



**CONSTRUCTION PROJECTS OWNED OR OPERATED BY**

**LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT (DOTD)**

**TABLE OF CONTENTS**

**COVER PAGE**

**PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT**

- A. Applicability
- B. Authorized Discharges
- C. Prohibited Discharges
- D. Requirements for Notification
- E. Spills
- F. Obtaining Authorization
- G. Contents of Notice of Intent
- H. Deadlines for Notification
- I. Annual Maintenance and Surveillance Fees
- J. Terminating Coverage
- K. Coverage Under Subsequent Permits

**PART II. DISCHARGE LIMITATIONS**

- A. Discharge Limitations
- B. Historic Sites
- C. Endangered Species
- D. Water Quality Standards/TMDL Requirements

**PART III. STORM WATER POLLUTION PREVENTION PLAN**

- A. Deadlines for Plan Preparation and Compliance
- B. Signature, Plan Review and Making Plans Available
- C. Keeping Plans Current
- D. Contents of Plan
- E. Contractor and Subcontractor Responsibilities
- F. Retention of Records

**PART IV. NOI UPDATES AND REPORTING REQUIREMENTS**

**PART V. DEFINITIONS**

**PART VI. STANDARD PERMIT CONDITIONS**

**ADDENDUM A: ENDANGERED SPECIES GUIDANCE**

**ADDENDUM B: HISTORIC PRESERVATION GUIDANCE**

**ADDENDUM C: MAP AND LIST OF ADDRESSES FOR LDEQ REGIONAL OFFICES**

## **PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT**

### **A. Applicability.**

This permit covers only the Louisiana Department of Transportation and Development (DOTD) and all areas and all waters of the state of Louisiana where DOTD is conducting operations and activities that require a storm water discharge permit, consistent with LAC 33.IX.2511.B.14.j and 15. These operations and activities include land disturbance activities that are necessary for statewide construction projects to build and maintain highways, as well as other projects involving the building and maintenance of transportation infrastructure. For the purposes of this general permit, “Maintenance” refers to construction activities conducted to repair existing roadways and infrastructure as opposed to “routine maintenance” which is defined in Part I.B.1. “Maintenance” does not include activities such as street sweeping, gutter cleanout, or other activities that do not involve the disturbance of land. This permit also provides coverage to projects which are performed by DOTD contractors where DOTD maintains direct operational control over the site.

### **B. Authorized Discharges.**

1. This permit authorizes discharges of storm water from DOTD construction activities consistent with LAC 33.IX.2511.B.14.j and 15 that result in land disturbance equal to or greater than one acre, and 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. Construction activities must be conducted in accordance with this permit from the “commencement of construction activities” until “final stabilization” as defined in Permit Part V.

Construction activities regulated under this permit include clearing, grading, excavation operations, and/or adding fill material that results in land disturbance as described in Part I.B.1 above. Road and bridge building are examples of construction activities.

Repaving of roads and reworking of utility lines are not regulated under this permit unless land disturbance, as described above, of underlying and/or surrounding soil are cleared, graded or excavated as part of the operation. **A 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/structure.** However, the term “routine maintenance” should not be confused with activities such as repairs, replacement, and other types of non-routine maintenance that require permit coverage where more than one acre is disturbed. If a construction activity is only performed to maintain its original purpose, then LPDES permit coverage is not required to discharge storm water from that construction activity. Such activities include replacing structures that are due for and require maintenance. In order to qualify as a routine maintenance activity, the land disturbance should not go beyond the footprint of the previous structure.

Examples of routine maintenance activities include the following:

- Berm Repair or Topsoil Replacement Along Shoulders - placing berm material or topsoil on shoulders adjacent to pavement to eliminate drop-offs;
- Bridge Abutment Repairs, Deck Overlays, and Deck Replacement;
- Bridge Replacement without widening;
- Chip Sealing – placing asphalt or polymer binder and stone on existing roads;
- Culvert Replacement/Repair/Lining – replacing/repairing/relining a culvert with the same line, grade, and hydraulic capacity and within US Army Corps of Engineers Nationwide Permit (NWP) #3 parameters;
- Curb Repairs – repairing existing curbing along a roadway;
- Ditch Cleanout – maintaining or restoring original flow line and cross-section only;
- Fence Repair/Replacement;
- Lighting Maintenance;
- Linear Grading – reshaping of graded shoulders to establish proper drainage away from pavement;
- Loop Detector Repairs – repairing loop detectors in existing pavement;
- Noise Wall Repair;
- Partial Depth Pavement Repairs – isolated repairs of surface courses of pavement;
- Pothole Filling; Resurfacing – replacing several inches of asphalt wearing course by milling existing surface and replacing with new material;
- Road Re-paving with new asphalt provided the activity does not expose soil to storm water;
- Sign Repair/Maintenance – installing or repairing traffic signs and poles/posts;
- Signal Installation/Maintenance – installing or repairing traffic signals and poles/posts; and
- Tree/Brush Removal – when it is considered a road maintenance activity.

The following examples of activities that commonly disturb less than one acre, and if disturbing less than one acre and not part of a common plan of development, do not require permit coverage:

- Full Depth Pavement Repairs – isolated repairs of pavement build-up down to sub-grade;
- Guardrail Installation/Replacement – installing or repairing with minor grading work to create proper grade for end assemblies; and
- Road Replacement without adding any lanes

To determine if construction activities at a particular site are regulated under this permit you should determine the total amount of land area that will be disturbed during a construction project rather than the total land area owned at a project site. Construction activities which are covered under this permit are activities that are consistent with LAC 33.IX.2511.B.14.j and 15 that result in land disturbance as described in Part I.B.1. Consistent with the current General Permit for Discharges of Storm Water from Construction Activities Disturbing Five Acres or More (LAR100000), a public entity, such as a state or federal agency, need not consider all

construction projects within their entire jurisdiction to be part of an overall “common plan.” In this case, the entire jurisdiction of the DOTD is within the boundaries of the State of Louisiana. Therefore, if discrete construction projects within the state are located ¼ mile or more apart and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility is not concurrently being disturbed. To clarify, if an activity disturbs less than one acre of land and no other areas within DOTD’s jurisdiction are being disturbed within a ¼ mile radius, the activity is not required to be covered under this permit. If an activity disturbs less than one acre, but other areas within ¼ mile radius are being disturbed, then the entire disturbed area from each discrete project shall be added to determine the total amount of land disturbed.

2. This permit also authorizes discharges from temporary support activities related to DOTD construction sites (equipment staging yards, material storage areas, excavated material disposal areas, borrow areas, etc.) from which there otherwise is a storm water discharge from a construction activity provided:
  - a. the support activity is directly related to a DOTD construction site that is required to have LPDES permit coverage for discharges of storm water associated with construction activity;
  - b. the support activity is located within DOTD infrastructure and/or is under the direct operational control of DOTD;
  - c. the support activity is not a commercial operation serving multiple unrelated construction projects by different operators, or does not operate beyond the completion of the construction activity at the last construction project it supports;
  - d. appropriate controls and measures are identified in the Storm Water Pollution Prevention Plan (SWPPP) to minimize discharges from the support activity areas;
  - e. effective pollution prevention measures must be designed, installed and maintained to minimize:
    - (1) Discharges of pollutants from equipment and vehicle washing, wheel wash water, and other waste waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
    - (2) Minimize trash, construction waste, building materials, building products, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials exposed to storm water and precipitation. Minimization of exposure is not required in cases where the exposure to precipitation and to storm water will not result in a discharge of pollutants, or, where exposure of a specific material or product poses little risk of storm

water contamination (such as final products and materials intended for outdoor use);

(3) Discharges of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures; and

(4) Pollutant discharges from the support activity areas are minimized to the maximum extent practicable.

3. The following non-storm water discharges are authorized by this permit provided the non-storm water component of the discharge is in compliance with Part III.D.5 (Authorized Non-storm Water Discharges):

- a. discharges from firefighting activities;
- b. fire hydrant flushings;
- c. waters used to wash vehicles where detergents, soaps, or solvents are not used;
- d. waters used to control dust in accordance with Part III.D.2.c.(2) – minimizing dust from vehicles;
- e. potable water sources including uncontaminated waterline flushings;
- f. routine external building washdown which does not use detergents, soaps, or solvents;
- g. diverted stream flows;
- h. pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; directing pavement wash waters directly into any surface water, storm drain inlet, or storm water conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or other effective control is prohibited;
- i. uncontaminated air conditioning or compressor condensate;
- j. uncontaminated and/or non-turbid ground water infiltration (as defined at 40 CFR 35.2005(20));
- k. uncontaminated and/or non-turbid pumped ground water or spring water;
- l. foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated groundwater; and
- m. landscape irrigation.

**C. Prohibited Discharges.**

1. Except as provided in Part I.B.2 and the items below, all discharges covered by this permit shall be composed entirely of storm water associated with construction activity.
2. Discharges of effluent or wastewater, other than storm water, that are in compliance with an LPDES permit (other than this permit) issued for that discharge may be mixed with discharges authorized by this permit.
3. Discharges from cement and asphalt batch plants are prohibited unless covered under a separate LPDES permit.

4. The following dischargers are prohibited: (1) wastewater from washout of concrete, **unless managed by an appropriate control**; (2) wastewater from washout and cleanout of stucco, paint, form release oils, curing, compounds and other construction materials; (3) discharges from dewatering activities, including discharges from dewatering of trenches and excavations, **unless managed by an appropriate control**; (4) Fuels, oils, or other pollutants used in vehicle operation and maintenance; and (5) soaps or solvents used in vehicle and equipment washing.
5. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill. Spills resulting in an emergency condition or non-compliance under this general permit must be reported in accordance with LAC 33:I.3923 or LAC 33:IX.2701.L.

**D. Requirements for Notification.**

The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable SWPPP for the facility. This permit does not relieve the DOTD of the reporting requirements of LAC 33:I.3915 and LAC 33:I.3917.

**1. Emergency Notification**

The DOTD shall report any unauthorized discharges which may endanger human health or the environment. As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health, safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. A written submission shall be provided within 7 calendar days after the telephone notification. Please note that discharges in direct noncompliance with LPDES permit conditions must also comply with the reporting requirements in LAC 33:IX.2701.L, which requires written notification within 5 days. The report shall contain the following information:

- a. the name, address, telephone number, Agency Interest (AI) number (number assigned by the department) if applicable, and any other applicable identification numbers of the person, company, or other party who is filing the written report, and specific identification that the report is the written follow-up report required by the permit;
- b. the time and date of verbal notification, the state official contacted when reporting, the name of person making that notification, and identification of the

site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;

- 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:
  - (i) the current permitted limit for the pollutant(s) released; and
  - (ii) the permitted release point/outfall ID;
- 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 and 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. the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- i. the written notification reports shall be submitted to the Office of Environmental Compliance, Assessment Division Single Point of Contact (SPOC) by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked "UNAUTHORIZED DISCHARGE NOTIFICATION REPORT".

## 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 department within 24 hours after learning of the discharge. Notification should be made to the Office of Environmental Compliance, Assessment Division (SPOC) in accordance with LAC 33:I.3923.

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

- a. by the Online Incident Reporting screens found at <http://www.deq.louisiana.gov/apps/forms/irf/forms/>; or



- b. by email utilizing the Incident Report Form and instructions found at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=279>, or
- c. by telephone at (225) 219-3640 during office hours, or (225) 342-1234 after hours and on weekends and holidays.

**E. Spills.**

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill. Spills resulting in an emergency condition or non-compliance under this general permit must be reported in accordance with LAC 33:I.3923 or LAC 33:IX.2701.A.

**F. Obtaining Authorization.**

DOTD must submit a master NOI at least thirty (30) days prior to the expected commencement of discharge. In order to receive coverage, DOTD must:

- a. meet the applicability requirements of Part I.A;
- b. develop a master storm water pollution prevention plan (SWPPP), which will serve as a template and be customized for each construction project/site to address specific stormwater issues found at each location, according to the requirements in Part III. Prior to receiving coverage, the master/template SWPPP will be reviewed by the LDEQ. Site specific SWPPPs may be reviewed upon request by the LDEQ Regional Office, as specified in Part IV of this permit. The site specific SWPPP must be completed upon commencement of construction activities;
- c. submit a complete and accurate master Notice of Intent (NOI) using an NOI form provided by the State Administrative Authority (or a photocopy thereof) or other approved form. Only the master NOI needs to be submitted to cover all of the permittee's statewide activities (e.g., you do not need to submit a separate NOI for each construction activity).
- d. site-specific information for each construction activity, as outlined in Part IV, must be submitted to LDEQ prior to obtaining authorization. This information will be submitted in the monthly master NOI update to the LDEQ Office of Environmental Compliance and appropriate LDEQ regional office.

Application for coverage shall be made by the person who meets the criteria of operator, which includes:

- (1) operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; and/or
- (2) day-to-day operational control over those activities at a project site which are necessary to ensure compliance with the SWPPP or other permit conditions.

DOTD is responsible for compliance with all applicable conditions of this permit as it relates to the permitted activities of the construction site, including: protection of endangered species, critical habitat, historic properties, and implementation of control measures described in the SWPPP. To ensure protection of these resources and implementation of control measures DOTD will be required to follow the reporting requirements in Part IV upon receiving permit coverage.

Contractors and subcontractors who are conducting work on behalf of DOTD, but are not under the direct supervision of DOTD, are not eligible for coverage under this permit. Separate permit coverage under LAR100000 or LAR200000 must be obtained for non-DOTD operators meeting one or both of the above “operator” definitions.

Contractors and subcontractors who are under the direct supervision of DOTD are eligible for coverage under this permit, as long as DOTD continues to meet both operator criteria (stated above). DOTD staff shall be responsible for implementing the SWPPP and ensuring that contractors and subcontractors actions/activities do not render DOTD’s pollutant discharge controls ineffective. The reporting requirements found in Part IV also apply to DOTD projects being conducted by contractors/subcontractors that are authorized under this permit.

Joint projects in which another entity (e.g. local municipality, federal government) has project control with DOTD are not eligible for coverage under this permit. Separate permit coverage must be obtained for such joint projects.

This Office will conduct a thorough evaluation of eligibility for the master NOI that is submitted for permit coverage. After completing the evaluation of eligibility, this Office will issue written notification to DOTD that coverage has been granted under this general permit. DOTD is authorized to discharge upon receiving written notification from LDEQ. Upon being granted permit coverage, LDEQ will review DOTD’s monthly NOI updates to continually ensure permit eligibility, minimization of water quality impacts, and to monitor discharges of pollutants into impaired waters and/or TMDL waters.

**G. Contents of Notice of Intent.**

The master Notice of Intent shall be signed by a responsible official in accordance with LAC 33:IX.2503 and shall include at a minimum:

1. the name, address, and telephone number of the applicant filing the master NOI for permit coverage and operator status as a Federal, State, Tribal, private, or other public entity;
2. the name (or other identifier), street address (description of location if no street address is available), city, parish, and the latitude and longitude of the approximate center of the construction site/project for which the notification is submitted or indicate statewide coverage;
3. a description of the facility type/general operations to be covered by the permit;
4. the name of the receiving water(s) or indicate statewide coverage (note: statewide coverage assumes all waters of the State of Louisiana are potential receiving waters); and

5. the name and address of the contact person associated with the permitted activity.

**H. Deadlines for Notification.**

A complete and accurate master Notice of Intent (NOI) must be received by this Office thirty (30) days prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities). Additionally, at least 14 days in advance of any proposed construction activities, DOTD must submit a monthly NOI update of activities for which they are requesting coverage (see Part IV for NOI Update and Reporting Requirements).

**I. Annual Maintenance and Surveillance Fees.**

Annual maintenance and surveillance fees will be assessed for coverage under this general permit. DOTD will receive an annual invoice to pay these fees. The annual maintenance and surveillance fees for this permit will be calculated based on the average number of projects per year during the previous five year permit cycle using the following multi-level fee schedule:

- I: \$29, 100 (< 100)
- II: \$36, 375 (101 < 150)
- III: \$50, 925 (151 > 200)
- IV: \$58, 000 (201+)

**J. Terminating Coverage**

To terminate DOTD coverage for site-specific construction activities under this general permit, it must submit written notification to this Office (see Part IV) and must certify the following information:

- a. final stabilization (see definition Part V) has been achieved on all construction activities for which DOTD is responsible (including if applicable, returning agricultural land to its pre-construction agricultural use); or
- b. coverage under an individual or alternative general LPDES permit has been obtained.

**K. Coverage Under Subsequent Permits**

Should this permit expire before it is reissued, this Office will administratively extend the permit to discharge to DOTD for construction activities that were ongoing prior to the expiration date until such time that a new general permit is issued. No new activities may be initiated or covered under an expired permit. In the event DOTD proposes new construction projects and this general permit is expired and has not been reissued, DOTD must submit an NOI for each proposed project that meets the definition of a large construction activity, for coverage under LPDES Permit LAR100000. Projects that meet the definition of a small construction activity must be conducted in accordance with LPDES Permit LAR200000. When the general permit is reissued, new DOTD construction projects may be authorized under the new permit, provided there has been no significant changes to operations or activities.

## **PART II. DISCHARGE LIMITATIONS.**

**A. Discharge Limitations.** The permit conditions which were determined applicable to these discharges are narrative effluent limitations and conditions on stormwater discharges and requirements for developing and implementing site-specific stormwater pollution prevention plans to comply with those limits and conditions. These narrative effluent limit guidelines are intended to minimize and control pollutants in storm water discharges associated with the DOTD's activities. These requirements were developed by EPA under authority of 40 CFR 122.44(k)(2), which allows for BMPs in lieu of numeric effluent limitations in NPDES permits when EPA finds numeric effluent limitations to be infeasible. In order to minimize and control pollutants, the DOTD is required to develop and implement a SWPPP for each project covered by this permit. To achieve this, one master SWPPP template will be developed to for all construction activities covered by this permit. This master template will be completed prior to submitting the master NOI and will be customized for each construction activity to address the specific stormwater issues relevant to each project or site. In order to meet the stormwater pollution prevention needs of each site, the master template SWPPP will be modified to contain all necessary measures for any site-specific construction project prior to initiation of the project. These individual, site-specific SWPPPs will contain the stormwater pollution prevention measures that are necessary and unique to each site. The use of a standardized master template will ease implementation and document navigation. The master template SWPPP requirements are based upon the construction and development point source category effluent limit guidelines found in 40 CFR 450, Subpart B.

1. DOTD must select, install, implement and maintain control measures at your construction site that minimize pollutants in authorized stormwater and non-stormwater discharges as necessary to meet applicable water quality standards. In general, except in situations explained below, your storm water controls must be developed, implemented, and updated consistent with the other provisions of Part III are considered as stringent as necessary to ensure that your discharges do not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.
2. Discharges covered under this permit shall not cause or have the reasonable potential to cause or contribute to a violation of a water quality standard. At any time after authorization, LDEQ may determine that your storm water discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, LDEQ will require you to:
  - a. Modify your storm water controls in accordance to address adequately the identified water quality concerns;
  - b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards;
  - c. Cease discharge of pollutants from construction activity; or
  - d. Apply for an individual permit for a site-specific activity.

**B. Historic Sites.** Discharges are authorized under this permit only if:

1. DOTD ensures storm water discharges, allowable non-storm water discharges, and discharge-related activities do not have the potential to adversely affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior; or
2. If historical properties are identified and it is determined there is the potential to adversely affect the property, DOTD has obtained and is in compliance with a written agreement with the Louisiana State Historic Preservation Officer (SHPO) that outlines all measures to be undertaken to mitigate or prevent adverse effect(s) to the historic property.

**C. Endangered Species.**

1. A discharge of storm water associated with construction activity is covered under this permit only if DOTD certifies that it meets at least one of the following criteria. DOTD must use the process in Addendum B (Endangered Species Guidance) to determine eligibility **PRIOR** to the commencement of each construction activity. Failure to continue to meet one or more of these criteria ((a)-(d)) during the entire term of the permit will result in the storm water discharges associated with construction activity being ineligible for coverage under this permit.
  - (a) The storm water discharge(s), and the construction and implementation of Best Management Practices (BMPs) to control storm water runoff, are not likely to adversely affect species identified in Addendum B of this permit or critical habitat for a listed species; or
  - (b) DOTD's activity has received previous authorization for this site under Section 7 or Section 10 of the Endangered Species Act (ESA) and that authorization addressed storm water discharges and/or BMPs to control storm water runoff (e.g., developer included impact of entire project in consultation over a wetlands dredge and fill permit under Section 7 of the Endangered Species Act); or
  - (c) DOTD's activity was considered as part of a larger, more comprehensive assessment of impacts on endangered and/or threatened species and its critical habitat under Section 7 or Section 10 of the Endangered Species Act which accounts for storm water discharges and BMPs to control storm water runoff (e.g., where an area-wide habitat conservation plan and Section 10 permit is issued which addresses impacts from construction activities including those from storm water, or a National Environmental Policy Act (NEPA) review is conducted which incorporates ESA Section 7 procedures); or

- (d) DOTD's activity was considered as part of a larger, more comprehensive site-specific assessment of impacts on endangered and/or threatened species and its critical habitat by the owner or other operator of the site and that permittee certified eligibility under item (a), (b), or (c) above (e.g., owner was able to certify no adverse impacts for the project as a whole under item (a)), so the contractor can then certify under item (d). Utility companies applying for permit coverage for the entire permit area of coverage may certify under item (d) since authorization to discharge is contingent on a principal operator of a construction project having been granted coverage under this, or an alternative LPDES permit for the areas of the site where utilities installation activities will occur.
2. DOTD must follow the procedures provided in Addendum B of this permit when determining eligibility to operate under the permit.
3. DOTD must comply with any terms and conditions imposed under the eligibility requirements of paragraphs (1)(a), (b), (c), or (d) above to ensure that storm water discharges or BMPs to control storm water runoff are protective of listed endangered and threatened species and/or critical habitat. Such terms and conditions must be incorporated in the applicant's storm water pollution prevention plan.
4. This permit does not authorize any "take" (as defined under Section 9 of the Endangered Species Act) of endangered and/or threatened species unless such take is authorized under Section 7 or 10 the Endangered Species Act.
5. This permit does not authorize any storm water discharges or require any BMPs to control storm water runoff that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act or result in the adverse modification or destruction of habitat that is designated as critical under the Endangered Species Act.

D. **Water Quality Standards/TMDL Requirements.**

Covered discharges shall not cause, have the reasonable potential to cause, or contribute to a violation of a state water quality standard. DOTD must evaluate eligibility of each proposed project by determining compliance with this provision prior to project initiation.

The discharge of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by LDEQ is not authorized unless the discharge is consistent with the requirement(s) of that TMDL. During determination of eligibility for coverage under the permit, DOTD must determine if new discharges (see LAC 33:IX.2313) to a 303(d) listed waterbody will be in compliance with LAC 33:IX.2317.A.9. In essence, a new discharge is one initiated after August 13, 1979, and not previously permitted. Any discharger (both existing and new) to a waterbody for which there is an approved TMDL must confirm that the TMDL allocated a portion of the load for storm water point source discharges if the proposed discharges will contain the

pollutant(s) for which the waterbody is impaired or the TMDL developed. Such discharges are expected to be rare for the wastewater types covered by the reissued permit because the required control/prevention measures are designed to prevent the release of these pollutants in storm water. Discharges located within a regulated MS4 that has been assigned a WLA may need additional BMPs in accordance with local ordinances and/or the MS4's Storm Water Management Plan.

In a situation where an LDEQ-approved or established TMDL has specified a general wasteload allocation applicable to construction storm water discharges, but no specific requirements for construction sites have been identified in the TMDL, DOTD must consult with LDEQ to confirm that adherence to a site-specific SWPPP that meets the requirements of this permit will be consistent with the approved TMDL. The site-specific SWPPP must clearly state which BMPs were selected for the site and describe how the design and implementation of the selected BMPs are expected to ensure that storm water discharges from the construction site are in compliance with the established TMDL. If the LDEQ-approved or established TMDL specifically precludes such discharges, the proposed discharge is not eligible for coverage under this permit.

Where an LDEQ-approved or established TMDL has not specified a wasteload allocation applicable to construction storm water discharges, but has not specifically excluded these discharges, adherence to a site-specific SWPPP that meets the requirements of this permit will be considered to be consistent with the approved TMDL. Current TMDL reports are located on the Internet at:

<http://www.deq.louisiana.gov/portal/default.aspx?tabid=1563#Reports>

and at:

<http://www.epa.gov/region6/water/npdes/tmdl/303d/la/2012-303d-ltr-state-final-action.pdf>

Broadly stated, new or existing discharges of a particular pollutant are prohibited where there is a TMDL unless the discharge meets the requirements established in the TMDL. If a discharge is not/will not meet these requirements, DOTD must seek coverage under an alternative permit, for that specific discharge. Where DOTD is already operating under the permit and is later discovered to cause or have the reasonable potential to cause or contribute to the violation of a state water quality standard, the permitting authority will notify DOTD of such violation(s) and DOTD shall take all necessary actions to ensure that future discharges do not cause, have the reasonable potential to cause, or contribute to the violation of a water quality standard and document these actions in the pollution prevention plan. If violations remain or recur, then coverage under the permit is automatically terminated and alternate coverage must be obtained. Compliance with this requirement does not preclude any enforcement activity as provided by the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.) for the underlying violation.

In order to verify the impaired status of the waterbody and determine if any TMDLs have been established, the permit applicant shall consult the most recent Integrated Report (also referred to as the 305(b) Report) at:

<http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/WaterQualityAssessment/WaterQualityInventorySection305b.aspx>

or obtain a copy of the report from the Office of Environmental Services, Water Permits Division.



### **PART III. STORM WATER POLLUTION PREVENTION PLAN**

One storm water pollution prevention plan (SWPPP) shall be developed that serves as a master template SWPPP for all construction projects or sites covered by this permit. Generally, the purpose of the master template SWPPP is to have a uniform, standardized structure for all DOTD construction projects, which is easily modified to include site specific details and to address the specific storm water issues relevant to each project or site. The master template SWPPP shall be structured to include all required elements identified in Part III below and the standardized BMPs used at all DOTD construction sites. Each site-specific SWPPP shall be prepared in accordance with good engineering practices and include the following details: identification of potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site; and describe and ensure the implementation of practices which will be used to minimize the pollutants in storm water discharges associated with construction activity at the construction site and to assure compliance with the terms and conditions of this permit.

When developing site-specific SWPPPs, the DOTD must follow the procedures in Addendum B of this permit to determine whether listed endangered and/or threatened species or critical habitat would be affected by the DOTD's storm water discharges or storm water discharge-related activities. Any information on whether listed species or critical habitat is found in proximity to the construction site must be included in each site-specific SWPPP. Any terms or conditions that are imposed under the eligibility requirements of Addendum B of this permit to protect listed species or critical habitat from storm water discharges or storm water discharge-related activity must be incorporated into the SWPPP. The master SWPPP template must be completed prior to submittal of the master NOI. Each site-specific SWPPP must be implemented upon commencement of construction activities. The DOTD must implement the applicable provisions of the SWPPP required under this Part as a condition of this permit.

#### **A. Deadlines for Plan Preparation and Compliance.**

Each site-specific SWPPP shall:

1. be developed and implemented for each construction project eligible for coverage under this permit, prior to the initiation of the project;
2. be updated as appropriate;
3. provide for compliance with the terms and schedule of the SWPPP beginning with the initiation of construction activities.

#### **B. Signature, Plan Review and Making Plans Available.**

1. Each site-specific SWPPP shall be signed in accordance with Part VI.D.10 (Signatory Requirements), and be retained on-site and/or at the DOTD office responsible for the storm water discharge in accordance with Part III.F (Retention of Records) of this permit.

2. The DOTD shall post a notice near the main entrance of the construction site with the following information:
  - a. the LPDES permit number;
  - b. the name and telephone number of a local contact person;
  - c. a brief description of the project; and
  - d. the location of the site-specific SWPPP if the site is inactive or does not have an on-site location to store the plan.

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

3. The DOTD shall make site-specific SWPPPs available upon request to: the LDEQ; the local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and, during normal business hours, to the public. The copy of the site-specific SWPPP that is required to be kept on-site (or locally available) must be made available to the LDEQ (or authorized representative) for review at the time of an on-site inspection.
4. The LDEQ may notify the DOTD at any time that a site-specific SWPPP does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of this permit which are not being met by the site-specific SWPPP, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this Part. Within 7 calendar days of receipt of such notification from the LDEQ, (or as otherwise provided by the LDEQ), or authorized representative, the DOTD shall make the required changes to the plan and shall submit to the LDEQ a written certification that the requested changes have been made. The LDEQ may take appropriate enforcement action for the period of time the DOTD was operating under a plan that did not meet the minimum requirements of the permit.

**C. Keeping Plans Current.**

The DOTD must amend site-specific SWPPPs whenever:

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

2. inspections or investigations by site operators, local, state, or federal officials indicate the site-specific SWPPP is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under Part III.D.2;
3. inspections or investigations by site operators, local, state, or federal officials indicate the site-specific SWPPP is proving ineffective in eliminating or significantly minimizing pollutants from sources of this permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity; and
4. necessary to identify any new DOTD contractor(s) and/or subcontractor(s) that will implement a measure of the site-specific SWPPP (see Part III.E). The plan must also be amended to address any measures necessary to protect endangered and/or threatened species and their critical habitat, and historic sites listed and/or proposed to be listed on national and state registries, if applicable. Amendments to the plan may be reviewed by the LDEQ in the same manner as Part III.B above.

**D. Contents of Plan.**

Each site-specific SWPPP shall include the following items:

1. **Site Description.** Each SWPPP shall provide a description of potential pollutant sources and other information as indicated below:
  - a. a description of the nature of the construction activity and function of the project (i.e., highway, mall, etc.);
  - b. a description of the intended sequence and timing of major activities (i.e. initial land clearing, installing sewer lines, support structures, staging areas, roads) which disturb soils for major portions (i.e. defined phases of a project) of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation, etc);
  - c. estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities including off-site borrow and fill areas;
  - d. an estimate of the runoff coefficient of the site for both the pre-construction and post-construction conditions and data describing the soil or the quality of any discharge from the site;
  - e. a general location map (e.g., portion of a city or county map or other map with enough detail to identify the location of the construction site and waters of the United States within one mile of the site);
  - f. a site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which will not be disturbed, the location of major structural and nonstructural controls

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

- g.** location and description of any allowable non-storm water discharges covered by the permit;
- h.** the name of the receiving water(s), and areal extent and description of wetland or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project;
- i.** a copy of the permit requirements (may simply attach a copy of this permit);
- j.** information on whether listed endangered and/or threatened species and/or critical habitat are found in proximity to the construction activity and whether such species or critical habitat may be affected by the applicant's storm water discharges or storm water discharge-related activities;
- k.** documentation supporting compliance with the National Historic Preservation Act, including:
  - (1) information on whether storm water discharges or storm water discharge-related activities would have an effect on a property that is listed or proposed to be listed on the National Register of Historic Places or state registries;
  - (2) where effects may occur, any written agreements made between the operator and the State Historic Preservation Officer to mitigate those effects;
  - (3) results of the Addendum C historic places screening determinations; and
  - (4) a description of measures necessary to avoid or minimize adverse impacts on places listed, or eligible for listing, on the National Register of Historic Places.
- l.** documentation supporting compliance with LDEQ-established or approved Total Maximum Daily Loads (TMDLs), including:
  - (1) identification of whether the activity or discharge is identified, either specifically or generally, in an LDEQ-established or approved TMDL and any associated allocations, requirements, and assumptions identified for your discharge;
  - (2) summaries of consultation with the LDEQ authorities on consistency of SWPPP conditions with the approved TMDL; and
  - (3) measures taken to ensure that the discharge of pollutants for the site is consistent with the assumption and requirements of the LDEQ-established or

approved TMDL, including any specific wasteload allocation that has been established that would apply to your discharge.

In a situation where an LDEQ-approved or established TMDL has specified a general wasteload allocation applicable to construction storm water discharges, but no specific requirements for construction sites have been identified in the TMDL, the SWPPP must specifically state which best management practices (BMPs) were selected for the site and describe how the design and implementation of the selected BMPs are expected to ensure that storm water discharges from the construction site are in compliance with the approved or established TMDL.

## **2. Controls.**

Each SWPPP shall include a description of all appropriate control measures (i.e., structural and non-structural BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. The SWPPP must clearly describe for each major activity identified in Part III: a) appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and b) which personnel are responsible for implementation.

The description and implementation of control measures shall address the following minimum components:

### **a. Erosion and Sediment Controls.**

#### (1) Short and Long Term Goals and Criteria:

- (a) The construction-phase erosion and sediment controls should be designed to retain sediment on-site to the maximum extent practicable.
- (b) All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the DOTD must replace or modify the control for site situations.
- (c) If sediments escape the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).
- (d) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

- (e) Trapped sediment must be removed from a silt fence before the deposit reaches 50 percent of the above-ground fence height (or before it reaches a lower height based on manufacturer's specifications.)
  - (f) Off-site material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and shall be addressed in the SWPPP.
- (2) Effluent limitations reflecting the best practicable technology currently available (BPT) (40 CFR 450.21 (a)) shall, at a minimum, include the design of effective erosion and sediment controls to minimize the discharge of pollutants installed and maintained to:
- (a) Control storm water volume and velocity to minimize soil erosion in order to minimize pollutant discharges.
  - (b) Control storm water discharges, including both peak flow rates and total storm water volume to minimize channel and stream bank erosion and scour in the immediate vicinity of discharge points.
  - (c) Minimize amount of soil exposed during construction activity.
  - (d) Unless infeasible, preserve topsoil. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.
  - (e) Minimize the disturbance of steep slopes.
  - (f) Minimize sediment discharge from the site: design, install and maintain erosion and sediment controls to address factors such as the amount, frequency, intensity and duration of precipitation, the nature of the resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.
  - (g) Provide and maintain natural buffers around waters of the state, direct storm water to the vegetated areas and maximize storm water infiltration to reduce pollutant discharges, unless infeasible;
    - i. A buffer zone of sufficient width to reduce pollutant discharges and minimize erosion shall be maintained between disturbed areas and all waters of the state;
    - ii. For discharges to waters designated as Outstanding Natural Resource Waters, the DOTD is required to maintain at a minimum a 50-foot natural buffer zone between any disturbance and all edges of the receiving water as means of providing adequate protection to receiving waters, unless infeasible.

- iii. For discharges to waters that are listed as impaired (Category 5 or 4a) on the most recent Integrated Report for sedimentation/siltation or turbidity AND where the suspected source is site clearance (land development or redevelopment), the DOTD is required to maintain at a minimum a 50-foot natural buffer zone between any disturbance and all edges of the receiving water as means of providing adequate protection to receiving waters, unless infeasible. This requirement does not supersede any additional requirements of a waste load allocation. The most recent Integrated Report (also referred to as the 305(b) Report) can be found at:

<http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/WaterQualityAssessment/WaterQualityInventorySection305b.aspx>.

- iv. If the buffer zone between any disturbance and the edge of the receiving water on all edges of the water body cannot be maintained due to site constraints, an adequately protective alternate practice may be employed, or a combination of alternative practices with a narrower buffer zone. The SWPPP shall explain any alternate practices and how these practices are adequately protective. Such cases include but are not limited to redevelopment in an urban setting or construction of water features, such as docks, bridges, levees, dams, etc. and dredge and fill areas.
- (h) Minimize soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.
  - (i) When discharging storm water from settling basins or impoundments, utilize outlet structures that withdraw water from the surface of the basin or impoundment, unless infeasible.

(3) Stabilization Practices.

The SWPPP must include a description of interim and permanent stabilization practices for the site, including a site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Final stabilization practices may include, but are not limited to: establishment of permanent self-sustaining perennial vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.

The following records shall be maintained and attached to the SWPPP: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; and the dates when stabilization measures are initiated.

- (a) Deadline to Initiate Stabilization Measures. Stabilization measures shall be initiated immediately in portions of the site where clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site or temporarily ceased and will not resume for a period exceeding 14 calendar days. For the purposes of this permit, “immediately” is interpreted to mean no later than the next work day. Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 14 days, stabilization measures do not have to be initiated on that portion of site. For the purposes of this permit, the types of activities that constitute the initiation of stabilization include, but are not limited to:
- i. prepping the soil for vegetative or non-vegetative stabilization;
  - ii. applying mulch or other non-vegetative product to the exposed area;
  - iii. seeding or planting the exposed area;
  - iv. starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and
  - v. finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.
- (b) Deadline to Complete Installation of Stabilization Measures. As soon as practicable, but no later than 14 calendar days after the initiation of soil stabilization measures, you are required to have completed:
- i. For vegetative stabilization, all activities necessary to initially seed or plant the area to be stabilized; and/or
  - ii. For non-vegetative stabilization, the installation or application of all such non-vegetative measures.

In extenuating circumstances and per 40 CFR 450.21(b), stabilization must be completed within the time period as follows: In areas experiencing droughts where the completion of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonal arid conditions, stabilization measures shall be completed as soon as practicable. These extenuating circumstances must be documented in the SWPPP.

In general, you should be aware that final stabilization often takes time (weeks or even months), especially during times of low rainfall or during the colder months of the year. You must continue routine inspections until you have met the final stabilization requirements of the permit. **“Final stabilization” is defined/described in Part V of the permit.**

- (c) Deadlines for projects that are affected by circumstances beyond the control of the DOTD that delay the initiation and/or completion of vegetative stabilization. If you are unable to meet the deadlines in sections



(a) or (b) above due to circumstances beyond your control, and you are using vegetative cover for temporary or permanent stabilization, you may comply with the following stabilization deadlines instead:

- i. Immediately initiate, and within 14 calendar days complete, the installation of temporary **non-vegetative** stabilization measures to prevent erosion;
- ii. Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and
- iii. Document the circumstances that prevent you from meeting the deadlines required in sections (a) and (b) and the schedule you will follow for initiating and completing stabilization.

(4) Structural Practices.

The SWPPP must include a description of structural practices to divert flows from exposed soils, retain flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to Section 404 of the Clean Water Act (CWA).

- (a) For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin providing storage for a calculated volume of runoff from a 2 year, 24 hour storm from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization (see Part V) of the site. The 3,600 cubic feet of storage area per acre drained does not apply to flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin.

In determining whether installing a sediment basin is attainable, the DOTD may consider factors such as site soils, slope, available area on-site, etc. In any event, the DOTD must consider public safety, especially as it relates to children, as a design factor for the sediment basin would preclude a safe design. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or

sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all downslope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. LDEQ encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

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

**b. Storm Water Management.**

A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed must be included in the SWPPP. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may also require a separate permit under Section 404 of the CWA. The DOTD is responsible for the installation and maintenance of storm water management measures until final stabilization is achieved at each site. The DOTD is not responsible for storm water discharges resulting from post-stabilization activities at each site. Final stabilization often takes time (weeks or even months), especially during times of low rainfall or during the colder months of the year. Routine inspections must continue until the final stabilization requirements of the permit are met (see Part V). However, once final stabilization is completed, post-construction storm water BMPs that discharge pollutants from point sources may need authorization under a separate LPDES permit.

- (1) Such practices may include but are not limited to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff on-site; and sequential systems (which combine several practices). The SWPPP shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.
- (2) Velocity dissipation devices may be needed at discharge locations and along the length of any outfall channel for the purpose of providing a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).

**c. Other Controls.**

- (1) No solid materials, including building materials, shall be discharged to waters of the State, except as authorized by a permit issued under Section 404 of the CWA. "Solid materials" refers to such items as boards, wrapping materials, bricks and concrete debris, and land clearing debris such as leaves and tree limbs, but does not include total suspended solids.
- (2) Off-site vehicle tracking of sediments and the generation of dust shall be minimized.
- (3) The SWPPP shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations to the extent these are located within the permitted area.
- (4) The SWPPP shall include a narrative description of construction and waste materials expected to be stored on-site, with updates as appropriate. The SWPPP shall also include a description of controls developed to reduce pollutants from these materials including storage practices to minimize exposure of the materials to storm water and precipitation, and spill prevention and response.
- (5) The SWPPP shall include a description of pollutant sources from areas other than construction (including discharges from dedicated cement/concrete and asphalt plants covered under a separate LPDES permit), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.
- (6) The SWPPP shall include a description of measures necessary to protect endangered and/or threatened species and their critical habitat, and historic sites listed and/or proposed to be listed on national and state. Failure to describe and implement such measures will result in the storm water discharges from the construction activities being ineligible for coverage under this permit.

**d. Approved State or Local Plans.**

- (1) The DOTD must include in the SWPPPs the procedures and requirements which are specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by State or local officials.
- (2) The DOTD must include in the SWPPPs any measures that result from agreements from Louisiana State Historic Preservation Officer or tribal historic preservation offices.
- (3) SWPPPs must be updated as necessary to reflect any changes which are applicable to protecting surface water resources in the sediment and erosion site plans or site permits, or storm water management site plans or site permits

approved by State, or local officials for which the DOTD receives written notice.

### **3. Maintenance.**

A description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures, and other protective measures identified in the site plan are in good and effective operating condition must be provided. Maintenance needs identified in inspections or by other means shall be accomplished before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable. Employees, contractors, and subcontractors, as necessary, should be made aware of the applicable control measures implemented at the site so that they follow applicable procedures.

### **4. Inspections.**

a. Except for linear or remote projects as discussed below, qualified personnel (provided by the DOTD or contractors) shall inspect the construction site in accordance with one of the two schedules listed below. Areas to be inspected include disturbed areas that have not been finally stabilized; areas used for storage of materials that are exposed to precipitation; structural and non-structural control measures; and locations where vehicles enter or exit the site. You must specify in the SWPPP which schedule you will follow:

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

Employees and contractors/subcontractors should be made aware of the applicable control measures implemented at the site so that they follow applicable procedures.

Because linear or remote, unmanned projects often cannot be inspected from stabilized locations without damage to BMPs or re-vegetation efforts, these operators have the option of either 1) conducting regular visual inspections every 14 days, or 2) performing visual inspections within 24 hours following a storm event of 0.5 inches or greater. The option selected by the operator must be identified in the SWPPP and must be adhered to and documented in inspection records throughout the term of permit coverage.

b. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. All storm water control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to the receiving waters. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are

practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

- c. Based on the results of the inspection, the site description and pollution prevention measures identified in the plan in accordance with Part III of this permit shall be revised as appropriate, but in no case later than seven calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the plan within seven calendar days following the inspection.
- d. For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include:
  - (1.) The inspection date;
  - (2.) Names, titles, and qualifications of personnel making the inspection;
  - (3.) Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
  - (4.) Weather information and a description of any discharges occurring at the time of the inspection;
  - (5.) Location(s) of discharges of sediment or other pollutants from the site;
  - (6.) Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
  - (7.) Location(s) of BMPs that need to be maintained;
  - (8.) Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
  - (9.) Corrective action required including implementation dates.

The inspection report which includes the information listed in items 1-9 above and all actions taken in accordance with Part III.D.4.b of the permit shall be made and retained as part of the SWPPP for at least three years from the date that the site is finally stabilized. Such reports shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part VI.D.10 of this permit.

#### **5. Authorized Non-Storm Water Discharges**

Except for flows from firefighting activities, sources of non-storm water listed in Parts I.C.4 of this permit that are combined with storm water discharges associated with construction activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures to reduce and/ or eliminate the non-storm water component(s) of the discharge.

#### **E. Contractor and Subcontractor Responsibilities.**

The DOTD must ensure that a site-specific SWPPP is developed and implemented for each project covered by this permit. It is the DOTD's responsibility to ensure that DOTD contractors, subcontractors, and utility companies working on DOTD projects covered by

this permit adhere to the site-specific SWPPPs. Any contractors conducting construction activities without direct operational control from DOTD are required to obtain separate coverage under LPDES Permit LAR100000 or LAR200000.

1. **DOTD Contractors and Subcontractors Implementing Storm Water Control Measures.** The DOTD shall ensure that all contractors and subcontractors identified in the site-specific SWPPPs are responsible for implementing storm water control measures.
2. **DOTD Contractors and Subcontractors Impacting Storm Water Control Measures.** The DOTD shall ensure that contractor(s) and subcontractor(s) who will conduct activities which might impact storm water control measures are identified in the site-specific SWPPPs.
3. **Utility Companies.** The site-specific SWPPPs must clearly identify, for each control measure identified in the plan relating to the installation of utility service, the party that will implement the measure.

**F. Retention of Records**

1. **Documents.**

The DOTD shall retain copies of all SWPPPs and all records and reports required by this permit for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of LDEQ at any time.

2. **Accessibility.**

The DOTD shall retain a copy of the site-specific of SWPPPs required by this permit (including a copy of the permit language) at each construction site (or other local site accessible to LDEQ and the public) from the date of project initiation to the date of final stabilization. A copy of the plan must be readily available to LDEQ inspectors during normal business hours.

3. **Addresses.**

All written correspondence concerning discharges in Louisiana from any project covered under this permit shall be identified by AI number 193287 and permit number LAR600000, and sent to the address below.

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

## **PART IV. NOI UPDATES AND REPORTING REQUIREMENTS**

DOTD must submit a list of proposed, current, and completed construction projects by the 15<sup>th</sup> day of each month to LDEQ.

The list of proposed projects will include the following information:

1. the project name and DOTD-assigned project number for each project;
2. a certification that a SWPPP, including both construction and post-construction controls, has been developed, and that the SWPPP is compliant with any applicable state and/or local sediment and erosion plans;
3. an estimate of project start and end dates;
4. estimates of the number of acres of the site on which soil will be disturbed;
5. estimated erosivity factor;
6. the name of any DOTD subcontractors who are completing the work under the direct control of DOTD;
7. the effluent pathway and name of the first receiving water(s);
8. a site diagram(s) showing the location of each project must be attached to the report; and
9. parish in which the project is located and applicable LDEQ Regional Office.

The lists of ongoing projects and completed projects shall include the previously reported project name and DOTD-assigned project number. In order to be considered complete, a construction site must meet the final stabilization requirements in this permit.

Each monthly report will be signed by an appropriate responsible authority in accordance with LAC 33:IX.2503. Any person signing the monthly reports will 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 direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I also certify that a storm water pollution prevention plan, including both construction and post construction controls, has been prepared for the site in accordance with the permit and that such plan complies with approved State, Tribal and/or local sediment and erosion plans or permits and/or storm water management plans or permits. I am aware that signature and submittal of the NOI is deemed to constitute my determination of eligibility under*

*one or more of the requirements of Permit Part II.C, related to the Endangered Species Act requirements. To the best of my knowledge, I further certify that such discharges and discharge-related activities will not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, or are otherwise eligible for coverage under Part II.B of the permit. I am also aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

The monthly project list shall be submitted to the Permit Compliance Unit at the following address:

Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
Attention: Permit Compliance Unit

Additionally, at least 14 days prior to initiation of each project, DOTD must notify the appropriate regional office in whose region the discharges will occur. The notification shall consist, at a minimum, of the information required above in the monthly report. The monthly report, if also sent to the appropriate regional office(s), may fulfill this notification requirement. At the time of notification, the regional office staff may request any additional information deemed necessary (e.g. site specific SWPPPs, MS4 notifications ,etc.) in order to determine if the proposed project is in compliance with the terms and conditions of this permit.

If either the regional office or the Water Permits Division determines a proposed project is ineligible for coverage under this permit, the DOTD will be notified in writing. In these circumstances, DOTD may pursue coverage under an alternative general permit or an individual LPDES permit by submitting the appropriate application form. Current regional office address and telephone numbers are available on the LDEQ website at <http://www.deq.louisiana.gov/portal/tabid/62/Default.aspx>.



## **PART V. DEFINITIONS.**

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

“Arid Areas” – areas with an average annual rainfall of 0 to 10 inches.

“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.

([http://cfpub.epa.gov/npdes/storm water/menuofbmps/index.cfm](http://cfpub.epa.gov/npdes/storm_water/menuofbmps/index.cfm))

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

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

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

“Common Plan of Development” or sale, to be consistent with regulatory definitions for “small construction activity” and “large construction activity. Means a contiguous (sharing a boundary or edge; adjacent; touching) area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. Such a plan might consist of many small projects (e.g., a phased road widening project or a new roadway that will be built in segments over several years.) All these areas would remain part of the common plan of development or sale.

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

“Daily Maximum” discharge limitations means the highest allowable “daily discharge” during the calendar month.

“Discharge of Storm Water Associated with Construction Activity” as used in this permit, refers to storm water “point source” discharges from areas where soil disturbing activities (e.g., clearing, grading, or excavation, etc.), or construction materials or equipment storage or maintenance (e.g., fill piles, fueling, etc.) are located.

“Drought-Stricken Area” – for the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration’s U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) “Drought to persist or intensify”, (2) “Drought ongoing, some improvement”, (3) “Drought likely

to improve, impacts ease”, or (4) “Drought development likely”.

See [http://www.cpc.ncep.noaa.gov/products/expert\\_assessment/season\\_drought.gif](http://www.cpc.ncep.noaa.gov/products/expert_assessment/season_drought.gif).

“Final Stabilization” means that all soil disturbing activities at the site have been completed, and that a **uniform** (e.g., evenly distributed, without large bare areas) **perennial vegetative cover** with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geo-textiles) have been employed. Establishing at least 70% of the natural cover of self-sustaining native vegetation meets the vegetative cover criteria for final stabilization. For example, if the native vegetation covers 50% of the ground prior to commencement of construction activities, 70% of 50% would require 35% total cover for final stabilization.

A site does not meet the final stabilization permit requirement until self-sustaining native vegetation is established uniformly over each disturbed area on the site. Stabilizing seven of ten slopes or leaving an area equivalent to 30 percent of the disturbed area completely unstabilized will not satisfy the **uniform vegetative cover** standard.

- (i) In arid and semi-arid areas only all soil disturbing activities at the site have been completed and both of the following criteria have been met:
  - a. Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by you.
  - b. The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.
- (ii) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.) final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to “waters of the State,” and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (i) or (ii) or (iii) above.

“Grab Sample” means an individual sample collected in less than 15 minutes.

“Infeasible” means not technologically possible, or not economically practicable and achievable in light of best industry practices.

“Louisiana Pollutant Discharge Elimination System (LPDES)” means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law, and all regulations promulgated under their authority, which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations. “mg/L” means milligrams per liter or parts per million (ppm).

“Monthly Average” (also known as Daily Average), other than for fecal coliform bacteria, discharge limitations 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 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 =

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

When the permit establishes monthly average concentration effluent limitations or conditions, and the flow is not measured as a continuous record, then the monthly average concentration means the arithmetic average of all “daily discharge(s)” of concentration determined during the calendar month.

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

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

“New Source” means any building, structure, facility, or installation from which there is or may be discharge of pollutants, the construction of which commenced:

- a. after promulgation of standards of performance under Section 306 of the CWA which are applicable to such source; or
- b. after proposal of standards of performance in accordance with Section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

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

“Person” means an individual, association, partnership, corporation, municipality, state or federal agency, or any agency thereof, or an agent or employee thereof.

“Point Source” means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other

floating craft from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

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

“Qualified personnel” means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.

“Runoff coefficient” means the fraction of total rainfall that will leave the site as runoff.

“Semi-Arid Areas” – areas with an average annual rainfall of 10 to 20 inches.

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

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

“Statewide” refers to the nature and scope of DOTD’s construction and maintenance activities which take place throughout the entire state of Louisiana.

“Storm Water” 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.

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

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

“Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent

caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

“Waters of the State”: for 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 therefrom 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 waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251, et seq.

## **PART VI. STANDARD PERMIT CONDITIONS.**

### A. GENERAL CONDITIONS

1. Introduction

In accordance with the provisions of LAC 33:IX.2701, et seq., this permit incorporates either expressly or by reference ALL conditions and requirements applicable to the Louisiana Pollutant Discharge Elimination System Permits (LPDES) set forth in the Louisiana Environmental Quality Act (LEQA), as amended, as well as ALL applicable regulations.

2. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) 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.

3. Penalties for Violation of Permit Conditions

a. La. R. S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. La. R. S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details).

b. 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.

4. Toxic Pollutants

a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

5. Duty to Reapply

- a. Individual Permits. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.
- b. General Permits. General permits expire five years after the effective date. The 180-day reapplication period as defined above is not applicable to general permit authorizations. Reissued general permits may provide automatic coverage for permittees authorized under the previous version of the permit, and no new application is required. Requirements for obtaining authorization under the reissued general permit will be outlined in Part I of the new permit. Permittees authorized to discharge under an expiring general permit should follow the requirements for obtaining coverage under the new general permit to maintain discharge authorization.

6. Permit Action

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; or
- 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;
- 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.

7. 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.

8. Duty to Provide Information

The permittee shall furnish to the state administrative authority, within a reasonable time, any information which the state 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.

9. Criminal and Civil Liability

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to La. R.S. 30:2025.

10. 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.

11. State Laws

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.

12. 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.

13. Dilution

A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality.

14. Facilities Requiring Approval from Other State Agencies

In accordance with La. R.S.40.4(A)(6) the plans and specifications of all sanitary sewerage treatment systems, both public and private, must be approved by the Department of Health and Hospitals state health officer or his designee. It is unlawful for



any person, firm, or corporation, both municipal and private to operate a sanitary sewage treatment facility without proper authorization from the state health officer.

In accordance with La. R.S.40.1149, it is unlawful for any person, firm or corporation, both municipal and private, operating a sewerage system to operate that system unless the competency of the operator is duly certified by the Department of Health and Hospitals state health officer. Furthermore, it is unlawful for any person to perform the duties of an operator without being duly certified.

In accordance with La. R.S.48.385, it is unlawful for any industrial wastes, sewage, septic tanks effluent, or any noxious or harmful matter, solid, liquid or gaseous to be discharged into the side or cross ditches or placed upon the rights-of-ways of state highways without the prior written consent of the Department of Transportation and Development chief engineer or his duly authorized representative and of the secretary of the Department of Health and Hospitals.

15. The standards provided in Chapter 11 – Surface Water Quality Standards are official regulations of the state, and any person who discharges pollutants to the waters of the state in such quantities as to cause these standards to be violated shall be subject to the enforcement procedures of the state as specified in R.S. 30:2025.

## B. PROPER OPERATION AND MAINTENANCE

### 1. Need to Halt or Reduce 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.

### 2. 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.

### 3. Proper Operation and Maintenance

- a. 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 back-up 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.

- b. 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.

4. Bypass of Treatment Facilities

- a. Bypass. The intentional diversion of waste streams from any portion of a treatment facility.
- b. 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 B.4.c. of these standard conditions.
- c. Notice
  - (1) 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.
  - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2701.L.6 (24-hour notice) and Section D.6.e. of these standard conditions.
- d. Prohibition of bypass
  - (1) Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:
    - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (b) 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,
    - (c) The permittee submitted notices as required by Section B.4.c of these standard conditions.
  - (2) 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.c(1) of these standard conditions.

5. Upset Conditions

- a. 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.
- b. 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 Section B.5.c. are met. No determination made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. 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:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated; and
  - (3) The permittee submitted notice of the upset as required by LAC 33:IX.2701.L.6.b.ii. and Section D.6.e.(2) of these standard conditions; and
  - (4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.
- d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. 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.

7. Percent Removal

For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.5905.A.3. and B.3. Publicly owned treatment works utilizing waste stabilization ponds/oxidation ponds are not subject to the 85 percent removal rate for Total Suspended Solids.

### C. MONITORING AND RECORDS

#### 1. Inspection and Entry

The permittee shall allow the state administrative authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by the law to:

- a. 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; and
- b. 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;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes 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.

#### e. Sample Collection

- (1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.
- (2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in

Section C.1.a. above) and the inspector shall supply the permittee with a duplicate sample.

- f. It shall be the responsibility of the permittee to ensure that a facility representative familiar with provisions of its wastewater discharge permit, including any other conditions or limitations, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in Section C.1.b. of these standard conditions. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.
- g. Upon written request copies of field notes, drawings, etc., taken by department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

2. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All samples shall be taken at the outfall location(s) indicated in the permit. The state administrative authority shall be notified prior to any changes in the outfall location(s). Any changes in the outfall location(s) may be subject to modification, revocation and reissuance in accordance with LAC 33:IX.2903.

3. Retention of Records

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the state administrative authority at any time.

4. Record Contents

Records of monitoring information shall include:

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

5. Monitoring Procedures

- a. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in this permit.
- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.
- c. 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 (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-83-124503.

6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- a. "A Guide to Methods and Standards for the Measurement of Water Flow, 1975," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number COM-75-10683.
- b. "Flow Measurement in Open Channels and Closed Conduits, Volumes 1 and 2," U.S. Department of Commerce, National Bureau of Standards. This publication is

available from the National Technical Service (NTIS), Springfield, VA, 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-273 535.

- c. "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

7. Prohibition for Tampering: Penalties

- a. 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.
- b. 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.

8. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (See LAC 33:IX.4901) or, in the case of sludge use and disposal, approved under 40 CFR Part 136 (See LAC 33:IX.4901) unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.

9. Averaging of Measurements

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

10. Laboratory Accreditation

- a. 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.

- b. 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.

- c. 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.

#### SECTION D. REPORTING REQUIREMENTS

##### 1. Facility Changes

The permittee shall give notice to the state administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under LAC 33:IX.2703.A.1.
- c. For Municipal Permits. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301, or 306 of the CWA if it were directly discharging those pollutants; and any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

##### 2. Anticipated Noncompliance

The permittee shall give advance notice to the state administrative authority of any planned changes in the permitted facility or activity which may result in noncompliance



with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to the state administrative authority. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act or the Louisiana Environmental Quality Act. (See LAC 33:IX.2901; in some cases, modification or revocation and reissuance is mandatory.)

A permit may be transferred by the permittee to a new owner or operator only if: (1) the permit has been modified or revoked and reissued (under LAC 33:IX.2903.A.2.b) by the permittee and new owner submitting a Name/Ownership/Operator Change Form (NOC-1 Form) and approved by LDEQ (LAC 33:I.Chapter 19); or (2) a minor modification made (under LAC 33:IX.2905) to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act and the Louisiana Environmental Quality Act.

The NOC-1 form can be found at the following link:  
<http://www.deq.louisiana.gov/portal/Portals/0/assistance/NOC-1%20FORM%20Jan%202025,%202006.pdf>

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part IV of this permit.

The permittee shall submit properly completed Discharge Monitoring Reports (DMRs) on the form specified in the permit. Preprinted DMRs are provided to majors/92-500s and other designated facilities. Please contact the Permit Compliance Unit concerning preprints. Self-generated DMRs must be pre-approved by the Permit Compliance Unit prior to submittal. Self-generated DMRs are approved on an individual basis. Requests for approval of self-generated DMRs should be submitted to:

Supervisor, Permit Compliance Unit  
Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, LA 70821-4312

Copies of blank DMR templates, plus instructions for completing them, and EPA's LPDES Reporting Handbook are available at the department website located at:

<http://www.deq.louisiana.gov/portal/Default.aspx?tabid=2276>

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

6. Requirements for Notification

a. Emergency Notification

As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Prompt Notification Procedures are listed in Section D.6.c. of these standard conditions.

A written report shall be provided within seven calendar days after the notification. The report shall contain the information listed in Section D.6.d. of these standard conditions and any additional information in LAC 33:I.3925.B.

b. 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 department within 24 hours after learning of the discharge. Notification should be made to the Office of Environmental Compliance, Assessment Division Single Point of Contact (SPOC) in accordance with LAC 33:I.3923.

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

- (1) by the Online Incident Reporting screens found at <http://www.deq.louisiana.gov/portal/tabid/66/Default.aspx> ;or
- (2) by e-mail utilizing the Incident Report Form and instructions found at <http://www.deq.louisiana.gov/portal/tabid/66/Default.aspx>;or
- (3) by telephone at (225) 219-3640 during office hours, or (225) 342-1234 after hours and on weekends and holidays.

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

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

d. Written Notification Procedures. Written reports for any unauthorized discharge that requires notification under Section D.6.a. or 6.b., or shall be submitted by the discharger to the Office of Environmental Compliance, Assessment Division SPOC in accordance with LAC 33:I.3925 within seven calendar days after the notification required by D.6.a. or 6.b., unless otherwise provided for in a valid permit or other department regulation. Written notification reports shall include, but not be limited to, the following information:

- (1) the name, address, telephone number, Agency Interest (AI) number (number assigned by the department) if applicable, and any other applicable identification numbers of the person, company, or other party who is filing the written report, and specific identification that the report is the written follow-up report required by this section;
- (2) the time and date of prompt notification, the state official contacted when reporting, the name of person making that notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;
- (3) date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;
- (4) details of the circumstances (unauthorized discharge description and root cause) and events leading to any unauthorized discharge, including incidents of loss of sources of radiation, and if the release point is subject to a permit:
  - (a) the current permitted limit for the pollutant(s) released;and
  - (b) the permitted release point/outfall ID.
- (5) the common or scientific chemical name of each specific pollutant that was released as the result of an unauthorized discharge, including the CAS number and U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all released pollutants (total

- (6) amount of each compound expressed in pounds, including calculations);
- (6) a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted;
- (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.
- (8) Written notification reports shall be submitted to the Office of Environmental Compliance, Assessment Division SPOC by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked "**UNAUTHORIZED DISCHARGE NOTIFICATION REPORT.**"

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

Louisiana Department of Environmental Quality  
Post Office Box 4312  
Baton Rouge, LA 70821-4312  
ATTENTION: ASSESSMENT DIVISION  
SPOC "UNAUTHORIZED DISCHARGE NOTIFICATION REPORT"

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

Please see LAC 33:I.3925.B for additional written notification procedures.

- e. Twenty-four Hour Reporting. The DOTD shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24hours:
  - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2701.M.3.b.);
  - (2) Any upset which exceeds any effluent limitation in the permit;
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Part II of the permit to be reported within 24 hours (LAC 33:IX.2707.G.).

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain

the information listed in Section D.6.e.

8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

9. Discharges of Toxic Substances

In addition to the reporting requirements under Section D.1-8, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Water Permits Division as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant is:

i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

- (1) One hundred micrograms per liter (100 µg/L);
- (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micro-grams per liter (500 µg/L) for 2,4-dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
- (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC33:IX.2501.G.7; or
- (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or

ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant:

i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (1) Five hundred micrograms per liter (500 µg/L);
- (2) One milligram per liter (1 mg/L) for antimony;
- (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2501.G.7; or
- (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or

- ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

10. Signatory Requirements

All applications, reports, or information submitted to the state administrative authority shall be signed and certified.

a. All permit applications shall be signed as follows:

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

**NOTE:** DEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Section D.10.a(1)(a). The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the 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 Section D.10.a(1)(b) 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 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).

- b. All reports required by permits and other information requested by the state administrative authority shall be signed by a person described in Section D.10.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 Section D.10.a. of these standard conditions;
  - (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 of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
  - (3) The written authorization is submitted to the state administrative authority.
- c. 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.
- d. Certification. Any person signing a document under Section D.10. a. or b. above, 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."

11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under La. 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, La. 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.

## E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION

### 1. Criminal

#### a. 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.

#### b. 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 of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.

#### c. Knowing Endangerment

The Louisiana Revised Statutes La. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any of 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.

d. 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 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 imprisonment of not more than 4 years, or both.

2. Civil Penalties

The Louisiana Revised Statutes La. R. S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the secretary, 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.

**(PLEASE NOTE:** These penalties are listed in their entirety in Subtitle II of Title 30 of the Louisiana Revised Statutes.)

## SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. Accreditation means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.
2. Administrator means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.
3. Applicable Standards and Limitations means all state, interstate and federal standards and limitations to which a discharge is subject under the Clean Water Act, including, effluent limitations, water quality standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308 and 403.

4. Applicable water quality standards means all water quality standards to which a discharge is subject under the Clean Water Act.
5. Commercial Laboratory means any laboratory, wherever located, that performs analyses or tests for third parties for a fee or other compensation and provides chemical analyses, analytical results, or other test data to the department. The term commercial laboratory does not include laboratories accredited by the Louisiana Department of Health and Hospitals in accordance with La. R.S.49:1001 et seq.
6. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample.
7. Director means the U.S. Environmental Protection Agency Regional Administrator, or the state administrative authority, or an authorized representative.
8. Domestic septage means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from grease trap at a restaurant.
9. Domestic sewage means waste and wastewater from humans, or household operations that is discharged to or otherwise enters a treatment works.
10. Environmental Protection Agency or (EPA) means the U.S. Environmental Protection Agency.
11. Industrial user means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
12. LEQA means the Louisiana Environmental Quality Act.
13. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
14. Sewage sludge means any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. *Sewage sludge* includes, but is not limited to, solids removed during primary, secondary, or advanced wastewater treatment, scum, domestic septage,

portable toilet pumpings, Type III marine sanitation device pumpings (33 CFR Part 159), and sewage sludge products. *Sewage sludge* does not include grit or screenings, or ash generated during the incineration of sewage sludge.

15. Stormwater Runoff—aqueous surface runoff including any soluble or suspended material mobilized by naturally occurring precipitation events.

16. Surface Water: 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.

17. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.

18. The term MGD shall mean million gallons per day.

19. The term GPD shall mean gallons per day.

20. The term SPC shall mean Spill Prevention and Control. Plan covering the release of pollutants as defined by the Louisiana Administrative Code (LAC 33:IX.Chapter 9).

21. The term SPCC shall mean Spill Prevention Control and Countermeasures Plan. Plan covering the release of pollutants as defined in 40 CFR Part 112.

22. The term µg/L shall mean micrograms per liter or parts per billion (ppb).

23. The term ng/L shall mean nanograms per liter or parts per trillion (ppt).

24. Visible Sheen: a silvery or metallic sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface.

25. Wastewater—liquid waste resulting from commercial, municipal, private, or industrial processes. Wastewater includes, but is not limited to, cooling and condensing waters, sanitary sewage, industrial waste, and contaminated rainwater runoff.

26. Weekly average, other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all “daily discharge(s)” measured during a calendar week divided by the number of “daily discharge(s)” measured during that week. When the permit establishes weekly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the weekly average concentration means the arithmetic average (weighted by flow) of all “daily discharge(s)” of concentration determined during the calendar week where C = daily discharge concentration, F = daily flow and n = number of daily samples; weekly average discharge

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

When the permit establishes weekly average concentration effluent limitations or conditions, and the flow is not measured as a continuous record, then the weekly average concentration means the arithmetic average of all "daily discharge(s)" of concentration determined during the calendar week.

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

27. Sanitary Wastewater Term(s):

a. 3-hour composite sample consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 3-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 3-hour period.

b. 6-hour composite sample consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 6-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 6-hour period.

c. 12-hour composite sample consists of 12 effluent portions collected no closer together than one hour over the 12-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 12-hour period. The daily sampling intervals shall include the highest flow periods.

d. 24-hour composite sample consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample continuously collected in proportion to flow over the 24-hour period.

**ADDENDUM A**  
**ENDANGERED SPECIES GUIDANCE**

## I. INSTRUCTIONS

Determine whether any species listed in this guidance or critical habitats are in proximity to the facility,

Follow the procedures found in this guidance to protect listed endangered and threatened species and designated critical habitat and determine that the stormwater discharges and BMPs control stormwater run-off.

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

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

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

If either the proposed site or the path of stormwater from the site to the receiving stream is in a parish included on the Endangered Species List, DOTD should proceed to Step 2 below.

If no species are listed in the site's parish or if a facility's parish is not found on the list, no further determination is necessary. Where a project is located in more than one parish, the lists for all parishes shall be reviewed.

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

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

- Located in the path or immediate area through which or over which contaminated point source stormwater flows from construction activities to the point of discharge into the receiving water; or
- Located in the immediate vicinity of, or nearby, the point of discharge into receiving waters; or
- Located in the area of a site where stormwater BMPs are planned or are to be constructed.

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

best of their knowledge whether species are in proximity to their particular construction activities. These methods may include:

- Conducting visual inspections: This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal stormwater collection systems.
- Contacting the nearest State or Tribal Wildlife Agency or U.S. Fish and Wildlife Service (FWS) offices. Many endangered and threatened species are found in well-defined areas or habitats. That information is frequently known to State, Tribal, or Federal wildlife agencies.
- Contacting local/regional conservation groups. These groups inventory species and their locations and maintain lists of sightings and habitats.
- Conducting a formal biological survey. Larger construction sites with extensive stormwater discharges may choose to conduct biological surveys as the most effective way to assess whether species are located in proximity and whether there are likely adverse effects.
- Conducting an Environmental Assessment Under the National Environmental Policy Act (NEPA). Some construction activities may require environmental assessments under NEPA. Such assessments may indicate if listed species are in proximity. (Construction General Permit coverage does not trigger NEPA because it does not regulate any dischargers subject to New Source Performance Standards under Section 306 of the Clean Water Act. See CWA 511(c). However, some construction activities might require review under NEPA because of Federal funding or other Federal nexus.)
- Using the Endangered Species Act (ESA) and Migratory Bird Treaty Act (MBTA) project review application at the FWS Louisiana Ecological Services website (<http://www.fws.gov/lafayette/pdc/>).

If no species are in proximity, no further determination is necessary.

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

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

Scope of Adverse Effects: Potential adverse effects from stormwater include:

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

- Habitat. Stormwater may drain or inundate listed species habitat.
- Toxicity. In some cases, pollutants in stormwater may have toxic effects on listed species.

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

If adverse effects are determined to be not likely, no further determination is necessary.

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

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

If DOTD determines that adverse effects cannot be ruled out or are likely, appropriate measures must be taken to avoid or eliminate any actual or potential adverse effects. These measures may involve relatively simple changes to construction activities such as re-routing a stormwater discharge to bypass an area where species are located, relocating BMPs, or limiting the size of construction activity that will be subject to stormwater discharge controls.

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

If DOTD adopts measures to avoid or eliminate adverse effects, they must continue to abide by them during the course of construction activities. These measures must be described in the stormwater pollution prevention plan and may be enforceable as permit conditions.

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

#### STEP 5: CONSULTATION WITH FWS

Where adverse effects are likely, DOTD must contact FWS. DOTD may still be able to proceed with construction activities if:

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

OR



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

OR

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

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

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

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

## **II. ENDANGERED SPECIES PARISH LIST**

See <http://www.deq.louisiana.gov/portal/>. Click on Info About **Water**, then "LPDES Permits, Information . . ." under Permits, then "Current Endangered Species Listing" under **Other LPDES Documents**.

**ADDENDUM B**  
**HISTORIC PRESERVATION GUIDANCE**

## HISTORIC PROPERTIES GUIDANCE

DOTD must determine whether their storm water discharges or the construction of best management practices (BMPs) to control such discharge, have potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.

For new discharges of storm water, DOTD should determine whether historic properties may be affected by the storm water discharge or BMPs to control the discharge. In such instances, DOTD should first determine whether there are any historic properties or places in the vicinity that are listed on the National Register, or if any are eligible for listing on the register. It is suggested that DOTD first access the “National Register of Historic Places” information listed on the National Park Service’s web page at the address listed below. DOTD may also contact city, parish, or other local historical societies for assistance, especially when determining if a place or property is eligible for listing on the register.

The following scenarios describe how DOTD can meet the permit eligibility criteria for protection of historic properties under this permit:

1. If historic properties are **not identified** in the path of a storm water discharge, or where construction activities are planned to install BMPs to control such discharges (e.g. diversion canals, retention ponds), or

if historic properties **are identified**, but it is determined that they will **not be affected** by the discharge, or construction of BMPs to control the discharge,

then the operator has met the permit eligibility criteria under Part II, Section B.

2. If historic properties **are identified** in the path of a facility’s storm water discharge, or where construction activities are planned for the installation of BMPs to control such discharges, and it is determined that **there is potential** to adversely affect the property, DOTD can still meet the permit eligibility criteria if they obtain and comply with a written agreement with the State Historic Preservation Officer, which outlines measures that the operator will follow to mitigate or prevent those adverse effects. The contents of such a written agreement must be included in the site’s storm water pollution prevention plan.

In situations where an agreement cannot be reached between an applicant and the State Historic Preservation Officer, applicants should contact the Advisory Council on Historic Preservation listed below in this addendum for assistance.

The Term “adverse effects” includes, but is not limited to: damage, deterioration, alteration, or destruction of the historic property or place. LDEQ encourages DOTD to contact the appropriate State or Tribal Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historical property.

DOTD is reminded that they must comply with all applicable State and local laws concerning the protection of historic properties and places.

## **I. Internet Information on the National Register of Historic Places**

An electronic listing of the “National Register of Historic Places”, as maintained by the National Park Service on its National Register Information System (NRIS), can be accessed on the Internet at <https://www.nps.gov/nr/research/>.

## **II. Louisiana State Historic Preservation Officer (SHPO)**

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

## **III. Louisiana Tribes and Their Historic Preservation Officers**

For questions related to identifying and protecting tribal cultural resources, operators should contact tribal leaders. A list of Louisiana Tribes and Their Historic Preservation Officers can be found at: <http://nathpo.org/wp/thpos/find-a-thpo/#la>. LDEQ does not have authority to issue LPDES permits for activities on federal Native American lands.

**ADDENDUM C**

**MAP AND LIST OF ADDRESSES FOR LDEQ REGIONAL OFFICES**

## CURRENT ADDRESSES

Enforcement Division  
Office of Environmental Compliance  
Department of Environmental Quality  
P. O. Box 4312  
Baton Rouge, Louisiana 70821-4312  
Telephone: (225) 219-3715

### Mailing Addresses For Regional Offices

#### **Acadiana Regional Office**

Inspections Division  
Office of Environmental Compliance  
111 New Center Drive  
Lafayette, Louisiana 70508  
(337) 262-5584

#### **Capital Regional Office**

Inspections Division  
Office of Environmental Compliance  
P.O. Box 4312  
Baton Rouge, Louisiana 70821-4312  
(225) 219-3600

#### **Northeast Regional Office**

Inspections Division  
Office of Environmental Compliance  
508 Downing Pines Road  
West Monroe, Louisiana 71292  
(318) 362-5439

#### **Northwest Regional Office**

Inspections Division  
Office of Environmental Compliance  
1525 Fairfield Avenue, Room 520  
Shreveport, Louisiana 71130  
(318) 676-7476

#### **Southeast Regional Office**

Inspections Division  
Office of Environmental Compliance  
201 Evans Road, Bldg. 4, Suite 420  
New Orleans, LA 70123-5230  
(504) 736-7701

#### **Southwest Regional Office**

Inspections Division  
Office of Environmental Compliance  
1301 Gadwall Street  
Lake Charles, Louisiana 70615-5176  
(337) 491-2667

### Jurisdictional Parishes For Each Regional Office

Acadia, Avoyelles, Catahoula, Concordia,  
Evangeline, Grant, Iberia, Lafayette, LaSalle,  
Rapides, St. Landry, St. Martin, St. Mary,  
Vermilion

Ascension, Assumption, East Baton Rouge, East  
Feliciana, Iberville, Livingston, Pointe Coupee, St.  
Helena, St. James, St. Martin, Tangipahoa, West  
Baton Rouge, West Feliciana

Caldwell, East Carroll, Franklin, Jackson,  
Lincoln, Madison, Morehouse, Ouachita, ,  
Richland, Tensas, Union, West Carroll, Winn

Bienville, Bossier, Caddo, Claiborne, De Soto,  
Natchitoches, Red River, Sabine, Webster

Jefferson, Lafourche, Orleans, Plaquemines, St.  
Bernard, St. John the Baptist, St. Charles, St.  
Tammany, Terrebonne, Washington

Allen, Beauregard, Calcasieu, Cameron, Jefferson  
Davis, Vernon

