evaluation criteria used;

- A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
- The different types of non-storm water discharge(s) and source locations; and
- The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an LPDES permit application was submitted for an unauthorized cooling water discharge.

4.2.3.5 *Salt Storage*. You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

4.2.3.6 *Sampling Data.* You must summarize all storm water discharge sampling data collected at your facility during the previous permit term.

4.2.4 Description of Control Measures

You must document the location and type of control measures you have installed and implemented at your site to achieve the non-numeric effluent limits in Part 4.2.9, and where applicable in Part 6, the effluent limitations guidelines-based limits in Part 5.10, the water quality-based effluent limits in Part 4.2.5.1, and any agreed-upon endangered species or NEPA-related requirements in Parts 4.5 and 4.6, and describe how you addressed the control measure selection and design considerations in Part 4.2.7.1. This documentation must describe how the control measures at your site address both the pollutant sources identified in Part 4.2.3 and any storm water run-on that commingles with any discharges covered under this permit.

4.2.4.1 Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits

In the technology-based limits included in Part 4.2.9 and in Part 6, the term “minimize” means reduce and/or eliminate to the extent achievable using control measures including best management practices (BMPs) that are technologically available and economically practicable and achievable in light of best industry practice.

You must select, design, install, and implement control measures including BMPs to address the selection and design considerations in Part 4.2.9, meet the non-numeric effluent limits in Part 4.2.9, and meet limits contained in applicable effluent limitations guidelines in Part 5.10. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer’s specifications. Note that you may deviate from such manufacturer’s specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures, consistent with Part 4.2.4. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges, you must modify these control measures as expeditiously as practicable. Regulated storm water discharges from your facility include storm water run-on that commingles with storm water discharges associated with industrial activity at your facility.

4.2.5 Schedules and Procedures

4.2.5.1 Pertaining to Control Measures Used to Comply with the Effluent Limits In Part 6

The following must be documented in your SWPPP:

- Good Housekeeping (See Part 4.2.9.2) – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;
- Maintenance (See Part 4.2.9.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;
- Spill Prevention and Response Procedures (See Part 4.2.9.4) – Procedures for preventing and responding to spills and leaks. You may reference the existence of other plans for Spill Prevention and Control (SPC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an LPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part 4.12; and
- Employee Training (Part 4.2.9.9) – A schedule for all types of necessary training.

4.2.6 Pertaining to Monitoring and Inspection

You must document in your SWPPP your procedures for conducting the five types of analytical monitoring specified by this permit, where applicable to your facility, including:

- Benchmark monitoring (see Part 5.4);
- Effluent limitations guidelines monitoring (see Part 6); and
- Impaired waters monitoring (see Part 5.10.2).

For each type of monitoring, your SWPPP must document:

- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at your facility, including schedule for alternate monitoring periods for climates with irregular storm water runoff (see Part 5.3.4);
- Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges for each outfall; and
- Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part 5.3.

If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, you must include in your SWPPP the information to support this claim as required by Part 5.5.3.

You must document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part 5.1.2 or your benchmark monitoring requirements in Part 5.

- Location of each of the substantially identical outfalls;
- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to storm water discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- Why the outfalls are expected to discharge substantially identical effluents.

You must document in your SWPPP your procedures for performing, as appropriate, the three types of inspections specified by this permit, including:

- Routine facility inspections (see Part 4.9);
- Quarterly visual assessment of storm water discharges (see Part 5.1.2); and
- Comprehensive site inspections (see Part 4.10).

For each type of inspection performed, your SWPPP must identify:

- Person(s) or position of person(s) responsible for inspection;
- Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular storm water runoff discharges (see Part 5.3.4); and
- Specific items to be covered by the inspection, including schedules for specific outfalls.

If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts 4.9.3 and 5.1.2.3.

4.2.7 Documentation to Support Eligibility Considerations Under Other Federal Laws

4.2.7.1 Documentation Regarding Endangered Species. You must keep with your SWPPP the documentation supporting your determination with regard to Part 4.5.

4.2.7.2 Documentation Regarding Historic Properties. You must keep with your SWPPP the documentation supporting your determination with regard to Part 4.6.

4.2.7.3 Documentation Regarding NEPA Review. You must keep with your SWPPP the documentation supporting your certification of eligibility under Part 1.2.2.1 (Discharges Subject to Any New Source Performance Standards).

4.2.8 Control Measure Selection and Design Considerations

You must consider the following when selecting and designing control measures:

- preventing storm water from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from storm water;

- using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in your storm water discharge;

- assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in their permit;

- minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;

- attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;

- conserving and/or restoring riparian buffers will help protect streams from storm water runoff and improve water quality; and

- using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

4.2.9 Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT)

4.2.9.1 Minimize Exposure.

You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). In minimizing exposure, you should pay particular attention to the following:

- use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- use spill/overflow protection equipment;
- drain fluids from equipment and vehicles prior to on-site storage or disposal;
- perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- ensure that all washwater drains to a proper collection system (i.e., not the storm water drainage system).

The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate LPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

Note: Industrial materials do not need to be enclosed or covered if storm water runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another LPDES permit.

4.2.9.2 Good Housekeeping

You must keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers. Common problem areas include: around trash containers, storage areas and loading docks. Measures must also include: a schedule for regular pickup and disposal of garbage and waste materials; routine inspections for leaks and conditions of drums, tanks and containers.

4.2.9.3 Maintenance

You must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in storm water discharged to receiving waters. You must maintain all control measures that are used to achieve the effluent limits required by this permit in effective operation condition. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If you find that your control measures need to be replaced or repaired, you must make the necessary repairs or modifications as expeditiously as practicable.

4.2.9.4 Spill Prevention and Response Procedures

You must minimize the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur. At a minimum, you must implement:

- Procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
- Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your storm water pollution prevention team (see Part 4.2.1; and
- Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC, metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.

4.2.9.5 Erosion and Sediment Controls

You must stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions you must take to meet this limit, you must place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. As appropriate to protect the stream bed, velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).

In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's internet-based resources relating to BMPs for erosion and sedimentation, including the sector-specific *Industrial Storm water Fact Sheet Series,* (www.epa.gov/npdes/stormwater/msgp), *National Menu of Stormwater BMPS* (www.epa.gov/npdes/stormwater/menuofbmps), and *National Management Measures to Control Nonpoint Source Pollution from Urban Areas* (www.epa.gov/owow/nps/urbanmm/index.html), and any similar State or Tribal publications.

4.2.9.6 Management of Runoff

You should divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in your discharges.

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oily materials, nor of toxic materials in quantities such as to cause toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's internet-based resources relating to runoff management, including the sector-specific *Industrial Stormwater Fact Sheet Series,* (www.epa.gov/npdes/stormwater/msgp), *National Menu of Stormwater BMPS* (www.epa.gov/npdes/stormwater/menuofbmps), and *National Management Measures to Control Nonpoint Source Pollution from Urban Areas* (www.epa.gov/owow/nps/urbanmm/index.html), and any similar State or Tribal publications.

4.2.9.7 Salt Storage Piles or Piles Containing Salt

You must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if storm water runoff from the piles is not discharged or if discharges from the piles are authorized under another LPDES permit.

4.2.9.8 Sector Specific Non-Numeric Effluent Limits

You must achieve any additional non-numeric limits stipulated in the relevant sector-specific sections(s) of Part 6.

4.2.9.9 Employee Training

You must train all employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your Pollution Prevention Team. Training must cover both the specific control measures used to achieve the effluent limits in this Part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. EPA recommends training be conducted at least annually (or more often if employee turnover is high).

4.2.9.10 Non-Storm water Discharges

You must eliminate non-storm water discharges not authorized by an LPDES permit. See Part 1.2.2.2 for a list of non-storm water discharges authorized by this permit.

4.2.9.11 Waste, Garbage and Floatable Debris

You must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.

4.2.9.12 Dust Generation and Vehicle Tracking of Industrial Materials

You must minimize generation of dust and off-site tracking of raw, final, or waste materials or sediments. Tracking or blowing of raw, final or waste materials or sediments from areas of no exposure to exposed areas must be minimized.

4.2.10 Numeric Effluent Limitations Based on Effluent Limitations Guidelines

If you are in an industry category subject to one of the effluent limitations guidelines identified in Table 2 (see Part 1.2.2.1.3), you must meet the effluent limits referenced in Table 4 below:

Table 4.
Applicable Effluent Limitations Guidelines

Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	See Part 6.A.7
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	See Part 6.C.4
Runoff from asphalt emulsion facilities	Part 443, Subpart A	See Part 6.D.4

Table 4. Applicable Effluent Limitations Guidelines		
Regulated Activity	**40 CFR Part/Subpart**	**Effluent Limit**
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Part 6.E.5
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	See Part 6.J.9
Runoff from hazardous waste landfills	Part 445, Subpart A	See Part 6.K.6
Runoff from non-hazardous waste landfills	Part 445, Subpart B	See Part 6.L.10
Runoff from coal storage piles at steam electric generating facilities	Part 423	See Part 6.O.8

4.3 Maintenance

All BMPs you identify in your SWPPP must be maintained in effective operating condition. If site inspections required by Part 4.9 and/or 4.2.6 identify BMPs that are not operating effectively, maintenance must be performed 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. In the case of non-structural BMPs, the effectiveness of the BMP must be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

4.4 Non-Storm Water Discharges

4.4.1 Certification of Non-Storm Water Discharges

4.4.1.1 Your SWPPP must include a certification that all discharges (i.e., outfalls) have been tested or evaluated for the presence of non-storm water. The certification must be signed in accordance with Part 9.7 of this permit, and include:

4.4.1.1.1 the date of any testing and/or evaluation;

4.4.1.1.2 identification of potential significant sources of non-storm water at the site;

4.4.1.1.3 a description of the results of any test and/or evaluation for the presence of non-storm water discharges;

4.4.1.1.4 a description of the evaluation criteria or testing method used; and

4.4.1.1.5 a list of the outfalls or onsite drainage points that were directly observed during the test and/or evaluation.

4.4.1.2 If you are unable to provide the certification required (testing and/or evaluation for non-storm water discharges), you must notify LDEQ 180 days after submitting an NOI to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification must describe:

4.4.1.2.1 reason(s) why certification was not possible;

4.4.1.2.2 the procedure of any test and/or evaluation attempted;

4.4.1.2.3 the results of such test and/or evaluation or other relevant observations; and

4.4.1.2.4 potential sources of non-storm water discharges to the storm sewer.

4.4.1.3 A copy of the notification must be included in the SWPPP at the facility. Non-storm water discharges to waters of the State, which are not authorized by an LPDES permit or provided for in 1.2.2.2, are unlawful and must be terminated.

4.4.2 Allowable Non-Storm Water Discharges

4.4.2.1 Certain sources of non-storm water are allowable under this permit (see 1.2.2.2 - Allowable Non-Storm Water Discharges). In order for these discharges to be allowed, your SWPPP must include:

4.4.2.1.1 identification of each allowable non-storm water source;

4.4.2.1.2 the location where it is likely to be discharged; and

4.4.2.1.3 descriptions of appropriate BMPs for each source.

4.4.2.2 Except for flows from fire fighting activities, you must identify in your SWPPP all sources of allowable non-storm water that are discharged under the authority of this permit.

4.4.2.3 If you include mist blown from cooling towers among your allowable non-storm water discharges, you must specifically evaluate the potential for discharges to be contaminated by chemicals used in the cooling tower and determine that the levels of such chemicals in the discharges would not cause or contribute to a violation of an applicable water quality standard after implementation of the BMPs you have selected to control such discharges.

4.5 Documentation of Permit Eligibility Related to Endangered Species

This Part (4.5) is applicable to facilities obtaining authorization under Permit Part 1.3.1.4.1. Permittees authorized under Permit Part 1.3.1.4.2 shall comply with the ESA eligibility requirements of the alternate permit through which MSGP coverage is obtained. Your SWPPP must include documentation supporting your determination of permit eligibility with regard to Part 1.2.3.6 (Endangered Species), including:

4.5.1 information on whether listed endangered or threatened species, or critical habitat, are found in proximity to your facility;

4.5.2 whether such species may be affected by your storm water discharges or storm water discharge-related activities;

4.5.3 results of your Addendum A endangered species screening determinations; and

4.5.4 a description of measures necessary to protect listed endangered or threatened species, or critical habitat, including any terms or conditions that are imposed under the eligibility requirements of Part 1.2.3.6. If you fail to describe and

implement such measures, your discharges are ineligible for coverage under this permit.

4.6 Documentation of Permit Eligibility Related to Historic Places

Your SWPPP must include documentation supporting your determination of permit eligibility with regard to Part 1.2.3.7 (Historic Places), including:

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

4.6.2 where effects may occur, any written agreements you have made with the State Historic Preservation Officer to mitigate those effects;

4.6.3 results of your Addendum B historic places screening determinations; and

4.6.4 a description of measures necessary to avoid or minimize adverse impacts on places listed, or eligible for listing, on the National Register of Historic Places, including any terms or conditions that are imposed under the eligibility requirements of Part 1.2.3.7 of this permit. If you fail to describe and implement such measures, your discharges are ineligible for coverage under this permit.

4.7 Copy of Permit Requirements

You must include a copy of the permit requirements (attaching a copy of this permit is acceptable) in your SWPPP.

NOTE: The confirmation of coverage letter you receive from the Department assigning your permit number IS NOT your permit - it merely acknowledges that your NOI has been accepted and you have been authorized to discharge subject to the terms and conditions of this permit.

4.8 Applicable State or Local Plans

Your SWPPP must be consistent (and updated as necessary to remain consistent) with applicable State and/or local storm water, waste disposal, sanitary sewer or septic system regulations to the extent these apply to your facility and are more stringent than the requirements of this permit.

4.9 Inspections

4.9.1 Frequency and Inspection Procedures

You must conduct routine facility inspections of all areas of the facility where industrial materials or activities are exposed to storm water, and of all storm water control measures used to comply with the effluent limits contained in this permit. Routine facility inspections must be conducted at least quarterly (i.e., once each calendar quarter) although in many instances, more frequent inspection (e.g., monthly) may be appropriate for some types of equipment, processes, and control measures or areas of the facility with significant activities and materials exposed to storm water. Perform these inspections during periods when the facility is in operation. You must specify the relevant inspection schedules in your SWPPP document as required in Part 4.2.6. These routine inspections must be performed by qualified personnel (for definition see

Part 12) with at least one member of your storm water pollution prevention team participating. At least once each calendar year, the routine facility inspection must be conducted during a period when a storm water discharge is occurring.

4.9.2 Inspection Documentation

You must document the findings of each routine facility inspection performed and maintain this documentation onsite with your SWPPP as required in Part 4.16. You are not required to submit your routine facility inspection findings to LDEQ, unless specifically requested to do so. At a minimum, your documentation of each routine facility inspection must include:

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information and a description of any discharges occurring at the time of the inspection;
- Any previously unidentified discharges of pollutants from the site;
- Any control measures needing maintenance or repairs;
- Any failed control measures that need replacement;
- Any incidents of noncompliance observed; and
- Any additional control measures needed to comply with the permit requirements.

Any corrective action required as a result of a routine facility inspection must be performed consistent with Part 4.13.2 of this permit.

4.9.3 Exceptions to Routine Facility Inspections

Inactive and Unstaffed Sites:

The requirement to conduct routine facility inspections on a quarterly basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. Such a facility is only required to conduct an annual comprehensive site inspection in accordance with the requirements of Part 4.10. To invoke this exception, you must maintain a statement in your SWPPP pursuant to Part 4.2.6 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Part 2.4. If circumstances change and industrial materials or activities become exposed to storm water or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume quarterly facility inspections. If you are not qualified for this exception at the time your are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part 4.16.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the “no industrial materials or activities exposed to storm water” standard to be eligible for this exception from routine inspections, consistent with the requirements established in Parts 6.G.9.4, 6.H.6.1, and 6.J.7.

4.10 Comprehensive Site Inspections

4.10.1 Comprehensive Site Inspection Procedures

You must conduct annual comprehensive site inspections while you are covered under this permit. Annual, as defined in this Part, means once during each of the following inspection periods beginning with the period you are authorized to discharge under this permit.

Year 1:	May 1, 2011 – April 30, 2012
Year 2:	May 1, 2012 – April 30, 2013
Year 3:	May 1, 2013 – April 30, 2014
Year 4:	May 1, 2014 – April 30, 2015
Year 5:	May 1, 2015 – April 30, 2016

You are waived from having to perform a comprehensive site inspection for an inspection period, as defined above, if you obtain authorization to discharge less than three months before the end of a particular inspection year. You are required to perform a comprehensive site inspection during the next inspection year and for the remaining inspection periods identified above.

Should your coverage be administratively continued after the expiration date of this permit, you must continue to perform these inspections until you are not longer covered by the permit.

Comprehensive site inspections must be conducted by qualified personnel with at least one member of your storm water pollution prevention team participating in the comprehensive site inspections.

Your comprehensive site inspections must cover all areas of the facility affected by the requirements in this permit, including the areas identified in the SWPPP as potential pollutant sources (see Part 4.2.3) where industrial materials or activities are exposed to storm water, any areas where control measures are used to comply with the effluent limits in Part 4.2.4, and areas where spills and leaks have occurred in the past 3 years. The inspections must also include a review of monitoring data collected in accordance with Part 5. Inspectors must consider the results of the past year's visual and analytical monitoring when planning and conducting inspections. Inspectors must examine the following:

- Industrial materials, residue, or trash that may have or could come into contact with storm water;
- Leaks or spills from industrial equipment, drums, tanks, and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site:
- Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and
- Control measures needing replacement, maintenance, or repair.

Storm water control measures required by this permit must be observed to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations must be inspected.

Your annual comprehensive site inspection may also be used as one of the routine inspections, as long as all components of both types of inspections are included.

4.10.2 Comprehensive Site Inspection Documentation

You must document the findings of each comprehensive site inspection and maintain this documentation onsite with your SWPPP as required in Part 4.16. At a minimum, your documentation of the comprehensive site inspection must include:

(a) The date of the inspection;
(b) The name(s) and title(s) of the personnel making the inspection;
(c) Findings from the examination of areas of your facility identified in Part 4.10.1;
(d) All observations relating to the implementation of your control measures including:
  i. Previously unidentified discharges from the site;
  ii. Previously unidentified pollutants in existing discharges;
  iii. Evidence of, or the potential for, pollutants entering the drainage system;
  iv. Evidence of pollutants discharging for receiving waters at all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring, and
  v. Additional control measures needed to address any conditions requiring corrective action identified during the inspection.
(e) Any required revisions to the SWPPP resulting from the inspection;
(f) Any incidents of noncompliance observed or a certification stating the facility is in compliance with this permit (if there is no noncompliance); and
(g) A statement, signed and certified, in accordance with Part 9.7 of this permit.

EPA has developed an Annual Report Form that can be used when performing your comprehensive site inspection. That form is available at http://www.epa.gov/npdes/pubs/msgp2008_appendixi.pdf and can be downloaded for your use. If you choose to use this form when conducting your comprehensive site inspection, you should complete the form and keep it with your SWPPP. Do not send the form to LDEQ as an Annual Report and do not send it to the EPA as an Annual Report. This permit does not require you to fill out an Annual Report. Thus, you are not required to submit an Annual Report to LDEQ.

Any corrective action required as a result of the comprehensive site inspection must be performed consistent with Part 5.7 of this permit.

4.10.3 Credit as a Routine Facility Inspection

Where compliance evaluation schedules overlap with inspections required under Part 4.9.1, your annual compliance evaluation may also be used as one of the Part 4.9.1 routine inspections.

4.11 Required SWPPP Modifications

You must modify your SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part 4.13 and to ensure that they do not reoccur, or to reflect changes implemented when a review following the triggering conditions in Part 4.13 indicates that changes to your control measures are necessary to meet the effluents limits in this permit. Changes to your SWPPP document must be made in accordance with the corrective action deadlines in Parts 4.13.2 and 4.13.3, and must be signed and dated in accordance with Part 9.7.

4.12 SWPPP Availability

You must retain a copy of the current SWPPP required by this permit at the facility, and it must be immediately available to LDEQ or a local agency approving storm water management plans; the operator of an MS4 receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) at the time of an onsite inspection or upon request. LDEQ may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) may be withheld from the public, but may not be withheld from those staff cleared for CBI review with EPA, USFWS, or NMFS.

LDEQ encourages you to post your SWPPP online and provide the website address on your NOI.

4.13 Corrective Actions

If any of the following conditions occur, you must review and revise the selection, design, installation, and implementation of your control measures to ensure that the condition is eliminated and will not be repeated in the future. You must take corrective action whenever:

- an unauthorized release or discharge (e.g., spill, leak, or discharge of non-storm water not authorized by this or another LPDES permit) occurs at your facility;
- you become aware, or LDEQ determines, that your control measures are not stringent enough for the discharge to meet applicable water quality standards;
- there is any exceedance of an effluent limitation (including coal pile runoff), water quality standard, or requirement stipulated in Part 5; or
- an inspection or evaluation of your facility by an LDEQ official determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
- you find in a routine facility inspection, quarterly visual assessment, or comprehensive site inspection that your control measures are not being properly operated and maintained.

4.13.1 Conditions Requiring Review to Determine if Modifications Are Necessary

If any of the following conditions occur, you must review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit:

- construction or a change in design, operation, or maintenance at your facility significantly changes the nature of pollutants discharged in storm water from your facility, or significantly increases the quantity of pollutants discharged; or
- the average of 4 quarterly sampling results exceeds an applicable benchmark. If less than 4 benchmark samples have been taken, but the results are such that an exceedance of the 4 quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than 4 times the benchmark level) this is considered a benchmark exceedance, triggering this review.

4.13.2 Corrective Action Deadlines

You must review your SWPPP and modify it as necessary to address the deficiency(ies). You must document your discovery of any of the conditions listed in Part 4.13 and Part 4.13.1 within 24 hours of making such discovery. Subsequently, within 14 days of such discovery, you must document any corrective action(s) to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. Specific documentation required within 24 hours and 14 days is detailed in Part 4.13.3. If you determine that changes are necessary following your review, any modifications to your control measures must be made before the next storm event if possible, or as soon as practicable following that storm event. These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvement. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

4.13.3 Corrective Action Report

Within 24 hours of discovery of any condition listed in Parts 4.13 and 4.13.1, you must document the following information:

- Identification of the condition triggering the need for corrective action review;
- Description of the problem identified; and
- Date the problem was identified.

Within 14 days of discovery of any condition listed in Parts 4.13 and 4.13.1, you must document the following information:

- Summary of corrective action taken or to be taken (or, for triggering events identified in Part 4.13.1 where you determine that corrective action is not necessary, the basis for this determination);
- Notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
- Date corrective action initiated; and
- Date corrective action completed or expected to be completed.

You must retain a copy of the documentation onsite with your SWPPP as required by Part 2.4. You must retain the documentation for a 3-year period following permit expiration or termination.

4.13.4 Effect of Corrective Action

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. LDEQ will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

4.13.5 Substantially Identical Outfalls

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, your review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event.

4.14 Follow-up Monitoring and Reporting

If at any time your monitoring results indicate that your discharge exceeds an **effluent limitation** or a specific **wasteload allocation**, or you become aware that your discharge **causes or contributes to an exceedance** of a water quality standard, you must take immediate steps to eliminate the exceedances in accordance with Part 4.13, Corrective Actions. Within 30 calendar days of implementing the relevant corrective action(s) (or during the next qualifying runoff event, should none occur within 30 calendar days) you must undertake additional monitoring to verify that your modified BMPs are effectively protecting water quality. Follow-up monitoring is needed only for pollutants with prior exceedances. You may monitor for other pollutants if you believe your modifications may have reduced pollutant prevention or removal capacity for other pollutants of concern.

If the follow-up monitoring value does not exceed the effluent limitation or other relevant standard, you must submit the follow-up monitoring data to LDEQ no later than 30 days after you have received your lab results. In this case, no additional follow-up monitoring for this monitoring event is required.

Should the follow-up monitoring indicate that the effluent limitation or other relevant standard, wasteload allocation, water quality standard or other relevant standard is still being exceeded, you must submit an Exceedance Report no later than 30 days after you have received your lab results. Your report must include your permit authorization number; facility name, address and location; receiving water; monitoring data from this and the preceding monitoring event(s); an explanation of the situation; what you have done and intend to do (should your corrective actions not yet be complete) to further reduce pollutants in the discharge; and an appropriate contact name and phone number. You must continue to conduct follow-up monitoring at an appropriate frequency, but no less often than quarterly, until your discharge no longer exceeds the permit limitation unless the requirement for additional follow-up monitoring is waived by LDEQ.

Failure to complete follow-up monitoring and reporting within the stipulated time frames constitutes a violation of your permit.

4.15 Reporting Monitoring Results

Deadlines and procedures for submitting monitoring reports are contained in Part 7.

4.16 Additional Documentation Requirements

You are required to keep the following inspection, monitoring, and certification records with your SWPPP. Keeping these records together ensure that your records are complete and up-to-date, and demonstrate your full compliance with the conditions of this permit.

1. A copy of the NOI submitted to LDEQ along with any correspondence exchanged between you and LDEQ specific to coverage under this permit.
2. A copy of the acknowledgment letter you receive from the LDEQ assigning your permit authorization number.
3. A copy of this permit (an electronic copy which can be obtained from the LDEQ Internet website at www.deq.louisiana.gov/portal/ is acceptable). Go through the following links to find the permit: INFO ABOUT Water – Permits – LPDES Permits, Information, and Applications – LPDES General Permits – LAR050000 (Multi-Sector General Storm water Permit).
4. Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the U.S., through storm water or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part 4.2.9.4).
5. Records of employee training, including date training received (see Part 4.2.9.9).
6. Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/maintenance, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 4.2.9.3).
7. Copies of all monitoring records and reports.
8. All inspection reports, including the Routine Facility Inspection Reports (see Part 4.9.2), the Quarterly Visual Assessment Reports (see Part 5.1.2.2), and the Comprehensive Site Inspection Reports (see Part 4.10.2).
9. Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts 5.1.2.1, 5.3.3, and 5.4.1).
10. Description of any corrective action taken at your site, including triggering event and dates when problems were discovered and modifications occurred.
11. Documentation of any benchmark exceedances and how they were responded to, including either (1) correction action taken, (2) finding that the exceedance was due to natural background pollutant levels, and (3) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part 5.7.
12. Documentation of any exceedance of a numeric effluent limitation; the modification of control measures to control the discharge as necessary to meet the effluent limit; and a copy of the Exceedance Report submitted to LDEQ should follow-up monitoring indicate that the effluent limitation is still being exceeded after implementing corrective actions.
13. Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources (see Part 5.7.1 and 5.10.2.2).
14. Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 4.9.3), quarterly visual assessments (see Part 5.1.2.3), and/or benchmark monitoring (see Part 4.2.6).

5. MONITORING REQUIREMENTS AND NUMERIC LIMITATIONS FOR ALL FACILITIES

There are two classes of monitoring requirements and numeric limitations that your facility may be subject to under this permit. Part 5 contains requirements and procedures that apply to all facilities, regardless of industrial activity. Part 6 contains additional requirements that only apply to specific sectors of industrial activity. You must review each of these sections of the permit to determine which monitoring limitations and numeric limitations apply to your facility based on what types of industrial activities generate storm water runoff from your facility and where your facility is located.

Your facility may be subject to one or more of the following monitoring requirements under this permit:

- visual assessment (see Part 5.1.2 for details),
- benchmark monitoring (see Part 5.4 for details),
- effluent limitations monitoring (see Part 5.10 for details),
- area-specific monitoring for limitations required by a state or tribe, including area-specific water quality standards; antidegradation and water quality certification requirements; and monitoring requirements for impaired waters (see Part 5.10.2 for details).

Unless otherwise specified, limitations and monitoring requirements under Parts 5 and 6 are additive. Where more than one numeric limitation for a specific parameter applies to a discharge, compliance with the more restrictive limitation is required. Where monitoring requirements for a monitoring quarter overlap (e.g., need to monitor TSS 1/year for a limit and also 1/quarter for benchmark monitoring), you may use a single sample to satisfy both monitoring requirements.

5.1. Quarterly Visual Assessment of Storm water Discharges

5.1.1 Quarterly Visual Assessment Procedures

Once each quarter for the enter permit term, you must collect a storm water sample from each outfall (except as noted in Part 5.1.2.3 and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but should be collected in such a manner that the samples are representative of the storm water discharge.

The visual assessment must be made:

Of a sample in a clean, clear glass, or plastic container, and examined in a well-lit area;

- On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site; and

- For storm events, on discharges that occur at least 72 hours (3 days) from the previous discharge. The 72-hour (3-day) storm interval does not apply if you document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period.

You must visually inspect the sample for the following water quality characteristics:

- color,
- odor,
- clarity,
- floating solids,
- settled solids,
- suspended solids,
- foam,
- oil sheen,
- other obvious indicators of storm water pollution

5.1.2 Quarterly Visual Assessment Documentation

You must document the results of your visual assessment and maintain this documentation onsite with your SWPPP as required in Part 4.16. You are not required to submit your visual assessment findings to LDEQ, unless specifically requested to do so. At a minimum, your documentation of the visual assessment must include:

- Sample location(s)
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signature;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the storm water discharge;
- Probable sources of any observed storm water contamination;
- If applicable, why it was not possible to take samples within the first 30 minutes.

Any corrective action required as a result of a quarterly visual assessment must be performed consistent with Part 5.7 of this permit.

5.1.3 Exceptions to Quarterly Visual Assessments

Adverse Weather Conditions: When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with your SWPPP records as described in Part 4.16. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions.

Climates with Irregular Storm water Runoff: If your facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) or in an area where freezing conditions exist that prevent runoff from occurring for extended periods, then your samples for the quarterly visual assessments may be distributed during seasons when

precipitation runoff occurs. However, you must still collect the required number of samples during each monitoring period.

Areas Subject to Snow: In areas subject to snow, at least one quarterly visual assessment must capture snowmelt discharge, as described in Part 5.3.2, taking into account the exception described above for climates with irregular storm water runoff.

Inactive and Unstaffed Sites: The requirement for quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. To invoke this exception, you must maintain a statement in your SWPPP pursuant to Part 4.2.6 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Part 2.4. If circumstances change and industrial materials or activities become exposed to storm water or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume quarterly visual assessments. If you are not qualified for this exception at the time your are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part 4.16.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the "no industrial materials or activities exposed to storm water" standard to be eligible for this exception quarterly visual assessment, consistent with the requirements established in Parts 6.G.9.4, 6.H.6.1, and 6.J.7.

Substantially Identical Outfalls: If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part 4.2.6, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit.

If storm water contamination is identified through visual assessment performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

5.2 Monitoring and Limitations for Discharges Associated with Specific Industrial Activities

5.2.1 Numeric limitations and benchmark monitoring requirements that apply only to specified discharges in particular sectors / subsectors of industrial activity are contained in the individual sectors of Part 6.

5.2.2 If your facility has co-located activities (see Part 1.2.1.2) described in more than one sector in Part 6, you must comply with all applicable limitations and monitoring requirements from each sector.

5.2.3 The sector-specific monitoring and limitations are applied discharge by discharge at

facilities with co-located activities. Where storm water from the co-located activities is co-mingled, the monitoring requirements and limitations are additive.

5.3 Monitoring Procedures

5.3.1 Monitoring Periods

If you are required to conduct monitoring on an annual or quarterly basis, you must collect your samples within the following time periods. Monitoring requirements in this permit begin in the first full quarter following either May 1, 2011 or your date of discharge authorization, whichever date comes later.

5.3.1.1 The monitoring year is from January 1 to December 31.

5.3.1.2 The monitoring quarters are January 1 to March 31; April 1 to June 30; July 1 to September 30; and October 1 to December 31.

5.3.1.3 If your permit coverage was effective less than one month from the end of a quarterly or yearly monitoring period, your first monitoring period starts with the following monitoring period. (e.g., if permit coverage begins June 5th, you would not need to start quarterly sampling until the July - September quarter, but you would only have from June 5th to December 31st to complete that year's annual monitoring).

5.3.1.4 During the term of this permit, the **BENCHMARK MONITORING YEARS** are January 1, 2012, through December 31, 2012, and January 1, 2014, through December 31, 2014. (See Part 5.4.1 below.)

5.3.2 Measurable Storm Events

All required monitoring must be performed on a storm event that results in an actual discharge from your site ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period.

For each monitoring event you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event.

5.3.3 Sample Type

You must assess your sampling requirements on an outfall by outfall basis. You must take a minimum of one grab sample from a discharge resulting from a measurable storm even as described in Part 5.3.2. Samples must be collected within the first 30 minutes of a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. You must collect and analyze your samples in accordance with the requirements of Part 9.16.3 and Part 9.16.4.

To get help with monitoring, consult the *Guidance Manual for the Monitoring and Reporting*

Requirements of the NPDES Storm Water Multi-Sector General Permit, which can be down loaded from the EPA Web Site at http://www.epa.gov/npdes/pubs/dmr-fin.pdf.

5.3.4 Representative Outfalls – Substantially Identical Outfalls

Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a "substantially identical outfall." If your facility has two (2) or more outfalls that you believe discharge substantially identical effluents, based on similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to storm water, and runoff coefficients of their drainage areas, you may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). As required in Part 4.2.6, your SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations. The allowance for monitoring only one of the substantially identical outfalls is not applicable to any outfalls with numeric effluent limitations. You are required to monitor each outfall covered by a numeric effluent limit as identified in Part 5.10.

5.3.5 Commingled Discharges

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable.

5.4 Benchmark Monitoring Instructions

You must refer to the tables found in the individual Sectors in Part 6 for industry-specific pollutants of concern to be monitored and Benchmark Monitoring Cut-Off Concentrations. If your facility has co-located activities (see Part 1.2.1.2) described in more than one sector in Part 6, you must comply with all applicable benchmark monitoring requirements from each sector. If your facility falls within a Sector required to conduct benchmark monitoring, you must monitor quarterly (4 times a year) during at least one, and potentially both, monitoring periods. You may be able to take advantage of monitoring waivers and credits found in Parts 5.4.2 and 5.5.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which you are required to sample.

Benchmark monitoring is primarily for your use in determining the overall effectiveness of your SWPPP controls related to protection of water quality. Benchmark values are not limitations and exceedance of a benchmark value does not, in and of itself, constitute a violation of the permit. While exceedance of a benchmark value does not automatically indicate that violation of a water quality standard has occurred in the receiving water, it can indicate areas where improvement of the SWPPP may be necessary or identify facilities that may need the more specific controls of an alternative individual or general permit. Waivers available to facilities whose discharges are below benchmark values provide an incentive to improve SWPPPs and avoid the cost of monitoring.

5.4.1 Monitoring Periods for Benchmark Monitoring

Unless otherwise specified in Part 6, benchmark monitoring periods shall be year 2 and year 4 of the General Permit. Year 2 runs from January 1, 2012, to December 31, 2012, and year 4 runs

from January 1, 2014, to December 31, 2014. If your facility falls within a Sector(s) required to conduct benchmark monitoring, monitoring must be conducted quarterly (4 times a year) during at least one, and potentially both, monitoring periods, unless otherwise specified in the sector-specific requirements of Part 6. **All permittees** are required to complete the monitoring requirements in year 2, including those who met benchmark levels and any applicable limitations under the prior permit. Depending on the results of the year 2 monitoring year, you may not be required to conduct benchmark monitoring in the year 4 monitoring year (see Part 5.4.2).

5.4.2 Benchmark Monitoring Year 4 Waivers for Facilities Testing Below Benchmark Values

All of the provisions of this Part are available to permittees except as noted in Part 6. Waivers from benchmark monitoring are available to facilities whose discharges are below benchmark values, thus there is an incentive for facilities to improve the effectiveness of their SWPPPs in eliminating discharges of pollutants and avoid the cost of monitoring.

After collection of 4 quarterly samples from a particular storm water outfall, if the average of the 4 monitoring values for any parameter in that sample does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter (for that particular outfall) for the permit term. For averaging purposes, use a value of zero for any individual sample parameter, analyzed using procedures consistent with Part 5.4, which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.

5.5 Automatic Monitoring Waivers

5.5.1 Adverse Climatic Conditions Waiver

When adverse weather conditions as described in Part 5.1.2.3 prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to file a benchmark monitoring report in accordance with your sampling schedule. You must report any failure to monitor as specified in Part 5.9.

5.5.2 Alternative Certification of "Not Present or No Exposure"

5.5.2.1 You are not subject to the analytical monitoring requirements of this Part provided: you make a certification for a given outfall, or on a pollutant-by-pollutant basis in lieu of monitoring required under Part 5, that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity that are located in areas of the facility within the drainage area of the outfall are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period; and

5.5.2.2 your certification is signed in accordance with Part 9.7, retained in the SWPPP, and submitted to LDEQ in accordance with Part 7. In the case of certifying that a pollutant is not present, the permittee must submit the certification along with the

monitoring reports required in Part 7; and

5.5.2.3 if you cannot certify for an entire period, you must submit the date exposure was eliminated and any monitoring required up until that date; and

5.5.2.4 no numeric limitation or State-specific monitoring requirement for that parameter is established in Part 6.

5.5.3 Exemption for Inactive and Unstaffed Sites

The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, provided there are no industrial materials or activities exposed to storm water. To invoke this exception, you must do the following:

- Maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Part 9.7. You must indicate in your first benchmark monitoring report that your facility is inactive or unstaffed and that no materials or activities are exposed to storm water.
- If circumstances change and industrial materials or activities become exposed to storm water or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part 5 as if you were in your first year of permit coverage. You must indicate in your first benchmark monitoring report that your facility has materials or activities exposed to storm water or has become active and/or staffed.
- If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then you must notify LDEQ of this change in your next benchmark monitoring report. You may discontinue benchmark monitoring once you have notified LDEQ, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

Note: This exception has different requirements for Sectors G, H, and J (see Part 6).

5.6 Monitoring Required by the Agency

LDEQ may provide written notice to any facility, including those otherwise exempt from the sampling requirements of Parts 5 and 6, requiring discharge sampling for a specific monitoring frequency for specific parameters. Any such notice will briefly state the reasons for the monitoring, parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

5.7 Data Exceeding Benchmarks - Corrective Actions Required

After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter exceeds the benchmark, you must, in accordance with Part 4.13.1, review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit, and either:

- make the necessary modifications and continue quarterly monitoring until you have completed 4 consecutive quarters of monitoring for which the average concentration of the pollutant does not exceed the benchmark; or
- make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Part 4.2.4.1 of this permit, in which case you must continue monitoring once/year. You must also document your rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with your SWPPP. You must also notify LDEQ of this determination in your next benchmark monitoring report.

In accordance with Part 4.13.1, you must review your control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full 4 quarters of monitoring data, if an exceedances of the 4 quarter average is mathematically certain. If after modifying your control measures and conducting 4 additional quarters of monitoring, your average still exceeds the benchmark (or if an exceedances of the benchmark by the 4 quarter average is mathematically certain prior to conducting the full 4 additional quarters of monitoring), you must again review your control measures and take one of the two actions listed above.

5.7.1 Natural Background Pollutant Levels Causing a Benchmark Exceedance

Following the first 4 quarters of benchmark monitoring (or sooner if the exceedances is triggered by less than 4 quarters of data, see above), if the average concentration of a pollutant exceeds a benchmark value, and you determine that exceedances of the benchmark is attributable solely to the presence of that pollutant in the natural background, you are not required to perform corrective action or additional benchmark monitoring provided that:

- The average concentration of your benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;
- You document and maintain with your SWPPP, as required in Part 4.16, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your storm water discharge; and
- You notify LDEQ on your final quarterly benchmark monitoring report that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. This natural background exception could apply to parameters such as metals derived from natural mineral deposits and nutrients attributable to background soil, vegetation, or wildlife sources. Facilities must use the same sample collection, preservation, and analysis methods for natural background monitoring as required for benchmark monitoring.

You can claim this exception if (1) natural background pollutant concentrations are greater than the corresponding benchmark value, and (2) there is no net facility contribution of the pollutant (i.e., average concentration detected in runoff from all facility outfalls required to be monitored under the permit for 4 separate monitoring events minus the average natural concentration of the

parameter for 4 separate monitoring events does not exceed zero). For example, if a facility determines that the natural background concentration of TSS from an undisturbed watershed is 200 mg/L, they can claim an exemption from further benchmark monitoring if the average of their four benchmark samples is equal to or lower than 200 mg/L. In this example, if the average of their four benchmark samples is greater than 200 mg/L, the facility could not claim is exception. The monitoring performed to determine the natural background concentration of a pollutant must be conducted concurrently with the facility's regular quarterly benchmark monitoring and the samples must be collected from a non-human impacted reference site upstream of the facility or a non-human impacted reference site in a comparable stream within the same watershed. The sample should be taken in the thalweg (the lowest point of the stream bed) of a flowing stream or mid-stream at a depth of 1 m or mid-depth (if total depth is less than 1 m). LDEQ should be consulted when determining the location of reference sites.

The permittee must document the basis for concluding that benchmark exceedances are attributable solely to natural background pollutant levels. This explanation must include any data previously collected by the facility staff or others that describe the levels of natural background pollutants in the facility's receiving waters. The permittee must notify LDEQ in writing when submitting its monitoring data that it is claiming the exception for natural background pollutant levels and provide a summary of the natural background conditions that justify the exception. The full justification for the exception must be kept on-site with the facility's SWPPP and supporting documents and records, and made available to LDEQ on request.

LDEQ may review a permittee's determination that a benchmark exceedance is based solely on natural background concentrations, and disallow the exception if it finds the documentation inadequate.

If background concentrations are not responsible for the benchmark exceedances, the facility must review its control measures and take further action where necessary as required in Part 5.7 of this permit. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring.

5.7.2 Substantially Identical Outfalls

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, your review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event.

5.8 Follow-up Monitoring

If at any time your monitoring results indicate that your discharge exceeds an **effluent limitation** or a specific **wasteload allocation**, or you become aware that your discharge **causes or contributes to an exceedance** of a water quality standard, you must take immediate steps to eliminate the exceedances in accordance with Part 5.7, Corrective Actions. Within 30 calendar days of implementing the relevant corrective action(s) (or during the next qualifying runoff event, should none occur within 30 calendar days) you must undertake additional monitoring to verify that your modified BMPs are effectively protecting water quality. Follow-up monitoring

is needed only for pollutants with prior exceedances. You may monitor for other pollutants if you believe your modifications may have reduced pollutant prevention or removal capacity for other pollutants of concern.

Should the follow-up monitoring indicate that the effluent limitation or other relevant standard, wasteload allocation, water quality standard or other relevant standard is still being exceeded, you must take action to further reduce pollutants in the discharge. You must continue to conduct follow-up monitoring at an appropriate frequency, but no less often than quarterly, until your discharge no longer exceeds the permit limitation.

The operator must maintain accurate, detailed records of exceedances, follow-up monitoring, and corrective actions. Failure to complete follow-up monitoring within the stipulated time frames constitutes a violation of your permit.

5.9 Reporting Monitoring Results

Deadlines and procedures for submitting monitoring reports are contained in Part 7.

5.10 Effluent Limitations Monitoring

5.10.1 Monitoring Based on Effluent Limitations Guidelines.

Table 5-2 identifies the storm water discharges subject to effluent limitation guidelines that are authorized for coverage under this permit. Beginning in the first full quarter following May 1, 2011 or your date of discharge authorization, whichever date comes later, you must monitor once per year at each outfall containing the discharges identified in Table 5-2 for the parameters specified in the sector-specific section of Part 6. The flexibility afforded for benchmark monitoring for substantially identical outfalls does not apply to effluent limitation guidelines monitoring. Permittees subject to effluent limitation guidelines are required to monitor each outfall containing discharges identified in Table 5-2.

Table 5.2. Required Monitoring for Effluent Limits Based on Effluent Limitations Guidelines

Regulated Activity	Effluent Limit	Monitoring Frequency	Sample Type
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	See Part 6.A.7	1/year	Grab
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	See Part 6.C.4	1/year	Grab
Runoff from asphalt emulsion facilities	See Part 6.D.4	1/year	Grab
Runoff from material storage piles at	See Part 6.E.5	1/year	Grab

cement manufacturing facilities			
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	See Part 6.J.9	1/year	Grab
Runoff from hazardous waste landfills	See Part 6.K.6	1/year	Grab
Runoff from non-hazardous waste landfills	See Part 6.L.10	1/year	Grab
Runoff from coal storage piles at steam electric generating facilities	See Part 6.O.5	1/year	Grab

5.10.2 Discharges to Impaired Waters Monitoring

5.10.2.1 Permittees Required to Monitor Discharges to Impaired Waters

If you discharge to an impaired water, you must monitor for all pollutants for which:

1. the waterbody is impaired,
2. a standard analytical method exists (see 40 CFR Part 136), and
3. the facility has reasonable potential to discharge

If the pollutant for which the waterbody is impaired is suspended solids, turbidity or sediment/sedimentation, you must monitor for Total Suspended Solids (TSS). No monitoring is required when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or temperature.

5.10.2.2 Impaired Waters Monitoring Schedule

Discharges to impaired waters without an approved or established TMDL: Beginning in the first full quarter following May 1, 2011 or your date of discharge authorization, whichever date comes later, you must monitor once per year at each outfall (except substantially identical outfalls) discharging storm water to impaired waters without an approved or established TMDL. This monitoring requirement does not apply after one year if the pollutant for which the waterbody is impaired is not detected above natural background levels in your storm water discharge, and you document, as required in Part 4.16, that this pollutant is not expected to be present above natural background levels in your discharge.

If the pollutant for which the water is impaired is not present or it is present but you have determined that its presence is caused solely by natural background sources, you should include a notification to this effect in your first monitoring report, after which you may discontinue annual monitoring. To support a determination that the pollutant's presence is caused solely by natural background sources, you must keep the following documentation with your SWPPP records:

(1) An explanation of why you believe that the presence of the pollutant causing the impairment in your discharge is not related to the activities at your facility; and
(2) Data and/or studies that tie the presence of the pollutant causing the impairment in your discharge to natural background sources in the watershed.

Natural background pollutants include those substances that are naturally occurring in soils or

groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring.

Discharges to impaired waters with an approved or established TMDL. For storm water discharges to waters for which there is an approved or established TMDL, you are not required to monitor for the pollutant unless the TMDL assigns a WLA to specific pollutant(s) in storm water discharges permitted under this general permit, or that you are subject to such a monitoring requirement consistent with the assumptions of the applicable TMDL and/or WLA. Following the first year of monitoring:

(1) If the TMDL pollutant is not detected in any of your first year samples, you may discontinue further sampling, unless the TMDL has specific instructions to the contrary, in which case you must follow those instructions. You must keep records of this finding onsite with your SWPPP.

(2) If you detect the presence of the pollutant causing the impairment in your storm water discharge for any of the samples collected in your first year, you must continue monitoring annually throughout the term of this permit, unless the TMDL specifies more frequent monitoring, in which case you must follow the TMDL requirement.

5.10.3 Additional Monitoring Required by LDEQ

LDEQ may notify you of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

5.11 Follow-up Actions if Discharge Exceeds Numeric Effluent Limits

You must conduct follow-up monitoring within 30 calendar days (or during the next qualifying runoff event, should none occur within 30 days) of implementing corrective action(s) taken pursuant to Part 4.13 in response to an exceedances of a numeric effluent limit contained in this permit. Monitoring must be performed for any pollutant(s) that exceeds the effluent limit. If this follow-up monitoring exceeds the applicable effluent limitation, you must comply with both Parts 5.11.1 and 5.11.2.

5.11.1 Continue to Monitor

You must continue to monitor, at least quarterly, until your discharge is in compliance with the effluent limit or until LDEQ waives the requirement for additional monitoring.

7. REPORTING AND RECORDKEEPING

7.1 Reporting Results of Monitoring

Depending on the types of monitoring required for your facility, you may have to submit the results of your monitoring or you may only have to keep the results with your pollution prevention plan. You must follow the reporting requirements and deadlines in Table 6 that apply to the types of monitoring that apply to your facility.

TABLE 6 - DMR/ALTERNATIVE CERTIFICATION SUBMITTAL DEADLINES		
Monitoring Class		**Reporting Deadline (Postmark)**
Monitoring for Numeric Limitations (See Sector-specific requirements and Part 5.10)		Submit results (**average of all data points**) by the 28th day of the month following the first full quarter after May 1, 2011 or the first full quarter after date of discharge authorization
Benchmark Monitoring	Year 2 Monitoring (Year 2 monitoring runs from January 1, 2012 through December 31, 2012)	Save and submit all results (**each data point**) for year in one package by January 28, 2013.
	Year 4 Monitoring (Year 4 monitoring runs from January 1, 2014 through December 31, 2014)	Save and submit all results (**each data point**) for year in one package by January 28, 2015.
Visual Monitoring		Retain results with SWPPP - do not submit unless requested to do so by LDEQ

If required to do benchmark or numeric limitation sampling and analysis, you must submit analytical monitoring results obtained from each outfall associated with industrial activity (or a certification as per 5.4.2, and/or 5.5.) on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). An example of a form is found in the *Guidance Manual for the Monitoring and Reporting Requirements of the NPDES Storm Water Multi-Sector General Permit* (see Part 5.3.3.1). A copy of the DMR form is attached to this permit as Addendum D, and is also available on the internet at http://www.deq.louisiana.gov/portal/Default.aspx?tabid=80. The signed DMR must be sent to the Enforcement Division of the Office of Environmental Compliance.

7.2 Additional Reporting for Dischargers to a Municipal Separate Storm Sewer System

If you have at least one storm water discharge associated with industrial activity that discharges through a municipal separate storm sewer system as defined in Part 12 below, you must also submit signed copies of your discharge monitoring reports to the operator of the municipal separate storm sewer system in accordance with the dates provided above in Table 6.

7.3 Miscellaneous Reports

You must submit any other reports required by this permit to the Office of Environmental Compliance at the address listed on the Current Address List in Addendum C.

8. RETENTION OF RECORDS

8.1 Documents. You must retain copies of SWPPP, any 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 facility's coverage under this permit expires or is terminated. In accordance with Part 9.16.2.1, records of all monitoring information shall be retained for at least three years from the date of the sample or measurement. These periods may be extended by request of the Agency at any time.

8.2 Accessibility. You must retain a copy of the SWPPP required by this permit (including a copy of the permit language) at the facility (or other local location accessible to the Agency; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site) from the date of permit coverage to the date permit coverage ceases.

8.3 Addresses. Except for the submittal of monitoring results (see Part 7 above), 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 LPDES permit number and Agency Interest (AI) number and sent to Louisiana Department of Environmental Quality Office of Environmental Services at the address in the Current Address List attached as Addendum C.

9. STANDARD PERMIT CONDITIONS

9.1 Duty to Comply

9.1.1 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.

9.1.2 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 or implementing any provisions of the LPDES program.

Any person may be assessed an administrative penalty by the State Administrative Authority under LA. R.S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

9.1.2.1 Criminal Penalties.

9.1.2.1.1 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 that $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.

9.1.2.1.2 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.

9.1.2.1.3 Knowing Endangerment The Louisiana Revised Statutes LA. R.S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES by the secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject

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

9.1.2.1.4 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 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 under this Subsection, 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.

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

9.2 Coverage Under Subsequent Permits

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 coverage under a reissued permit is obtained. 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.

9.3 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.

9.4 Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including

such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

9.5 Duty to Provide Information

The permittee shall furnish to the Agency, within a reasonable time, any information which the Agency 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 Agency, upon request, copies of records required to be kept by this permit.

9.6 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 Agency, he or she must promptly submit such facts or information.

9.7 Signatory Requirements

In accordance with LAC 33:IX.2503, all Notices of Intent, Notices of Termination, SWPPPs, reports, certifications or information either submitted to the Agency or the operator of a municipal separate storm sewer system, or that this permit requires be maintained by the permittee, must be signed as follows:

9.7.1 All Notices of Intent must be signed:

9.7.1.1 for a corporation: by a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: **a)** a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or **b)** the manager of one or more manufacturing, production or operating facilities, provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: LDEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Part 9.7.1.1.a. The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Agency to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Part 9.7.1.1.b rather than to specific individuals.

9.7.1.2 for a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

9.7.1.3 for a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (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., Base Commander for a military base).

9.7.2 All reports required by this permit and other information requested by the Agency or authorized representative must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

9.7.2.1 the authorization is made in writing by a person described above,

9.7.2.2 the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of 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 an individual occupying a named position), and

9.7.2.3 the written authorization is submitted to the Agency.

9.7.3 Changes to Authorization. If the information on the NOI filed for permit coverage is no longer accurate because a different operator has responsibility for the overall operation of the facility, a new Notice of Intent satisfying the requirements of Part 2 must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative. The change in authorization must be submitted within the time frame specified in Part 2.1, and sent to the address specified in Part 2.4.

9.7.4 Certification. Any person signing documents under Part 7 must 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."

9.8 Penalties for Falsification of Reports

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

shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both.

9.9 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.

9.10 Property Rights

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

9.11 Severability

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

9.12 Requiring an Individual Permit or an Alternative General Permit

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

9.12.2 Eligibility for this permit does not confer a vested right to coverage under the permit. The LDEQ may require any person authorized by this permit to apply for and/or obtain either an individual LPDES permit or an alternative LPDES general permit. Any interested person may petition the LDEQ to take action under this Part. Where the LDEQ requires a discharger authorized to discharge under this permit to apply for an individual LPDES permit, the LDEQ shall notify the discharger in writing that a permit application or alternative general permit is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for you 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. The LDEQ may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an application as required by the LDEQ under this Part, then the applicability of this permit to the permittee is automatically terminated at the end of the day specified by the LDEQ for application submittal.

9.12.3 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.2501, with reasons supporting the request, to the LDEQ at the address indicated in Part 8.3 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.

9.12.4 In order to appropriately cover all discharges that might occur at a facility, a permittee authorized to discharge under this LPDES permit might also need coverage under an individual LPDES permit or other LPDES general permits for discharges that occur at the facility/site that are not authorized by this general permit. The permittee shall maintain appropriate permit coverage for the permitted facility/site and shall maintain compliance with all effective LPDES permits issued to the facility/site.

9.12.5 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 that 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 coverage under an alternative LPDES general permit, that owner or operator then becomes ineligible for authorization to discharge under this general permit; unless the LDEQ determines that specific discharges from the owner or operator's facility may be authorized by this permit.

9.12.6 The LDEQ's notification that coverage under an alternative permit is required does not imply that any discharge that did not or does not meet the eligibility requirements of Part 1.2 is or has been covered by this permit.

9.13 State Laws

9.13.1 Nothing in this permit will be construed to preclude the institution of any legal action or relieve you 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.

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

9.14 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 you to achieve compliance with the conditions of this permit and with the requirements of SWPPPs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation and maintenance of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to determine the nature and impact of the noncomplying discharge.

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

All control measures you identify in your SWPPP must be maintained in effective operating condition. If site inspections required by Part 4.9 and/or 4.2.6 identify control measures that are not operating effectively, maintenance must be performed 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. In the case of non-structural control measures, the effectiveness of the control measure must be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

9.15 Monitoring and Records

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

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

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

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

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

9.15.4 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.

9.15.5 Sample Collection

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

(2) At the discretion of the Secretary, sample collection shall proceed immediately (without the additional 30 minutes described in 9.15.5(1) above) and the inspector shall supply the permittee with a duplicate sample.

9.15.6 It shall be the responsibility of the permittee to ensure that a facility representative familiar with provisions of its wastewater discharge permit, including any other conditions or limitations, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in 9.15.5(1) above. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.

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

9.16 Monitoring and Records

9.16.1 Representative Samples/Measurements. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

9.16.2 Retention of Records.

9.16.2.1 You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This permit may be extended by request of the state administrative authority at any time. Permittees must submit any such records to the Agency upon request. [Note: In accordance with 8.1 above, copies of SWPPPs, any reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit shall be retained for at least three years following the date the facility's coverage under this permit expires or is terminated.]

9.16.2.2 You must retain the storm water pollution prevention plan developed in accordance with Part 4 of this permit until a date 3 years after the last modification or amendment is made to the plan, and at least 3 years after coverage under this permit terminates.

9.16.3 Records Contents. Records of monitoring information must include:

9.16.3.1 The date, exact place, and time of sampling or measurements;

9.16.3.2 The individual(s) who performed the sampling or measurements;

9.16.3.3 The date(s) analyses were performed;

9.16.3.4 The time(s) analyses were begun;

9.16.3.5 The individual(s) who performed the analyses;

9.16.3.6 The analytical techniques or methods used;

9.16.3.7 The results of such analyses, and

9.16.2.8 The results of all quality control procedures.

9.16.4 Approved Monitoring Methods. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

9.17 Permit Actions

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

a. Noncompliance by the permittee with any condition of the permit;
b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by modifications to control measures or permit termination;
d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge;
e. Failure to pay applicable fees under the provisions of LAC 33:IX. Chapter 13; or
f. Change of ownership or operational control.

9.18 Prohibition for Tampering: Penalties

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

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

9.19 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.

9.20 Averaging of Measurements

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

9.21 Availability of Reports

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

Claims of confidentiality for the following will be denied:

9.21.1 The name and address of any permit applicant or permittee.

9.21.2 Permit applications, permits, and effluent data.

9.21.3 Information required by LPDES application forms provided by the Agency 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.

9.22 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.

9.23 Prohibition 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.

9.24 Laboratory Accreditation

9.24.1 LAC 33:I.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:

(1) Submitted on behalf of any facility, as defined in R.S.30:2004;
(2) Required as part of any permit application;
(3) Required by order of the department;
(4) Required to be included on any monitoring reports submitted to the department;
(5) Required to be submitted by contractor
(6) Otherwise required by department regulations.

9.24.2 The department laboratory accreditation program is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not accredited under these regulations will not be accepted by the department. Retesting of analysis will be required by an accredited commercial laboratory.

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

9.24.3 Regulations on the Environmental Laboratory Accreditation Program and a list of labs that have applied for and received accreditation, are available on the department website located at:

http://www.deq.state.la.us/laboratory/index.htm

10. REOPENER CLAUSE

10.1 Water Quality Protection

If there is evidence indicating that the storm water discharges authorized by this permit cause, have the reasonable potential to cause or contribute to, a violation of a water quality standard, you may be required to obtain an individual permit or an alternative general permit in accordance with Part 3.3 of this permit, or the permit may be modified to include different limitations and/or requirements.

10.2 Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to LAC 33:IX.2903, 2905, 2907, 3105, and 6509.

11. TRANSFER OR TERMINATION OF COVERAGE

11.1 Transfer of Permit Coverage

Except as provided in Part 1.3.1.4.2 for permittees covered by the Light Commercial General Permit, **transfers of permit coverage are not allowed for this general permit**.

11.1.1 Change of coverage from one operator to a different operator (e.g., facility sold to a new company): the new owner/operator must complete and file an NOI in accordance with Part 1.3 at least 2 days prior to taking over operational control of the facility. The old owner/operator shall file a Notice of Termination (NOT) following acceptance of operational control by the new owner/operator.

11.1.2 Simple name changes of the permittee (e.g., Company AA "changes name to "ABC, Inc.") may be done by submittal of a written request or by filing a name change form that can be found at http://www.deq.louisiana.gov/portal/tabid/136/Default.aspx, referencing the facility's assigned LPDES permit number and Agency Interest (AI) number and requesting a simple name change. **This does not allow for change of ownership for facilities with MSGP coverage.**

11.2 Notice of Termination (NOT)

You must submit a completed NOT that is signed in accordance with Part 9.7 when one or more of the conditions contained in Part 1.4 (Terminating Coverage) have been met. The NOT form available at http://www.deq.louisiana.gov/portal/Default.aspx?tabid=2562, or obtained from this Office by calling (225) 219-3181, will be used. The NOT must include the following information:

11.2.1 The LPDES permit authorization number for the storm water discharge identified by the NOT;

11.2.2 An indication of whether the storm water discharges associated with industrial activity have been eliminated (i.e., regulated discharges of storm water are being terminated); you are no longer an operator of the facility; or you have obtained coverage under an alternative permit;

11.2.3 The name of the permittee submitting the NOT;

11.2.4 The name, street address (or a description of location if no street address is available) and telephone number of the facility for which the notification is submitted; and

11.2.5 The following certification, signed in accordance with Part 9.7 (signatory requirements) of this permit. For facilities with more than one permittee and/or operator, you need only make this certification for those portions of the facility where you were authorized under this permit and not for areas where you were not an operator.

"I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by the MSGP have been eliminated, that I am no longer the operator of the facility, or that these discharges are now covered by another LPDES permit. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity to waters of the state is unlawful under the Louisiana Environmental Quality 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 the permit or the Louisiana Environmental Quality Act."

11.2.1 Discharges After the NOT is Submitted

If you submit an NOT without meeting one or more of the conditions identified in Part 11.2, then your NOT is not valid and you must continue to comply with the requirements of this permit.

11.3 Addresses

All NOTs must be submitted using the form provided by the Agency (or a photocopy thereof) to the address specified on the NOT form.

11.4 Facilities Eligible for “”No Exposure” Exemption for Storm Water Permitting

By filing a certification of ”No Exposure” under LAC 33:IX.2511.G (Part 1.6 above), you are automatically removed from permit coverage and **an NOT to terminate permit coverage is not required.**

12. DEFINITIONS

12.A Definitions

Action Area – all areas to be affected directly or indirectly by the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities, and not merely the immediate area involved in these discharges and activities.

Arid Climate – areas where annual rainfall averages from 0 to 10 inches.

Agency - the Louisiana Department of Environmental Quality.

Best Management Practices (BMPs) - 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.

Co-located Industrial Activities – Any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the storm water regulations at LAC 33:IX.2511.B.5.14.a-i and k. An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the storm water regulations or identified by the SIC code list in TABLE 1.

Control Measure - refers to any Best Management Practice or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the State.

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

Discharge - when used without qualification means the "discharge of a pollutant."

Discharge of a Pollutant – any addition of any “pollutant” or combination of pollutants to waters of the state from any point source, or any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the state from: surface runoff which is collected or channelled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

Discharge of Storm Water Associated with Construction Activity - as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located. (See LAC 33:IX.2511.B.14.j and LAC 33:IX.2511.B.15 for the two regulatory definitions on regulated storm water associated with construction sites).

Discharge of Storm Water Associated with Industrial Activity - as defined at LAC 33:IX.2511.B.14, is the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the LPDES program under LAC 33:IX.Chapter 23.Subchapter A-D. For the categories of industries identified in LAC 33:IX.2511.B.14.a-j, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in LAC 33:IX.2511.B.14.k, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this Paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are federally, state, or municipally owned or operated that meet the description of the facilities listed in LAC 33:IX.2511.B.14.a-k) include those facilities designated under the provisions of LAC 33:IX.2511.A.l.e. The following categories of facilities are considered to be engaging in industrial activity for purposes of this Subsection:

a. facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subpart N (See LAC 33:IX.2533) (except facilities with toxic pollutant effluent standards which are exempted under the category in LAC 33:IX.2511.B.14.k);

b. facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 31, 32 (except 323), 33, 344, 373;

c. facilities classified as Standard Industrial Classifications 10-14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CRF 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction,

beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

d. hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA;

e. landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;

f. facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

g. steam electric power generating facilities, including coal handling sites;

h. transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under LAC 33:IX.2511.B.14.a-g or i-k are associated with industrial activity;

i. treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under LAC 33:IX.Chapter 23.Subchapter T. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA;

j. construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;

k. facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories in LAC 33:IX.2511.B.14.b-j);

Discharge-related activities – activities that cause, contribute to, or result in storm water and allowable non-storm water point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollutant in the discharges.

Drought-stricken area – a period of below average water content in streams, reservoirs, ground-water aquifers, lakes and soils.

Dry weather discharge - as used in this permit, refers to a discharge generated by processes other than those included in the definition of storm water.

Environmental Affairs Act - was enacted to maintain a "healthful and safe environment in Louisiana." It created the Office of Environmental Affairs within the Department of Natural Resources as well as the Environmental Control Commission to carry out its purposes. In 1983, the Act was renamed the Environmental Quality Act.

Existing Discharger – an operator applying for coverage under this permit for discharges authorized previously under an LPDES general or individual permit.

Facility or Activity - any LPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the LPDES program.

Impaired Water (or "Water Quality Impaired Water" or "Water Quality Limited Segment") – A water is impaired for purposes of this permit if it has been identified by a State or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called "water quality limited segments" under 40 CFR 30.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Industrial Activity - as used in this permit refers to the eleven categories of industrial activities included in the definition of "discharges of storm water associated with industrial activity".

Industrial Storm Water - as used in this permit refers to storm water runoff associated with the definition of "discharges of storm water associated with industrial activity".

Municipal Separate Storm Sewer System - a separate storm sewer that is defined as large, medium, or small municipal separate storm sewer system in accordance with LAC 33:IX.2511.B.4, 7, and 16.

Municipal Separate Storm Sewer- is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to water of the state;

(ii) Designed or used for collection or conveying storm water;

(iii) which is not a combined sewer; and

(iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at LAC 33:IX.2313.

New Discharger – a facility from which there is a discharge, that did not commence the discharge at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective LPDES permit for discharges at that site.

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

after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. See LAC 33:IX.2313.

New Source Performance Standards (NSPS) – technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

No Exposure – all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. See 40 CFR 122.26(g).

NOI - Notice of Intent to be covered by this permit (see Part 2 of this permit).

NOT - Notice of Termination (see Part 11.2 of this permit).

Office - the Office of Environmental Services of the Louisiana Department of Environmental Quality.

Operator – any entity with a storm water discharge associated with industrial activity that meets either of the following two criteria:

(i) The entity has operational control over industrial activities, including the ability to modify those activities; or
(ii) The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry our activities required by the permit).

Outfall - the point at which wastewater or storm water from a facility is monitored prior to mixing with other waters. An outfall can be identified either at the point that effluent or storm water discharges by pipe from a treatment plant or treatment system **or** the point at which effluent or storm water discharges into a drainage ditch on the property, into a roadside ditch, into a storm drain, or directly into a receiving water body such as a creek, coulee, bayou, canal, or river.

Owner or Operator - the owner or operator of any "facility or activity" subject to regulation under the LPDES program.

Person – an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. See 40 CFR 122.2.

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

Pollutant - for the purposes of the Louisiana Pollutant Discharge Elimination System, as defined in the act, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, except those regulated under the Atomic Energy Act of 1954, 42 U.S.C. 2011 et seq., as amended, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. For the purposes of the Louisiana Pollutant Discharge Elimination System, as defined in the act, Pollutant does not mean:

1. water, gas, waste, or other material that is injected into a well for disposal in accordance with a permit approved by the Department of Natural Resources or the Department of Environmental Quality; or

2. water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located, and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources.

Pollutant of Concern – A pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a state's 303(d) list.

Primary Industrial Activity – includes any activities performed on-site which are (1) identified by the facility's primary SIC code; or (2) included in the narrative descriptions of LAC 33:IX.2511.B.14.(a), (d), (e), or (g), and (i). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] Narrative descriptions in LAC 33:IX.2511.B.14 identified above include: (a) activities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (d) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (e) landfills, land application sites and open dumps that receive or have received industrial wastes; (g) steam electric power generating facilities; and (i) sewage treatment works with a design flow of 1.0 mgd or more.

Qualified Personnel – are those who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at your facility, and who can also evaluate the effectiveness of control measures.

Reportable Quantity (RQ) is the amount of oil that violates applicable water quality standards or causes a film or sheen upon or a discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

Reportable Quantity Release – a release of a hazardous substance at or above the established legal threshold that requires emergency notification.

Runoff Coefficient - the fraction of total rainfall that will appear at the conveyance as runoff.

Secretary - the Secretary of the Louisiana Department of Environmental Quality.

Semi-Arid Climate – areas where annual rainfall averages from 10 to 20 inches.

Significant Materials – includes, but is not limited to: raw materials; fuels, materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 313 of 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes; slag and sludge that have the potential to be released with storm water discharges. See LAC 33:IX.2511.B.12.

Special Aquatic Sites, as defined at 40 CFR 230.3(q-1), means those sites identified in 40 CFR 230 Subpart E. They are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region. (See 40 CFR 230.10(a)(3)).

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

Storm Water Associated with Industrial Activity – the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the LPDES program under LAC 33:IX.2315.A. For the categories of industries identified in this section, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include storage, landing and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities list in LAC 33.IX.2511.B.14. The term also includes those facilities designated under the provisions of LAC 33:IX.2511.A.1.e. See also 40 CFR LAC 33:IX.2511.B.14.

Storm Water Pollution Prevention Plan (SWPPP) - a plan that describes a process whereby a facility thoroughly evaluates potential pollutant sources at a site and selects and implements appropriate measures designed to prevent or control the discharge of pollutants in storm water runoff.

Total Maximum Daily Loads (TMDLs) – A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (Las) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

Water Quality Impaired – See 'Impaired Water'.

Water Quality Standards – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)). Water quality standards also include an antidegradation policy, implementation plan, and any procedures incorporated into the water quality standards by reference.

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

"You" and "Your" as used in this permit is intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's facility or responsibilities. The use of "you" and "your" refers to a particular facility and not to all facilities operated by a particular entity. For example, "you must submit" means the permittee must submit something for that particular facility. Likewise, "all your discharges" would refer only to discharges at that one facility.

12.B. Abbreviations and Acronyms

BAT – Best Available Technology Economically Achievable

BOD_5 – Biochemical Oxygen Demand (5-day test)

BMP – Best Management Practice

BPJ – Best Professional Judgment

BPT – Best Practicable Control Technology Currently Available

CERCLA – Comprehensive Environmental Response, Compensation and Liability Act

COD – Chemical Oxygen Demand

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq*)

CWT – Centralized Waste Treatment

DMR – Discharge Monitoring Report

EPA – U.S. Environmental Protection Agency

ESA – Endangered Species Act

FWS – U.S. Fish and Wildlife Service

LA – Load Allocations

LPDES – Louisiana Pollutant Discharge Elimination System

MGD – Million Gallons per Day

MOS – Margin of Safety

MS4 – Municipal Separate Storm Sewer System

MSDS – Material Safety Data Sheet

MSGP – Multi-Sector General Permit

NAICS – North American Industry Classification System

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

NMFS – U.S. National Marine Fisheries Service

NOI – Notice of Intent

NOT – Notice of Termination

NRHS – National Register of Historic Places

NSPS – New Source Performance Standard

NTU – Nephelometric Turbidity Unit

OMB – U.S. Office of Management and Budget

ONRW – Outstanding Natural Resource Water

USM – U.S. Office of Surface Mining

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

RQ – Reportable Quantity

SARA – Superfund Amendments and Reauthorization Act

SHPO – State Historic Preservation Officer

SIC – Standard Industrial Classification

SMCRA – Surface Mining Control and Reclamation Act

SPC – Spill Prevention and Control

SWPPP – Storm Water Pollution Prevention Plan

TMDL – Total Maximum Daily Load

TSDF – Treatment, Storage, or Disposal Facility

TSS – Total Suspended Solids

USGS – United States Geological Survey

WLA – Wasteload Allocation

WQS – Water Quality Standard

ADDENDUM A

GUIDANCE

PROCEDURES RELATING TO ENDANGERED SPECIES PROTECTION

ENDANGERED SPECIES GUIDANCE - MSGP

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) is available under http://www.deq.louisiana.gov/portal/LinkClick.aspx?fileticket=hmK%2fYjPFJ5Y%3d&tabid=243. (See also II below.) These species are listed by parish. In order to get MSGP coverage, applicants must:

- Indicate in the box provided on the Notice of Intent (NOI) whether any species listed in this Guidance or critical habitat are in proximity to the facility, and

- 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 stormwater 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 6 below when completing the NOI and 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 location of the facility and the associated storm water discharges.

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

I. Assessing the Effects of Your Discharge and Discharge-Related Activities

You must follow the procedures in this addendum to assess the potential effects of applicable storm water discharges, discharge-related activities, and allowable non-storm water discharges on listed species and their critical habitat and determine which of the eligibility criterion (see Part 2), if any, you qualify under.

When evaluating the potential effects of your activities, you must consider effects to listed species or critical habitats within the “action area.” Action area is defined in Part 12 as “all areas affected directly or indirectly by the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities, and not merely the immediate area involved in these discharges and activities.” This

includes areas beyond the footprint of the facility that are likely to be affected by storm water discharges, discharge-related activities, and allowable non-storm water discharges. For example, normal construction, operations and maintenance activities can result in noise impacts and discharges of pollutants into downstream areas which can increase the "action area" beyond the footprint of the facility. "Facility" is also defined in Part 12.

STEP 1: DETERMINE IF THE ELIGIBILITY REQUIREMENTS OF CRITERION B OR E CAN BE MET.

You should first determine whether you are eligible under Criterion B or E because of a previously completed ESA Section 7 consultation, a previously issued ESA Section 10 permit, or because your activities were already addressed in another discharger's certification of eligibility as follows:

i. The effects of your activities have been addressed through approval of a Habitat Conservation Plan under Section 10 of the ESA (check box corresponding to Criterion B). Storm water discharges from your industrial facility may be authorized by this MSGP if some activity is authorized through the issuance of a permit under Section 10 of the ESA and that authorization addressed the effects of your storm water discharges on federally-listed species and designated critical habitat. You must follow U.S. Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service, also known as NOAA Fisheries (NMFS) procedures when applying for an ESA Section 10 permit (see 50 CFR 17.22(b)(1) for FWS and 222.22 for NMFS). Application instructions for Section 10 permits for FWS and NMFS can be obtained by accessing the FWS websites (www.fws.gov and www.nmfs.noaa.gov) or by contacting the appropriate FWS and NMFS regional office.

ii. You are covered under the eligibility certification of another operator for the project area (check box corresponding to Criterion E). Your storm water discharges, discharge-related activities, and allowable non-storm water discharges were already addressed in another discharger's certification of eligibility under Criteria A, B, C, or D, which also included your facility and determined that federally listed endangered or threatened species or designated critical habitat would not be jeopardized. To certify eligibility under this criterion there must be no lapse of coverage in the other operator's certification. By certifying eligibility under Criterion E, you agree to comply with any measures or controls upon which the other discharge certification under Criterion B, C, or D was based. If your certification is based on another operator's certification under Criterion E, that certification is valid only if you have determination showing that the other operator has certified under Criterion E, and you provide LDEQ with the relevant supporting information in your NOI form. Certification under Criterion E is discussed in more detail in the Fact Sheet that accompanies this permit.

STEP 2: DETERMINE IF LISTED THREATENED OR ENDANGERED SPECIES AND CRITICAL HABITAT ARE PRESENT IN THE ACTION AREA.

Next, you should first determine whether federally-listed species are likely to occur in your action area. If you determine that there is a federally-listed species likely to occur in your action area, follow Step 3. If you determine that there are no federally-listed species likely to occur in your action area, you can certify that the facility meets Criteria A (check box corresponding to Criteria A).

You can do this by obtaining a list of threatened and endangered species that are likely to occur in your general area, including the appropriate receiving water for your discharges. County-specific or sometimes township-specific lists of Federally threatened and endangered species are available from the local offices of FWS, and NMFS, or on their internet sites. The types of species that are likely to be present determine which Service office you should contact (in general, NMFS has jurisdiction over marine, estuarine, and anadromous species). If there are listed species in your parish or city or town, you must then determine, as best you are able, whether any of the species are likely to occur in your action area (use the Services as necessary). General species information can be found at www.fws.gov/endangered.

You must also check to see if critical habitat has been designated and whether such areas overlap in your action area. Critical habitat should be listed on the species list for your parish or town or city available from the appropriate Service office. You can also find critical habitat designations at 50 CFR Parts 17 and 226 www.access.gpo.gov and at www.fws.gov/endangered/.

If there are no listed species and no critical habitat areas that overlap your action area, or if your local FWS or NMFS indicates that listed species are not likely to occur in your action area, you have satisfied your eligibility obligations under Criterion A (check box corresponding to Criterion A). If there are listed species and if you determine or your local FWS or NMFS indicates that these species could occur in the action area, you will need to evaluate whether your action area supports habitat(s) that are suitable for listed species or the constituent elements of critical habitat. Your evaluation may utilize one or more of the following approaches:

Gather information about the species and critical habitat that are likely to occur in your action area (www.fws.gov/endangered/). Conduct a visual inspection of the action area to assess the potential presence of listed species and their habitats. Compare the size and types of habitats available in your action area and adjacent areas with the size and types of habitats used by listed species and constituent elements of critical habitat. This method may be particularly suitable for facilities where the action area is smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or nor natural habitat, or for facilities that discharge directly into municipal separate storm sewer systems (MS4s).

Conduct a formal biological survey (typically performed by environmental consulting

firms). In some cases, biological surveys may be an appropriate way to assess whether species are likely to be located in the action area and whether there could be adverse effects to such species. A biological survey may in some cases be useful in conjunction with Steps Two, Three or Four of these instructions. However, biological surveys can often be inconclusive and some survey methods may require a special State or Federal permit. You should coordinate with the appropriate Service office before conducting biological surveys for threatened and endangered species.

Reference an environmental assessment completed for the site under the National Environmental Policy Act (NEPA). Such assessments may indicate whether listed species and critical habitats are likely to occur in the action area. Coverage under this MSGP may trigger a requirement for such an assessment for new sources (that is, dischargers subject to New Source Performance Standards under Section 306 of the Clean Water Act). Other facilities might require an assessment under NEPA for other reasons, such as federal funding or other federal involvement in the facility. If the action area likely supports listed threatened or endangered species or critical habitat, you must evaluate the potential for impacts to species and/or habitat when following Steps Three through Five. Note that many but not all measures implemented to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this MSGP may require measures to protect critical habitat that are separate from those to protect listed species.

STEP 3: DETERMINE IF YOUR ACTIVITIES ARE NOT LIKELY TO ADVERSELY AFFECT LISTED THREATENED OR ENDANGERED SPECIES OR DESIGNATED CRITICAL HABITAT

To receive MSGP coverage, you must analyze the effects of your activities, which may include not only your discharge, but also any construction, operation, and maintenance activities related to storm water management. You must be able to conclude that your discharge and storm water management related activities are not likely to adversely affect threatened or endangered species or designated critical habitat that are likely to occur in your action area. To arrive at this conclusion, you should be able to conclude that listed species and critical habitat are not likely to be exposed to the effects of your activities, or if they are exposed, they are not likely to respond to the effects, or if they do respond, the responses are not sufficient to reduce an individual's changes of surviving and reproducing or diminish the amount or suitability of constituent elements of critical habitat. Construction, operation, and maintenance of facilities related to your storm water discharge can potentially result in the following adverse effects:

- Hydrological. Storm water may adversely affect receiving waters from pollutant parameters 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. Industrial activity itself may

also alter drainage patterns on a site where construction occurs, which can impact listed species, their habitat, and critical habitat.

- Habitat. Outdoor activities, such as storage of materials and land disturbances associated with storm water management-related activities, such as the installation or placement of storm water control measures, may adversely affect listed species, their habitat, and critical habitat. Storm water may drain or inundate listed species habitat.

- Toxicity. Pollutants in storm water may have toxic effects on listed species and adversely affect critical habitat. Exceedances of benchmarks, effluent limitation guidelines, or State water quality requirements may be indicative of potential adverse effects on listed species or critical habitat.

The scope of effects to consider will vary with each site. If you hare having difficulty determining whether your facility is likely to adversely affect listed species or critical habitat, or one of the Services has already raised concerns to you, you must contact the appropriate office of the FWS or NMFS for assistance. If adverse effects are not likely, you have satisfied your eligibility obligations under Criterion D and you may proceed to submitting your NOI for coverage under the MSGP (check box corresponding to Criterion D).

If you can not yet conclude your storm water discharge is not likely to adversely affect listed species or critical habitat, or if you conclude that your storm water discharge could potentially adversely affect listed species or critical habitat, you must follow Step Four.

STEP 4: DETERMINE IF MEASURES CAN BE IMPLEMENTED TO AVOID ANY ADVERSE EFFECTS OR IF FURTHER ANALYSIS SUPPORTS THE CONCLUSION THAT ADVERSE EFFECTS ARE NOT LIKELY

If you could not make a preliminary determination in Step 3 that adverse effects to listed species and/or critical habitat are not likely to occur, you can still receive coverage under Criterion D if appropriate measures are undertaken to avoid or eliminate the likelihood of adverse effects prior to applying for MSGP coverage. These measures may be relatively simple, e.g., re-routing a storm water discharge to bypass an area where species are located, relocating control measures, or changing the “footprint” of the industrial activity. Provided you are able to install and implement appropriate measures, you may proceed to submitting your NOI for coverage under the MSGP (check box corresponding to Criterion D).

If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects, you must follow Step Five.

STEP 5: DETERMINE IF THE ELIGIBILITY REQUIREMENTS OF CRITERIA D CAN BE MET.

Where adverse effects are likely and you are unable to avoid or eliminate the likelihood of adverse effects, you must contact the FWS (and/or the NMFS, if referred to that agency by FWS). However, you may still be eligible for MSGP coverage if any likely adverse effects can be addressed through meeting Criteria D as follows:

> You have coordinated your activities with the appropriate Service office (see Criterion C). In the absence of any other conditions set forth in Step Four, you may still be able to qualify for coverage under this MSGP if you coordinate with the FWS or NMFS and the Service provides a letter or memorandum concluding that permitting your storm water discharges under the MSGP is inconsistent with the "not likely to adversely affect" determination for the MSGP. If you adopt measures to avoid or eliminate adverse effects, per the Service's requirements or recommendations, you must abide by those measures for the duration of your coverage under the MSGP. Any such measures must be described in the Storm Water Pollution Prevention Plan (SWPPP) and are enforceable MSGP conditions and/or conditions for meeting the eligibility criteria in Part 1.2.3.6.

You must comply with any terms and conditions imposed under the eligibility requirements to ensure that your storm water discharges, discharge-related activities, and allowable non-storm water discharges are protective of listed species and/or critical habitat. See Part 1.2.3.6 of the permit. If the eligibility requirements cannot be met, and maintained, then you are not eligible for coverage under this MSGP. In these instances, you may consider applying to LDEQ for coverage under an individual LPDES permit.

2. Eligibility Criterion

As required by Part 1.2.3.6, you must meet one or more of the following six criteria (A-E) to be eligible for coverage under the permit for your storm water discharge, discharge-related activities, and allowable non-storm water discharges:

Criterion A. No federally-listed threatened or endangered species or their designated critical habitat are likely to occur in the "action area"; or

Criterion B. Your industrial activities are authorized through the issuance of a permit under Section 7 or Section 10 of the ESA, and authorization addresses the effects of the storm water discharges associated with industrial activity, discharge-related activities, and allowable non-storm water discharges on federally-listed species and federally-designated critical habitat; or

Criterion C. Coordination between you and the FWS and/or the NMF has been concluded. The coordination must have addressed the effects of the facility's storm water discharges associated with industrial activity,

discharge-related activities, and allowable non-storm water discharges on federally-listed threatened or endangered species and federally-designated critical habitat. The result of the coordination must be a written statement from the Service concluding that authorizing your storm water discharges, discharge-related activities, and allowable non-storm water discharges is consistent with the determination that that issuance of the MSGP is not likely to adversely affect federally-listed threatened or endangered species and federally-designated critical habitat. Any conditions or prerequisites deemed necessary to achieve consistency with the "not likely to adversely affect" determination become eligibility conditions for MSGP coverage, and permit requirements under Part 1.2.3.6; or

Criterion D. Authorizing your storm water discharges associated with industrial activity, discharge-related activities, and allowable non-storm water discharges is consistent with the determination that the issuance of the MSGP is not likely to adversely affect any federally-listed endangered and threatened ("listed") species or designated critical habitat ("critical habitat").

Criterion E. The facility's storm water discharges associated with industrial activity, discharge-related activities, and allowable non-storm water discharges were already addressed in another operator's valid certification of eligibility that included the industrial activities and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the "action area". To certify eligibility under this criterion there must be no lapse of coverage in the other operator's certification. By certifying eligibility under this criterion, you agree to comply with any measures or controls upon which the other operator's certification was based. You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility requirements of the criteria in this section to remain eligible for coverage under this permit. Documentation must be kept with your SWPPP. If your certification is based on another operator's certification under Criterion E, that certification is valid only if you have documentation showing that the operator had certified under Criterion E.

III. ENDANGERED SPECIES PARISH LIST

See http://www.deq.louisiana.gov/portal/LinkClick.aspx?fileticket=XUBdv7SaxUs%3d&tabid=243. Click on Info About **Water**, then "LPDES Permit, Information . . ." under **Permits**, then "Current Endangered Species Listing" under **Other LPDES Documents**.

ADDENDUM B

PROCEDURES RELATING TO HISTORIC PROPERTIES PRESERVATION

PROCEDURES RELATING TO HISTORIC PROPERTIES PRESERVATION

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of Federal "undertakings" on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. The term Federal "undertaking" is defined in the NHPA regulations to include a project, activity, or program of a Federal agency including those carried out by or on behalf of a Federal agency, those carried out with Federal financial assistance, and those requiring a Federal permit, license or approval. See 36 CFR 800.16(y). Historic properties are defined in the NHPA regulations to include prehistoric or historic districts, sites, buildings, structures, or objects that are included in, or are eligible for inclusion in, the National Register of Historic Places. This term includes artifacts, records, and remains that are related to and located within such properties. See 36 CFR 800.16(1).

EPA's issuance of the MSGP was a Federal undertaking within the meaning of the NHPA regulations. To address any issues relating to historic properties in connection with issuance of the permit, EPA included criteria for applicants to certify that potential impacts of their covered activities on historic properties have been appropriately considered and addressed. Although individual applications for coverage under the general permit do not constitute separate Federal undertakings, the screening criteria and certifications provide an appropriate site-specific means of addressing historic property issues in connection with EPA's issuance of their 2008 MSGP. Applicants seeking coverage under EPA's MSGP are thus required to make certain certifications regarding the potential effects of their storm water discharge, allowable non-storm water discharge, and discharge-related activities on properties listed or eligible for listing on the National Register of Historic Places. LDEQ concurs that EPA's criteria are adequate for applicant's to certify that potential impacts of their covered activities on historic properties have been appropriate considered and addressed. Therefore, LDEQ is including those criteria in this permit.

You must meet one or more of the four criteria (A-D), which are also included in Part 1.2.3.7 of the permit, to be eligible for coverage under this permit.

Criterion A. Your storm water discharges and allowable non-storm water discharges do not have the potential to have an effect on historic properties and you are not constructing or installing new storm water control measures on your site that cause subsurface disturbance; or

Criterion B. Your discharge-related activities (i.e., construction and/or installation of storm water control measures that involve subsurface disturbance) will not affect historic properties; or

Criterion C. Your storm water discharges, allowable non-storm water discharges, and discharge-related activities have the potential to have an effect on historic properties, and you have obtained and are in compliance with a written agreement with the State Historic Preservation Officer (SHPO) regarding measures to mitigate or prevent any adverse effects on historic properties, and you have either (1) obtained and are in compliance with a

written agreement that outlines all such measures, or (2) been unable to reach agreement on such measures; or

Criterion D. You have contacted the SHPO in writing informing them that you have the potential to have an effect on historic properties and you did not receive a response from the SHPO within 30 days of receiving your letter.

If you have been unable to reach agreement with a SHPO representative regarding appropriate measures to mitigate or prevent adverse effects, LDEQ may notify you of additional measures you must implement in order to be eligible for coverage under this permit.

Activities with No Potential to Have an Effect on Historic Properties

A determination that a Federal undertaking has no potential to have an effect on historic properties fulfills an agency's obligations under the NHPA. EPA has reason to believe that the vast majority of activities authorized under the MSGP have no potential to have effects on historic properties. The purpose of this permit is to control pollutants that may be transported in storm water runoff from industrial facilities. EPA does not anticipate effects on historic properties from the pollutants in the storm water and allowable non-storm water discharges from these industrial facilities. LDEQ concurs with EPA's determination. Thus, to the extent LDEQ's issuance of this general permit authorizes discharges of such constituents, confined to existing storm water channels or natural drainage areas; the permitting action does not have the potential to cause effects on historic properties.

In addition, the overwhelming majority of sources covered under this permit will be currently permitted facilities that are automatically reauthorized to discharge under this permit. Both existing and new dischargers must follow the historic property screening procedures to determine their eligibility. LDEQ is not aware of any impacts on historic properties from activities covered under the 2006 MSGP, or, for that matter, any need for a written agreement. Therefore, to the extent this permit authorizes renewal of prior coverage without relevant changes in operations, it has no potential to have an effect on historic properties.

Activities with Potential to Have an Effect on Historic Properties

EPA believes, and LDEQ concurs, that this permit may have some potential to have an effect on historic properties where permittees construct and/or install storm water control measures that involve subsurface disturbance and impact less than one (1) acre of land to comply with this permit. (Ground disturbances of one (1) acres or more require coverage under a different permit, the Construction General Permit.) Where you have to disturb the land through the construction and/or installation of control measures, there is a possibility that artifacts, records, or remains associated with historic properties could be impacted. Therefore, if you are establishing new or altering existing control measures to manage your storm water that will involve subsurface ground disturbance of less than one (1) acre, you will need to ensure (1) that historic properties will not be impacted by your

activities or (2) that you have consulted with the appropriate SHPO representative regarding measures that would mitigate or prevent any adverse effects on historic properties.

Examples of Control Measures Which Involve Subsurface Disturbance

EPA reviewed typical control measures currently employed to determine which practices involve some level of earth disturbance. The types of control measures that they determined are presumptively expected to cause subsurface ground disturbance include:

- Dikes
- Berms
- Catch Basins
- Ponds
- Ditches
- Trenches
- Culverts
- Land manipulation: contouring, sloping, and grading
- Channels
- Perimeter Drains
- Swales

EPA and LDEQ caution dischargers that this list is non-inclusive. Other control measures that involve earth disturbing activities that are not on this list must also be examined for the potential to affect historic properties.

Historic Property Screening Process

You should follow the following screening process in order to certify your compliance with historic property eligibility requirements under this permit (see Part 1.2.3.7). The following four steps describe how applicants can meet the permit eligibility criteria for protection of historic properties under this permit:

Step One: Are you an existing facility that is reapplying for certification under the 2011 MSGP?

If you are an existing facility you should have already addressed NHPA issues. To gain coverage under the 2006 MSGP you were required to certify that you were either not affecting historic properties or had obtained written agreement from the relevant SHPO representative regarding methods of mitigating potential impacts. As long as you are not constructing or installing any new storm water control measures then you have met eligibility Criterion A of the MSGP.

If you are an existing facility and will construct or install storm water control measures that require subsurface disturbance of less that one (1) acre then you should proceed to Step Three. (Note: Construction activities disturbing one (1) or more are not eligible for coverage under this permit.)

If you are a new facility then you should proceed to Step Two.

Step Two: Are you constructing or installing any storm water control measures that require subsurface disturbance of less than one (1) acre?

If, as part of your coverage under this permit, you are not building or installing control measures on your site that cause less than one (1) acre of subsurface disturbance, then your discharge-related activities do not have the potential to have an effect on historic properties. You have no further obligations relating to historic properties. You have met eligibility Criterion A of the MSGP.

If the answer to the Step Two question is yes, then you should proceed to Step Three.

Step Three: Have prior earth disturbances determined that historic properties do not exist, or have prior disturbances precluded the existence of historic properties?

If previous construction either revealed the absence of historic properties or prior disturbances preclude the existence of historic properties, then you have no further obligations relating to historic properties. You have met the eligibility Criterion B of the MSGP.

If the answer to the Step Three question is no, then you should proceed to Step Four.

Step Four: Contact the appropriate historic preservation authorities.

Where you are building and/or installing control measures affecting less than one (1) acre of land to control storm water or allowable non-storm water discharges associated with this permit, and the answer to Step Three is no, then you should contact the relevant SHPO representative to determine the likelihood that artifacts, records, or remains are potentially present on your site. This may involve examining local records to determine if historic artifacts have been found in nearby areas, as well as limited surface and subsurface examination carried out by qualified professionals.

If through this process it is determined that such historic properties potentially exist and may be impacted by your construction or installation of control measures, you should contact the relevant SHPO representative in writing and request to discuss mitigation or prevention of any adverse effects. The letter should describe your facility, the nature and location of subsurface disturbance activities that are contemplated, any known or suspected historic properties in the area, and any anticipated effects of such properties. The letter should state that if the SHPO representative does not respond within 30 days of receiving your letter, you may submit your NOI without further consultation. LDEQ encourages applicants to contact the appropriate authorities as soon as possible in the event of a potential adverse effect to an historic property.

If the SHPO representative sent you a response within 30 days of receiving your letter and you enter into, and comply with, a written agreement with the SHPO representative

regarding how to address any adverse impacts on historic properties, you have met eligibility Criterion C. In this case, you should retain a copy of the written agreement consistent with Part 1.2.3.7 of the MSGP. LDEQ will generally accept any written agreement as fully addressing concerns related to potential adverse impacts to historic properties unless new information was brought to the Agency's attention that was not considered in your previous discussions with the SHPO representative.

If you receive a response within 30 days after the SHPO representative received your letter and you consult with the SHPO representative regarding adverse impacts to historic properties and measures to mitigate them but an agreement cannot be reached between you and the SHPO representative, you have still met the eligibility Criterion C. In this case you should include in your SWPPP a brief description of potential effects to historic properties, the consultation process, any measures you will adopt to address the potential adverse impacts, and any significant remaining disagreements between you and the SHPO representative.

If you have contacted the SHPO representative in writing regarding your potential to have an effect on historic properties and the SHPO representative did not respond within 30 days of receiving your letter, you have met eligibility Criterion D. You are advised to get a receipt from the post office or other carrier confirming the date on which your letter was received.

I. Internet Information on the National Register of Historic Places

An electronic listing of the ``National Register of Historic Places," as maintained by the National Park Service on its National Register Information System (NRIS), can be accessed on the Internet at http://crt.louisiana.gov/hp/nationalregister/historicplacesdatabase.aspx. Remember to use small case letters when accessing Internet addresses.

II. Louisiana State Historic Preservation Officer (SHPO)

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

III. Advisory Council on Historic Preservation

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

ADDENDUM C

CURRENT ADDRESSES LIST

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

Mailing Addresses For Regional Offices	Jurisdictional Parishes For Each Regional Office
Acadiana Regional Office Surveillance Division Office of Environmental Compliance 111 New Center Drive Lafayette, Louisiana 70508 (337) 262-5584	Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary, Vermilion
Capital Regional Office Surveillance Division Office of Environmental Compliance P. O. Box 4312 Baton Rouge, Louisiana 70821 (225) 219-3600	Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (East of the Atchafalaya River), Iberville, Livingston, Pointe Coupee, St. Helena, St. James, St. Martin (East of the Atchafalaya River), Tangipahoa, West Baton Rouge, West Feliciana
Northeast Regional Office Surveillance Division Office of Environmental Compliance 1823 Highway 546 West Monroe, Louisiana 71292-0442 (318) 362-5439	Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, La Salle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll, Winn
Northwest Regional Office Surveillance Division Office of Environmental Compliance 1525 Fairfield Avenue, Room 520 Shreveport, Louisiana 71101-4388 (318) 676-7476	Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, Webster
Southeast Regional Office Surveillance Division Office of Environmental Compliance 201 Evans Road, Bldg. 4, Suite 420 New Orleans, LA 70123-5230 (504) 736-7701	Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Terrebonne, Washington
Southwest Regional Office Surveillance Division Office of Environmental Compliance 1301 Gadwall Street Lake Charles, Louisiana 70615-5176 (337) 491-2667	Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vernon

ADDENDUM D

DMR FORM

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)
NAME

ADDRESS

FACILITY
LOCATION

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved.
OMB No. 2040-0004

PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD						
	YEAR	MO	DAY		YEAR	MO	DAY
FROM				TO			

☐ Check here if No Discharge

NOTE: Read Instructions before completing this form

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	VALUE	UNITS	VALUE	VALUE	VALUE	UNITS			
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
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	PERMIT REQUIREMENT										

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER			TELEPHONE		DATE		
	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.						
TYPED OR PRINTED		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	AREA CODE	NUMBER	YEAR	MO	DAY

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

Paperwork Reduction Act Notice

Public Reporting Burden for this collection information is estimated to vary from a range of 10 hours as an average per response for some minor facilities, to 110 hours as an average per response for some major facilities, with a weighted average for major and minor facilities of 18 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to ICR Coordinator, Office of Wastewater Management (MC4201M), US Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

General Instructions

1. If form has been partially completed by preprinting, disregard instructions directed at entry of that information already preprinted.

2. Enter *"Permittee Name/Mailing Address* (and facility name/location, if different)," *"Permit Number,"* and *"Discharge Number"* where indicated. (A separate form is required for each discharge.)

3. Enter dates beginning and ending *"Monitoring Period"* covered by form where indicated.

4. Enter each *"Parameter"* as specified in monitoring requirements of permit.

5. Enter *"Sample Measurement"* data for each parameter under *"Quantity"* and *"Quality"* in units specified in permit.

6. Enter *"Permit Requirement"* for each parameter under *"Quantity"* and *"Quality"* as specified in permit.

7. Under *"No Ex"* enter number of sample measurements during monitoring period that exceed maximum (and/or minimum or 7-day average as appropriate) permit requirement for each parameter. If none, enter *"0"*.

8. Enter *"Frequency of Analysis"* both as *"Sample Measurement"* (actual sample type used during monitoring period) and as *"Permit Requirement,"* specified in permit. (e.g., Enter *"Cont,"* for continuous monitoring, *"1/7"* for one day per week, *"1/30"* for one day per month, *"1/90"* for one day per quarter, etc.)

9. Enter *"Sample Type"* both as *"Sample Measurement"* (actual sample type used during monitoring period) and as *"Permit Requirement,"* (e.g., Enter *"Grab"* for individual sample, *"24HC"* for 24-hour composite, *"N/A"* for continuous monitoring, etc.)

10. Where violations of permit requirements are reported, attach a brief explanation to describe cause and corrective actions taken, and reference each violation by date.

11. If "no discharge" occurs during monitoring period, enter *"No Discharge"* across form in place of data entry.

12. Enter *"Name/Title of Principal Executive Officer"* with *"Signature of Principal Executive Officer of Authorized Agent," "Telephone Number,"* and *"Date"* at bottom of form.

13. Mail signed Report to Office(s) by date(s) specified in permit. Retain copy for your records.

14. More detailed Instructions for use of this *Discharge Monitoring Report (DMR)* form may be obtained from Office(s) specified in permit.

Legal Notice

This report is required by law (33 U.S.C. 1318; 40 C.F.R. 125.27). Failure to report or failure to report truthfully can result in civil penalties not to exceed $ 10,000 per day of violation; or in criminal penalties not to exceed $25,000 per day of violation, or by imprisonment for not more than one year, or by both.

ADDENDUM E

Calculating Hardness in Receiving Waters for Hardness Dependent Metals

Overview

EPA adjusted the benchmarks for six hardness-dependent metals (i.e., cadmium, copper, lead, nickel, silver, and zinc) to further ensure compliance with water quality standards and provide additional protection for endangered species and their critical habitat. For any sectors required to conduct benchmark samples for a hardness-dependent metal, EPA includes 'hardness ranges' from which benchmark values are determined. To determine which hardness range to use, you must collect data on the hardness of your receiving water(s). Once the site-specific hardness data have been collected, the corresponding benchmark value for each metal is determined by comparing where the hardness data fall within 25 mg/L ranges, as shown in Table 1.

Table 1. ***Hardness Ranges to Be Used to Determine Benchmark Values for Cadmium, Copper, Lead, Nickel, Silver, and Zinc.***

All Units Benchmark Values (mg/L, total)

Hardness Range	***Cadmium***	***Copper***	***Lead***	***Nickel***	***Silver***	***Zinc***
0-25 mg/L	0.0005	0.0038	0.014	0.15	0.0007	0.04
25-50 mg/L	0.0008	0.0056	0.023	0.20	0.0007	0.05
50-75 mg/L	0.0013	0.0090	0.045	0.32	0.0017	0.08
75-100 mg/L	0.0018	0.0123	0.069	0.42	0.0030	0.11
100-125 mg/L	0.0023	0.0156	0.095	0.52	0.0046	0.13
125-150 mg/L	0.0029	0.0189	0.122	0.61	0.0065	0.16
150-175 mg/L	0.0034	0.0221	0.151	0.71	0.0087	0.18
175-200 mg/L	0.0039	0.0253	0.182	0.80	0.0112	0.20
200-225 mg/L	0.0045	0.0285	0.213	0.89	0.0138	0.23
225-250 mg/L	0.0050	0.0316	0.246	0.98	0.0168	0.25
250+ mg/L	0.0053	0.0332	0.262	1.02	0.0183	0.26

How to Determine Hardness for Hardness-Dependent Parameters.

You may select one of three methods to determine hardness, including; individual grab sampling, grab sampling by a group of operators which discharge to the same receiving water, or using third-party data. Regardless of the method used, you are responsible for documenting the procedures used for determining hardness values. Once the hardness value is established, you are required to include this information in your first benchmark report submitted to EPA so that the Agency can make appropriate comparisons between your benchmark monitoring results and the corresponding benchmark. You must retain all report and monitoring data in accordance with Part 7.5 of the permit. The three method options for determining hardness are detailed in the following sections.

(1) Permittee Samples for Receiving Stream Hardness

This method involves collecting samples in the receiving water and submitting these to a laboratory for analysis. If you elect to sample your receiving water(s) and submit samples for analysis, hardness must be determined from the closest intermittent or perennial stream downstream of your point of discharge. The sample can be collected during either dry or wet weather. Collection of the sample during wet weather is more representative of

conditions during stormwater discharges; however, collection of in-stream samples during wet weather events may be impracticable or present safety issues. Hardness must be sampled and analyzed using approved methods as described in 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

(2) Group Monitoring for Receiving Stream Hardness

You can be part of a group of permittees discharging to the same receiving waters and collect samples that are representative of the hardness values for all members of the group. In this scenario, hardness of the receiving water must be determined using 40 CFR Part 136 procedures and the results shared by group members. To use the same results, hardness measurements must be taken on a stream reach within a reasonable distance of the discharge points of each of the group members.

(3) Collection of Third-Party Hardness Data

You can submit receiving stream hardness data collected by a third party provided the results are collected consistent with the approved 40 CFR Part 136 methods. These data may come from a local water utility, previously conducted stream reports, TMDLs, peer reviewed literature, other government publications, or data previously collected by the permittee. Data should be less than 10 years old. Water quality data for many of the nation's surface waters are available on-line or by contacting EPA or a state environmental agency. LDEQ's ambient monitoring data may be accessed online at http://www.deq.louisiana.gov/portal/ONLINESERVICES/EnvironmentalDataCenterLEDC.aspx. EPA's data system STORET, short for STOrage and RETrieval, is a repository for receiving water quality, biological, and physical data and is used by state environmental agencies, EPA and other federal agencies, universities, private citizens, and many others. Similarly, state environmental agencies and the U.S. Geological Service (USGS) also have water quality data available that, in some instances, can be accessed online. "Legacy STORET" codes for hardness include: 259 hardness, carbonate; 260 hardness, noncarbonated; and 261 calcium + magnesium, while more recent, "Modern STORET" data codes include: 00900 hardness, 00901 carbonate hardness, and 00902 noncarbonate hardness; or the discrete measurements of calcium (00915) and magnesium (00925) can be used to calculate hardness. Hardness data historically has been reported as "carbonate," "noncarbonate," or "Ca + Mg."

If these are unavailable, then individual results for calcium (Ca) and magnesium (Mg) may be used to calculate hardness using the following equation:

$$\text{mg/L } CaCO_3 = 2.497 \text{ (Ca mg/L)} + 4.118 \text{ (Mg mg/L)}$$

When interpreting the data for carbonate and non-carbonate hardness, note that total hardness is equivalent to the sum of carbonate and noncarbonate hardness if both forms are reported. If only carbonate hardness is reported, it is more than likely that noncarbonate hardness is absent and the total hardness is equivalent to the available carbonate hardness.

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

Attached is a **Notice of Intent (NOI) for Storm Water 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.

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

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

Physical Address: (if NOI is hand delivered)
Department of Environmental Quality
Office of Environmental Services
602 N Fifth Street
Baton Rouge, LA 70821
Attention: Water Permits Division

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

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

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

AND

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

For additional clarification concerning application requirements, please refer to LAC 33:IX Chapters 25 and 65. A copy of the LPDES regulations may be obtained from the Department's website at http://www.deq.louisiana.gov/portal/tabid/1674/Default.aspx#Title33 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 Permits Division at (225) 219-9371. For help regarding completion of this NOI please contact DEQ, Small Business/Small Community Assistance at 1-800-259-2890.

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

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

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 stormwater 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 1.1 – 1.2.1. 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 stormwater management program. In order to be granted coverage, all information required on this form must be completed. Two copies of the completed NOI (one original and one copy) should be mailed to the Water 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 _____

   City _____ Zip _____ Phone _____

   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_____ 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 first named 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/sicser.html

4. Sectors of Industrial Activity the facility will be covered under (see Part 1.2.1 of Permit)

_____

5. Has the Stormwater Pollution Prevention Plan (SWPPP) been prepared, including obtaining and attaching a copy of the permit language? **Note: The SWPPP must be completed <u>prior to</u> submittal of the NOI.**

   ☐ Yes ☐ No

   Do not submit the SWPPP with this NOI.

6. Will discharges from your facility flow to a designated Scenic Stream as classified by the Louisiana Department of Wildlife and Fisheries? (See Attachment A)

   ☐ Yes ☐ No

   If "yes", has approval/authorization been obtained by that Department? ☐ Yes ☐ No

7. Will discharges from your facility flow directly to a water body designated as an Outstanding Natural Resource (See LAC 33:IX §1123, Table 3)?

   ☐ Yes ☐ No

   If yes, additional information may be required to determine if the discharge is in compliance with the antidegradation policy and plan (See LAC 33:IX.1109.A and 1119).

8. 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 (Attachment B), I am eligible for permit coverage according to Criterion: _____ A _____ B _____ C _____ D _____ E

9. Will coverage under the Multi-Sector General Permit replace an LPDES Permit?

   ☐ Yes ☐ No

   If yes, please list the permit number: _____

SECTION II – LAC 33.I.1701 REQUIREMENTS

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

☐ Permits in Louisiana. List Permit Numbers: _____

☐ Permits in other states (list states): _____

☐ No 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 provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporation procedures.

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

positions under Permit **Standard Permit Conditions, Part VI.G.1a.(2)** rather than to specific individuals.

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

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

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

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

SECTION III – MAPS/DIAGRAMS

A. Site Diagram. Attach to this NOI a complete site diagram of your facility showing the boundaries of your facility, the location of all buildings and/or storage areas. Label the contents of storage areas and indicate whether they are covered or uncovered. Describe all stormwater flow patterns from the facility to the receiving water body with arrows on this diagram or provide additional diagrams if needed. Label all outfalls and other monitoring locations, if applicable. Please indicate the location of the front gate or entrance to the facility on the site diagram. The diagram is for informational purposes and need not be to scale, nor does it have to meet the requirements of Section 4.2.2 Storm Water Pollution Prevention Plan site description.

B. Topographic Map Attach to this NOI a map or a copy of a section of the map which has been **highlighted to show the storm water path from your facility to the first named water body. The highlighted map must be attached to BOTH NOIs that are submitted to LDEQ (i.e., the original NOI and the copy of the NOI).** Include on the map the area extending at least one mile beyond your property boundaries. Indicate the outline of the facility, the location of each of its existing and proposed discharge structures. Waterways and streets/highways must be clearly identified by name on the map.

A U.S.G.S. 1:24,000 scale map (7.5' Quadrangle) would be appropriate for this item. Appropriate maps can be obtained from local government agencies such as DOTD or the Office of Public Works. Maps can also be obtained online at http://map.deq.state.la.us/ or www.topozone.com. Private map companies can also supply you with these maps. If you cannot locate a map through these sources you can contact the Louisiana Department of Transportation and Development at:

1201 Capitol Access Road
Baton Rouge, LA 70802
(225) 379-1107
maps@dotd.louisiana.gov

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 stormwater 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.
3. Please forward the original and one copy 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 WATER PERMITS DIVISION, YOU MAY BE REQUESTED TO FURNISH ADDITIONAL INFORMATION IN ORDER TO COMPLETE THE PROCESSING OF THE PERMIT.

ATTACHMENT A

RS 56:1856
PART II. NATURAL AND SCENIC RIVERS SYSTEM

§1847. Natural and scenic rivers

The following rivers or designated segments thereof are hereby designated as being natural and scenic rivers:

(1) Pushepatapa Creek - Washington - From where East Fork and West Fork join near state line to where it breaks up prior to its entrance into the Pearl River.
(2) Bogue Chitto River - Washington, St. Tammany - From the Louisiana-Mississippi state line to its entrance into the Pearl River Navigation Canal.
(3) Tchefuncte River and its tributaries - Washington, Tangipahoa, St. Tammany - From its origin in Tangipahoa Parish to its juncture with the Bogue Falaya River.
(4) Tangipahoa - Tangipahoa - From the Louisiana-Mississippi state line to the I-12 crossing.
(5) (Blank)
(6) Tickfaw River - St. Helena - From the Louisiana-Mississippi state line to La. Hwy. 42.
(7) Amite River-East Feliciana-From the Louisiana-Mississippi state line to the permanent pool level of the Darlington Reservoir; and from the Darlington Reservoir Dam to La. Hwy. 37; provided that the portion of the Amite River from the Louisiana-Mississippi state line to La. Hwy. 37 shall remain within the Natural and Scenic Rivers System until the issuance of a permit by the U.S. Army Corps of Engineers issued pursuant to 33 U.S.C. 1344 and 33 C.F.R. 232; provided, that if the Darlington Reservoir and dam are not approved and funded no later than September 1, 1997, the portion of the Amite River within the Natural and Scenic Rivers System shall be as follows: From the Louisiana-Mississippi state line to La. Hwy. 37.
(8) Comite River - East Feliciana, East Baton Rouge - From the Wilson-Clinton Hwy. in East Feliciana Parish to the entrance of White Bayou in East Baton Rouge Parish.
(9) Blind River - St. James, Ascension, Livingston, St. John - From its origin in St. James Parish to its entrance into Lake Maurepas.
(10) Bayou Des Allemands - Lafourche, St. Charles - From Lac Des Allemands to Lake Salvador.
(11) Whiskey Chitto Creek - Allen - From the Beauregard Parish line to its entrance into the Calcasieu River.
(12) Six Mile Creek - Allen, Vernon - Includes the East and West Forks and beginning at the boundary of Fort Polk Military Reservation (Lookout Road) and extending south through Vernon and Allen Parishes to its entrance into Whiskey Chitto Creek.
(13) Ten Mile Creek - Rapides, Allen, Vernon - From the boundary of Fort Polk Military Reservation (Lookout Road) through Vernon Parish and all of that portion of said creek lying within the boundaries of Rapides and Allen Parishes.
(14) Little River - Rapides, Grant, Catahoula, LaSalle - From the juncture of Dugdemona and Castor Creek to its entrance into Catahoula Lake.

(15) Big Creek - Grant - From Hwy. 165 in Grant Parish to its entrance into Little River; provided, however, that, notwithstanding any other law to the contrary, the excluded portion of Big Creek from Hwy. 165 to Hwy. 167 in Grant Parish shall remain within the Natural and Scenic Rivers System until issuance of a permit by the U.S. Army Corps of Engineers issued pursuant to 33 U.S.C. 1344 and 33 C.F.R. 232; provided that if a reservoir and dam are not approved and funded as to the excluded portion of Big Creek from Hwy. 165 to Hwy. 167 in Grant Parish no later than September 1, 1997, that portion of Big Creek within the Natural and Scenic Rivers System shall be as follows: From Hwy. 167 to its entrance into Little River.
(16) Fish Creek - Grant - From its origin near Williana to its entrance into Little River.
(17) Trout Creek - LaSalle - From its origin near Hwy. 8 to its entrance into Little River.
(18) Bayou Bartholomew - Morehouse - From the Louisiana-Arkansas state line to Dead Bayou.
(19) Bayou L'Outre - Ouachita, Union - From the Louisiana-Arkansas state line to its entrance into the Ouachita River.
(20) Bayou D'Arbonne - Union, Ouachita - From the Lake D'Arbonne dam to its entrance into the Ouachita River.
(21) Corney Bayou - Claiborne, Union - From the Louisiana-Arkansas state line to Corney Lake and Corney Lake Dam to Lake D'Arbonne.
(22) Middle Fork of Bayou D'Arbonne - Claiborne, Union From its origin near La. Hwy. 2 alternate to Lake D'Arbonne. Notwithstanding any other law to the contrary, however, that portion of the bayou located in Sections 19, 20, 21, and 28 of Township 23 North, Range 7 West in Claiborne Parish shall not be a natural and scenic river; provided however, if a reservoir and dam in said portion of the bayou are not approved, funded, and under construction by September 1, 1995, said portion of the bayou shall be a natural and scenic river.
(23) Saline Bayou - Bienville, Winn, Natchitoches - From its origin near Arcadia to La. Hwy. 156 in Winn Parish.
(24) Black Lake Bayou - Red River, Winn, Bienville - From the Webster-Bienville parish line to Black Lake in Natchitoches Parish.
(25) Bayou Kisatchie - Natchitoches - From its entrance into Kisatchie National Forest to its entrance into Old River.
(26) Spring Creek - Rapides - From Otis to Cocodrie Lake in Rapides Parish.
(27) Saline Bayou - Catahoula, LaSalle - From Saline Lake to Larto Lake.
(28) Repealed by Acts 1993, No. 109, §1, eff. May 26, 1993.
(29) Bayou Cocodrie - Concordia - From Wild Cow Bayou to Little Cross Bayou.
(30) Bayou Cocodrie - Rapides, Evangeline - From U.S. Hwy. 167 to the Bayou Boeuf-Cocodrie Diversion Canal.
(31) West Pearl River - Washington, St. Tammany - From the state line to its entrance into Lake Borgne.
(32) Dorcheat (Dauchite) Bayou - Webster - From the Arkansas state line to its entrance into Lake Bistineau.
(33) Bayou Trepagnier - St. Charles - From Norco to where it joins Bayou La Branche.

(34) Bayou La Branche - St. Charles - From its source to where it drains into Lake Pontchartrain. (35)(a) Calcasieu River - Vernon, Rapides - From Louisiana Highway 8 east through Vernon Parish and all of that portion of said river lying within the boundaries of Rapides Parish.
(b) Calcasieu River - Allen, Jefferson Davis, and Calcasieu - From the mouth of the Whiskey Chitto River in Allen Parish, south through Jefferson Davis Parish, and to its intersection with the Ward Eight Park in Calcasieu Parish.
(36) Bayou Dupre - St. Bernard - From the Lake Borgne Canal to Terre Beau Bayou.
(37) Lake Borgne Canal - St. Bernard - From the Forty Arpent Canal to Bayou Dupre.
(38) Bashman Bayou - St. Bernard - From its origin to Bayou Dupre.
(39) Terre Beau Bayou - St. Bernard - From Bayou Dupre to the New Canal.
(40) Pirogue Bayou - St. Bernard - From Bayou Dupre to New Canal.
(41) Bayou Bienvenue - St. Bernard - From Bayou Villere to Lake Borgne.
(42) Bayou Chaperon - St. Bernard - From its origin to its end, Sections 22, 23 T 13 S, R 13 E.
(43) Holmes Bayou - St. Tammany - All of that portion of the bayou lying within the boundaries of St. Tammany Parish.
(44) Bradley Slough (Bayou) - St. Tammany - All of that portion of the slough lying within the boundaries of St. Tammany Parish.
(45) Wilson Slough (Bayou) - St. Tammany - All of that portion of the slough lying within the boundaries of St. Tammany Parish.
(46) Morgan River - St. Tammany - From its juncture with the Porters River to its reentry into the West Pearl River.
(47) Bayou LaCombe - St. Tammany - From its head waters to Lake Pontchartrain.
(48) Bayou Cane - St. Tammany - From its head waters to Lake Pontchartrain.
(49) Tchefuncte River - St. Tammany - From the Bogue Falaya River to Louisiana Highway No. 22, excluding any tributaries thereto from the Bogue Falaya south to Louisiana Highway No. 22.
(50) Pearl Creek - Vernon - From Louisiana Highway III to its entrance into Sabine River.
(51) Whiskey Chitto Creek - Vernon - From the boundary of Fort Polk Military Reservation (Lookout Road) to the Vernon-Beauregard Parish line.
(52) Bogue Falaya River - St. Tammany - the river from its headwaters to Louisiana Highway 437 in the parish of St. Tammany.
(53) Ouachita River - Morehouse, Union - from the north bank of Bayou Bartholomew at its intersection with the Ouachita River to the Arkansas state line.
(54) Bayou Chinchuba - St. Tammany Parish - From the West Causeway approach south to Lake Pontchartrain.
NOTE: Paragraph (55) as enacted by Acts 1997, No. 141, §1, eff. Jan. 1, 1998, if secretary of Dept. of Wildlife and Fisheries recommends to legislature that river be included in the natural and scenic rivers system:
(55) Abita River in St. Tammany Parish.
(56) Tangipahoa River--Tangipahoa Parish--From the Interstate 12 crossing to its entrance into Lake Pontchartrain.

(57) Tchefuncte River-St. Tammany-from the Highway 22 bridge to Lake Pontchartrain.
(58) Ouiska Chitto Creek - that portion in Beauregard Parish.
(59) Barnes Creek - from Louisiana Highway 27 to the Calcasieu River in Allen and Beauregard parishes.
(60) Beckwith Creek - from its headwaters to the west fork of the Calcasieu River in Beauregard and Calcasieu parishes.
(61) Bundicks Creek - from its headwaters to Bundicks Lake and from Bundicks Lake to Ouiska Chitto Creek in Vernon, Beauregard, and Allen parishes.
(62) Hickory Branch - from its headwaters to the west fork of the Calcasieu River.
(63) Drake's Creek - Vernon - from Lookout Road to its confluence with Ouiska Chitto Creek located within Vernon Parish.

Added by Acts 1970, No. 398, §1. Amended by Acts 1972, No. 352, §1; Acts 1972, No. 590, §1; Acts 1973, No. 85, §1; Acts 1974, No. 146, §1; Acts 1975, No. 213, §1; Acts 1975, No. 655, §1; Acts 1978, No. 333, §1; Acts 1980, No. 592, §1; Acts 1982, No. 263, §1; Acts 1985, No. 606, §2; Acts 1985, No. 237, §1; Acts 1987, No. 792, §1; Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 1990, No. 258, §1, eff. July 4, 1990; Acts 1990, No. 310, §1, eff. July 8, 1990; Acts 1990, No. 311, §1, eff. July 8, 1990; Acts 1991, No. 584, §1; Acts 1991, No. 978, §1; Acts 1992, No. 265, §1; Acts 1993, No. 109, §1, eff. May 26, 1993; Acts 1993, No. 1039, §1; Acts 1997, No. 141, §1, eff. Jan. 1, 1998; Acts 1999, No. 491, §1; Acts 1999, No. 823, §1; Acts 2004, No. 175, §1, eff. June 10, 2004; Acts 2008, No. 42, §1, eff. June 5, 2008.

ATTACHMENT B

ENDANGERED SPECIES GUIDANCE - MSGP

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) is available under http://www.deq.louisiana.gov/portal/LinkClick.aspx?fileticket=hmK%2fYjPFJ5Y%3d&tabid=243. (See also II below.) These species are listed by parish. In order to get MSGP coverage, applicants must:

- Indicate in the box provided on the Notice of Intent (NOI) whether any species listed in this Guidance or critical habitat are in proximity to the facility, and

- 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 stormwater 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 6 below when completing the NOI and 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 location of the facility and the associated storm water discharges.

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

I. Assessing the Effects of Your Discharge and Discharge-Related Activities

You must follow the procedures in this addendum to assess the potential effects of applicable storm water discharges, discharge-related activities, and allowable non-storm water discharges on listed species and their critical habitat and determine which of the eligibility criterion (see Part 2), if any, you qualify under.

When evaluating the potential effects of your activities, you must consider effects to listed species or critical habitats within the “action area.” Action area is defined in Part 12 as “all areas affected directly or indirectly by the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities, and not merely the immediate area involved in these discharges and activities.” This includes

areas beyond the footprint of the facility that are likely to be affected by storm water discharges, discharge-related activities, and allowable non-storm water discharges. For example, normal construction, operations and maintenance activities can result in noise impacts and discharges of pollutants into downstream areas which can increase the "action area" beyond the footprint of the facility. "Facility" is also defined in Part 12.

STEP 1: DETERMINE IF THE ELIGIBILITY REQUIREMENTS OF CRITERION B OR E CAN BE MET.

You should first determine whether you are eligible under Criterion B or E because of a previously completed ESA Section 7 consultation, a previously issued ESA Section 10 permit, or because your activities were already addressed in another discharger's certification of eligibility as follows:

i. The effects of your activities have been addressed through approval of a Habitat Conservation Plan under Section 10 of the ESA (check box corresponding to Criterion B). Storm water discharges from your industrial facility may be authorized by this MSGP if some activity is authorized through the issuance of a permit under Section 10 of the ESA and that authorization addressed the effects of your storm water discharges on federally-listed species and designated critical habitat. You must follow U.S. Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service, also known as NOAA Fisheries (NMFS) procedures when applying for an ESA Section 10 permit (see 50 CFR 17.22(b)(1) for FWS and 222.22 for NMFS). Application instructions for Section 10 permits for FWS and NMFS can be obtained by accessing the FWS websites (www.fws.gov and www.nmfs.noaa.gov) or by contacting the appropriate FWS and NMFS regional office.

ii. You are covered under the eligibility certification of another operator for the project area (check box corresponding to Criterion E). Your storm water discharges, discharge-related activities, and allowable non-storm water discharges were already addressed in another discharger's certification of eligibility under Criteria A, B, C, or D which also included your facility and determined that federally listed endangered or threatened species or designated critical habitat would not be jeopardized. To certify eligibility under this criterion there must be no lapse of coverage in the other operator's certification. By certifying eligibility under Criterion E, you agree to comply with any measures or controls upon which the other discharge certification under Criterion B, C, or D was based. If your certification is based on another operator's certification under Criterion E, that certification is valid only if you have determination showing that the other operator has certified under Criterion E, and you provide LDEQ with the relevant supporting information in your NOI form. Certification under Criterion E is discussed in more detail in the Fact Sheet that accompanies this permit.

STEP 2: DETERMINE IF LISTED THREATENED OR ENDANGERED SPECIES AND CRITICAL HABITAT ARE PRESENT IN THE ACTION AREA.

Next, you should first determine whether federally-listed species are likely to occur in your action area. If you determine that there is a federally-listed species likely to occur in your action area, follow Step 3. If you determine that there are no federally-listed species likely to occur in your action area, you can certify that the facility meets Criteria A (check box corresponding to Criteria A).

You can do this by obtaining a list of threatened and endangered species that are likely to occur in your general area, including the appropriate receiving water for your discharges. County-specific or sometimes township-specific lists of Federally threatened and endangered species are available from the local offices of FWS, and NMFS, or on their internet sites. The types of species that are likely to be present determine which Service office you should contact (in general, NMFS has jurisdiction over marine, estuarine, and anadromous species). If there are listed species in your parish or city or town, you must then determine, as best you are able, whether any of the species are likely to occur in your action area (use the Services as necessary). General species information can be found at www.fws.gov/endangered.

You must also check to see if critical habitat has been designated and whether such areas overlap in your action area. Critical habitat should be listed on the species list for your parish or town or city available from the appropriate Service office. You can also find critical habitat designations at 50 CFR Parts 17 and 226 www.access.gpo.gov and at www.fws.gov/endangered/.

If there are no listed species and no critical habitat areas that overlap your action area, or if your local FWS or NMFS indicates that listed species are not likely to occur in your action area, you have satisfied your eligibility obligations under Criterion A (check box corresponding to Criterion A). If there are listed species and if you determine or your local FWS or NMFS indicates that these species could occur in the action area, you will need to evaluate whether your action area supports habitat(s) that are suitable for listed species or the constituent elements of critical habitat. Your evaluation may utilize one or more of the following approaches:

Gather information about the species and critical habitat that are likely to occur in your action area (www.fws.gov/endangered/). Conduct a visual inspection of the action area to assess the potential presence of listed species and their habitats. Compare the size and types of habitats available in your action area and adjacent areas with the size and types of habitats used by listed species and constituent elements of critical habitat. This method may be particularly suitable for facilities where the action area is smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or nor natural habitat, or for facilities that discharge directly into municipal separate storm sewer systems (MS4s).

Conduct a formal biological survey (typically performed by environmental consulting firms). In some cases, biological surveys may be an appropriate way to assess whether species are likely to be located in the action area and whether there could be adverse effects to such species. A biological survey may in some cases be useful in conjunction

with Steps Two, Three or Four of these instructions. However, biological surveys can often be inconclusive and some survey methods may require a special State or Federal permit. You should coordinate with the appropriate Service office before conducting biological surveys for threatened and endangered species.

Reference an environmental assessment completed for the site under the National Environmental Policy Act (NEPA). Such assessments may indicate whether listed species and critical habitats are likely to occur in the action area. Coverage under this MSGP may trigger a requirement for such an assessment for new sources (that is, dischargers subject to New Source Performance Standards under Section 306 of the Clean Water Act). Other facilities might require an assessment under NEPA for other reasons, such as federal funding or other federal involvement in the facility. If the action area likely supports listed threatened or endangered species or critical habitat, you must evaluate the potential for impacts to species and/or habitat when following Steps Three through Five. Note that many but not all measures implemented to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this MSGP may require measures to protect critical habitat that are separate from those to protect listed species.

STEP 3: DETERMINE IF YOUR ACTIVITIES ARE NOT LIKELY TO ADVERSELY AFFECT LISTED THREATENED OR ENDANGERED SPECIES OR DESIGNATED CRITICAL HABITAT

To receive MSGP coverage, you must analyze the effects of your activities, which may include not only your discharge, but also any construction, operation, and maintenance activities related to storm water management. You must be able to conclude that your discharge and storm water management related activities are not likely to adversely affect threatened or endangered species or designated critical habitat that are likely to occur in your action area. To arrive at this conclusion, you should be able to conclude that listed species and critical habitat are not likely to be exposed to the effects of your activities, or if they are exposed, they are not likely to respond to the effects, or if they do respond, the responses are not sufficient to reduce an individual's changes of surviving and reproducing or diminish the amount or suitability of constituent elements of critical habitat. Construction, operation, and maintenance of facilities related to your storm water discharge can potentially result in the following adverse effects:

- Hydrological. Storm water may adversely affect receiving waters from pollutant parameters 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. Industrial activity itself may also alter drainage patterns on a site where construction occurs, which can impact listed species, their habitat, and critical habitat.

- Habitat. Outdoor activities, such as storage of materials and land disturbances associated with storm water management-related activities, such as the installation or placement of storm water control measures, may adversely affect listed species, their habitat, and critical habitat. Storm water may drain or inundate listed species habitat.

- Toxicity. Pollutants in storm water may have toxic effects on listed species and adversely affect critical habitat. Exceedances of benchmarks, effluent limitation guidelines, or State water quality requirements may be indicative of potential adverse effects on listed species or critical habitat.

The scope of effects to consider will vary with each site. If you hare having difficulty determining whether your facility is likely to adversely affect listed species or critical habitat, or one of the Services has already raised concerns to you, you must contact the appropriate office of the FWS or NMFS for assistance. If adverse effects are not likely, you have satisfied your eligibility obligations under Criterion D and you may proceed to submitting your NOI for coverage under the MSGP (check box corresponding to Criterion D).

If you can not yet conclude your storm water discharge is not likely to adversely affect listed species or critical habitat, or if you conclude that your storm water discharge could potentially adversely affect listed species or critical habitat, you must follow Step Four.

STEP 4: DETERMINE IF MEASURES CAN BE IMPLEMENTED TO AVOID ANY ADVERSE EFFECTS OR IF FURTHER ANALYSIS SUPPORTS THE CONCLUSION THAT ADVERSE EFFECTS ARE NOT LIKELY

If you could not make a preliminary determination in Step 3 that adverse effects to listed species and/or critical habitat are not likely to occur, you can still receive coverage under Criterion D if appropriate measures are undertaken to avoid or eliminate the likelihood of adverse effects prior to applying for MSGP coverage. These measures may be relatively simple, e.g., re-routing a storm water discharge to bypass an area where species are located, relocating control measures, or changing the “footprint” of the industrial activity. Provided you are able to install and implement appropriate measures, you may proceed to submitting your NOI for coverage under the MSGP (check box corresponding to Criterion D).

If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects, you must follow Step Five.

STEP 5: DETERMINE IF THE ELIGIBILITY REQUIREMENTS OF CRITERIA D CAN BE MET.

Where adverse effects are likely and you are unable to avoid or eliminate the likelihood of adverse effects, you must contact the FWS (and/or the NMFS, if referred to that agency by FWS). However, you may still be eligible for MSGP coverage if any likely adverse effects can be addressed through meeting Criteria D as follows:

You have coordinated your activities with the appropriate Service office (see Criterion C). In the absence of any other conditions set forth in Step Four, you may still be able to qualify for coverage under this MSGP if you coordinate with the FWS or NMFS and the Service provides a letter or memorandum concluding that permitting your storm water discharges under the MSGP is inconsistent with the "not likely to adversely affect" determination for the MSGP. If you adopt measures to avoid or eliminate adverse effects, per the Service's requirements or recommendations, you must abide by those measures for the duration of your coverage under the MSGP. Any such measures must be described in the Storm Water Pollution Prevention Plan (SWPPP) and are enforceable MSGP conditions and/or conditions for meeting the eligibility criteria in Part 1.2.3.6.

You must comply with any terms and conditions imposed under the eligibility requirements to ensure that your storm water discharges, discharge-related activities, and allowable non-storm water discharges are protective of listed species and/or critical habitat. See Part 1.2.3.6 of the permit. If the eligibility requirements cannot be met, and maintained, then you are not eligible for coverage under this MSGP. In these instances, you may consider applying to LDEQ for coverage under an individual LPDES permit.

2. Eligibility Criterion

As required by Part 1.2.3.6, you must meet one or more of the following six criteria (A-E) to be eligible for coverage under the permit for your storm water discharge, discharge-related activities, and allowable non-storm water discharges:

Criterion A. No federally-listed threatened or endangered species or their designated critical habitat are likely to occur in the "action area"; or

Criterion B. Your industrial activities are authorized through the issuance of a permit under Section 7 or Section 10 of the ESA, and authorization addresses the effects of the storm water discharges associated with industrial activity, discharge-related activities, and allowable non-storm water discharges on federally-listed species and federally-designated critical habitat; or

Criterion C. Coordination between you and the FWS and/or the NMF has been concluded. The coordination must have addressed the effects of the facility's storm water discharges associated with industrial activity, discharge-related activities, and allowable non-storm water discharges on federally-listed threatened or endangered species and federally-designated critical habitat. The result of the coordination must be a written statement from the Service concluding that authorizing your storm water discharges, discharge-related activities, and allowable non-storm water discharges is consistent with the determination that that issuance of the MSGP is not likely to adversely affect federally-listed threatened or endangered species and federally-designated critical habitat. Any conditions or prerequisites deemed necessary to achieve consistency with the "not likely to adversely affect" determination

become eligibility conditions for MSGP coverage, and permit requirements under Part 1.2.3.6; or

Criterion D. Authorizing your storm water discharges associated with industrial activity, discharge-related activities, and allowable non-storm water discharges is consistent with the determination that the issuance of the MSGP is not likely to adversely affect any federally-listed endangered and threatened ("listed") species or designated critical habitat ("critical habitat").

Criterion E. The facility's storm water discharges associated with industrial activity, discharge-related activities, and allowable non-storm water discharges were already addressed in another operator's valid certification of eligibility that included the industrial activities and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the "action area". To certify eligibility under this criterion there must be no lapse of coverage in the other operator's certification. By certifying eligibility under this criterion, you agree to comply with any measures or controls upon which the other operator's certification was based. You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility requirements of the criteria in this section to remain eligible for coverage under this permit. Documentation must be kept with your SWPPP. If your certification is based on another operator's certification under Criterion E, that certification is valid only if you have documentation showing that the operator had certified under Criterion E.

III. ENDANGERED SPECIES PARISH LIST

See http://www.deq.louisiana.gov/portal/LinkClick.aspx?fileticket=XUBdv7SaxUs%3d&tabid=243. Click on Info About **Water**, then "LPDES Permit, Information . . ." under **Permits**, then "Current Endangered Species Listing" under **Other LPDES Documents**.