DEQ
LOUISIANA

GENERAL PERMIT FOR DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

MASTER GENERAL PERMIT NO. LAR040000
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. Except as provided in Part I.D of this permit, those operators of storm water discharges from small municipal separate storm sewer systems in the State of Louisiana who submit a completed Notice of Intent and a Storm Water Management Plan in accordance with Part II of this permit, and are approved for coverage, are authorized under this general permit.

This permit shall become effective on: March 1, 2013

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

Issued on: February 13, 2013

S K Phillips

Sanford L. Phillips
Assistant Secretary

GALVEZ BUILDING □ 602 N. FIFTH STREET □ P.O. BOX 4313 □ BATON ROUGE, LA 70821-4313 □ PHONE (225) 219-3181

LPDES GENERAL PERMIT
DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

TABLE OF CONTENTS

PART I
COVERAGE UNDER THIS PERMIT

A. Permit Area

This permit covers all areas, except agricultural lands, of the State of Louisiana that are served by regulated small municipal separate storm sewer systems (small MS4s).

B. Eligibility

1. This permit authorizes discharges of storm water from a regulated small municipal separate storm sewer system (MS4) as defined in LAC 33:IX.2511.B.16 and LAC 33:IX.2519, as stated below.

The MS4 systems which are required to obtain permit coverage include:

a) in Urbanized Areas (UAs), all core cities, plus any other MS4 systems operating within the UA unless specifically waived by the LDEQ;

b) outside Urbanized Areas, MS4 systems serving populations of 10,000 to 50,000 and a population density of at least 1,000 persons per square mile which have been "designated" by the LDEQ) Other MS4 systems may be designated by the Director in response to a petition or as needed to protect water quality.

LAC 33:IX.2511.B.16: Small Municipal Separate Storm Sewer System - a municipal separate storm sewer system that:

a. is owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or in accordance with state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, and other wastes, including special districts under state law such as a sewer district, flood control district, or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the state;

b. is not defined as a large or medium municipal separate storm sewer system in accordance with Subsection B.4 and 7 of this Section, or designated under Subsection A.1.e of this Section; and

c. includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

LAC 33:IX.2519:

As an Operator of a Small MS4, am I regulated under the LPDES Storm Water Program?

A. Unless you qualify for a waiver under Subsection C of this Section, you are regulated if you operate a small MS4 including, but not limited to, systems operated by federal, state, tribal, and local governments, including state departments of transportation, and:

1. your small MS4 is located in an urbanized area as determined by the latest Decennial Census by the Bureau of the Census. (If your small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated); or

2. you are designated by the state administrative authority, including where the designation is based upon a petition under LAC 33:IX.2511.F.4.

B. You may be the subject of a petition to the state administrative authority to require an LPDES permit for your discharge of storm water. If the state administrative authority determines that you need a permit, you are required to comply with LAC 33:IX.2521-2525.

C. The state administrative authority may waive the requirements otherwise applicable to you if you meet the criteria of Subsection D or E of this Section. If you receive this waiver, you may subsequently be required to seek coverage under an LPDES permit in accordance with LAC 33:IX.2521.A if circumstances change.

D. The state administrative authority may waive permit coverage if your MS4 serves a population of less than 1,000 within the urbanized area and you meet the following criteria:

1. your system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the LPDES storm water program; and

2. if you discharge any pollutant(s) that have been identified as a cause of impairment of any water body to which you discharge, storm water controls are not needed based on wasteload allocations that are part of a department-established total maximum daily load (TMDL) that addresses the pollutant(s) of concern.

E. The department may waive permit coverage if your MS4 serves a population under 10,000 and you meet the following criteria:

1. *the department has evaluated all waters of the state, including small streams, tributaries, lakes, and ponds, that receive a discharge from your MS4;*

2. *for all such waters, the department has determined that storm water controls are not needed based on wasteload allocations that are part of a TMDL established by the department or by EPA and approved by EPA that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern;*

3. *for the purpose of this Subsection, the pollutant(s) of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from your MS4; and*

4. *the department has determined that future discharges from your MS4 do not have the potential to result in noncompliance with water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.*

C. Allowable Non Storm Water Discharges

The following non-storm water sources may be discharged from the MS4 and are not required to be addressed in the MS4s Illicit Discharge Detection and Elimination plan or other minimum control measures, provided that they have been determined by the permittee to not be substantial sources of pollutants to the MS4:

- discharges or flows from fire fighting activities (excludes predictable and controllable discharges from a fire fighting training facility);
- fire hydrant flushings;
- potable water including: water line flushings using potable water; drinking fountain overflows; lawn watering runoff; and similar sources of potable water;
- uncontaminated air conditioning or compressor condensate;
- residual street wash water and 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);
- routine external building wash down which does not use detergents;
- drainage from landscape watering;
- rising ground waters;
- uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- uncontaminated pumped ground water;
- foundation drains;
- irrigation water;

- uncontaminated spring water;
- water from crawl space pumps;
- footing drains;
- water from individual residential car washing;
- flows from riparian habitats and wetlands;
- dechlorinated swimming pool discharges;
- other similar occasional incidental discharges (e.g. non-commercial or charity car washes) where such discharges will not cause a problem either due to the nature of the discharge or controls the MS4 places on the discharge. The permittee must identify all types of discharges that they will allow as occasional incidental discharges and specify those discharges in their storm water management plan (SWMP).

D. Limitations on Coverage

The following discharges, whether discharged separately or commingled with municipal storm water, are not authorized by this permit:

1. Storm water discharges that are mixed with non-storm water or storm water associated with industrial activity unless such discharges are:

   a. in compliance with a separate LPDES permit, or

   b. identified by and in compliance with Part I.C of this permit.

2. Discharges of material resulting from a spill. Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittee(s) shall take, or ensure the responsible party for the spill takes all reasonable steps to minimize or prevent any adverse effects on human health or the environment. This permit does not transfer liability for a spill itself from the party(ies) responsible for the spill to the permittee(s) nor relieve the party(ies) responsible for a spill from the reporting requirements of LAC 33:I.Subchapters A-E (40 CFR Part 117 and 40 CFR Part 302).

3. Storm water discharges whose direct, indirect, interrelated, interconnected, or interdependent impacts are likely to have adverse effects upon endangered or threatened species, or on the critical habitat for these species as determined in conjunction with the U.S. Fish and Wildlife Service (USFWS).

4. Storm water discharges or implementation of your storm water management plan, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless you are in

compliance with requirements of the National Historic Preservation Act (NHPA) and any necessary activities to avoid or minimize impacts have been coordinated with the Louisiana State Historic Preservation Officer (SHPO) (for questions, the operator should contact the Section 106 Review Coordinator, Office of Cultural Development, P. O. Box 44247, Baton Rouge, LA 70804-4247 or telephone (225) 342-8170).

5. Storm water discharges into any waterbody for which a TMDL has been approved if the storm water discharges do not comply with Part III.B of this permit.

6. Any new source or new discharge containing the pollutants of concern to a 303(d) listed waterbody where a TMDL has not been approved unless allowed under LAC 33:IX.2317.A.9. You may be eligible under this section if you comply with Part IV.G of this permit.

E. Permittee Responsibilities

1. Each permittee is responsible for:

   a. Compliance with permit conditions relating to discharges from portions of the Municipal Separate Storm Sewer System where the permittee is the operator;

   b. Storm Water Management Program (SWMP) implementation on portions of the Municipal Separate Storm Sewer System where the permittee is the operator (including developing and implementing measurable goals for the Best Management Practices (BMPs) used to satisfy the control measures identified in Part IV.D1-6);

   c. Compliance with annual reporting requirements as specified in Part V.C.;

   d. Collection of representative wet weather monitoring data required by Part V.A, according to such agreements as may be established between permittees; and

   e. A plan of action to assume responsibility for implementation of storm water management and monitoring programs on their portions of the Municipal Separate Storm Sewer System should inter-jurisdictional agreements allocating responsibility between permittees be dissolved or in default.

2. Permittees are jointly responsible for permit compliance on portions of the Municipal Separate Storm Sewer System where operational or Storm Water Management Program implementation authority over portions of the

Municipal Separate Storm Sewer Systems is shared or has been transferred from one permittee to another in accordance with legally binding agreements.

F. Obtaining Authorization

All MS4 operators, including operators covered under a previous version of the LPDES General Permit LAR040000, must comply with the following application requirements.

Application and Public Notice Requirements
In order for storm water discharges from small municipal separate storm sewer systems to be authorized to discharge under this general permit, a regulated small MS4 must:

1. Submit a correctly completed Notice of Intent (NOI - Form MS4-G). In accordance with the requirements of Part II below, the applicant must submit either in the NOI, or as an attachment to the NOI, a proposed storm water management plan, using the NOI form provided by the State Administrative Authority (or a photocopy thereof). Operators authorized under a previous version of LPDES General Permit LAR040000 shall submit the current storm water management plan, revised as necessary to meet new requirements contained in this permit.

2. Where the operator changes, or where a new operator is added after the submittal of an NOI, a new NOI must be submitted in accordance with Part II.

3. Any NOI and Storm Water Management Plan submitted for authorization under this general permit will be placed on public notice on LDEQ's website and in at least one local circulation for a minimum of 30 days. All interested parties will be given the opportunity to comment and to request a public hearing to raise issues of concern related to permitting discharges from a particular drainage system during this period.

4. Dischargers who submit an NOI in accordance with the requirements of this permit may be granted coverage under the general permit after 30 days has elapsed to allow public comment on the contents of the NOI and, if necessary, to hold a public hearing on issues of concern that might arise during the public comment period. This office will issue written notification to those Small MS4s who are accepted for coverage under this general permit. If it is determined that an MS4 would be more appropriately regulated under an individual permit, the permittee will be notified that it will not be permitted under the general permit and an individual permit will be issued to the MS4 operator. The State Administrative Authority may later deny coverage under this permit and require submittal of an application for

an individual LPDES permit based on a review of the NOI or other information (see Part VI.L of this permit).

5. New MS4 permittees granted authorization to discharge under this general permit will be listed in the Water Permits Division activity report on the LDEQ website at: http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/WPDActivities.aspx. NOIs and associated documents will be available in the Electronic Document Management System (EDMS) for public review: http://edms.deq.louisiana.gov/app/doc/querydef.aspx.

PART II
NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification

1. If you are an operator of a newly regulated small municipal separate storm sewer system designated under LAC 33:IX.2519.A.1 (located in urbanized areas as determined by the 2010 Decennial Census by the Bureau of the Census), you must apply for coverage under this permit within 120 days of being notified by LDEQ that you operate a regulated small MS4.

2. If you are an operator of a regulated small municipal separate storm sewer system designated under LAC 33:IX.2519.A.2, you must apply for coverage under this permit, or apply for a modification of an existing LPDES permit within 120 days of notice from the LDEQ that coverage is required.

3. If you are an operator of a regulated small municipal separate storm sewer system that was required to apply for coverage under a previous version of the LPDES General Permit LAR040000, you must reapply for coverage under this permit within 60 days of being notified by LDEQ.

4. Requests for waivers under LAC 33:IX.2519.C (see Part I.B) must be submitted in writing, with supporting documentation, no later than 60 days of becoming aware that you operate a regulated small MS4.

5. Where the operator changes, or where a new operator is added after the submittal of an NOI under Part II, the new owner/operator must complete and file an NOI in accordance with Part I.F of the permit at least 30 days prior to taking over operational control of the facility. The prior operator must submit a Notice of Termination once authorization is provided to the new operator.

B. Contents of Notice of Intent

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

1. The MS4 name;

2. The street address, parish, and the latitude and longitude of the city hall or municipal business office for the MS4 operator for which the notification is being submitted;

3. The name, address, and telephone number of the operator(s) filing the NOI for permit coverage;

4. The names of all states where the applicant has federal or state environmental permits identical to, or of a similar nature to the MS4 permit;

5. A statement that the applicant does not owe any outstanding fees or final penalties to DEQ; if there are outstanding fees or penalties, you should explain why they have not been paid;

6. Whether the applicant is a corporation or limited liability company;

7. The name of the all receiving water(s);

8. A USGS 7.5 minute topographic map, or equivalent, of the MS4 service area with the known municipal storm sewer outfalls and any major control structures identified;

9. An estimate of the square miles of the MS4 service area;

10. any existing quantitative data that characterizes the discharge, such as the monthly mean rainfall estimates, volume and quality of the discharges from the municipal storm sewer, and the results of any visual field screening at identified outfalls; and

11. In the NOI or as an attachment to the NOI, the following information for each of the six Minimum Control Measures (MCMs) defined below in Part IV.B:

    a. Selected best management practices (BMPs);

    b. the measurable goals for each of the storm water minimum control measures, the month and year in which the MS4 operator began or will begin full implementation of each of the minimum control measures, interim milestones, and the frequency of the action; and

    c. the person or persons responsible for implementing or coordinating the storm water management program (LAC 33:IX.2523.D.1.c).

C. Where to Submit

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

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

PART III
SPECIAL CONDITIONS

A. Discharge Compliance with Water Quality Standards

Your discharges must not be causing or have the reasonable potential to cause or contribute to a violation of a water quality standard. Where a discharge is already authorized under this permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable State or Federal Water Quality Standard, the permitting authority will notify you of such violation(s) and the permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the SWMP. If violations remain or recur, then the permitting authority may require specific changes to the SWMP, or coverage under this permit may be terminated by the permitting authority, and an alternative general permit or individual permit may be issued, in accordance with Part VI.L below. Compliance with this requirement does not preclude any enforcement activity as provided by the Clean Water Act and Louisiana Environmental Quality Act for the underlying violation.

The LDEQ has established procedures for monitoring water quality throughout the state to determine if water quality standards are being met and to determine if TMDLs are required to prevent further degradation to water quality impaired streams. The permit requires that permittees implement a storm water management plan that is designed to minimize the discharge of pollutants from the regulated area to waters of the state. The permittee is required to implement BMPs to fulfill the requirements outlined in Part IV.D. Implementing BMPs to minimize the discharge of pollutants to the storm sewer system should result in less polluted storm water runoff from the regulated areas to receiving water bodies.

Permittees must comply with the state's antidegradation policy and plan (LAC 33:IX.1109.A; LAC 33:IX.1119). Permittees must ensure that storm water discharges to water bodies designated as Outstanding Natural Resource Waters (ONRWs) will not degrade water quality to the Maximum Extent Practicable (MEP). Additional BMPs and regulatory mechanisms (i.e. ordinances or codes) may be required in order to prevent erosion, sedimentation, or illicit discharges to ONRWs. If it is demonstrated that a discharge from a particular MS4 regulated by this permit would result in the violation of an in stream water quality criteria or adversely impact the designated uses of a receiving stream, the Department will consider how the implementation of the Control Measures outlined in Part IV.D will affect the quality of storm water discharges from the MS4. If it is determined that the Control Measures outlined in Part IV.D are inadequate

to control the discharge of pollutants from the MS4 effectively enough to meet the in stream water quality criteria or protect the designated uses of the receiving stream, then the procedures outlined in LAC 33:IX.1119.C may be implemented to determine if the discharge from the MS4 can be permitted under this general permit, or the MS4 may be required to obtain coverage under an individual LPDES permit.

Discharges of pollutants from an MS4 that cannot be effectively controlled under the conditions of this permit will not be authorized to discharge under this general permit.

B. Total Maximum Daily Load (TMDL) Allocations

Permittees must document in their SWMP how the BMPs and other controls implemented in the SWMP will control the discharge of any pollutant(s) of concern (POCs) 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 been approved for a waterbody, the permittee will be required to include any TMDL requirements in the SWMP that are applicable to MS4 discharges into basin subsegments where TMDLs have been established.

If storm water runoff from a regulated MS4 flows into a basin subsegment **that is listed on the most recent EPA-approved 303(d) list**, then the permittee's SWMP must address any impairments where the suspected source has been identified as *urban runoff/storm sewers, municipal (urbanized high density area), or unspecified urban stormwater.* If a TMDL has not yet been approved for a 303(d) listed basin subsegment number that receives storm water runoff from the regulated MS4s, **and** the source of pollutants causing the impairment(s) have been attributed to MS4s, then the permittees must describe how the BMPs and other control(s) selected for the SWMP will minimize, to the maximum extent practicable (MEP), the discharge of those pollutants which have been identified as causing the impairment. Impaired water bodies (without a TMDL) are listed as Category 5 in Appendix A of LDEQ's most recent Integrated Report (IR), located at:
http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/WaterQualityAssessment/WaterQualityInventorySection305b.aspx.

If a TMDL allocation has been assigned for specific pollutants, which are identified as impairments attributed to discharges from regulated MS4s, then the permittee must modify the storm water management program to implement the TMDL within six months of the TMDL's approval or as otherwise specified in the TMDL. This requirement includes TMDLs that are developed during the term of this general permit. In addition to any MS4-specific requirements of the TMDL, the permittee must also: 1) implement storm water controls that specifically target the pollutant(s) of concern 2) identify a measurable goal for the pollutant(s) of concern and 3) implement a monitoring program

to assess whether or not the storm water controls are adequate to meet the WLA. *See Part IV.H for a thorough discussion of permit requirements should a WLA be assigned for discharges of one or more pollutants from your MS4.* Impaired water bodies for which TMDLs have been developed are listed as Category 4a in Appendix A of LDEQ's most recent IR, located at: http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/WaterQualityAssessment/WaterQualityInventorySection305b.aspx.

C. Releases in Excess of Reportable Quantities

The discharge of hazardous substances or oil in the storm water discharge(s) from a regulated small MS4 shall be prevented or minimized in accordance with the applicable storm water management plan. This permit does not relieve the permittee of the reporting requirements of LAC 33:I.3915 and LAC 33:I.3917.

1. Emergency Notification - The permittee shall report any noncompliance which may endanger human health or the environment. As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health, safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. A written submission shall be provided within seven calendar days of the time the permittee becomes aware of the circumstances. The Written Notification Reports shall be **either faxed to** (225) 219-4044 or (225) 219-3695, **or mailed to** the Louisiana Department of Environmental Quality, ATTN: Inspections Division SPOC, Unauthorized Discharge Notification Report, P.O. Box 4312, Baton Rouge, LA 70821-4312. The Written Notification Report shall contain the following information:

a. the name, address, telephone number, Agency Interest (AI) number assigned by the Department, 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 LAC 33:IX.2925; a description of the noncompliance and its cause;

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

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

d. details of the circumstances (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. If applicable, the current permitted limit for the pollutant(s) released, the permitted release point/outfall ID, and which limits were exceeded (PAH limit, BTEX limit, chlorine limit, etc.);

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

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

g. remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation;

h. procedures or measures which have been or will be adopted to prevent recurrence of the incident or similar incidents, including incidents of loss of sources of radiation;

i. if an unpermitted or unlicensed site or facility is involved in the unauthorized discharge, a schedule for submitting a permit or license application to the department, or rationale for not requiring a permit or license;

j. the reporting party’s status (former or present owner, operator, disposer, etc.);

k. 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;

l. what other agencies were notified;

m. the names of all other responsible parties of which the reporting party is aware;

n. 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;

o. the extent of injuries, if any; and

p. the estimated quantity, identification, and disposition of recovered materials, if any.

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 promptly notify the Office of Environmental Compliance, Surveillance Division, SPOC within 24 hours after learning of the discharge. Prompt notification can be provided within a period not to exceed 24 hours and shall be given to the Office of Environmental Compliance SPOC. Notification can be made by email or orally utilizing any **one** of the following procedures: (1) use the Online Incident Reporting screens and procedures found at www.deq.louisiana.gov/portal/tabid/279/Default.aspx.; (2) use a direct email addressed to spillcomplaint@deq.state.la.us; or (3) verbally notify LDEQ by calling the LDEQ Hotline at (225) 342-1234, which is manned 24 hours a day, 7 days a week, or by calling the LDEQ-SPOC at (225) 219-3640 which is manned during normal office hours (M-F, 8:00 am – 4:30 pm). The online notification procedure removes the need to make a verbal call to the LDEQ Hotline or the SPOC phone number and allows the notification to be submitted directly to the SPOC electronically. In accordance with LAC 33:IX.3925, the discharger must also submit a Written Notification Report within seven (7) days after submitting the 24-hour electronic or verbal notification of any unauthorized discharge. Written Notification Reports may be either faxed or mailed to the LDEQ, Office of Environmental Compliance, Inspections Division. Written Notification Reports should be **either faxed to** (225) 219-4044 or (225) 219-3695, **or mailed to** the Louisiana Department of Environmental Quality, ATTN: Surveillance Division SPOC, Unauthorized Discharge Notification Report, P. O. Box 4312, Baton Rouge, LA 70821-4312.

3. The State Administrative Authority may waive the written report required above, on a case-by-case basis if the oral report has been received within 24 hours.

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

D. Spills

The permit does not authorize the discharge of hazardous substances or oil resulting from spills. Nor does the permit authorize the discharge of any other substance resulting from a spill event. All reasonable steps must be taken to minimize or prevent any adverse effects on human health or the environment resulting from such spills.

PART IV
STORM WATER MANAGEMENT PROGRAMS

A. Requirements

Within five years following **initial** authorization under the permit, you must develop, implement, and enforce a storm water management program.

Operators Applying for Initial Permit Coverage:

Operators who apply for initial permit coverage under the re-issued general permit must develop and implement a storm water management plan within five years following initial authorization under the general permit. While full program implementation may take up to five years, credible progress in implementing existing, partial or interim programs must be made during the term of the permit (e.g., initial illicit discharge and public education programs should be able to be launched within the first year of permit coverage).

Currently Permitted Operators:

Operators who were permitted more than five years prior to the effective date of this reissued general permit are required to have fully developed and implemented a storm water management plan. Operators who received initial coverage under the previous general permit within the last five years are required to have fully developed and implemented a storm water management plan within five years from the date of their initial coverage. Deadlines for complete program development and implementation are not extended with each general permit reissuance.

The storm water management program (SWMP) shall be described in detail in a written storm water management plan (SWMP). The storm water management plan shall be designed to reduce the discharge of pollutants from your small municipal separate storm sewer system to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Louisiana Environmental Quality Act and the Clean Water Act.

The Storm Water Management Program shall cover the term of the permit and shall be updated as necessary, or as required by the Secretary or his designee, to ensure compliance with the statutory requirements of LAC 33:IX.2523 and Section 402(p)(3)(B) of the Act. Modifications to the Storm Water Management Program shall be made in

accordance with Parts IV.E and VI.W. Compliance with the Storm Water Management Program and any schedules required by the permit shall be deemed compliance with Parts IV.A and IV.D. The Storm Water Management Program, and all updates made in accordance with Part IV.E, are hereby incorporated by reference.

Your storm water management program must include the minimum control measures described below in Section C of this Part.

Program development resources are available through the EPA web site at http://cfpub.epa.gov/npdes/stormwatermonth.cfm. Guidance on Minimum Measures and Measurable Goals and a menu of BMPs are available on the EPA's main storm water program page which is located at http://cfpub.epa.gov/npdes/stormwater/swphases.cfm. Other important MS4-related information is available on the EPA website at http://cfpub.epa.gov/npdes/ whatsnew.cfm?program_id=6. Information related to BMPs that may be used to satisfy the requirements of the six Minimum Control Measures required by Part IV.D of the permit are provided at http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=min_measure&min_measure_id=1.

B. Responsibilities of Co-permittees

Each permittee shall contribute to the development, revision and implementation of a comprehensive Storm Water Management Program (SWMP) including pollution prevention measures, treatment or removal techniques, storm water monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the Municipal Separate Storm Sewer System. Each permittee shall enforce the elements of the Storm Water Management Program required by this permit and as described within the SWMP document(s). Existing permittees with fully developed Storm Water Management Programs shall continue to implement the program and enforce the elements of the Storm Water Management Program specifically required by this permit to control the discharge of pollutants to the maximum extent practical (MEP). Existing permittees with fully developed programs shall also continue to revise the SWMP as necessary. Implementation of the Storm Water Management Program may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part IV in lieu of creating duplicate program elements for each individual permittee. You must describe in writing any participation in a cooperative effort and explain how that cooperative effort fulfills any of your Part IV permit requirements. Where a separate MS4 operator is contributing to implementation of the SWMP, the SWMP must clearly define the minimum measure and components(s) each entity agrees to implement and within which MS4 area(s). The Storm Water Management Program, taken as a whole, shall achieve the "effective prohibition on the discharge of non-storm water" and "MEP" standards from LAC 33:IX.2523 and Section 402(p)(3)(B) of the Act.

The Storm Water Management Program shall be implemented in accordance with Section 402(p)(3)(B) of the Act, and the LPDES Storm Water Regulations (LAC 33:IX.2511).

Controls and activities in the Storm Water Management Program shall identify areas of permittee responsibility on a jurisdiction, applicability, or specific area basis. The Storm Water Management Program shall include controls necessary to effectively prohibit the discharge of non-storm water into municipal separate storm sewers and reduce the discharge of pollutants from the Municipal Separate Storm Sewer System to the Maximum Extent Practicable (MEP).

C. Legal Authority

1. Traditional MS4s, such as Cities, Towns, and Parishes

Within one year from the effective date of this permit, dischargers permitted under a previous version of the general permit shall review and, if needed, initiate a revision of its relevant ordinance(s) or other regulatory mechanism(s) **or** shall adopt a new ordinance(s) or other regulatory mechanism(s) that provides the permittee with adequate legal authority to control pollutant discharges into and from its MS4 in order the meet the requirements of Part IV.D of this permit. If necessary, relevant ordinance(s) shall be revised no later than two years from the effective date of this permit. New operators without an appropriate ordinance or other regulatory mechanism shall establish a plan to adopt an ordinance prior to submittal of a Notice of Intent. New operators must adopt such an ordinance within two years of receiving notification of coverage.

2. Non-traditional MS4s, such as Transportation Entities

Where the permittee lacks the authority to develop ordinances or to implement enforcement actions, the permittee shall exert enforcement authority as required by this general permit for its facilities, employees, contractors, and other entities over which it has operation control, within the portion of the UA under jurisdiction of the permittee. If the permittee does not have enforcement authority and is unable to meet the goals of this permit through its own powers, then the permittee shall:

a. Enter into inter-jurisdictional agreements with municipalities where the small MS4 is located. These inter-jurisdictional agreements must state the extent to which the municipality will be responsible for enforcement in order to meet the conditions of this general permit; or,

b. If it is not feasible for the permittee to enter into inter-jurisdictional agreements, the permittee shall notify an adjacent MS4 operator with enforcement authority or the LDEQ's Regional Office as needed to report discharges or incidents for which it cannot itself take enforcement action.

D. Minimum Control Measures

You must provide a rationale for how and why you selected each of the BMPs and measurable goals for your storm water management program.

In addition to providing the rationale described above, your storm water management program must include the following information for each of the six minimum control measures described below.

- The best management practices (BMPs) that you or another entityare implementing, or will implement (for operators permitted less than 5 years ago), for each of the storm water minimum control measures;

- The measurable goals for each of the BMPs including, as appropriate, the months and years in which you have taken, or will undertake required actions, interim milestones and the frequency of the action; and

- The person or persons responsible for implementing or coordinating the BMPs for your storm water management program.

The six (6) minimum control measures to be included in your storm water management program are:

1. Public Education and Outreach on Storm Water Impacts

a. You must:

(1) implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

(2) identify each individual BMP and its corresponding measurable goal that you use in your public education and outreach program that is designed to minimize the discharge of pollutants into your MS4.

(3) describe how you inform individuals and households about the steps they can take to reduce storm water pollution.

(4) describe how you inform individuals and groups on how to become involved in the storm water program (with activities such as local stream and beach restoration activities.)

(5) identify the target audiences for your education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected.

(6) identify the target pollutant sources your public education program is designed to address.

(7) identify your outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) you use to reach your target audiences, and how many people do you expect to reach by your outreach strategy over the permit term.

(8) identify who is responsible for overall management and implementation of your storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for your storm water public education and outreach program.

(9) describe how you evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

b. Recommendations:

(1) use storm water educational materials locally developed or provided by: i) the EPA (refer to http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=min_measure&min_measure_id=1), ii) the LDEQ (http://www.deq.louisiana.gov/portal/tabid/2953/Default.aspx), iii) environmental, public interest or trade organizations (refer to http://www.stormwaterauthority.org/library/library.aspx?id=199; http://www.smartgrowth.org/Default.asp?res=800), and/or iv) other MS4s;

(2) inform individuals and groups how to become involved in local stream and beach restoration activities as well as activities that are coordinated by youth service and conservation corps or other citizen groups;

(3) tailor your program, using a mix of locally appropriate strategies, to target specific audiences and communities. You should target some of the materials or outreach programs to be directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant storm water impacts. For example, providing information to restaurants on the impact of grease clogging storm drains and to garages on the impact of oil discharges; and

(4) tailor your outreach program to address the viewpoints and concerns of all communities, particularly minority and disadvantaged communities, as well as any special concerns relating to children.

2. Public Involvement/Participation

a. You must:

(1) at a minimum, comply with State and local public notice requirements when implementing a public involvement/participation program.

(2) identify each individual BMP and its corresponding measurable goal that you use in your public involvement/participation program that is designed to minimize the discharge of pollutants into your MS4.

(3) describe how you involve the public in the development and submittal of your NOI and storm water management program. *(You are strongly encouraged to make the storm water management plan and Annual Reports available for review/comment at the local level prior to submittal to LDEQ.)*

(4) describe how you actively involve the public in the development of your storm water program. *(You are strongly encouraged to make updates to the storm water management plan and Annual Reports available for review/comment at the local level prior to submittal to LDEQ.)*

(5) identify the target audiences for your public involvement program. You are encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others.

(6) identify and describe the types of public involvement activities included in your program. Where appropriate, consider the following types of public involvement activities:

i. Citizen representatives on a storm water management panel;
ii. Public hearings;
iii. Working with citizen volunteers willing to educate others about the program; and
iv. Volunteer monitoring or stream/beach clean-up activities.

(7) identify who is responsible for the overall management and implementation of your storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program.

(8) describe how you evaluate the success of this minimum control measure, including how you selected the measurable goals for each of the BMPs.

b. Recommendations:

(1) use storm water educational materials locally developed or provided by: i) the EPA (refer to http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=min_measure&min_measure_id=3), ii) the LDEQ (http://www.deq.louisiana.gov/portal/tabid/2953/Default.aspx), iii) environmental, public interest or trade organizations (refer to http://www.stormwaterauthority.org/assets/EPA%20Public%20Involvement%20&%20Participation.pdf), and/or iv) other MS4s; and

(2) include the public in developing, implementing, and reviewing your storm water management program and make efforts to reach out and engage all economic and ethnic groups. Opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local storm water management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other pre-existing programs, or participating in volunteer monitoring efforts. (Citizens should obtain approval where necessary for lawful access to monitoring sites.)

3. Illicit Discharge Detection and Elimination

a. You must:

(1) develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at LAC 33:IX.2511.B.2) into your small MS4;

(2) develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the State that receive discharges from those outfalls;

(3) to the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;

(4) develop, if not already completed, and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system;

(5) inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;

(6) **address the following categories of non-storm water discharges or flows only if you identify them as significant contributors of pollutants to your small MS4**: water line flushing, landscape irrigation, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, incidental discharges of potable water (e.g. drinking fountain overflows), foundation drains, air conditioning condensate, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering runoff, water from individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, residual street wash water, and discharges or flows from fire fighting activities (excludes predictable and controllable discharges from a fire fighting training facility), where such discharges will not cause a problem either due to the nature of the discharge or controls the MS4 places on the discharge. Significant contributors of pollutants from the above sources may require additional controls, such as enhanced public education, ordinances, or other regulatory mechanisms (to be implemented by the operator); and

(7) **develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges.** These non-storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the Municipal Separate Storm Sewer System, because of either the nature of the discharges or conditions you have established for allowing these

discharges to your MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs on the wash water, etc.). You must document in your SWMP any local controls or conditions placed on the discharges. You must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to your MS4.

b. You must identify each individual BMP and its corresponding measurable goal that you use in your illicit discharge detection and elimination program that is designed to minimize the discharge of pollutants into your MS4. You must include, at a minimum, the following information:

(1) describe how you will develop or have developed a storm sewer map showing the location of all outfalls and the names and location of all receiving waters. Describe the sources of information you used for the maps, and how you plan to verify the outfall locations with field surveys. Permittees that are required to have completed their storm sewer maps must describe how they developed this map and how the map will be regularly updated.

(2) describe the mechanism (ordinance or other regulatory mechanism) you use to effectively prohibit illicit discharges into the MS4 and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so in accordance with Part IV.C. Permittees that are required to have already developed an ordinance or other regulatory mechanism must include a copy of the relevant section(s) with your SWMP.

(3) describe how you ensure t that your illicit discharge ordinance (or other regulatory mechanism) is implemented through appropriate enforcement procedures and actions.

(4) describe your plan to detect and address illicit discharges to your system, including discharges from illegal dumping and spills. Your plan must include dry weather field screening for non-storm water flows and field tests of selected chemical parameters as indicators of discharge sources. Your plan must also address on-site sewage disposal systems that flow into your storm drainage system. Your description must address, at a minimum, the following:

i. Procedures for locating priority areas, which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example), or ambient sampling to locate impacted reaches.

ii. Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source.

iii. Procedures for removing the source of the illicit discharge.

iv. Procedures for program evaluation and assessment.

(5) describe how you inform public employees, businesses, and the public of hazards associated with illegal discharges and improper disposal of waste. Include in your description how this plan will coordinate with your public education minimum measure and your pollution prevention/good housekeeping minimum measure programs.

(6) identify who is responsible for overall management and implementation of your storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program.

(7) describe how you evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

c. Recommendations:

(1) use storm water educational materials locally developed or provided by: i) the EPA (refer to http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=min_measure&min_measure_id=3), ii) the LDEQ (http://www.deq.louisiana.gov/portal/tabid/2953/Default.aspx), iii) environmental, public interest or trade organizations (refer to http://cfpub.epa.gov/npdes/stormwater/casestudies.cfm and http://cwp.org.master.com/texis/master/search/+/form/New_IDDE.html), and/or iv) other MS4s; and

(2) conduct visual screening of the outfalls during dry weather and conduct field tests of selected pollutants as part of the procedures for locating priority areas.

4. Construction Site Storm Water Runoff Control

a. You must:

(1) Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of

a larger common plan of development or sale that would disturb one acre or more. The extent to which the program will rely upon the LPDES Phase II Construction regulation should be specified.

(2) Your program must include the development and implementation of, at a minimum:

(a) an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;

(b) requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

(c) requirements for construction site operators to control waste such as, but not limited to, discarded building materials, concrete truck washout (see EPA guidance at http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=browse&Rbutton=detail&bmp=117), chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

(d) procedures for site plan review which incorporate consideration of potential water quality impacts;

(e) procedures for receipt and consideration of information submitted by the public; and

(f) procedures for site inspection and enforcement of control measures.

(3) You must identify each individual BMP and its corresponding measurable goal that you use in your construction site storm water runoff control program that is designed to minimize the discharge of pollutants into your MS4. You must include, at a minimum, the following information:

(a) The mechanism (ordinance or other regulatory mechanism) you use to require erosion and sediment controls at construction sites and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so in accordance with Part IV.C. Permittees that are required to have already developed an ordinance or other regulatory mechanism must include a copy of the relevant section(s) with your SWMP.

(b) Your mechanismsto ensure compliance with your erosion and sediment control mechanisms, including the sanctions and enforcement actions. Describe your procedures for determining which sanctions will apply to which infractions (such as your enforcement escalation process). Possible sanctions include non-monetary penalties (such as stop work orders and/or permit denials for non-compliance), as well as monetary penalties such as fines and bonding requirements.

(c) Your requirements for construction site operators to implement appropriate erosion and sediment control BMPs and to control waste at construction sites that may cause adverse impacts to water quality. Examples of such waste might include discarded building materials, concrete truck washout, chemicals, litter and sanitary waste.

(d) Your procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts. Describe your procedures and the rationale for how you will identify certain sites for site plan review, if your site plan review does not include the review of all pre-construction site plans.

(e) Your procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with your public education program.

(f) Your procedures for site inspection and enforcement of control measures, including how you will prioritize sites for inspection. Include procedures for site inspections and enforcement of control measures including steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water quality.

(g) Who is responsible for overall management and implementation of your construction site storm water control program and, if different, who is responsible for each of the BMPs identified for this program.

(h) Describe how you evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

b. Recommendations:

(1) use storm water educational materials locally developed or provided by: the EPA (refer to http://cfpub1.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=min_measure&min_measure_id=4, http://www.epa.gov/smartgrowth/parking.htm, http://www.nrdc.org/water/pollution/rooftops/contents.asp, http://www.epa.gov/smartgrowth/stormwater.htm),the LDEQ, environmental, public interest or trade organizations, and/or other MS4s; and

(2) provide educational and training measures for construction site operators, including requiring implementing a storm water pollution prevention plan (SWPPP) at construction sites within your jurisdiction that discharge into your system.

5. Post-construction Storm Water Management in New Development and Redevelopment

a. You must:

(1) develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts.

(2) develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;

(3) use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law; and

(4) ensure adequate long-term operation and maintenance of BMPs.

b. You must identify each individual BMP, and its corresponding measurable goal, that you use in your post-construction storm water management program that is designed to minimize the discharge of pollutants into your MS4. You must include, at a minimum, the following information:

(1) A description of your program to address storm water runoff from new development and redevelopment projects. Include in your description any specific priority areas for this program.

(2) A description of how your program isspecifically tailored for your local community, how it will minimize water quality impacts, and how it is designed to attempt to maintain pre-development runoff conditions.

(3) A description of any non-structural BMPs in your program, which may include, but is not limited to:

i. Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation;

ii. Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure;

iii. Education programs for developers and the public about project designs that minimize water quality impacts; and

iv. Other measures such has minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.

(4) Any structural BMPs in your program, which may include, but is not limited to:

i. Storage practices such as wet ponds and extended-detention outlet structures;

ii. Filtration practices such as grassed swales, bioretention cells, sand filters and filter strips; and

iii. Infiltration practices such as infiltration basins and infiltration trenches.

(5) Describe the mechanism (ordinance or other regulatory mechanism) you use to address post-construction runoff from new development and why did you choose that mechanism. If you need to develop a mechanism, describe your plan and a schedule to do so in accordance with Part IV.D. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.

(6) Describe how you ensure the long-term operation and maintenance (O&M) of your selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between you and another party such as the post-development landowners or regional authorities.

(7) Describe who is responsible for overall management and implementation of your post-construction storm water management program and, if different, who is responsible for each of the BMPs identified for that control measure.

(8) Describe how you evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

c. Recommendations:

(1) use storm water educational materials locally developed or provided by: i) the EPA (refer to http://cfpub1.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=min_measure&min_measure_id=4, http://www.epa.gov/smartgrowth/parking.htm, http://www.nrdc.org/water/pollution/rooftops/contents.asp, and http://www.epa.gov/smartgrowth/stormwater.htm), ii) the LDEQ, iii) environmental, public interest or trade organizations, and/or iv) other MS4s;

(2) when choosing appropriate BMPs, participate in locally-based watershed planning efforts, which attempt to involve a diverse group of stakeholders including interested citizens. When developing a program that is consistent with this measure's intent, LDEQ recommends that you adopt a planning process that identifies the municipality's program goals (e.g., minimize water quality impacts resulting from post-construction runoff from new development and redevelopment), implementation strategies (e.g., adopt a combination of structural and/or non-structural BMPs), operation and maintenance policies and procedures, and enforcement procedures;

(3) when developing your program, consider assessing existing ordinances, policies, programs and studies that address storm water runoff quality. In addition to assessing these existing documents and programs, you should

provide opportunities to the public to participate in the development of the program;

(4) ensure the appropriate implementation of the structural BMPs by considering some or all of the following: pre-construction review of BMP designs; inspections during construction to verify BMPs are built as designed; post-construction inspection and maintenance of BMPs; and penalty provisions for the noncompliance with preconstruction BMP design; failure to construct BMPs in accordance with the agreed upon pre-construction design; and ineffective post-construction operation and maintenance of BMPs; and

(5) ensure that your requirements be responsive to the constantly changing storm water technologies, developments or improvements in control technologies.

6. Pollution Prevention/Good Housekeeping for Municipal Operations

a. You must:

(1) develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

(2) using training materials that are available from EPA, LDEQ, or other organizations, your program must include employee training to prevent and/or reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

(3) Describe how your operation and maintenance program is designed to prevent or reduce pollutant runoff from your municipal operations. Your program must specifically list the municipal operations that are impacted by this operation and maintenance program.

(4) Include a list of industrial facilities you own or operate that are subject to the LPDES Multi-Sector General Permit (MSGP) or individual LPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to your MS4. Include the LPDES permit number or a copy of the industrial NOI for each facility.

(5) Describe any government employee training program you will use to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new

construction and land disturbances, and storm water system maintenance.

i. Describe any existing available materials you plan to use.
ii. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum control measure.

(6) Your program description must specifically address the following areas:

i. Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to your MS4.
ii. Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas you operate.
iii. Procedures for the proper disposal of waste removed from your MS4 and your municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris.
iv. Procedures to ensure that flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

(7) Describe who is responsible for overall management and implementation of your pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs utilized in your pollution prevention/good housekeeping program.

(8) Describe how you evaluate the success of this minimum control measure, including how you selected the measurable goals for each of the BMPs.

b. Recommendations:

(1) use storm water educational materials locally developed or provided by: i) the EPA (refer to http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=min_measure&min_measure_id=6, http://www.epa.gov/smart growth/parking.htm, http://www.nrdc.org/water/pollution/rooftops/ contents.asp, and http://www.epa.gov/smartgrowth/stormwater.htm), ii) the LDEQ, iii) environmental, public interest or trade organizations, and/or iv) other MS4s.

E. Reviewing and Updating Your Storm Water Management Program

You must do an annual review of your Storm Water Management Program in conjunction with preparation of the annual report required under Part V.C. You may change your Storm Water Management Program during the term of the permit in accordance with the following procedures:

1. Changes adding (but not subtracting or replacing) components, controls, or requirements to the Storm Water Management Program may be made at any time. For example, including new public education components or increasing the frequency of outfall inspections would be considered an addition. You must update your storm water management plan to include the changes. All changes shall be reported in the next annual report that is prepared and submitted to LDEQ.

2. Changes replacing an ineffective or unfeasible BMP identified in the Storm Water Management Program with an alternate BMP may be made at any time. For example, revising an ordinance or changing the parameters and sampling frequencies in the monitoring program would be considered a replacement. You must update your storm water management plan to incorporate the changes. All changes shall be reported in the next annual report that is prepared and submitted to LDEQ. Your SWMP update and annual report to LDEQ must include documentation of the following:

    (a) An analysis of why the BMP is ineffective or infeasible (including cost prohibitive),

    (b) Expectations on the effectiveness of the replacement BMP, and

    (c) An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

The Permitting Authority may require changes to the Storm Water Management Program as needed to:

1. Address impacts on receiving water quality caused, or contributed to, by discharges from the Municipal Separate Storm Sewer System;

2. Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements;

3. Include such other conditions deemed necessary by the Permitting Authority to comply with the goals and requirements of the Clean Water Act; or

4. Changes requested by the Permitting Authority must be made in writing, set forth the time schedule for you to develop the changes, and offer you the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Permitting Authority will be made in accordance with LAC 33.IX.307, LAC 33.IX.2903, or as appropriate LAC 33.IX.2905.

You must implement the Storm Water Management Program on all new areas added to your portion of the municipal separate storm sewer system (or for which you become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

1. Within 90 days of a change of ownership, operational authority, or responsibility for storm water management program implementation, you must have a plan for implementing your Storm Water Management Program on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the Storm Water Management Program must be included in the annual report.

2. Only those portions of the Storm Water Management Program specifically required as permit conditions shall be subject to the modification requirements of LAC 33.IX.307. *Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the Storm Water Management Program and not modifications to the permit.*

F. Qualifying State or Local Programs (QLP)

Any municipality, including Small MS4s, may have its construction storm water program recognized as a QLP by LDEQ. A QLP is an LDEQ-approved program that fulfills the State LPDES program requirements for small construction activities stated in Parts IV.D4 and D.5. A local program can be recognized as a QLP if it meets or exceeds the

minimum requirements outlined in the regulations (LAC 33:IX.2707.R) and the program is reviewed by LDEQ and is officially authorized as a recognized QLP. The provisions stated in LAC 33:IX.2707.R offer an opportunity to streamline administrative requirements in the storm water program by formally recognizing local construction management programs that meet or exceed the provisions in LDEQ's construction general permits. Under such a scenario, a construction site operator, responsible for a project within the jurisdiction of a recognized municipality, would follow that municipality's requirements for storm water management.

LDEQ will consider whether an MS4's construction program meets or exceeds the requirements contained in LDEQ's construction general permits and whether the MS4 has the institutional capacity to take on the delegated regulatory responsibilities when considering a municipality's proposal to have its construction program recognized as an LDEQ-approved QLP. More information related to a QLP is available on the EPA's website at http://www.epa.gov/npdes/pubs/qlp_memo.pdf.

G. Sharing Responsibility

If you are relying on another governmental entity that is regulated under LAC 33:IX.2511 of the storm water regulations to satisfy one or more of your permit obligations, you must note that fact in your NOI. This other entity must, in fact, implement the control measure(s); the measure of component thereof, must be at least as stringent as the corresponding LPDES permit requirement; and the other entity must agree to implement the control measure on your behalf.

If the other entity agrees to implement the control measure on your behalf, you must have a written acceptance of this obligation. The written agreement must be maintained as part of the description of your storm water management program. Should the other entity fail to implement the minimum control measure on your behalf, you remain liable for any discharges due to their failure to implement the minimum control measure.

If the other entity agrees to report on the minimum measure that it agrees to implement then the permittee must supply the other entity with the reporting requirements contained in Part V.C of this permit. Should the other entity fail to report in accordance with Part V.C on your behalf, you remain liable for failure to report any of the information required by Part V.C.

H. Discharges to Water Quality Impaired Waterbodies

Impaired Water Bodies Without an Established TMDL

If your MS4 discharges into a receiving water which has been listed on the LDEQ Section 303(d) List of Impaired Waters, a TMDL has not yet been approved, and the suspected source(s) of the impairment include discharges from MS4s, you must determine, within one year of the effective date of the permit, if the MS4 is a source of the pollutant(s). Monitoring for pollutants of concern is highly encouraged in order to establish the loading from the MS4, identify specific areas or sources of concern, and assess the effectiveness of the selected controls over time. If sources are identified, the permittee must develop appropriate storm water control measures or BMPs that will reduce the discharge of the pollutants of concern. You must describe in your SWMP how the BMPs and other controls selected will reduce the discharge of the pollutant(s) of concern. This discussion must specifically identify control measures and BMPs that will collectively control the discharge of the pollutants of concern to ensure that discharges will not cause or contribute to in-stream exceedances of water quality standards. Targeted BMPs shall be included in the SWMP no later than two years after the effective date of the permit. Report the progress on the implementation of the selected BMPs in your annual reports, thereafter. The MS4 operator may select one or more of the recommended control measures in the following section or develop other controls, as appropriate.

Impaired Water Bodies with an Approved TMDL

If a Waste Load Allocation (WLA) has been assigned to discharges of a particular pollutant from your MS4 to a particular basin subsegment:

1. You must include specific and measurable goals in your SWMP targeting the pollutant(s) of concern. Include details, such as identifying areas of focused effort or implementing additional control measures or BMPs that will reduce the pollutant(s) of concern. A schedule for implementing each targeted control shall be included in the SWMP.

2. The permittees shall adopt any assigned Waste Load Allocations (WLAs) as a benchmark goal in the SWMP. The benchmark goal is not a permit limit, but shall be used to measure the progress towards achieving pollutant reductions from the MS4. If the benchmark goal is met, the permittee shall maintain the

control measures, BMPs, or other pollutant reduction programs necessary to ensure the goal will continue to be met.

3. If applicable, the permittee must comply with monitoring or compliance schedules established in the TMDL.

4. The permittees shall select one or more of the following recommended controls, or develop other controls that may best achieve the pollutant reduction goals. The following storm water control measures address nutrient, dissolved oxygen, sediment, and/or bacteria impairments.

    a. Prioritize the detection and elimination of illicit discharges contributing the pollutant(s) of concern to the MS4.

    b. Implement public education measures to reduce the discharge of bacteria and nutrients contributed by pets, livestock, and zoos.

    c. Implement a public education program to reduce the discharge of nutrients from the over application of residential and commercial fertilizers.

    d. Implement programs to reduce the pollutant contributions to the MS4 from failing on-site sewage treatment systems, such as septic tanks and small package plants. Such a program could include requiring the replacement of old septic tanks, regionalization of heavily populated areas without a centralized waste treatment facility, and/or extension of existing sewage treatment lines.

    e. Implement programs to enhance the MS4's sanitary sewer systems. Such a program should address inadequate collection systems, malfunctioning lift stations, or violations of the sewage treatment plant's water discharge permit.

    f. For construction activities, require a minimum buffer zone adjacent to surface waters to reduce erosion and sediment runoff.

5. You must implement a monitoring program to determine whether the storm water controls that you have selected are adequate to meet the WLA. Each permitted MS4 must develop a monitoring program that is specific to the selected BMPs and will be an effective tool to determine if measurable goals are being met.

Document in your SWMP the reason and justification for the parameters and frequencies selected and how the monitoring program will effectively evaluate storm water controls. Monitoring programs may include, but are not limited to, the following elements:

a. Regular visual inspections of outfalls during wet and dry weather;

b. Regular inspections of receiving water bodies with the purpose of noting erosion or sedimentation problems;

c. Regular inspections of storm drains, major canals, or junctions;

d. Visual inspections of effluent samples for color, clarity, and the presence of foam, oil, debris, or noxious odors;

e. Instantaneous (*in situ)* water quality measurements of the receiving water body, such as dissolved oxygen, temperature, pH, etc.; and

f. Sampling and analysis of storm water discharges for pollutants of concern.

The permittee must also conduct any monitoring, including specific frequencies, required by applicable TMDLs.

6. The permittees must evaluate the effectiveness of the storm water management program and document progress towards the benchmark goal(s). The MS4 operator may utilize third party data, such as that collected by LDEQ, USGS, EPA, and volunteer organizations in the evaluation process. However, the evaluation shall not be limited to only third party data. If subsequent evaluations show that additional or modified controls are necessary to meet the WLA for a particular pollutant then 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 BMPs that you have implemented to meet the WLA for a particular pollutant. Make modifications to the SWMP as necessary until monitoring for a full permit cycle shows that the WLAs are being met or that the MS4 is no longer contributing to the water quality impairment.

[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/LinkClick.aspx?link=planning%2fWater+Quality+Management+Plan—volume+8.pdf, to determine if a Waste Load Allocation for any pollutant has been assigned to your MS4.]

Compliance with federal, state and local storm water programs revolves around the use of "best management practices" (BMPs) to manage storm water. Given the water quality and quantity benefits of smart growth at the site, neighborhood, and watershed levels, many smart growth techniques and policies are emerging as BMPs to manage storm water. Where appropriate, you are strongly encouraged to utilize principles and best management practices contained in the following publications to minimize the discharge of pollutants within watersheds:
http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=factsheet_results&view=specific&bmp=124,
http://www.nrdc.org/water/pollution/storm/stoinx.asp and
http://www.epa.gov/smartgrowth/. You must document in your SWMP which smart growth practices you utilize and describe how those practices minimize the discharge of pollutants of concern to any waterbody with an established TMDL.

TMDL reports are maintained and regularly updated on the LDEQ web site at http://www.deq.louisiana.gov/portal/tabid/1563/Default.aspx .

PART V
MONITORING, RECORDKEEPING AND REPORTING

A. Monitoring

On an ongoing basis during the permit term, you must evaluate program compliance, the appropriateness of your identified best management practices, progress towards achieving your identified measurable goals, and make any necessary changes/updates to your plan. **If you discharge to a water for which a Waste Load Allocation (WLA) for a particular pollutant has been assigned to one or more of your MS4 outfalls, you are also required to develop and implement a monitoring program as described in Part IV.H.** If the permittee discharges to two or more water bodies, the monitoring requirements apply only to those outfalls located within the watershed for which the TMDL has been developed.

When conducting effluent (e.g. wet weather discharges) sampling and analysis, permitted small MS4s must comply with the following:

1. All sampling and testing shall be conducted in accordance with the test procedures approved under 40 CFR Part 136, Tables A, B, C, D, E, F, G.

2. Proper sampling techniques shall be used to ensure that analytical results are representative of pollutants in the discharge. Monitoring shall be conducted according to analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed at 40 CFR Part 136, and in particular, Appendices A, B, and C. [LAC 33:IX.4901]

3. The flow measurement sample type for the effluent sampling shall be “estimate”. Flow measurements shall not be subject to the accuracy provisions established in this permit. When collecting samples the flow value may be estimated using best engineering judgment. [LAC 33:IX.2701]

4. The permittee or designated laboratory shall have an adequate analytical quality assurance/quality control program to produce defensible data of known precision and accuracy. All quality control measures shall be assessed and evaluated on an on-going basis and quality control acceptance criteria shall be used to determine the validity of the data. All method specific quality control as prescribed in the method shall be followed. If quality control requirements are not included in the method, the permittee or designated laboratory shall follow the quality control requirements as prescribed in the Approved Edition (40 CFR Part 136)

Standard Methods for the Examination of Water and Wastes, Sections 1020A and 1020B. General sampling protocol shall follow guidelines established in the "Handbook for Sampling and Sample Preservation of Water and Wastewater, 1982"U.S. Environmental Protection Agency. This publication is available from the National Technical Information Service (NTS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-83-124503.

5. Analytical results for each sampling event at each discharge point (outfall number) described in your monitoring program must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an LDEQ approved substitute). Complete one DMR form per sampling event for every outfall where a sample is collected. The DMR(s) shall be submitted to LDEQ annually with the Annual Report.

6. Retain records of all monitoring information in accordance with Part V.B of this permit.

Record Content:

Records of monitoring information shall, at a minimum, include:

a. The date, exact place, and time of inspection, sampling or measurement;
b. The individual(s) who performed the inspection, sampling or measurements;
c. The results of inspections, samplings, or measurements; and
d. Calibration records for any *in situ* instruments used, such as a Hydrolab.

Records of laboratory-analyzed samples must also include:

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

The "Monthly Average" concentration that is reported on the DMR form is calculated using one formula when flow is not measured as a continuous record and is calculated using a different formula when flow is measured as a continuous record or with a totalizer. The two different scenarios are described as follows:

Monthly Average (also known as Daily Average), other than for fecal coliform bacteria, discharge limitations are calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes monthly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the monthly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily discharge concentration, F = daily flow and n = number of daily samples; monthly average discharge =

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

In accordance with LAC 33:IX.2503.A and B, DMRs must be signed and certified by an authorized person. Be aware the LDEQ will accept laboratory results only from “LDEQ accredited” laboratories.

B. Recordkeeping

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, copies of Discharge Monitoring Reports (DMRs), a copy of the LPDES permit, and records of all data used to complete the application (NOI) for this permit, for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the permitting authority at any time.

You must submit copies of DMRs to LDEQ as described in Parts V.A and V.C. You should not submit copies of other records to the permitting authority unless you are specifically asked to do so. You must retain a description of the Storm Water Management Program required by this permit (including a copy of the permit language) at a location accessible to the Permitting Authority. You must make your records, including the Notice of Intent (NOI) and the description of the Storm Water Management Program, available to the public if you receive a written request to do so.

C. Annual Report Requirements

You must submit annual reports to LDEQ by March 10 for the preceding calendar year. The Annual Reports must be postmarked no later than March 10. Your report must include:

1. The status of compliance with permit conditions, an assessment of the appropriateness of your identified best management practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and the measurable goals for each of the minimum control measures;

2. Results of information collected and analyzed, if any, during the reporting period, including any monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;

3. A summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule);

4. Proposed changes to your Storm Water Management Program, including changes to any BMPs or any identified measurable goals that apply to the program elements; and

5. Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable).

D. Reporting: Where and When to Submit

1. Signed copies of DMRs (**if** required under Part IV.H), the Annual Report required by Part V.C, and any other reports required herein, shall be mailed to:

Permit Compliance Unit
Office of Environmental Compliance
Louisiana Department of Environmental Quality
P. O. Box 4312
Baton Rouge, LA 70821-4312

You must submit these reports to LDEQ by March 10 for the preceding calendar year.

2. Requests concerning updates to the Storm Water Management Program, changes in monitoring locations, or application for an individual permit shall be submitted to:

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

PART VI
STANDARD PERMIT CONDITIONS

A. Duty to Comply

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

2. Penalties for Violations of Permit Conditions.

LA. R.S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R.S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES program 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. (Penalties are listed in their entirety in Subtitle II of Title 30 of the Louisiana Revised Statutes.)

a. Criminal Penalties

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

ii. Knowing Violations. The Louisiana Revised Statutes 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 or not more than $100,000 per day of violation, or imprisonment of not more than six years, or both.

iii. 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 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.

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

b. Civil Penalties

The Louisiana Revised Statutes LA. R.S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the Secretary, an Assistant Secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than $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.

B. Continuation of the Expired General Permit

This permit expires five years after the effective date. If the permit is not reissued or replaced prior to the expiration date, this Office will administratively extend the permit to discharge, for permittees that were covered prior to the expiration date, until such time that a new general permit is issued. Upon reissuance or replacement of this permit, the permittee must comply with the requirements for obtaining coverage under the new permit to maintain authorization to discharge.

C. Need to Halt or Reduce Activity not a Defense

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

D. Duty to Mitigate

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

E. Duty to Provide Information

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

F. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in the Notice of Intent or in any other report to the State Administrative Authority, the permittee shall promptly submit such facts or information.

G. Signatory Requirements

All storm water management plans, storm water pollution prevention plans, reports, certifications or information either submitted to the State Administrative Authority or that this permit requires be maintained by the permittee, shall be signed and certified.

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

1. The authorization is made in writing by a person described in LAC 33:IX.2503.A;

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

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

4. **Changes to authorization**. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.

5. **Certification.** Any person signing documents under Part VI.G shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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."

H. Laboratory Accreditation

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 La. 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.

The department laboratory accreditation program, Louisiana Environmental Laboratory Accreditation Program (LELAP) is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not (LELAP) accredited will not be accepted by the department. Retesting of analysis 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.

Regulations on the Louisiana Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation are available on the department website located under DIVISIONS → PERMIT SUPPORT SERVICES → LABORATORY ACCREDITATION at the following link:

http://www.deq.louisiana.gov

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

I. Penalties for Falsification of Reports

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.

J. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

K. Property Rights

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

L. Severability

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

M. Requiring an Individual Permit or an Alternative General Permit

1. The State Administrative Authority may require any person authorized by this permit to apply for and/or obtain either an individual LPDES permit or an alternative LPDES general permit. Any interested person may petition the State Administrative Authority to take action under this paragraph. Where the State Administrative Authority requires a discharger authorized to discharge under this permit to apply for an individual LPDES permit, the State Administrative Authority shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual LPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate unless otherwise specified by the State Administrative Authority. Applications shall be submitted as indicated in Part II of this permit. The State Administrative Authority may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual LPDES permit

application as required by the State Administrative Authority under this paragraph, then the applicability of this permit to the individual LPDES permittee is automatically terminated at the end of the day specified by the State Administrative Authority for application submittal.

2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of LAC 33:IX.2515.B.3.c, with reasons supporting the request, to the State Administrative Authority at the address indicated in Part II.C of this permit. The request may be granted by issuance of an individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.

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

N. State Environmental Laws

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

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

O. Proper Operation and Maintenance

1. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the

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

2. 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.

P. Inspection and Entry

Upon the presentation of credentials and other documents as may be required by law, the permittee shall allow the State Administrative Authority, the EPA**,** or an authorized representative (including an authorized contractor acting as a representative of the Administrator), or, in the case of a construction site which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, to do any of the following:

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 Administrative Authority determines that the circumstances warrant such action;

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;

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

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

Q. Upset Conditions

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

2. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part VI.P.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

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

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

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required by LAC 33:IX.2701.L.6.b.ii and Part III.C.1, III.C.2, and III.C.3.; and

d. The permittee complied with any remedial measures required by Part III.A.

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

R. Anticipated Noncompliance

The permittee shall give advance notice to the state administrative authority of any planned changes in the permitted small MS4 or activity which may result in noncompliance with permit requirements.

S. Bypass of Treatment Facilities

1. ***Bypass***. The intentional diversion of waste streams from any portion of a treatment facility.

2. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section S.3 and S.4 of these standard conditions.

3. Notice

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Water Permits Division, if possible at least ten days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2701.L.6 (24-hour notice).

4. Prohibition of bypass

a. Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:

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

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

(3) The permittee submitted notices as required by Section B.4.c of these standard conditions.

b. The state administrative authority may approve an anticipated bypass after considering its adverse effects, if the state administrative authority determines that it will meet the three conditions listed in Section B.4.d(1) of these standard conditions.

T. Removed Substances

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

U. Prohibition for Tampering: Penalties

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.

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.

V. Permit Re-opener Clause

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2903, 2905, 2907, 3105 and 6509. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. This Office reserves the right to reopen and modify this permit to conform to those standards necessary to maintain the water quality in order to support uses of the receiving water bodies.

W. Availability of Reports

All recorded information (completed report forms, permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.6503) shall be made available to the public

for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

Claims of confidentiality for the following will be denied:

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

b. Permit applications, permits, and effluent data;

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

X. 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 permit modification or termination;

(d) A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge;

(e) Failure to pay applicable fees under the provisions of LAC 33:IX. Chapter 13; or

(f) Change of ownership or operational control.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Permit Transfers

Transfers of permit coverage **are not allowed** for this general permit.

1. Change of Coverage from One Operator to a Different Operator (e.g., a different operator assumes control over the operation and maintenance of the storm water drainage system)
   The new owner/operator must complete and file an NOI in accordance with Part I.F at least 30 days prior to taking over operational control of the facility. The permitted owner/operator shall submit a letter to the LDEQ Office of Environmental Services, Water Permits Division, requesting termination of permit coverage following the issuance of permit authorization of operational control to the new owner/operator.

2. Simple Name Changes of the Permittee (e.g., Public Entity "… Waterworks District A" changes name to "… Sewer and Waterworks District X")
   The permittee is required to submit a name change request to the Environmental Assistance Division either prior to or no later than 45 days after the name of a permitted operator changes. The request must be made on the official LDEQ form NOC-1 which is available on the LDEQ website at: www.deq.louisiana.gov/portal/Portals/0/assistance/NOC-1%20FORM%20Jan%2025,%202006.pdf. Any questions related to initiating a permit transfer should be directed to the Application Verification Group at (225) 219-3292.

   All storm water permits are non-transferable; therefore, the NOC-1 form can only be used for operator name changes for storm water permits.

   Should a new public entity become the owner and/or operator of a permitted MS4, the permittee and the new owner shall follow the procedures outlined above in Part VI.W.1 to obtain permit coverage. The public entity relinquishing permit coverage shall follow the procedures described in Part VI.W.1 to terminate permit coverage.

PART VII
DEFINITIONS

"Allowable Non-Storm Water" means a non-storm water discharge that does not need to be effectively prohibited but must be controlled to the Maximum Extent Practicable (MEP) to protect water quality under CWA 402(p)(3)(B)(iii) in order to be allowed as part of the MS4 discharge.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. 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.

"Clean Water Act (Water Quality Act)" - formerly the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972. Public Law 92-500; 33 U.S.C. § 1251 eq seq.; legislation which provides statutory authority for the NPDES program. Also known as the Federal Water Pollution Control Act.

"Conduit" means any channel or pipe used to transport flowing water.

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

"Conveyance" as used in this permit means the process of moving water from one place to another.

"Co-permittee" as used in this permit means a permittee to a LPDES permit that is only responsible for permit conditions relating to the discharge for which it is the operator.

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

"Detention" means a storm water system that delays the downstream progress of storm water runoff in a controlled manner. This is typically accomplished using temporary storage areas and a metered outlet device.

"Discharge" when used without a qualifier, means the discharge of a pollutant.

"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, etc.), construction materials or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling, etc.), or other industrial storm water directly related to the construction process (e.g., cement/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 of regulated storm water associated with construction sites).

"Erosion" occurs when land is diminished or worn away due to wind, water, or glacial ice. Often the eroded debris (silt or sediment) becomes a pollutant via storm water runoff. Erosion occurs naturally but can be intensified by land clearing activities such as farming, development, road-building, and timber harvesting.

"Excavation" is the process of removing earth, stone, or other materials from land.

"Flood Control" is defined as the specific regulations and practices that reduce or prevent the damage caused by storm water runoff.

"Grading" is defined as the cutting and/or filling of the land surface to a desired slope or elevation.

"Illicit Connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer system.

"Illicit Discharge" is defined as any discharge to a municipal separate storm sewer that is not composed entirely of storm water, except discharges authorized under an LPDES permit (other than the LPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

"Incorporated place" as used in this permit means a city, town, township, or village that is incorporated under the laws of the state in which it is located.

"Industrial Activity" is defined as any activity which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant.

"Large and Medium Municipal Separate Storm Sewer System" means all municipal separate storm sewers that are either:

(i) located in an incorporated place (city) with a population of 100,000 or more as determined by the 1990 Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of LAC 33:IX); or

(ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of LAC 33:IX); or

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

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

"Maximum Extent Practicable (MEP)" is defined as the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by CWA 402(p). Section 402(p)(3)(B)(iii) of the Federal Clean Water Act requires "controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants." A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34.

"MS4" is the acronym for municipal separate storm sewer system and is used to refer to either a Large, Medium or Small Municipal Separate Storm Sewer System. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities.

"Municipal Separate Storm Sewer System (MS4)" 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):

(a) owned or operated by the United States or 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 sewerage, 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 an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the state;
(b) designed or used for collecting or conveying storm water;
(c) which is not a combined sewer; and
(d) which is not part of a Publicly Owned Treatment Works (POTW) as defined at LAC 33:IX.2313.

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

"Notice of Intent (NOI)" is an application to notify the permitting authority of a facility's intention to be covered by a general permit and is the mechanism used to "register" for coverage under a general permit.

"Office" means the Office of Environmental Services within the Department of Environmental Quality.

"Open space" means an undeveloped piece of land adding ecological, scenic or recreational value to an urban area. Open spaces are generally large pervious areas that are free from paving, buildings, structures, etc., except for basic improvements that are complementary, necessary or appropriate to the use and enjoyment of the open area. Open space can be public or private. Open space includes any area that is characterized by natural scenic beauty or whose condition or quality is such that it will enhance the present or potential value of surrounding developed lands, or enhance the conservation of natural or scenic resources. Examples include forests, marshes, wildlife sanctuaries, stream corridors, wetlands, agricultural lands, pasture land, pathways, walking and riding trails, groves, wooded areas, fields, parkland, watersheds, and retention/detention areas and floodways and floodplains. Preserving open space is one of the principles of Smart Growth. Visit the EPA website to learn more about open space and principles of Smart Growth.

"Outfall" is the point where a municipal separate storm sewer discharges to waters of the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the state and are used to convey waters of the state.

"Permitting Authority" is the NPDES-authorized state agency which in the State of Louisiana is the Louisiana Department of Environmental Quality (LDEQ).

"Person" is any individual, municipality, public or private corporation, partnership, firm, the United States Government and any agent or subdivision thereof, or any other juridical person which shall include, but is not limited to, trusts, joint stock companies, associations, the State of Louisiana, political subdivisions of the state, commissions, and interstate bodies.

"Physically interconnected" means that one MS4 is connected to a second MS4 in such a way that it allows for direct discharges into the second system.

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

"Pollutants of Concern" include biological oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment in any water body to which the MS4 discharges.

"Retrofit" means the modification of storm water management systems through the construction and/or enhancement of wet ponds, wetland plantings, or other BMPs designed to improve water quality.

"Runoff" means drainage or flood discharge that leaves an area as surface flow or as pipeline flow, or drainage or flood discharge that has reached a channel or pipeline by either surface or sub-surface routes.

"Sanitary Sewer" is a system of underground pipes that carries sanitary waste or process wastewater to a treatment plant.

"Sediment" is defined as soil, sand, and minerals washed from land into water, usually after rain. Sediment can destroy fish-nesting areas, clog animal habitats, and cloud waters so that sunlight does not reach aquatic plants.

"Site Plan" means a graphical representation of a layout of buildings and facilities on a parcel of land.

"Site Runoff" means any drainage or flood discharge that is released from a specified area.

"Small Municipal Separate Storm Sewer System (Small MS4)" is defined at 40 CFR 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, 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 an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not defined as a "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings.

"Smart Growth Principles": (1) Create a range of housing opportunities and choices; (2) Create walkable neighborhoods; (3) Encourage community and stakeholder collaboration; (4) Foster distinctive, attractive places with a strong sense of place; (5) Make development decisions predictable, fair and cost effective; (6) Mix land use; (7) Preserve open space, farmland, natural beauty, and critical environmental areas; (8) Provide a variety of transportation choices of smart growth; (9) Strengthen and direct development toward existing communities; and (10) Take advantage of compact building design.

"Stakeholder" means an entity that holds a special interest in an issue or program -- such as the storm water program -- since it is or may be affected by it.

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

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

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

"Storm Water Discharge Associated with Small Construction Activity" is defined at LAC 33:IX.2511.B.15. This includes discharges of storm water from construction activities including clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre but less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

"Storm Water Management" is defined as functions associated with planning, designing, constructing, maintaining, financing, and regulating the facilities (both constructed and natural) that collect, store, control, and/or convey storm water.

"Storm Water Management Program (SWMP)" refers to a comprehensive program to manage the quality of storm water discharged from the municipal storm sewer system. The storm water management program required by this permit must include the minimum control measures described in LAC 33:IX.2523.B and satisfy all of the requirements set forth in LAC 33:IX.2523.

"Storm Water Pollution Prevention Plan (SWPPP)" is 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.

"Surface Water" is defined as all lakes, bays, rivers, streams, springs, ponds, impounding reservoirs, wetlands, swamps, marshes, water sources, drainage systems and other surface water, natural or artificial, public or private within the state or under its jurisdiction that are not part of a treatment system allowed by state law, regulation, or permit.

"Total Maximum Daily Loads (TMDLs)" are water quality assessments that determine the source or sources of pollutants of concern for a particular waterbody, consider the maximum amounts of pollutants the waterbody can assimilate, and then allocate to each source a set level of pollutants that it is allowed to discharge (i.e., a "wasteload allocation").

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

"Urban Runoff" is storm water from urban areas, which tends to contain heavy concentrations of pollutants from urban activities.

"Urbanized Area (UA)" is a Bureau of the Census determination of a central place (or places) and the adjacent densely settled surrounding area -- urban fringe -- that together have a minimum residential population of 50,000 people and an overall population density of 1,000 people/square mile. It is a calculation used by the Bureau of the Census to determine the geographic boundaries of the most heavily developed and dense urban areas.

"Waste Load Allocation (WLA)" means that portion of the assimilative capacity of the receiving water apportioned to a specific discharger in such a way that water quality standards are maintained under design conditions.

"Waters of the State" for the purposes of the Louisiana Pollutant Discharge Elimination System, all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending there from three miles into the Gulf of Mexico. For purposes of the LPDES, this includes all surface waters that are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as Waters of the United States in 40 CFR 122.2, and tributaries of all such waters. Waters of the State does not include wastewater treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.

"Watershed" is that geographical area which drains to a specified point on a water course, usually a confluence of streams or rivers (also known as drainage area, catchment, or river basin).

"Wet Weather Discharge" or "Storm Water Discharge", for monitoring purposes, is a discharge of storm water resulting from a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area.

"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 responsibilities (e.g., the city, the county, the flood control district, and U.S. Air Force, etc.)