



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

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

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

**Mailing Address:**

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

**Physical Address: (if NOI is hand delivered)**

Department of Environmental Quality  
Office of Environmental Services  
602 N Fifth Street  
Baton Rouge, LA 70821  
Attention: Water Permits Division

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

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

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

AND

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

For additional clarification concerning application requirements, please refer to LAC 33:IX Chapters 25 and 65. A copy of the LPDES regulations may be obtained from the Department's website at <http://www.deq.louisiana.gov/portal/tabid/1674/Default.aspx#Title33> or by contacting the Office of Environmental Assessment, Regulations Development Section, Post Office Box 4314, Baton Rouge, Louisiana 70821-4314, phone (225) 219-3550.

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

For questions regarding this NOI please contact the Water Permits Division at (225) 219-9371. For help regarding completion of this NOI please contact DEQ, Small Business/Small Community Assistance at 1-800-259-2890.

**STATE OF LOUISIANA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
*Office of Environmental Services, Water Permits Division*  
**Post Office Box 4313**  
**Baton Rouge, LA 70821-4313**  
**PHONE#: (225) 219-9371**

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

Submittal of this Notice of Intent (NOI) constitutes notice that the entity identified in Section I of this form requests authorization by LDEQ's Multi-Sector General Permit for stormwater discharges associated with industrial activity in Louisiana. Submittal of the NOI also constitutes notice that the party identified in Section I of this form has read, understands, and meets the eligibility conditions of Part 1.1 – 1.2.1. of the permit; agrees to comply with all applicable terms and conditions of the permit; understands that continued authorization under the permit is contingent on maintaining eligibility for coverage, and that the permittee is required to implement a stormwater management program. In order to be granted coverage, all information required on this form must be completed. Two copies of the completed NOI (one original and one copy) should be mailed to the Water Permits Division at the above address.

**SECTION I - FACILITY INFORMATION**

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

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

Facility Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_

Zip \_\_\_\_\_

Phone \_\_\_\_\_

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

\_\_\_\_\_

Please check status:  Federal  Parish  Municipal  
 State  Public  Private  Other \_\_\_\_\_

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

City \_\_\_\_\_ Zip \_\_\_\_\_ Parish \_\_\_\_\_

Front Gate Coordinates:

Latitude- \_\_\_\_\_ deg. \_\_\_\_\_ min. \_\_\_\_\_ sec. Longitude- \_\_\_\_\_ deg. \_\_\_\_\_ min. \_\_\_\_\_ sec.

Method of Coordinate Determination: \_\_\_\_\_

*(Quad Map, Previous Permit, website, GPS)*

Is the facility located on Indian Lands?

Yes

No

## SECTION I - FACILITY INFORMATION (cont.)

### B. Discharge Information

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

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

3. SIC Codes/Storm Water Activity Codes applicable to facility:

Primary Code \_\_\_\_\_ Secondary Codes \_\_\_\_\_  
*SIC codes can be obtained from the U. S. Department of Labor internet site at <http://www.osha.gov/oshstats/sicser.html>*

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

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

Yes  No

**Do not submit the SWPPP with this NOI.**

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

Yes  No

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

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

Yes  No

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

8. Are any historic properties listed or eligible for listing on the National Register of Historic Places located on the facility or in proximity to the discharge?

Yes  No

7. Was the State Historic Preservation Officer (see Permit Part 1.2.3.7) involved in your determination of eligibility?

Yes  No

8. Based on the Endangered Species Guidance (Attachment B), I am eligible for permit coverage according to Criterion: \_\_\_\_\_ A \_\_\_\_\_ B \_\_\_\_\_ C \_\_\_\_\_ D \_\_\_\_\_ E

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

Yes  No

If yes, please list the permit number: \_\_\_\_\_

## SECTION II – LAC 33.I.1701 REQUIREMENTS

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

Permits in Louisiana. List Permit Numbers: \_\_\_\_\_

Permits in other states (list states): \_\_\_\_\_

No other environmental permits. \_\_\_\_\_

- B. Do you owe any outstanding fees or final penalties to the Department?  Yes  No

If yes, please explain.

\_\_\_\_\_

- C. Is your company a corporation or limited liability company?  Yes  No

If yes, is the corporation or LLC registered with the Secretary of State?  Yes  No

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

Chapter 25. Permit Application and Special LPDES Program Requirements

### 2503. Signatories to permit applications and reports

- A. All permit applications shall be signed as follows:
1. For a corporation - by a responsible corporate officer. For the purpose of this Section responsible corporate officer means:

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

(b) The manager of one or more manufacturing, production, or operating facilities provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporation procedures.

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

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

2. For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or
3. For a municipality, state, federal or other public agency – by either a principal executive officer or ranking elected official. For the purposes of this section a principal executive officer of a federal agency includes:
  - (a) The chief executive officer of the agency, or
  - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

### **SECTION III – MAPS/DIAGRAMS**

- A. Site Diagram.** Attach to this NOI a complete site diagram of your facility showing the boundaries of your facility, the location of all buildings and/or storage areas. Label the contents of storage areas and indicate whether they are covered or uncovered. Describe all stormwater flow patterns from the facility to the receiving water body with arrows on this diagram or provide additional diagrams if needed. Label all outfalls and other monitoring locations, if applicable. Please indicate the location of the front gate or entrance to the facility on the site diagram. The diagram is for informational purposes and need not be to scale, nor does it have to meet the requirements of Section 4.2.2 Storm Water Pollution Prevention Plan site description.
- B. Topographic Map** Attach to this NOI a map or a copy of a section of the map which has been **highlighted to show the storm water path from your facility to the first named water body. The highlighted map must be attached to BOTH NOIs that are submitted to LDEQ (i.e., the original NOI and the copy of the NOI).** Include on the map the area extending at least one mile beyond your property boundaries. Indicate the outline of the facility, the location of each of its existing and proposed discharge structures. Waterways and streets/highways must be clearly identified by name on the map.

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

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

## Signatory Requirements

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

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

Signature \_\_\_\_\_  
Printed Name \_\_\_\_\_  
Title \_\_\_\_\_  
Company \_\_\_\_\_  
Date \_\_\_\_\_  
Telephone \_\_\_\_\_

### CHECKLIST

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

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

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

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

## ATTACHMENT A

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

#### §1847. Natural and scenic rivers

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

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

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

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

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

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

## ATTACHMENT B

### ENDANGERED SPECIES GUIDANCE - MSGP

A list of endangered and threatened species that EPA has determined, and LDEQ concurs, may be affected by the activities covered by the Multi-Sector General Permit (MSGP) is available under <http://www.deq.louisiana.gov/portal/LinkClick.aspx?fileticket=hmK%2fYjPFJ5Y%3d&tabid=243>. (See also II below.) These species are listed by parish. In order to get MSGP coverage, applicants must:

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

To do this, please follow steps 1 through 6 below when completing the NOI and developing the pollution prevention plan.

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

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

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

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

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

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

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

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

- i. The effects of your activities have been addressed through approval of a Habitat Conservation Plan under Section 10 of the ESA (check box corresponding to Criterion B). Storm water discharges from your industrial facility may be authorized by this MSGP if some activity is authorized through the issuance of a permit under Section 10 of the ESA and that authorization addressed the effects of your storm water discharges on federally-listed species and designated critical habitat. You must follow U.S. Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service, also known as NOAA Fisheries (NMFS) procedures when applying for an ESA Section 10 permit (see 50 CFR 17.22(b)(1) for FWS and 222.22 for NMFS). Application instructions for Section 10 permits for FWS and NMFS can be obtained by accessing the FWS websites ([www.fws.gov](http://www.fws.gov) and [www.nmfs.noaa.gov](http://www.nmfs.noaa.gov)) or by contacting the appropriate FWS and NMFS regional office.
- ii. You are covered under the eligibility certification of another operator for the project area (check box corresponding to Criterion E). Your storm water discharges, discharge-related activities, and allowable non-storm water discharges were already addressed in another discharger’s certification of eligibility under Criteria A, B, C, or D which also included your facility and determined that federally listed endangered or threatened species or designated critical habitat would not be jeopardized. To certify eligibility under this criterion there must be no lapse of coverage in the other operator’s certification. By certifying eligibility under Criterion E, you agree to comply with any measures or controls upon which the other discharge certification under Criterion B, C, or D was based. If your certification is based on another operator’s certification under Criterion E, that certification is valid only if you have determination showing that the other operator has certified under Criterion E, and you provide LDEQ with the relevant supporting information in your NOI form. Certification under Criterion E is discussed in more detail in the Fact Sheet that accompanies this permit.

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

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

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

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

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

Gather information about the species and critical habitat that are likely to occur in your action area ([www.fws.gov/angered/](http://www.fws.gov/angered/)). Conduct a visual inspection of the action area to assess the potential presence of listed species and their habitats. Compare the size and types of habitats available in your action area and adjacent areas with the size and types of habitats used by listed species and constituent elements of critical habitat. This method may be particularly suitable for facilities where the action area is smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for facilities that discharge directly into municipal separate storm sewer systems (MS4s).

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

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

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

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

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

- Hydrological. Storm water may adversely affect receiving waters from pollutant parameters such as temperature, salinity or pH. These effects will vary with the amount of storm water discharged and the volume and condition of the receiving water. Where a storm water discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Industrial activity itself may also alter drainage patterns on a site where construction occurs, which can impact listed species, their habitat, and critical habitat.

- Habitat. Outdoor activities, such as storage of materials and land disturbances associated with storm water management-related activities, such as the installation or placement of storm water control measures, may adversely affect listed species, their habitat, and critical habitat. Storm water may drain or inundate listed species habitat.
- Toxicity. Pollutants in storm water may have toxic effects on listed species and adversely affect critical habitat. Exceedances of benchmarks, effluent limitation guidelines, or State water quality requirements may be indicative of potential adverse effects on listed species or critical habitat.

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

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

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

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

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

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

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

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

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

## **2. Eligibility Criterion**

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

- Criterion A. No federally-listed threatened or endangered species or their designated critical habitat are likely to occur in the “action area”; or
- Criterion B. Your industrial activities are authorized through the issuance of a permit under Section 7 or Section 10 of the ESA, and authorization addresses the effects of the storm water discharges associated with industrial activity, discharge-related activities, and allowable non-storm water discharges on federally-listed species and federally-designated critical habitat; or
- Criterion C. Coordination between you and the FWS and/or the NMF has been concluded. The coordination must have addressed the effects of the facility’s storm water discharges associated with industrial activity, discharge-related activities, and allowable non-storm water discharges on federally-listed threatened or endangered species and federally-designated critical habitat. The result of the coordination must be a written statement from the Service concluding that authorizing your storm water discharges, discharge-related activities, and allowable non-storm water discharges is consistent with the determination that that issuance of the MSGP is not likely to adversely affect federally-listed threatened or endangered species and federally-designated critical habitat. Any conditions or prerequisites deemed necessary to achieve consistency with the “not likely to adversely affect” determination

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

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

### III. ENDANGERED SPECIES PARISH LIST

See

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