2024

STORMWATER MANAGEMENT PLAN

June 2024

St. Bernard Parish Government Stormwater Discharges from Small Municipal Separate Storm Sewer System (MS4)

Submitted to:
Louisiana Department of Environmental Quality
Enforcement Division
Office of Environmental Compliance

ST. BERNARD PARISH
8201 W. JUDGE PEREZ DRIVE
CHALMETTE, LOUISIANA 70043
AGENCY INTEREST NO: AI 108277

digital engineering
DIGITAL ENGINEERING & IMAGING, INC.

DIGITAL ENGINEERING & IMAGING, INC.
527 WEST ESPLANADE AVE., SUITE 200
KENNER, LOUISIANA 70065
(504) 468-6129

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INTRODUCTION

In 1972, the Federal Water Pollution Control Act was passed with the intent to eliminate the discharge of pollutants into navigable waters, to protect and propagate shellfish and wildlife, to provide for recreation in or on the waters of the nation, and to prohibit the discharge of toxic pollutants in concentrations which would impair the multiple uses of all waters. Over the next thirty years, various legislation was enacted that addressed aspects of both point source and non-point source (NPS) pollution. By 1994, the "National Water Quality Inventory" indicated that stormwater discharges from sources such as separate storm sewers, construction sites, waste disposal sites, and resource extraction activities were major causes of water quality impairment.

The National Pollutant Discharge Elimination System (NPDES) Phase I Stormwater regulations were developed in response to the 1987 Amendments to the Clean Water Act (CWA). Under Phase I, the Environmental Protection Agency (EPA) mandated medium and large municipal separate storm sewer systems (MS4) located in incorporated communities or counties with populations of 100,000 or more to permit their stormwater discharges with the intent to produce significant reductions in pollutant discharges and improvement in surface water quality. Municipal separate storm sewer systems include stormwater conveyance through means of subsurface piping, catch basins, ditches, man-made canals and/or storm drains owned or operated by a public body, designed or used for collecting and conveying stormwater, is not a combined sewer and is not part of a publicly owned treatment works. Ultimately, federally mandated Phase II Stormwater Regulations were passed to address the small MS4s (serving less than 100,000 persons).

Effective February 2000, small MS4 operators in urbanized areas and construction sites that disturb one to five acres became regulated. EPA believes that the implementation of minimum control measures identified for small MS4s should significantly reduce pollutants in urban stormwater compared to existing levels.

St. Bernard Parish (Parish) is located in the southeast region of Louisiana and is home to approximately 44,000 residents. The Parish Seat is Chalmette, an unincorporated area, and it is the largest city. The Parish is an operator of a Small Municipal Separate Storm Sewer System. A list and map of drainage canals within the Parish can be found in Appendix A.

Louisiana Pollutant Discharge Elimination System (LPDES) Permit, No. LAR040000 (Appendix B) was issued to the Parish and renewed by the United Stationed Environmental Protection Agency on November 20, 2023 to permit discharge from all portions of the St. Bernard Parish MS4 to waters of the United States. The permit became effective November 20, 2023.

The LPDES MS4 Permit requires the Parish to develop a MS4 Stormwater Management Program Plan (SWMP) and to submit annual reports documenting implementation of the plan. Modifications to this MS4 Program Plan are expected throughout the life of the permit. This SWMP outlines the requirements for each of six required program components, known as minimum control measures (MCM). These control measures include the following:

- Public Education and Outreach on Storm Water Impacts
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination

- Construction Site Storm Water Runoff Control
- Post-Construction Storm Water Management in New Development and Redevelopment
- Pollution Prevention/Good Housekeeping for Municipal Operations

Each MCM section of this SWMP includes the best management practices (BMP) which identify selected activities that the Parish will implement and the measurable goals for each of the BMP's. Measurable goals are identified to aid in the assessment of plan implementation and progress all in accordance with measures described in General Permit Number LAR040000, AI 186100, Part IV D.

The actions and programs listed in the following sections should continue to occur during every year of the permit cycle. Measures implemented during each reporting period will be documented in the corresponding MS4 Annual Report.

PARISH CONTACT INFORMATION

Responsible Party:

Public Works
Hillary Nunez
1125 E St. Bernard Highway
Chalmette, LA 70043
Phone: (504) 278-4315
Email: hnunez@sbpg.net

Additional Stakeholders:

Chief Administrative Officer
8201 W Judge Perez Dr.
Chalmette, LA 70043
Phone: (504) 278-4227
Email: dlopez@sbpg.net

Water & Sewer Department
1111 East St. Bernard Highway
Chalmette, LA 70043
Phone: (504) 271-1681
Email: dkelley@sbpg.net

Fire Department
8201 W Judge Perez Dr., Suite 206
Chalmette, LA 70043
Phone: (504) 278-4275
Email: sbfd@sbpg.net

Department of Planning and Zoning
1125 E St. Bernard Highway
Chalmette, LA 70043
Phone: (504) 355-4429
Email: pcarroll@sbpg.net

Recreation Department
8201 W Judge Perez Dr.
Chalmette, LA 70043
Phone: (504) 278-4295
Email: ythomas@sbpg.net

Community Development
8201 W Judge Perez Dr.
Chalmette, LA 70043
Phone: (504) 278-4468
Email: jstopa@sbpg.net

SECTION 1 MINIMUM CONTROL MEASURE 1
PUBLIC EDUCATION AND OUTREACH ON STORMWATER IMPACTS

1.1 Introduction

Community support is critical to ensure the success of any stormwater management program and the implementation of watershed management practices. Educational activities are not only an important part of the stormwater management program but are required by the MS4 permit.

To promote watershed stewardship and awareness of nonpoint source pollution, the Parish will distribute educational materials to the community (either indirectly or directly) and/or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff. These efforts are intended to encourage Parish citizens to play an active role in protecting local water resources.

1.2 Selected Activities and Best Management Practices

1.2.1 Household and Business Hazardous Waste Education and Minimization

The Parish employs staff to address municipal solid waste, universal waste and hazardous waste issues. The staff also addresses employee awareness and community education by seeking partnerships with community recycling programs, school systems, local homeowners, businesses or community associations to develop public outreach programs.

The Parish will make efforts to educate businesses about the proper Parish and Federal guidelines on the disposal of grease and other illicit discharges. The Parish will identify businesses receiving complaints on disposal of grease, oils or other illicit discharges and will provide educational materials for best management practices that address the storage, disposal, and spills.

1.2.2 Illicit Discharge Education

Information on best management practices, alternative options of best management practices and proper disposal techniques for non-stormwater discharges will be made available to businesses via social media outlets, parish website, flyers and/or public notices. The parish will educate the public on proper disposal of household hazardous materials and provide resources for proper disposal of those resources.

1.2.3 Parish Stormwater Web Page Maintenance

Stormwater related information will be available on the Parish's website for the general public. The site may contain links to EPA, LDEQ, and other relevant web pages related to stormwater pollution, MS4, and TMDLs. The Parish's stormwater management ordinance(s), MS4 Program plan, annual reports, and LPDES permit(s), will also be available on the website.

1.2.4 Septic System Education

In areas where centralized sewer is not available on the far lower end of the Parish, septic systems are used by residents and businesses for wastewater collection and treatment. The Parish will develop a program to educate citizens utilizing these systems on the function of these systems, potential impacts to stormwater and the environment, and maintenance obligations.

1.3 Measurable Goals

- Distribute a minimum of 400 educational materials to all 14 schools and local banks at a minimum of once per year.
- Post one social media post per year educating the public where they can submit stormwater complaints.
- Develop business education materials for the nondomestic program by the end of the permit term.
- Conduct one Household Hazardous Materials Collection event once per year.
- Educate the public about trash pick-ups, the proper way to dispose of electronic devices, bulk waste, and household hazardous waste via social media outlets once per year.
- In year one of the permit term develop an education program to educate the public on their responsibility to maintain their septic systems and prevent sewer discharges into surrounding waterbodies. Distribute materials and educate all citizens utilizing septic systems in years 2-5 of the permit term.

SECTION 2 MINIMUM CONTROL MEASURE 2
PUBLIC INVOLVEMENT AND PARTICIPATION

2.1 Introduction

The Public Involvement and Participation minimum control measure focuses on activities specifically involving the public in the development, implementation, and evaluation of the local stormwater management program. Involving the public and stakeholders early in the stormwater management planning process should improve support for programs as parties should be able to voice their concerns and suggestions for the program.

St. Bernard Parish is committed to meeting public notice requirements regarding implementation of the LPDES permit. These commitments include ensuring that citizens have an opportunity to review and comment on the MS4 Program Plan and ensuring that citizens have access to the Parish's annual compliance reports.

2.2 Selected Activities and Best Management Practices

2.2.1 Citizen Complaints and Concerns

The Parish will continue tracking and responding to citizen complaints and concerns. These complaints and concerns are received in a number of ways including through the Parish website, telephone calls, emails and verbal communication with Parish officials.

2.2.2 Public Notice and Participation

Providing an opportunity for public input should allow the Parish to take advantage of the knowledge of residents and ensure that stormwater management efforts have the support of the community. St. Bernard Parish will ensure these efforts reach the public and stakeholders including but not limited to commercial and industrial businesses and associations, environmental groups, homeowner associations, and educational institutions. The Parish is also committed to complying with local, state, and federal public notice requirements for local ordinances or legislative actions related to the stormwater management program.

2.2.3 Outreach Event Participation

The Parish encourages staff and the public to become more actively involved in helping clean the environment by promoting and sponsoring local litter clean-up efforts. Promotional activities will include information sent via public notices, the Parish website, educational brochures, and social media outlets.

2.3 Measurable Goals

- Conduct 1 community litter clean up event per year.
- Stormwater personnel will attend a minimum of 3 civic association meetings.
- Update the Parish website once per year with the most up to date Stormwater Management Plan and annual report.
- Conduct a public hearing for major updates/revisions to the Stormwater Management Plan.
- Conduct a public hearing for new stormwater ordinances.
- Record and respond to 100% of resident complaints.

SECTION 3 MINIMUM CONTROL MEASURE 3
ILLICIT DISCHARGE DETECTION AND ELIMINATION

3.1 Introduction

This section provides background information on the regulatory aspects of reducing illicit discharges as well as general requirements outlined in the LPDES General Permit No. LAR040000. Illicit discharges include waste and wastewater from non-stormwater sources. Allowable non-stormwater discharges are listed in Appendix C. Illicit discharges enter the collection system through either direct connections such as piping mistakenly or deliberately connected to the storm drains or indirect connections such as infiltration into the MS4 from cracked sanitary sewer pipes. The purpose of this Program is to develop, implement and enforce procedures and practices by St. Bernard Parish to address potential pollutants generated by the discharge of non-stormwater.

3.2 Selected Activities and Best Management Practices

3.2.1 Policies and Ordinances

The Parish will continue to provide scheduled garbage collection and enforce the following ordinances:

Chapter 11, Article II of the St. Bernard parish Code of Ordinances which pertains to Solid Waste Disposal contains various ordinances which prohibit non-stormwater discharges into the storm sewer system.

Littering

Specifically, Chapter 11, Article II, Section 11-20.b.5 (Litter in water bodies) states that "*no person shall throw or deposit litter in any fountain, pond, lake, bayou, canal, ditch, bay or any other body of water or drainage course within the parish.*" *Chapter 11, Article II, Section 11-20.e.1 (Intentional littering) states "No person shall dispose or permit the disposal of litter upon any public place in the parish, upon private property in this parish not owned by him, upon property located in rural areas in this parish not owned by him, or in or on the waters of this state or parish, weather from a vehicle or otherwise, including but not limited to any public roadway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter and such litter and such person is authorized to use such property for such purpose.*" For a first violation, violators shall either be fined not less than fifty ($50.00) nor more than seventy-five dollars ($75.00) or given the option to perform eight (8) hours of community service in a litter abatement work program in lieu of the assessed fine. For a second and each subsequent violation, violators shall either be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or be given the option to perform sixteen (16) hours of community service in a litter abatement work program in lieu of the assessed fine.

The above-referenced ordinances provide a mechanism for St. Bernard Parish to regulate discharges to the storm sewer system and provide enforcement mechanisms.

Commercial Littering

Chapter 11, Article II, Section 11-20.i.1 (Commercial Littering) states that "*no person shall dispose or permit the disposal of litter resulting from industrial, commercial, mining, or agricultural operations in which the person has a financial interest upon any public place in the parish, upon private property in this parish not owned by him, upon property located in rural areas in this parish not owned by him, or in or on the waters of this state or parish, whether from a vehicle or otherwise, including but not limited to any public roadway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such items and such person is authorized to use such property for such purpose.*" Additionally, Chapter 11, Article II, Section 11-20.i.2 states that "*no person shall operate any commercial truck or other commercial vehicle on any public roadway in such a manner or condition that litter resulting from industrial, commercial, mining, or agricultural operations in which the person is involved can blow or fall out of such vehicle or that mud from its tires can fall upon the roadway.*"

Any person found liable under the provisions of these articles shall pay for the cleanup of the litter unlawfully discarded by the defendant along with a civil penalty from five hundred dollars ($500.00) up to two thousand dollars ($2,000.00), and a one hundred fifty ($150) dollar administrative fee. For repeated offenses, the fine shall increase incrementally by five hundred ($500) dollars per offence, with a maximum fine of two thousand ($2,000) dollars that shall apply to every additional offence thereafter.

The above-referenced ordinances provide a mechanism for St. Bernard Parish to regulate commercial and industrial discharges to the storm sewer system and provide enforcement mechanisms.

<u>Dumping refuse in right-of-way or drainage canal</u>
Chapter 11, Article II, Section 11-21 of the St. Bernard Parish Code of Ordinances states that "*It shall be unlawful for any person to dump, place or deposit refuse on any public right-of-way or drainage canal.*"

<u>Covering of trucks to prevent spillage.</u>
Chapter 11, Article II, Section 11-23 of the St. Bernard Parish Code of Ordinances states that "*It shall be unlawful for any person to operate any vehicle or cause to be operated any vehicle on highways or streets in the parish without suitable cover to prevent spilling of the contents on said highway or streets.*"

<u>Proper disposal of building materials and like products</u>
Chapter 11, Article II, Section 11-29 of the St. Bernard Parish Code of Ordinances states that "*It shall be unlawful for any person, firm or corporation to dump, place or deposit building materials, or like products on the right-of-way of any public highway or public road in the parish. Specifically prohibited is the placing of renovation and/or new construction by-products. The owner of the property is responsible for the acts of his agent(s).*"

Also stated in the Code of Ordinances is that "*It shall be the responsibility of the parish engineer to inspect and note property found to be in violation of these requirements. If a violation is identified, notice of the violation shall be sent by registered mail to the owner. Notice to one (1)*

owner shall be deemed notice to any co-owners. If the owner of the property fails or refuses to take action to correct the violation within fifteen (15) days of receipt of the registered letter, said property will, at the direction of the parish engineer, be scheduled for clean-up by an appropriate parish crew or designated contractor. The police jury shall be authorized to assess the property owner a one hundred dollar ($100.00) minimum charge, plus an amount commensurate with the parish resources expended in correcting the property in violation. The property owner shall be notified of the charge by registered letter mailed to the address indicated in the assessment rolls. If the owner fails or refuses to pay the charge within thirty (30) days after receipt of the registered letter, the amount shall be assessed as a tax due on the property in that taxable year."

Solid, Industrial, and/or Sewerage Waste

Chapter 11, Article IV, Section 11-62 states that *"No solid, industrial and/or sewerage waste or other waste shall be stored or disposed of in the following areas or sites:*

(1) Wetlands or waterways.

(2) Any area within a one (1) mile radius of any house, mobile home, apartment, condominium, school, commercial structure or other structure used as a residence or business, unless the structure is located at and used on the site where the waste is stored or disposed of.

(3) Any area designated as an area of particular concern by the St. Bernard Parish Police Jury, including historical landmarks, graveyards, or other areas of particular concern as defined by the Coastal Management Section of the Louisiana Department of Natural Resources or as defined in any local coastal zone management ordinances or regulations.

(4) Any area zoned other than I-2 pursuant to the Parish Zoning Ordinance"

Additionally, Chapter 11, Article IV, Section 11-63 requires that *"No person shall store, treat, transfer or dispose of solid, industrial and/or sewerage waste in any facility or at any site not prohibited by section 11-62 hereof, or develop any waste site or facility without first obtaining a permit from the St. Bernard Parish Police Jury."* No permit shall be issued without a public hearing in accordance with Chapter 11, Article IV, Section 11-65.

3.2.2 Illicit Discharge and Illegal Connection Prevention

The Parish will audit, review and make applicable changes to the Code of Ordinances that prohibits illicit discharges, inappropriate dumping and illegal connections to the stormwater collection system as necessary. The ordinance classifies illicit discharges as a civil violation and establishes legal authority to carry out inspection, monitoring and enforcement procedures necessary to ensure compliance.

The Parish will also verify that all parish employees and/or contractors applying herbicides, pesticides and/or fertilizers are certified with the Louisiana Department of Agriculture and Forestry.

3.2.3 Illicit Discharge and Illegal Connection Identification

Known outfall locations will be visually inspected at least once every five years during periods of dry and wet weather. Irregularities (foam, color, smell, etc.) will be documented and the Parish will make efforts to identify and eliminate the source of the irregularity. A flow chart outlining illicit discharge inspection procedures is presented in Appendix D. If significant visual evidence of potential dry weather pollution is discovered during the windshield screening, then a dry

weather survey of the sub-basin will be conducted using the illicit discharge inspection (dry weather survey) checklist (Appendix E) and the Parish will make efforts to identify and eliminate the pollutant source.

The Parish will also monitor the sewer collection system for leaks that may drain into the stormwater system. Pipes found to be leaking will be repaired.

3.2.4 Response to Illicit Discharges and Illegal Connections

Resident concerns and complaints regarding illicit discharges, hazardous spills, and sewer overflows will be addressed with a site visit from Parish personnel. If known, the start time, cause, estimated volume of discharge, repair methods, and the time the repair of the incident was completed will be documented. Responses to hazardous spills will be responded to by the Fire Department in accordance with the established policies and procedures. Those procedures can be found in Appendix F The Parish will also respond to citizen concerns or complaints of accumulated trash and litter.

3.3 Measurable Goals

- Verify all Parish employees and contractors applying pesticides and herbicides are certified from the Louisiana Department of Agriculture and Forestry.
- Record and respond to all reported hazardous spills.
- Record and respond to all known sewer overflows.
- All sewer point repairs will be tracked and quantified.
- Conduct visual screening of all major outfalls once per permit term.
- All Hazardous Material Response team members will be trained annually.

SECTION 4 MINIMUM CONTROL MEASURE 4
CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

4.1 Introduction

Erosion of construction sites can cause sediment to enter runoff and contribute to pollutants entering local waterbodies. Reducing the volume of runoff flowing over disturbed areas of construction sites along with removing sediment from the site helps to reduce the amount of pollutants leaving the site and entering storm drains.

The outlines presented below have been prepared to assist in notification procedures and training of St. Bernard Parish staff in the inspection of construction sites disturbing one (1) or more acres of land. This section provides background information on the regulatory aspects of controlling stormwater pollution from construction sites to reduce the risk of pollutants from construction sites contaminating local waterbodies.

4.2 Selected Activities and Best Management Practices

4.2.1 Policies and Ordinances

Building permit applications will be reviewed to determine if construction sites require an LDEQ stormwater permit. Per the Parish permit application, submittals from the contractor, owner or owner's representative shall include fire protection system shop drawings, manufacturer's installation instructions, information for construction in flood hazard areas and a site plan. If the Parish determines an LDEQ stormwater permit is necessary during the planning phase of new construction, a Notice of Intent and Notice of Termination for developments five (5) acres or greater, and a Notice of Termination for developments one (1) acre or greater, are submitted to LDEQ. A Stormwater Pollution Prevention Plan (SWPPP) shall be developed and implemented by the contractor to maintain compliance during the construction phase of the project. A guide to developing a Stormwater Pollution Prevention Plan for construction sites can be found on the Parish's website under the Drainage-MS4 Department page (sbpg.net)

4.2.2 Best Management Practices for Construction Sites

The Parish will consider the following procedures acceptable as pollutant mitigation efforts for construction sites:

- Ensure that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures;
- Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of sediments and pollutants from the site to the extent feasible.
- Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of sediments and other windblown waste from the site;
- Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 of waters of the state;
- Providing general good housekeeping measures to (i) prevent litter, construction debris, and construction chemicals exposed to stormwater from becoming pollutant sources for

stormwater discharges, (ii) prevent and contain spills of paints, solvants, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and (iii) assure proper cleanup and disposal of any such spills in compliance with state, federal, and local requirements;
- Implementation of proper waste disposal and waste management techniques, including providing waste containers and covers for water materials, minimizing ground contact with hazardous chemicals and trash, and providing appropriate sanitary facilities for site workers and visitors;
- Timely maintenance of vegetation, erosion, and sediment control measures and other best management practices in good and effective operation condition; and
- Installation of structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but are not limited to, stormwater detention structures (including wet ponds); flow attenuation by use of open vegetive swales and natural depressions; other velocity dissipation devises; infiltration of runoff on site; and sequential systems that combine several such practices. Operators of construction sites are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site and are not responsible for maintenance after stormwater discharges associated with construction activity have terminated.

4.2.3 Inspection and Enforcement Procedures

St. Bernard Parish will complete a weekly and monthly Inspection Checklist (Appendix G) for developments greater than one (1) acre. During the initial construction site inspection, Parish personnel will meet with the individual in charge of the site who will identity the person(s) responsible for the implementation and maintenance of construction site best management practices. Additionally, Parish personnel and the person(s) in charge of the stormwater pollution prevention plan will confirm the following information:

- Total area to be disturbed by the construction project;
- Construction timing and phasing;
- Sources of potential stormwater contamination (e.g., storage areas);
- Best Management Practices used at the site; and
- Outfall location and receiving waters

Deficiencies which could increase the risk of pollutants entering the stormwater system will be identified, photographed and included in the checklist. Actions taken to rectify deficiencies will be documented.

The Parish will periodically conduct training for their personnel that perform construction site inspections. The training program addresses pollution control laws and regulations, construction site runoff pollution prevention practices and development of stormwater pollution prevention plans.

The Parish will establish an ordinance to require erosion and sediment controls. In the interim, St. Bernard Parish will accept Stormwater Pollution Prevention Programs developed for the Louisiana Department of Environmental Quality as sufficient control measures.

4.3 Measurable Goals

- Screen all new construction projects for applicability of LDEQ stormwater permits.
- Conduct initial inspections of all construction sites 1 acre or greater. Follow-up inspections will be conducted monthly.
- Train Parish personnel on construction site run-off pollution prevention practices once per permit term.
- Review all construction site plans that are required to have stormwater controls by permit, ordinance, or policy.

SECTION 5 MINIMUM CONTROL MEASURE 5
POST CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT

5.1 Introduction

Limiting the permissible post construction runoff in new developments reduces the risk of pollutants reaching waterbodies. If unchecked, the increased impervious surface area associated with new developments may increase stormwater volume and degrade water quality. Innovative site designs that reduce imperviousness help achieve the goals of reducing flows and improving water quality.

5.2 Selected Activities and Best Management Practices

5.2.1 Policies and Ordinances

As discussed in Section 1.4 of this annual report, the Engineer's office in the Department of Public Works conducts plan reviews of all new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale.

Subdivision of land over three (3) lots within St. Bernard Parish requires the submission of a drainage impact study (DIS) by a registered professional engineer. The applicant shall incur any costs involved in producing the plan, however, the fee and scope of services necessary will be determined by the Parish Engineer who must approve the plan and authorize payment to the parish. The drainage study should also include an implementation plan of the corrective action determined as a result of the completed study. Additionally, submission of an LPDES permit from the Louisiana Department of Environmental Quality for the storm water discharge associated with construction activity during the development phase along with copies of all plans for the implementation of the storm water pollution plan is required.

5.2.2 Public Outreach

The Parish Code of Ordinances will continue to be accessible at the Parish website throughout the entire permit term.

Parish personnel will be available during office hours to answer owner or owner's representative questions about site development.

5.3 Measurable Goals

- Review all permit applications for post construction run-off requirements. Drainage calculations, construction plans and specifications from the owner or owner's representative will be reviewed for projects that meet code requirements. needed.
- Conduct post-construction site stormwater management training for Parish personnel once per permit term.
- Inspect all sites requiring post construction runoff control to ensure that stormwater controls were built as designed.

SECTION 6 MINIMUM CONTROL MEASURE 6 POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

6.1 Introduction

The pollution prevention and good housekeeping minimum control measure outlines activities that ensure municipal facilities and operations are managed in ways that will minimize contamination of stormwater discharges emanating from these facilities. This measure requires the Parish to examine its own actions to help ensure a reduction in the amount and type of pollution that collects on roadways, parking lots, open spaces, storage vehicles and vehicle maintenance areas, Parish owned facilities and other Parish owned or leased operations that discharge into local waterways. St. Bernard Parish will implement the methods outlined below to meet the goal of reducing the risk of pollutants contaminating waterbodies.

6.2 Selected Activities and Best Management Practices

6.2.1 Policies and Ordinances

The Department of Public Works implements controls for reducing the discharge of pollutants from streets, roads, highways, parking lots, maintenance and storage yards, and maintenance shops using various Best Management Practices.

Parking lots for Parish buildings are maintained regularly by grass cutting and debris removal. Catch basins are cleaned on an annual basis, typically before hurricane season. Wet weather screenings are performed for catch basins during rain events. Additionally, the Roads Department responds to resident complaints, and cleans catch basins and storm sewers as required.

Major highways in the Parish, namely Parish Road, Judge Perez, and St. Bernard Highway are regularly swept. Parish vehicles are sprayed down at the Public Works Main Yard at 120 W. Agriculture St. in Chalmette, LA to remove mud, dirt, and debris so that sediments and pollutants do not enter the drainage system.

6.2.2 Hazardous Chemical Storage, Handling and Disposal

St. Bernard Parish will conduct Good Housekeeping training for relevant employees in the Public Works Department regarding the storage, handling and disposal of hazardous chemicals. This will reduce the risk of hazardous chemical spills reaching the storm drain system due to improper handling and containment procedures.

Chemicals stored by the Parish will be indoors in an environment recommended by the manufacturer. Material Safety Data Sheets for hazardous materials are available to Parish personnel at applicable facilities.

6.2.3 Pollutant Assessment

St. Bernard Parish will assess properties owned or operated by the Parish that have the potential for contaminate exposure (storage yards, fleet and maintenance shops, waste transfer stations, etc.) for potential sources of pollutants of concern.

6.3 Measurable Goals

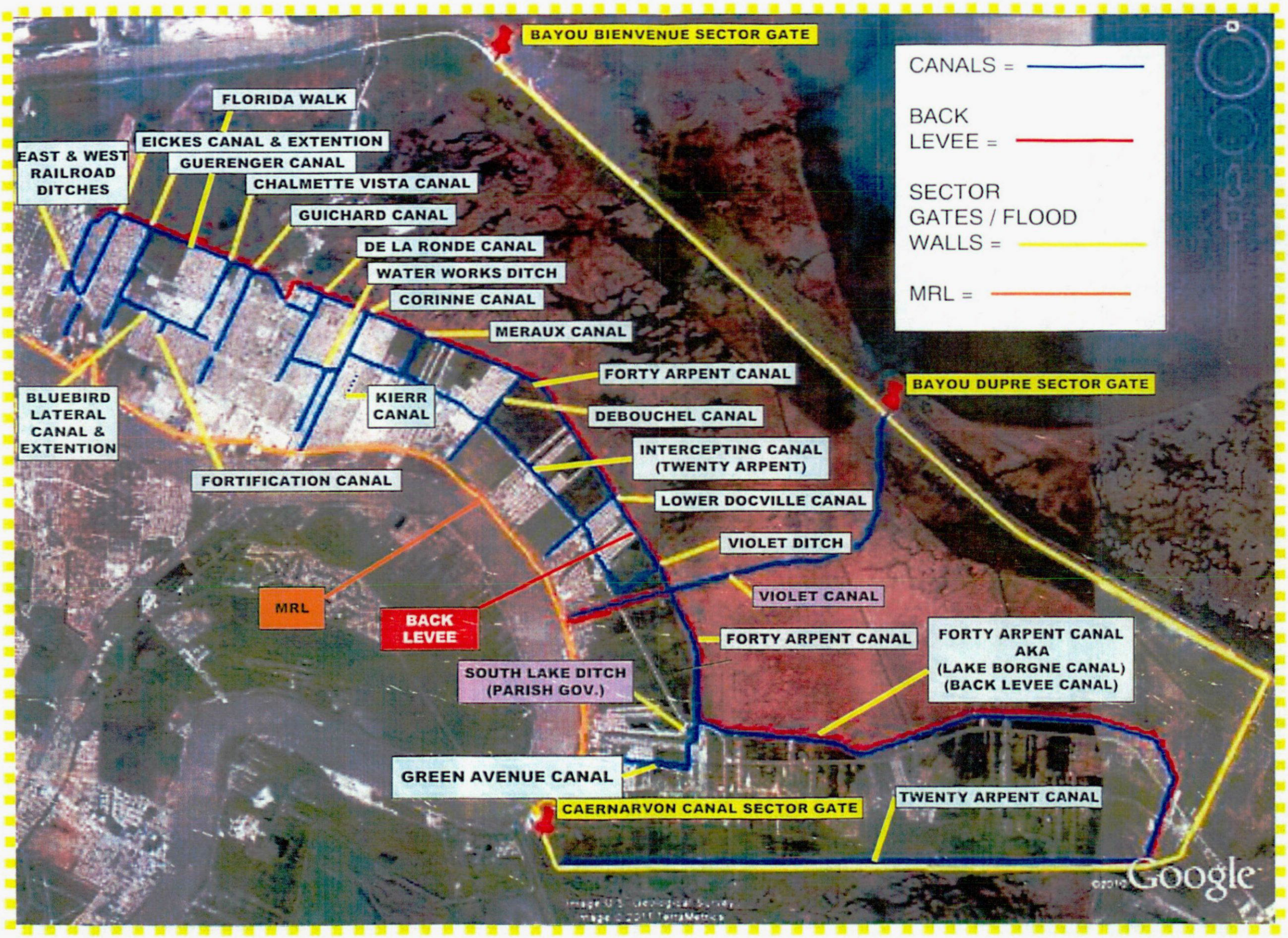
- Conduct an annual assessment of the SWMP for effectiveness.
- Develop and update Spill Prevention, Control and Countermeasure Plans for Parish facilities as required by LDEQ.
- Develop and update Storm Water Pollution Prevention Plans for Parish facilities as required by LDEQ.
- Train Parish personnel on hazardous waste disposal, spill cleanup, stormwater hazards and pollution prevention once per permit term.
- Inspect all Parish facilities for good housekeeping practices once per permit term.
- Conduct monthly cleaning of major thoroughfares by parish staff.

APPENDIX A

MAP AND LIST OF CANALS

The following canals are maintained by the St. Bernard Parish Public Works Department.

- St. Bernard Highway Ditch
- Pirate Ditch
- Fortification Canal
- Creely Canal
- Jacob Canal
- Un-named Canal perpendicular to Judge Perez (between Judy Dr. and Garden Dr. on the river side of Judge Perez, between Jumonville N. and Paul Dr. on the Lakeside of Judge Perez)
- Un-named Canal perpendicular to Judge Perez (between Paul Dr. and DeBouchel Blvd. on the lake side of Judge Perez)
- Un-named Canal parallel to Judge Perez bounded by Archbishop Hannan Blvd. and Meraux Pasture
- Riverbend Canal
- Un-named Canal perpendicular to St. Bernard Highway bounded Centenni Drive and Serpas
- South Lake Estates Canal
- Bayou Terre Aux Boeufs
- East Railroad Ditch
- West Railroad Ditch
- Eickes Canal
- Eickes Canal Extension
- Guerenger Canal
- Fortification Canal
- Chalmette Vista Canal
- Guichard Canal
- Florida Walk Canal
- Forty Arpent Canal
- De La Ronde Canal
- Waterworks Ditch
- Corinne Canal
- Kierr Canal
- Meraux Canal
- DeBouchel Canal
- Lower Docville Canal
- Violet Ditch
- Intercepting Canal
- Green Avenue Ditch


BAYOU BIENVENUE SECTOR GATE
CANALS =
BACK LEVEE =
SECTOR GATES / FLOOD WALLS =
MRL =
FLORIDA WALK
EICKES CANAL & EXTENTION
GUERENGER CANAL
EAST & WEST RAILROAD DITCHES
CHALMETTE VISTA CANAL
GUICHARD CANAL
DE LA RONDE CANAL
WATER WORKS DITCH
CORINNE CANAL
MERAUX CANAL
FORTY ARPENT CANAL
BAYOU DUPRE SECTOR GATE
BLUEBIRD LATERAL CANAL & EXTENTION
KIERR CANAL
DEBOUCHEL CANAL
INTERCEPTING CANAL (TWENTY ARPENT)
FORTIFICATION CANAL
LOWER DOCVILLE CANAL
VIOLET DITCH
MRL
BACK LEVEE
VIOLET CANAL
FORTY ARPENT CANAL
FORTY ARPENT CANAL AKA (LAKE BORGNE CANAL) (BACK LEVEE CANAL)
SOUTH LAKE DITCH (PARISH GOV.)
GREEN AVENUE CANAL
CAERNARVON CANAL SECTOR GATE
TWENTY ARPENT CANAL
Google

APPENDIX B

LPDES PERMIT NO. LAR040000

DEQ
LOUISIANA

GENERAL PERMIT FOR DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

AI 94338/ PER20220001
MASTER GENERAL PERMIT NO. LAR040000
AUTHORIZATION TO DISCHARGE UNDER THE
LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R.S. 30:2001, et seq.), rules and regulations effective or promulgated under the authority of said Acts, this Louisiana Pollutant Discharge Elimination System (LPDES) General Permit is reissued. Except as provided in Part I.D of this permit, those operators of storm water discharges from small municipal separate storm sewer systems in the State of Louisiana who submit a completed Notice of Intent and a Storm Water Management Plan in accordance with Part II of this permit, and are approved for coverage, are authorized under this general permit.

This permit shall become effective on November 20, 2023

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

Issued on November 20, 2023

Bliss M. Higgins
Assistant Secretary

LPDES GENERAL PERMIT
DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

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PART I
COVERAGE UNDER THIS PERMIT

A. Permit Area

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

B. Eligibility

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

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

   a. In urbanized areas (UAs), all core cities, plus any other MS4 systems operating within the UA unless specifically waived by the state administrative authority;

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

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

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

b. is not defined as a large or medium municipal separate storm sewer system in accordance with Paragraph B.4 and 7 of this Section [2511]*, or designated under Subparagraph A.1.e of this Section* [2511]*; and*

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

From LAC 33:IX.2519:

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

A. Unless you qualify for a waiver under Subsection C of this Section [2519], *you are regulated if you operate a small MS4 including, but not limited to, systems operated by federal, state, tribal, and local governments, including state departments of transportation, and:*

1. your small MS4 is located in an urbanized area as determined by a prior (this section differs from current LAC regulations) *Decennial Census by the Bureau of the Census. (If your small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated); or*

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

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

C. The state administrative authority may waive the requirements otherwise applicable to you if you meet the criteria of Subsection D or E of this Section [2519]. *If you receive this waiver, you may subsequently be required to seek coverage under an LPDES permit in accordance with LAC 33:IX.2521.A if circumstances change.*

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

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

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

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

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

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

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

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

C. Allowable Non-Storm Water Discharges

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

- Discharges or flows from firefighting activities (excludes predictable and controllable discharges from a firefighting training facility)
- Fire hydrant flushings
- Potable water including: water line flushings using potable water, drinking fountain overflows, lawn watering runoff, and similar sources of potable water
- Uncontaminated air conditioning or compressor condensate
- Residual street wash water and pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed)
- Routine external building wash down which does not use detergents
- Drainage from landscape watering
- Rising ground waters
- Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
- Uncontaminated pumped ground water
- Foundation drains
- Irrigation water
- Uncontaminated spring water
- Water from crawl space pumps
- Footing drains
- Water from individual residential car washing

- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Other similar occasional incidental discharges (for example, non-commercial or charity car washes) where such discharges will not cause a problem either due to the nature of the discharge or controls the MS4 places on the discharge. Permittees must identify all types of discharges that will be allowed as occasional incidental discharges and must specify those discharges in the storm water management plan.

D. Limitations on Coverage

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

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

   a. In compliance with a separate LPDES permit, or

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

2. Discharges of material resulting from a spill. Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, permittees shall take, or ensure the responsible party for the spill takes all reasonable steps to minimize or prevent any adverse effects on human health or the environment. This permit does not transfer liability for a spill itself from the party(ies) responsible for the spill to the permittees nor relieve the party(ies) responsible for a spill from the reporting requirements of LAC 33:I.Chapter 39 (40 CFR Part 117 and 40 CFR Part 302).

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

4. Storm water discharges or implementation of your storm water management plan, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless you are in compliance with requirements of the National Historic Preservation Act (NHPA) and any necessary activities to avoid or minimize impacts have been coordinated with the Louisiana State Historic Preservation Officer (SHPO). (For questions, the operator should contact the Section 106 Review Coordinator, Louisiana Office of Cultural Development, P.O. Box 44247, Baton Rouge, LA 70804-4247, telephone (225) 342-8160.

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

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

E. Permittee Responsibilities

1. Permittees are responsible for:

   a. Compliance with permit conditions relating to discharges from portions of the MS4 where the permittee is the operator;

   b. Storm Water Management Program (SWMP) implementation in portions of the MS4 where the permittee is the operator (including developing and implementing clear, specific, and measurable goals and best management practices (BMPs) used to satisfy the control measures identified in Part IV.D.1-6); examples of clear, specific, and measurable goals and BMPs include BMP design requirements, performance requirements, adaptive management requirements, schedules for implementation and maintenance, and frequency of actions (for examples, see EPA guidance document *Measurable Goals Guidance for Phase II Small MS4s* found at https://www3.epa.gov/npdes/pubs/measurablegoals.pdf);

   c. Compliance with annual reporting requirements as specified in Part V.C and a response to LDEQ comments within 60 days of receipt of annual report review;

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

   e. A plan of action to assume responsibility for implementation of storm water management and monitoring programs in its portion of the MS4 should interjurisdictional agreements allocating responsibility between permittees be dissolved or in default. **This plan of action must be in place within 6 months of the permit issuance date and any new plans or changes to existing plans must be attached to the revised SWMP and provided along with the next annual report submittal.**

2. Permittees are jointly responsible for permit compliance in portions of the MS4 where operational or SWMP implementation authority over portions of the MS4 is shared or has been transferred from one permittee to another in accordance with legally binding agreements. **Any co-permittee relying on another co-permittee or co-permittees to satisfy its permit obligations must have an interagency agreement in place within 6 months of the permit issuance date. A copy of the**

agreement must be attached to the revised SWMP and provided along with the next annual report submittal.

3. Within 90 days of transfer of ownership, operational control, or responsibility for SWMP implementation, the MS4 must have developed a plan for implementing the SWMP. Implementation of the SWMP in new areas must be done as expeditiously as possible, but no later than 3 years from addition of the new area.

F. Obtaining Authorization

For general permits issued under LAC 33:IX.2515.B for small MS4s, the state administrative authority (LDEQ) will establish the terms and conditions necessary to meet the requirements of LAC 33:IX.2523 using the two-step permitting approach as described in LAC 33:IX:2515.B. After issuing the general permit, the state administrative authority may establish through a second permitting step additional permit terms and conditions for each MS4 seeking authorization to discharge under the general permit. These additional terms and conditions supplement the requirements of the general permit, resulting in a complete permit meeting the maximum extent practicable (MEP) permit standard for each MS4 permittee under the general permit. In the second permitting step, the state administrative authority satisfies its obligation to review the NOI for adequacy and determines what additional requirements are needed for the MS4 to meet the MEP permit standard. Once the NOI is determined to be administratively and technically complete, the state administrative authority will initiate the public noticing process. Public noticing provides an opportunity for the public to submit comments and to request a hearing. Upon completion of this process, LDEQ will notify the MS4 by means of an LPDES permit authorization letter of the authorization to discharge, subject to the terms of the general permit and the additional requirements that apply individually to that MS4. **Once accepted, the SWMP and any other additional conditions identified in the LPDES permit authorization letter become enforceable parts of the permit authorization.**

In accordance with LAC 33:IX.2515.B.2.h.ii, the state administrative authority includes required permit terms and conditions in the general permit applicable to all eligible small MS4s, and during the process of authorizing small MS4s to discharge, the state administrative authority may establish additional terms and conditions not included in the general permit to satisfy one or more of the permit requirements in LAC 33:IX.2523 for small MS4 operators. If the state administrative authority deems that additional terms and conditions are necessary for the small MS4 to meet MEP standards or address TMDL requirements, these enforceable terms and conditions will be included in the letter of authorization.

The state administrative authority shall review the Notice of Intent (NOI) submitted by the small MS4 operator to determine whether the information in the NOI is complete, whether the proposed SWMP meets the MEP standard, and to establish any additional terms and conditions necessary to meet the requirements of LAC 33:IX.2523. The state administrative authority may require the small MS4 operator to submit additional information.

Other applicable LPDES permit requirements, standards, and conditions may be established in the general permit, developed consistently with the provisions of LAC 33:IX.2701-2715.

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

Application and Public Notice Requirements

The following requirements apply in order for storm water discharges from regulated small MS4s to receive authorization under this general permit:

1. A correctly completed NOI (Form **MS4-G** found at: http://deq.louisiana.gov/page/lpdes-water-permits) must be submitted to the state administrative authority. **In accordance with the requirements of Part II of this permit, the applicant must submit a proposed storm water management plan**, using Sections IV-VI of the NOI form provided by the state administrative authority, or as an attachment. If an electronic NOI or SWMP form is developed during the term of this permit, the state administrative authority may suspend the use of paper NOIs or SWMPs. **Operators authorized under a previous version of LPDES General Permit LAR040000 shall submit the NOI along with the current storm water management plan, updated to meet new requirements contained in this permit (see Part IV.E)**.

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

3. Any NOI submitted for authorization under this general permit will be placed on public notice on the Department's website for a minimum of 30 days, after the state administrative authority determines the NOI to be administratively complete. The public notice, the process for submitting public comments and hearing requests, and the hearing process, if a request for a hearing is granted, shall follow the procedures applicable to draft permits set forth in LAC 33:IX.315. All interested parties will be given the opportunity to comment and to request a public hearing to raise issues of concern related to permitting discharges from a particular drainage system during this period.

4. LDEQ may include additional enforceable terms and conditions to be included in the SWMP, and the basis for these additional requirements, upon authorization to discharge under this general permit.

5. The state administrative authority will issue written notification to those small MS4s who are accepted for coverage under this general permit. Upon authorization for the MS4 to discharge under the general permit, the final additional enforceable terms and conditions applicable to the MS4 operator become effective. The state administrative authority shall inform the public of the decision to authorize the MS4 to discharge under the general permit and of the final additional enforceable terms and conditions specific to the MS4. If it is determined that an MS4 would be

more correctly regulated under an individual permit, the permittee will be notified that it will not be permitted under the general permit and that an individual permit will be issued to the MS4 operator. The state administrative authority may later deny coverage under this permit and require submittal of an application for an individual LPDES permit based on a review of the NOI or other information (see Part VI.A.6 of this permit).

6. MS4 permittees granted authorization to discharge under this general permit will be listed in the Water Permits Division activity report on the state administrative authority website at: http://deq.louisiana.gov/page/lpdes. NOIs and associated documents will be available in the Electronic Document Management System (EDMS) for public review: http://deq.louisiana.gov/page/edms.

PART II
NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification

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

2. If you are an operator of a newly regulated small MS4 designated under LAC 33:IX.2519.A.2, you must apply for coverage under this permit, or apply for a modification of an existing LPDES permit within 120 days of notice from the state administrative authority that coverage is required.

3. If you are an operator of a regulated small MS4 that was authorized under a previous version of the LPDES General Permit LAR040000, you must reapply for coverage under this permit within 90 days of being notified by the state administrative authority.

4. Requests for waivers under LAC 33:IX.2519.C (see Part I.B) must be submitted in writing, with supporting documentation.

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

B. Contents of Notice of Intent

The NOI shall be signed in accordance with Part VI.D.10 of this permit and shall include the following information:

1. The MS4 name;

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

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

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

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

6. Whether or not the applicant is a corporation or limited liability company;

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

8. A USGS 7.5 minute topographic map, or equivalent, of the MS4 service area that satisfies the requirement of LAC 33:IX.2523.B.3.b, showing the location of all outfalls and names and locations of all waters of the state that receive discharges from those outfalls, and any major structural controls (retention basins, detention basins, major infiltration devices, etc.) identified;

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

10. Any existing quantitative data that characterizes the discharge, such as the monthly mean rainfall estimates, volume and quality of the discharges from the MS4, and the results of any visual field screening at identified outfalls;

11. In the NOI or as an attachment to the NOI, the following information for each of the 6 minimum control measures defined in Part IV.D:

    a. Selected clear, specific, and measurable BMPs;

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

    c. Name(s) of the person(s) responsible for implementing or coordinating the SWMP;

12. Any regulated city(ies), town(s), or unincorporated area(s);

13. Population served by the MS4 system; and

14. Presence of co-permittee(s); if so, a list must be provided.

C. Where to Submit

NOIs, signed in accordance with Part VI.D.10 of this permit, are to be submitted to the state administrative authority at this address:

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

PART III
SPECIAL CONDITIONS

A. Discharge Compliance with Water Quality Standards

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

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

Permittees must comply with the state's antidegradation policy and plan (LAC 33:IX.1109.A; LAC 33:IX.1119). Permittees must ensure that storm water discharges to water bodies designated as Outstanding Natural Resource Waters (ONRWs) will not degrade water quality to the maximum extent practicable (MEP). Additional BMPs and regulatory mechanisms (for example, ordinances or codes) may be required in order to prevent erosion, sedimentation, or illicit discharges to ONRWs. If it is demonstrated that a discharge from a particular MS4 regulated by this permit would result in the violation of instream water quality criteria or adversely impact the designated uses of a receiving stream, the state administrative authority will consider how the implementation of the minimum control measures outlined in Part IV.D will affect the quality of storm water discharges from the MS4. If it is determined that the minimum control measures outlined in Part IV.D are inadequate to control the discharge of pollutants from the MS4 effectively enough to meet the instream water quality criteria or protect the designated uses of the receiving stream, then the procedures outlined in LAC 33:IX.1119.C may be implemented to determine if the discharge from the MS4 can be permitted under this general permit, or whether the MS4 may be required to obtain coverage under an individual LPDES permit.

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

B. Total Maximum Daily Load (TMDL) Allocations

Permittees must document in the SWMP how the BMPs and other controls implemented in the SWMP will control the discharge of any pollutant(s) of concern (POCs) for discharges into a receiving water which has been listed on the Clean Water Act 303(d) list of impaired waters.

If storm water runoff from a regulated MS4 flows into a basin subsegment **that is listed on the most recent EPA-approved 303(d) list**, then the permittee's SWMP must address any impairments where the suspected source has been identified as *urban runoff/storm sewers, municipal (urbanized high density area), discharges from municipal separate storm sewer systems, SSOs, forced drainage pumping, residential districts, site clearance, construction, wet weather discharge, rural (residential areas) or unspecified urban stormwater.* If a TMDL has not yet been approved for a 303(d)-listed basin subsegment number that receives storm water runoff from the regulated MS4s, **and** the source of pollutants causing the impairment(s) have been attributed to MS4s (reasons listed above), then permittees must describe how the BMPs and other control(s) selected for the SWMP will minimize, to the MEP, the discharge of those pollutants which have been identified as causing the impairment. Impaired water bodies (without a TMDL) are listed as Category 5 in Appendix A of LDEQ's most recent Integrated Report (IR), located at: https://deq.louisiana.gov/page/louisiana-water-quality-integrated-report.

If a TMDL has been approved for a water body, permittees will be required to include any TMDL requirements in the SWMP that are applicable to MS4 discharges into basin subsegments where TMDLs have been established.

If a TMDL allocation has been assigned for specific pollutants, which are identified as impairments attributed to discharges from regulated MS4s, then permittees must update the SWMP to implement the TMDL within 6 months of the TMDL's approval or as otherwise specified in the TMDL. This requirement includes TMDLs that are developed during the term of this general permit. In addition to any MS4-specific requirements of the TMDL, permittees must also: (1) implement clear, specific, and measurable BMPs that specifically target the pollutant(s) of concern; (2) identify clear, specific, and measurable goal(s) to minimize the discharge of the pollutant(s) of concern; and (3) implement a monitoring program to assess whether or not the storm water controls are adequate to meet the wasteload allocation (WLA). *See Part IV.H for a thorough discussion of permit requirements should a WLA be assigned for discharges of one or more pollutants from your MS4.* Impaired water bodies for which TMDLs have been developed are listed as Category 4a in Appendix A of LDEQ's most recent IR, located at: https://deq.louisiana.gov/page/louisiana-water-quality-integrated-report.

C. Releases in Excess of Reportable Quantities

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

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

D. Spills

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

PART IV
STORM WATER MANAGEMENT PROGRAMS

A. Requirements

Within 5 years following **initial** authorization under the permit, you must develop, implement, and enforce a storm water management program (SWMP).

Operators Applying for Initial Permit Coverage:

Operators who apply for initial permit coverage under the reissued general permit must develop and implement a storm water management plan within 5 years following initial authorization under the general permit. While full program implementation may take up to 5 years, credible progress in implementing existing, partial or interim programs must be made during the term of the permit; for example, initial illicit discharge and public education programs shall be launched within the first year of permit coverage.

Currently Permitted Operators:

Operators who were permitted more than 5 years prior to the effective date of this reissued general permit are required to have fully developed and implemented a storm water management plan. Operators who received initial coverage under the previous general permit within the last 5 years are required to have fully developed and implemented a storm water management plan within 5 years from the date of their initial coverage. Deadlines for complete program development and implementation are not extended with each general permit reissuance.

The SWMP shall be described in detail in a written storm water management plan. The storm water management plan shall be designed to reduce the discharge of pollutants from your small MS4 to the MEP, to protect water quality, and to satisfy the water quality requirements of the Louisiana Environmental Quality Act and the Clean Water Act.

The SWMP shall cover the term of the permit and shall be updated by the permittee, and when required by the secretary or the secretary's designee, to ensure compliance with the statutory requirements of LAC 33:IX.2523 and Section 402(p)(3)(B) of the Clean Water Act. Modifications to the SWMP shall be made in accordance with Parts IV.E and VI.A.6. Compliance with the SWMP, additional enforceable conditions required by the state administrative authority, and any schedules required by the permit shall be deemed compliance with Parts IV.A and IV.D. The SWMP, and all updates made in accordance with Part IV.E, are hereby incorporated by reference.

Your SWMP must include the minimum control measures described below in Section D of this Part.

Program development resources are available through the EPA website at https://www.epa.gov/npdes/stormwater-discharges-municipal-sources. Guidance on Minimum

Measures and Measurable Goals and a menu of BMPs are available on the EPA's main storm water program page which is located at https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu. Other important MS4-related information is available on the EPA website at https://www.epa.gov/npdes/npdes-stormwater-program. Information related to BMPs that may be used to satisfy the requirements of the 6 minimum control measures required by Part IV.D of the permit are provided at: https://www3.epa.gov/npdes/pubs/measurablegoals.pdf.

B. Responsibilities of Co-permittees

All permittees, including co-permittees covered under a single authorization, must develop and implement a comprehensive SWMP for implementation within its jurisdiction and in accordance with interagency agreements (if applicable), including pollution prevention measures, treatment or removal techniques, storm water monitoring, enforcement of ordinances or other regulatory mechanisms identified in the SWMP, and other applicable means to control the quality of storm water discharged from the MS4. Permittees must continue to enforce the elements of the SWMP required by this permit and as described within the SWMP document(s). Existing permittees with fully developed SWMPs shall continue to implement the program and enforce the elements of the SWMP specifically required by this permit to control the discharge of pollutants to the MEP. Existing permittees with fully developed programs shall also continue to update the SWMP. Implementation of the SWMP may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part IV in lieu of creating duplicate program elements for each individual permittee. **You must describe in writing any participation in a cooperative effort and explain how that cooperative effort fulfills any of your Part IV permit requirements. Where a separate MS4 operator is contributing to implementation of the SWMP, the SWMP must clearly define the minimum measure and components(s) each entity agrees to implement and within which MS4 area(s)**. The SWMP, taken as a whole, shall achieve the "effective prohibition on the discharge of non-storm water" and "MEP" standards from LAC 33:IX.2523 and Section 402(p)(3)(B) of the Clean Water Act.

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

Controls and activities in the SWMP shall identify areas of permittee responsibility on a jurisdictional, applicability, or specific area basis. The SWMP shall include controls necessary to effectively prohibit the discharge of non-storm water into municipal separate storm sewers and reduce the discharge of pollutants from the MS4 to the MEP.

C. Legal Authority

1. Traditional MS4s, such as cities, towns, and parishes:

   Within 1 year from the effective date of this permit, a discharger permitted under a previous version of the general permit shall review ordinance(s) or other

regulatory mechanism(s) to determine if the permittee has adequate legal authority to control pollutant discharges into and from its MS4 in order to meet the requirements of Part IV.D of this permit. If legal authority does not meet the requirements of Part IV.D, the permittee(s) shall:

a. Revise relevant ordinances; or

b. Adopt a new ordinance(s) or other regulatory mechanism(s) to meet the requirements of Part IV.D.

If necessary, relevant ordinance(s) shall be revised no later than 2 years from the effective date of this permit. New operators without an ordinance or other regulatory mechanism shall establish a plan to adopt an ordinance **prior to submittal of a Notice of Intent**. New operators must adopt such an ordinance within 2 years of receiving notification of coverage. The first year's annual report must contain a certification statement that ordinances were reviewed.

2. Non-traditional MS4s, such as transportation entities or universities:

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

a. Enter into interjurisdictional agreements with municipalities where the small MS4 is located. These interjurisdictional agreements must state the extent to which the municipality will be responsible for enforcement in order to meet the conditions of this general permit, must be in place within 6 months of the permit issuance date, must be attached to the revised SWMP, and must be included along with the next annual report submittal; or

b. If it is not feasible for the permittee to enter into interjurisdictional agreements, the permittee shall notify an adjacent MS4 operator with enforcement authority or the LDEQ's Regional Office to report discharges or incidents for which it cannot itself take enforcement action (see map and contact information for regional offices at http://deq.louisiana.gov/directory).

D. Minimum Control Measures

You must provide a rationale for how and why you selected each of the BMPs and measurable goals for your SWMP. The rationale should include:

- The BMPs that you or another entity are implementing, or propose to implement (for operators permitted less than 5 years ago), for each of the storm water minimum control measures;

- The proposed measurable goals for each of the BMPs including the months and years in which you propose to undertake required actions, including interim milestones and the frequency of the action;

- Name(s) of the person(s) responsible for implementing or coordinating the BMPs for your SWMP; and

- Any additional information required by the state administrative authority.

In addition to providing the rationale described above, your written storm water management plan must include the following information for each of the 6 minimum control measures described below (1–6).

1. Public Education and Outreach on Storm Water Impacts

a. You must:

i. Identify the minimum elements and require implementation of a public education program to distribute educational materials to the community, or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

ii. Identify each clear, specific, and measurable BMP and corresponding goal that you use in your public education and outreach program that is designed to minimize the discharge of pollutants into your MS4.

iii. Describe how you inform individuals and households about the steps they can take to reduce storm water pollution.

iv. Describe how you inform individuals and groups about becoming involved in the storm water program (with activities such as local stream and beach restoration).

v. Identify the target audiences for your education program who are likely to have significant storm water impacts (including

commercial, industrial and institutional entities) and why those target audiences were selected.

vi. Identify the target pollutant sources your public education program is designed to address.

vii. Identify your outreach strategy, including the mechanisms (printed brochures, newspapers, media, and workshops, for example) you use to reach your target audiences, and how many people you expect to reach by your outreach strategy over the permit term.

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

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

x. Tailor your program, using a mix of locally suitable strategies, such as brochures, fact sheets, public service announcements, and speaking engagements, to target specific audiences and communities. You should designate some of the materials or outreach programs to be directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant storm water impacts. For example, information could be provided to restaurants on the impact of grease clogging storm drains and to garages on the impact of oil discharges in storm water.

b. Recommendations:

i. You may use storm water educational materials locally developed or provided by the EPA (refer to https://www.epa.gov/npdes/npdes-stormwater-program, the LDEQ (http://deq.louisiana.gov/page/storm-water-protection), environmental, public interest or trade organizations, or other MS4s;

ii. You should tailor your outreach program to address the viewpoints and concerns of all communities, particularly minority, non-English-speaking, and disadvantaged communities, as well as any special concerns relating to children.

2. Public Involvement/Participation

a. You must:

i. At a minimum, comply with state, tribal, and local public notice requirements when implementing a public involvement or participation program.

ii. Identify each clear, specific, and measurable BMP and corresponding goal used in your public involvement/participation program that is designed to minimize the discharge of pollutants into your MS4.

iii. Describe how you involve the public in the development and submittal of your NOI and SWMP. *(You are strongly encouraged to make the storm water management plan and annual report available for review/comment at the local level prior to submittal to LDEQ.)*

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

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

vi. Identify and describe the types of public involvement activities included in your program. Consider including the following types of public involvement activities:

(a) Citizen representatives on a storm water management panel;
(b) Holding public hearings;
(c) Working with citizen volunteers willing to educate others about the program; and
(d) Volunteer monitoring or stream/beach clean-up activities.

vii. Identify who is responsible for the overall management and implementation of your storm water public involvement or participation program and, if different, who is responsible for each of the BMPs identified for this program.

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

b. Recommendations:

i. You may use storm water educational materials locally developed or provided by the EPA (refer to https://www.epa.gov/npdes/npdes-stormwater-program, the LDEQ (http://deq.louisiana.gov/page/storm-water-protection), environmental, public interest or trade organizations, or other MS4s;

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

3. Illicit Discharge Detection and Elimination

a. You must:

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

ii. Develop, if not already completed, a USGS 7.5 minute topographic map, or equivalent, of the MS4 service area that satisfies the requirement of LAC 33:IX.2523.B.3.b, showing the location of all outfalls and names and locations of all waters of the state that receive discharges from those outfalls, and any major structural controls (retention basins, detention basins, major infiltration devices, etc.) identified;

iii. To the extent allowable under state, tribal, or local law, effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement enforcement procedures and actions; in addition, modify the SWMP within 14 calendar days of knowledge of a release in excess of reportable quantities (see Part III.C);

iv. Develop, if not already completed, and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system;

v. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;

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

vii. **Develop a list of other similar occasional incidental non-storm water discharges (for example, non-commercial or charity car washes) that will not be addressed as illicit discharges.** These non-storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the MS4, because of either the nature of the discharges or conditions you have established for allowing these discharges to your MS4 (a charity car wash with controls on frequency, proximity to sensitive water bodies, and BMPs on the

wash water, for example). You must document in your SWMP any local controls or conditions placed on the discharges. You must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to your MS4.

viii. Provide a description of how you evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

ix. Conduct visual screening of the outfalls during dry weather and conduct field tests of selected pollutants as part of the procedures for locating priority areas. Permittees must justify the screening schedule with respect to available resources, for example, combining visual screening with plumbing inspections, complaint investigations, etc.

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

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

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

iii. A description of how you ensure that your illicit discharge ordinance (or other regulatory mechanism) is implemented through enforcement procedures and actions.

iv. A description of your plan to detect and address illicit discharges to your system, including discharges from illegal dumping and spills.

Your plan must include dry weather field screening for non-storm water flows and field tests of selected chemical parameters as indicators of discharge sources. Your plan must also address on-site sewage disposal systems that flow into your storm drainage system. Your description must address, at a minimum, the following:

(a) Procedures for locating priority areas, including areas with higher likelihood of illicit connections (for example, areas with older sanitary sewer lines), or ambient sampling to locate impacted reaches.
(b) Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source.
(c) Procedures for removing the source of the illicit discharge.
(d) Procedures for program evaluation and assessment.
(e) Procedures for storm water management plan modification within 14 calendar days of knowledge of a release (see III.C).

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

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

c. Recommendations:

i. You may use storm water educational materials locally developed or provided by the EPA (refer to https://www.epa.gov/npdes/npdes-stormwater-program, the LDEQ (http://deq.louisiana.gov/page/storm-water-protection), environmental, public interest or trade organizations, or other MS4s.

4. Construction Site Storm Water Runoff Control

a. You must:

i. Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to 1 acre. Reduction of storm water discharges from construction activity disturbing less than 1 acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb 1 acre or more. The extent to which the program will rely upon the recently amended NPDES Phase II Construction regulation (40 CFR Part 450) should be specified.

ii. In your written storm water management plan, include the development and implementation of, at a minimum:

(a) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state, tribal, or local law;
(b) Requirements for construction site operators to implement erosion and sediment control BMPs;
(c) Requirements for construction site operators to control waste such as, but not limited to, discarded building materials, concrete truck washout (see EPA guidance at https://www.epa.gov/npdes/national-menu-bestmanagement-practices-bmps-stormwater#constr), chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
(d) Procedures for site plan review which incorporate consideration of potential water quality impacts;
(e) Procedures for receipt and consideration of information submitted by the public;
(f) Procedures for site inspection and enforcement of control measures;
(g) Educational and training measures for construction site operators; and
(h) Storm water BMPs for construction sites within the MS4's jurisdiction that discharge into the system.

iii. Identify each clear, specific, and measurable BMP and corresponding goal that you use in your construction site storm water runoff control program designed to minimize the discharge of pollutants into your MS4. You must include, at a minimum, the following information:

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

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

(c) A description of your procedures or methods to ensure that construction site operators implement erosion and sediment control BMPs and control waste at construction sites that causes adverse impacts to water quality. Examples of such waste might include discarded building materials, concrete truck washout, chemicals, litter and sanitary waste.

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

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

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

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

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

b. Recommendations:

i. You may use storm water educational materials locally developed or provided by: the EPA (refer to https://www.epa.gov/npdes/npdes-stormwater-program, and https://www.epa.gov/npdes/stormwater-discharges-construction-activities), the LDEQ (**Error! Hyperlink reference not valid.**), environmental, public interest or trade organizations, or other MS4s.

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

a. You must:

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

ii. Develop and implement strategies which include a combination of structural and/or nonstructural BMPs tailored to your community;

iii. Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state or local law;

iv. Ensure adequate long-term operation and maintenance (O&M) of BMPs;

v. Assess existing ordinances, policies, programs, and studies that address storm water runoff quality when developing your program. In addition to assessing these existing documents and programs, you should provide opportunities to the public to participate in the development of the program;

vi. Adopt a planning process that identifies the municipality's program goals (for example, minimizing water quality impacts resulting

from post-construction runoff from new development and redevelopment), implementation strategies (for example, adopting a combination of structural and/or nonstructural BMPs), O&M policies and procedures, and enforcement procedures when developing a program that is consistent with this measure's intent;

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

b. You must identify each clear, specific, and measurable BMP and corresponding goal used in your post-construction SWMP designed to minimize the discharge of pollutants into your MS4. You must include, at a minimum, the following information:

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

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

iii. Descriptions of any nonstructural BMPs in your program, which may include, but are not limited to:

(a) Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation;
(b) Policies or ordinances that encourage infill development in higher density urban areas and areas with existing storm sewer infrastructure;
(c) Education programs for developers and the public about project designs that minimize water quality impacts; and
(d) Other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance, and spill prevention.

iv. Descriptions of any structural BMPs in your program, which may include, but are not limited to:

(a) Storage practices such as wet ponds and extended-detention outlet structures;
(b) Filtration practices such as grassed swales, bioretention cells, sand filters, and filter strips; and
(c) Infiltration practices such as infiltration basins and infiltration trenches.

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

vi. A description of how you ensure the long-term operation and maintenance of your selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between you and another party, such as the post-development landowners or regional authorities. If such an agreement is developed, it must be added to your SWMP and included in the next annual report submittal.

vii. Name(s) of the person(s) responsible for overall management and implementation of your post-construction SWMP and, if different, responsible for each of the BMPs identified for that control measure.

c. Recommendations:

i. You may use storm water educational materials locally developed or provided by: the EPA (refer to https://www.epa.gov/npdes/npdes-stormwater-program, the LDEQ (http://deq.louisiana.gov/page/storm-water-protection), environmental, public interest or trade organizations, or other MS4s;

ii. When choosing BMPs, participate in locally-based watershed planning efforts, which attempt to involve a diverse group of stakeholders including interested citizens.

iii. Ensure the implementation of the structural BMPs by considering some or all of the following: pre-construction review of BMP

designs; inspections during construction to verify BMPs are built as designed; post-construction inspection and maintenance of BMPs; penalty provisions for noncompliance with preconstruction BMP design; failure to construct BMPs in accordance with the agreed upon pre-construction design; and ineffective post-construction O&M of BMPs; and

iv. Ensure that your requirements continue to respond to the constantly changing storm water technologies, developments and improvements in control technologies.

6. Pollution Prevention/Good Housekeeping for Municipal Operations

a. You must:

i. Identify each clear, specific, and measurable BMP and corresponding goal used in your Pollution Prevention/Good Housekeeping for Municipal Operations program designed to minimize the discharge of pollutants into your MS4.

ii. Develop and implement an O&M program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; in addition, using training materials that are available from EPA, LDEQ, or other organizations, your program must include employee training to prevent and/or reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

iii. Describe how your O&M program is designed to prevent or reduce pollutant runoff from your municipal operations. Your program must specifically list the municipal operations that are impacted by this O&M program.

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

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

new construction and land disturbances, and storm water system maintenance.

(a) Describe any existing available materials you plan to use (see https://www.epa.gov/npdes/stormwater-maintenance).
(b) Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum control measure.

vi. Specifically address the following areas in your program description:

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

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

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

b. Recommendations:

i. You may use storm water educational materials locally developed or provided by the EPA (refer to https://www.epa.gov/npdes/npdes-stormwater-program, the LDEQ (http://deq.louisiana.gov/

page/storm-water-protection), environmental, public interest or trade organizations, or other MS4s.

E. Reviewing and Updating Your Storm Water Management Program

1. You must do an annual review of your SWMP in conjunction with preparation of the annual report required under Part V.C. You shall change your SWMP during the term of the permit in accordance with the following procedures:

   a. Changes adding (but not subtracting or replacing) components, monitoring, controls/infrastructure, or requirements or updates to a MS4 map or ordinance and to the SWMP may be made at any time. For example, including new public education components or increasing the frequency of outfall inspections would be considered an addition. You must update your storm water management plan to include the above changes, and **these changes shall be reported in the next annual report that is prepared and submitted to LDEQ**.

   b. Changes replacing an ineffective or infeasible BMP identified in the SWMP with an alternative BMP may be made at any time. For example, revising an ordinance or changing the parameters and sampling frequencies in the monitoring program would be considered a replacement. **You must update your storm water management plan to incorporate the changes. All such changes shall be reported in the next annual report that is prepared and submitted to LDEQ**. An outline of changes or a copy of the changed sections is acceptable for the annual report. Your SWMP update and annual report to LDEQ must include documentation of the following:

      i. An analysis of why the BMP is ineffective or infeasible (including cost prohibitive);

      ii. Expectations of the effectiveness of the replacement BMP; and

      iii. An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

2. The permitting authority may require changes to the SWMP.

   a. Changes may be needed to address impacts on receiving water quality caused, or contributed to, by discharges from the MS4.

   b. Changes may be needed to include more stringent requirements necessary in order to comply with new federal statutory or regulatory requirements.

c. Changes may be needed to include such other conditions deemed necessary by the state administrative authority in order to comply with the goals and requirements of the Clean Water Act.

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

3. You must implement the SWMP in all new areas added to your portion of the MS4 (or areas for which you become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than 1 year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

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

   b. Only those portions of the SWMP specifically required as permit conditions shall be subject to the modification requirements of LAC 33.IX.307. *Addition of components, controls, or requirements by the permittee(s); changes to the SWMP to address storm water controls needed based on wasteload allocations that are part of TMDLs finalized during the permit's term that address pollutant(s) of concern attributed to your MS4 (see Part IV.H); and replacement of an ineffective or infeasible BMP implementing a required component of the SWMP with an alternative BMP expected to achieve the goals of the original BMP shall be considered minor changes to the SWMP and not modifications to the permit.*

4. Changes to the SWMP that constitute a general permit modification must be sent to LDEQ **separately from the annual report** for review and approval in order to obtain a letter of modification of coverage. A general permit modification shall follow the procedures in LAC 33:IX.2903 and 2515 and the permittee shall submit an NOI (marked "modified coverage" at the top) to LDEQ, along with any applicable changes to the SWMP. In accordance with LAC 33:IX.2515B.2.h.ii.(b), "The state administrative authority shall review the NOI submitted by the small MS4 operator to determine whether the information in the NOI is complete and to

establish the additional terms and conditions necessary to meet the requirements of LAC 33:IX.2523. **The state administrative authority may require the small MS4 operator to submit additional information**."

5. Minor modifications of permits.

   a. Upon the consent of the permittee, the state administrative authority may modify a permit to make corrections or allowances for changes in the permitted activity listed in i-vii (below) without following the procedures of LAC 33:IX.Chapters 31-35 (see LAC 33:IX.2905). Minor modifications may include the following:

      i. Correction of typographical errors;

      ii. Requirement for more frequent monitoring or reporting by the permittee;

      iii. Interim compliance date change in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

      iv. Changes to existing outfall descriptions;

      v. Addition of outfalls previously permitted under another LPDES permit;

      vi. Change in ownership or operational control, in accordance with LAC 33:1.Chapter 19, where the state administrative authority determines that the other changes in the permit is necessary; and

      vii. Any other changes determined to be minor by the administrative authority.

6. Modification of coverage requiring public notice.

   a. In accordance with LAC 33:IX.2903.A, "When the state administrative authority receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see LAC 33:IX.2701)," the state administrative authority may modify the permit accordingly. If the modification does not meet the criteria for a minor modification, the permittee is subject to the public notice and public hearing procedures of LAC 33:IX.Chapters 31-35. Substantial modifications may include:

i. Changes to the implementation of an MCM, including: delaying and/or deleting an MCM and/or requiring implementation of an MCM based upon the determination that another entity was responsible for implementation of the requirement but failed to implement the measures that satisfy the requirement(s); and

ii. Adding a co-permittee and/or including a small MS4 as a limited co-permittee (see LAC 33:IX.2521.B.1).

F. Qualifying State or Local Programs (QLP)

Any municipality, including a small MS4, may have its construction storm water program recognized as a QLP by LDEQ. A QLP is an LDEQ-approved program that fulfills the State LPDES Program requirements for small construction activities stated in Parts IV.D.4 and D.5. A local program can be recognized as a QLP if it meets or exceeds the minimum requirements outlined in the regulations (LAC 33:IX.2707.R) and the program is reviewed by LDEQ and is officially authorized as a recognized QLP. The provisions stated in LAC 33:IX.2707.R offer an opportunity to streamline administrative requirements in the storm water program by formally recognizing local construction management programs that meet or exceed the provisions in LDEQ's construction general permits. Under such a scenario, a construction site operator, responsible for a project within the jurisdiction of a recognized municipality, would follow that municipality's requirements for storm water management.

LDEQ will consider whether an MS4's construction program meets or exceeds the requirements contained in LDEQ's construction general permits and whether the MS4 has the institutional capacity to take on the delegated regulatory responsibilities when considering a municipality's proposal to have its construction program recognized as an LDEQ-approved QLP. More information related to QLPs is available on the EPA's website at http://www.epa.gov/sites/default/files/2020-02/documents/qlp_memo.pdf.

G. Sharing Responsibility

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

If the other entity agrees to implement the control measure on your behalf, you must have a written acceptance of this obligation. **The written agreement must be maintained as part of the description of your SWMP, and the state administrative authority shall require the cooperative agreement to be included in the NOI/SWMP submittal**. Should the other entity fail to implement the minimum control measure on your behalf, you remain liable for any discharges due to the other entity's failure to implement the minimum control measure.

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

H. Discharges to Water Quality-Impaired Water Bodies

Upon written authorization of permit coverage, LDEQ may require the SWMP to be modified to include additional elements as enforceable permit conditions to address current impairments (where the suspected source(s) of the impairment include discharges from MS4s) and or TMDLs with a wasteload allocation assigned to pollutants from regulated MS4s.

Impaired Water Bodies Without an Established TMDL

If your MS4 discharges into a receiving water which has been listed in the LDEQ Section 303(d) List of Impaired Waters, a TMDL has not yet been approved, and the suspected source(s) of the impairment include discharges from MS4s, you must determine, within 1 year of the effective date of the permit if the MS4 is a source of the pollutant(s).

If sources are identified through monitoring for pollutants of concern throughout the MS4 and/or specific identified areas of concern (geographic area or targeted by discharger classification, for example residential, commercial, or industrial areas), the permittee must develop storm water control measures or BMPs that will reduce the discharge of the pollutants of concern. You must describe in your SWMP how the BMPs and other controls selected will reduce the discharge of the pollutant(s) of concern and how you will assess the effectiveness of the selected controls over time. This discussion must specifically identify control measures and BMPs that will collectively control the discharge of the pollutants of concern to ensure that discharges will not cause or contribute to instream exceedances of water quality standards. Targeted BMPs shall be included in the SWMP no later than 2 years after the effective date of the permit. You must report the progress on the implementation of the selected BMPs in your annual report in subsequent years thereafter. The MS4 operator shall select one or more of the recommended control measures in the following section (H.4.a-f) or develop other controls.

Requirements for Impaired Water Bodies with an Approved TMDL

Upon written authorization of permit coverage, LDEQ may require the SWMP to be modified to include additional elements as enforceable permit conditions for TMDLs finalized prior to issuance of coverage under this general permit. If a wasteload allocation (WLA) has been assigned to discharges of a particular pollutant from your MS4 to a particular basin subsegment:

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

2. Permittees shall adopt any assigned wasteload allocations (WLAs) as benchmark goals in the SWMP. The benchmark goal is not a permit limit, but shall be used to measure the progress toward achieving pollutant reductions from the MS4. If the benchmark goal is met, the permittee shall maintain the control measures, BMPs, or other pollutant reduction programs necessary to ensure that the goal will continue to be met.

3. Permittees must comply with monitoring or compliance schedules established in the TMDL.

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

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

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

    c. Implementation of a public education program to reduce the discharge of nutrients from the overapplication of residential and commercial fertilizers.

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

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

    f. Requirement of a minimum buffer zone adjacent to surface waters to reduce erosion and sediment runoff for construction activities.

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

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

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

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

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

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

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

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

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

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

7. Within 6 months of any <u>new</u> WLAs assigned for specific pollutants, which are identified as impairments attributed to discharges from regulated MS4s, the permittee shall: initiate development of clear, specific, and measurable goals and BMPs in your SWMP targeting the pollutant(s) of concern. Include details, such as identifying areas of focused effort of implementing additional control measures or BMPs that will reduce the pollutant(s) of concern. A schedule for implementing each targeted control shall be included in the SWMP. **Upon renewal of this permit, the selected clear, specific, and measurable goals and BMPs will be reviewed and, if accepted, established as enforceable**

permit conditions by the state administrative authority.

[NOTE: You should consult the latest edition of the Louisiana Water Quality Management Plan, which is available on the LDEQ website at: http://deq.louisiana.gov/page/water-quality-management (Volume 8), to determine if a wasteload allocation for any pollutant has been assigned to your MS4.]

Compliance with federal, state and local storm water programs revolves around the use of BMPs to manage storm water. Given the water quality and quantity benefits of smart growth at the site, neighborhood, and watershed levels, many smart growth techniques and policies are emerging as BMPs to manage storm water. You are strongly encouraged to utilize principles and BMPs contained in the following publications to minimize the discharge of pollutants within watersheds:https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu and https://www.epa.gov/smartgrowth/. You must document in your SWMP which smart growth practices you utilize and describe how those practices minimize the discharge of pollutants of concern to any water body with an established TMDL.

LDEQ-developed TMDL reports are maintained and regularly updated on the LDEQ website at http://deq.louisiana.gov/page/tmld-reports-and-models.

LDEQ collects ambient surface water data at approximately 125 sites across the state each month. This data is used for establishing water quality criteria or standards, assessment of conditions, development of TMDLs, and the Section 303(d) List of Impaired Waters. This data may be accessed on the LDEQ website at http://deq.louisiana.gov/page/ambient-water-quality-monitoring-data.

LDEQ's Interactive Mapping Application (LIMA) can be accessed at http://deq.louisiana.gov/resources/category/make-a-map.

LDEQ's Small Business Assistance (http://deq.louisiana.gov/page/small-business-parish-assignments-regional-contacts) provides environmental regulatory assistance and information to small businesses and communities, including identification of subsegments, urbanized area boundaries, and the use of the LDEQ's Interactive Mapping Application.

PART V
MONITORING, RECORDKEEPING, AND REPORTING

A. Monitoring

On an ongoing basis during the permit term, you must:

- evaluate program compliance,
- evaluate the functionality of your identified BMPs,
- evaluate progress made toward the status of achieving your identified clear, specific, and measurable goals and BMPs, and
- make any necessary changes/updates to your plan.

If you discharge to a water for which a wasteload allocation (WLA) for a particular pollutant has been assigned to one or more of your MS4 outfalls, you are also required to develop and implement a monitoring program as described in Part IV.H. If the permittee discharges to two or more water bodies, the monitoring requirements apply only to those outfalls located within the subsegment for which the TMDL has been developed.

When conducting effluent (for example, wet weather discharge) sampling and analysis, permitted small MS4s must comply with the following:

1. All sampling and testing shall be conducted in accordance with the test procedures approved under 40 CFR Part 136.

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

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

4. The permittee or designated laboratory shall have an adequate analytical quality assurance/quality control program to produce defensible data of known precision and accuracy. All quality control measures must be assessed and evaluated on an ongoing basis and quality control acceptance criteria must 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 Wastewater*, Sections 1020A and 1020B. General sampling protocol must follow guidelines established in the

Handbook for Sampling and Sample Preservation of Water and Wastewater, 1982, U.S. Environmental Protection Agency (see Part VI.c.5.c).

In accordance with 40 CFR 122.44(i)(1)(iv)(2), the permittee is required to use the most sufficiently sensitive method to quantify the presence of a pollutant. Therefore, the permittee must select a method with an MDL that is at or below the water quality criterion (if applicable) or the MQL, whichever is less. Please be advised that should a sufficiently sensitive method not be available, the permittee must submit supporting documentation stating this. For reporting purposes, if the most sensitive method is greater than the more stringent of the MQL or the water quality criteria, and the analytical result is less than the MDL, "non-detect" shall be reported. If the method is less than or equal to the more stringent of the MQL or water quality criteria and the analytical result is less than that value, zero (0) shall be reported.

5. Records of all monitoring information shall be retained in accordance with Part V.B of this permit.

B. Recordkeeping

You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, a copy of the LPDES permit, and records of all data used to complete the application (NOI) for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the state administrative authority at any time.

You should not submit copies of records to the state administrative authority unless you are specifically asked to do so. You must retain a description of the SWMP required by this permit (including a copy of the permit language) at a location accessible to the state administrative authority. You must make your records, including the Notice of Intent (NOI) and a copy of the SWMP, available to the public if you receive a written request to do so.

C. Annual Report Requirements

Unless a co-permittee is exempted from providing updates to the annual report via an interagency agreement, each co-permittee must contribute to the preparation of a system-wide annual report. Each co-permittee must sign and certify the annual report in accordance with Part VI.D.10. You must submit the annual report and one copy to LDEQ by March 10 for the preceding calendar year. The annual report must be postmarked no later than March 10. If your MS4 has a public website, you must publish the SWMP and annual report on the website. If an electronic reporting format is developed during the permit term, LDEQ may require the use of the electronic format in order to comply with EPA's eReporting rule. MS4s will be notified in writing if and when this occurs.

Your annual report must include:

1. The status of compliance with permit terms and conditions;

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

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

4. Any changes made during the reporting period to your SWMP, including control measures initiated in response to a new wasteload allocation;

5. Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable) consistent with LAC 33:IX.2525; and

6. Any other information requested by the state administrative authority.

D. Reporting: Where and When to Submit

1. Two copies of the annual report required by Part V.C and any other reports required herein shall be mailed to:

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

   You must submit these reports to LDEQ by March 10 for the preceding calendar year. By 2025, you may be required to submit MS4 program reports electronically (40 CFR 127.16, Table 1), unless an extension is granted by EPA and their state administrative authority.

2. In addition, requests concerning updates to the SWMP, changes in monitoring locations, or application for an individual permit shall be submitted to:

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

PART VI
STANDARD PERMIT CONDITIONS

SECTION 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. R.S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. 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 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;

   c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;

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

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

   f. Change of ownership or operational control.

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

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 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 R.S. 40:4(A)(6) the plans and specifications of all sewerage works, both public and private, must be approved by the Louisiana Department of Health 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 R.S. 40:1281.9, 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 Louisiana Department of Health state health officer. Furthermore, it is unlawful for any person to perform the duties of an operator without being duly certified.

In accordance with 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 Louisiana Department of Health.

15. 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.

16. Preproduction Plastics

This permit does not authorize a visible discharge or release of preproduction plastic into waters of the state.

SECTION 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 or sludge use or disposal 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 backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

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. and d 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 10 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 backup 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.d(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, constitutes 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;

(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 (POTWs), 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. POTWs utilizing waste stabilization ponds/oxidation ponds are not subject to the 85 percent removal rate for Total Suspended Solids.

SECTION 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 30 minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of 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;

   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 may be given an additional 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. Measurements and analyses 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 ensure 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 ongoing basis, and quality control acceptance criteria shall be used to determine the validity of the data. All method-specific quality controls 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 Wastewater*, 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 Service Center for Environmental Publications https://nepis.epa.gov/Exe/ZyNET.exe/30000QSA.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1981+Thru+1985&Docs=&Query=&Time=&EndTime=&SearchMethod=

1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C81thru85%5CTxt%5C00000001%5C30000QSA.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL.

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 ensure 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 percent from true discharge rates throughout the range of expected discharge volumes and shall be calibrated by a qualified source at least once a year to ensure their accuracy. A qualified source is a person that has received formal training and/or has practical field experience in the calibration of the flow measurement device used at the facility. 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, and telephone number (800) 553-6847. Order by NTIS publication number COM-75-10683. https://www.govinfo.gov/content/pkg/GOVPUB-C13-a301a5f6bf6ec378b4fabc9c626c03e2/pdf/GOVPUB-C13-a301a5f6bf6ec378b4fabc9c626c03e2.pdf

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, and telephone number (800) 553-6847. Order by NTIS publication number PB-273 535.
Volume 1:
https://www.govinfo.gov/content/pkg/GOVPUB-C13-c0f8a094b9fcc5c32be685edbd48f942/pdf/GOVPUB-C13-c0f8a094b9fcc5c32be685edbd48f942.pdf.

Volume 2:
https://www.govinfo.gov/content/pkg/GOVPUB-C13-b3daf36f1cc0f770bc04d66da5cdc937/pdf/GOVPUB-C13-b3daf36f1cc0f770bc04d66da5cdc937.pdf

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, and telephone number (800) 553-6847. Order by NTIS publication number PB-82-131178. https://nepis.epa.gov/Exe/ZyNET.exe/9101TZLK.TXT?ZyActionD=ZyDocument&Client

=EPA&Index=1981+Thru+1985&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C81thru85%5CTxt%5C00000026%5C9101TZLK.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL

7. Prohibition for Tampering: Penalties

   a. 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.

   a. 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 noncompliance.

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 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; and/or
       (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 by an accredited commercial laboratory will be required.

Where retesting of effluent is not possible (for example, 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 LDEQ → About LDEQ→ Public Participation and Permit Support →LA Lab Accreditation at the following link:

http://deq.louisiana.gov/page/la-lab-accreditation

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

a. 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 using the pathway LDEQ → Water→ LPDES Application Forms at the following link: http://deq.louisiana.gov/page/lpdes-water-permits

4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be submitted through a department-approved electronic document receiving system (NetDMR) in accordance with LAC 33:I.Chapter 21 unless the state administrative authority gives written authorization to the permittee to submit monitoring results in an alternative format such as paper DMRs.

Information about NetDMR and gaining access can be viewed using the pathway LDEQ → Water→ Enforcement → NETDMR on the department's website at: http://deq.louisiana.gov/page/netdmr

The permittee shall submit properly completed Discharge Monitoring Reports (DMRs) using the format specified in the permit.

If authorized to report using an alternative format such as paper DMRs, then preprinted DMRs will be provided to majors 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 the following address:

Supervisor, Permit Compliance Unit

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

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 causes an emergency condition, the discharger shall notify the hotline (Department of Public Safety (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.Chapter 39.Subchapter E, but does not cause an emergency condition, the discharger shall promptly notify DPS by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) within 24 hours after learning of the discharge.

In the event of an unauthorized discharge that requires notification, the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will notify the Department of Environmental Quality.

In accordance with LAC 33:I.3923, notifications not required by LAC 33:I.3915 or 3917 shall be provided to the department within a time frame not to exceed 24 hours, or as specified by the specific regulation or permit provision requiring the notification, and shall be given to Single Point of Contact (SPOC), as follows:

(1) by the Online Incident Reporting screens found at http://deq.louisiana.gov/page/file-a-complaint-report-an-incident; or

(2) by email utilizing the Incident Report Form and instructions found at https://www.deq.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=single-point-of-contact; 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, base 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; and

(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 b, shall be submitted by the discharger to the Office of Environmental Compliance, Emergency and Radiological Services 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, identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred, and the location where the incident 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 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; and

(7) Remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.

Written notification reports shall be submitted to the Office of Environmental Compliance, SPOC by mail or e-mail. The transmittal envelope and report or e-mail subject line and report should be clearly marked "**UNAUTHORIZED DISCHARGE NOTIFICATION REPORT**."

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

Louisiana Department of Environmental Quality
Post Office Box 4312
Baton Rouge, LA 70821-4312
ATTENTION: OFFICE OF ENVIRONMENTAL COMPLIANCE – SPOC
"UNAUTHORIZED DISCHARGE NOTIFICATION REPORT"

The Written Notification Report may be emailed to the Louisiana Department of Environmental Quality, Office of Environmental Compliance, Single Point of Contact at: writtennotificationLDEQ@la.gov.

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

e. Twenty-four Hour Reporting The permittee 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 24 hours:

(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; and/or

(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:

(1) 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:

(a) One hundred micrograms per liter (100 µg/L);

(b) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

(c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2501.G.7; or

(d) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or

(2) which exceeds the reportable quantity levels for pollutants at LAC 33:I.Chapter 39.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:

(1) 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":

(a) Five hundred micrograms per liter (500 µg/L);

(b) One milligram per liter (1 mg/L) for antimony;

(c) 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

(d) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or

(2) which exceeds the reportable quantity levels for pollutants at LAC 33:I.Chapter 39.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: The department 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 (for example, 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 R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.6503) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

Claims of confidentiality for the following will be denied:

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

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.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

1. Criminal

a. Negligent Violations

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 one 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

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 three 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

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

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 two 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 four years, or both.

2. Civil Penalties
   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. Clean Water Act (CWA) means the Public Law 92-500 as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et seq. The CWA was formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972.

2. 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.

3. Administrator means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.

4. 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.

5. Applicable water quality standards means all water quality standards to which a discharge is subject under the Clean Water Act.

6. 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 in accordance with R.S. 49:1001 et seq.

7. 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.

8. Daily Maximum discharge limitation means the highest allowable "daily discharge."

9. Director means the U.S. Environmental Protection Agency Regional Administrator, or the state administrative authority, or an authorized representative.

10. 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.

11. Domestic sewage means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

12. Environmental Protection Agency (or EPA) means the U.S. Environmental Protection Agency.

13. Grab sample means an individual sample collected over a period of time not exceeding 15 minutes, unless more time is needed to collect an adequate sample, and is representative of the discharge.

14. Industrial user means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a Publicly Owned Treatment Works.

15. LEQA means the Louisiana Environmental Quality Act.

16. Loading is presented in the permit and reported in the DMR as the total amount of a pollutant entering the facility or discharged in the effluent. It is calculated by knowing the amount of flow, the concentration, and the density of water. Results should be rounded off and expressed with the same number of significant figures as the permit limit. If the permit does not explicitly state how many significant figures are associated with the permit limit, the permittee shall use two.

    Loading (lbs/day) = Flow (in MGD) x Concentration (mg/L) x 8.34*

    *8.34 is the unit conversion for the weight of water

17. 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.

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

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

    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 bacteria indicators is the geometric mean of the values for all effluent samples collected during a calendar month.

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

20. POTW means Publicly Owned Treatment Works.

21. 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.

22. 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.

23. Sewage sludge means any solid, semisolid, 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.

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

25. Surface Water means 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.

26. 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. (See Part 212 of the Clean Water Act.)

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

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

29. The term GPD shall mean gallons per day.

30. The term mg/L shall mean milligrams per liter or parts per million (ppm).

31. 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).

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

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

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

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

36. Wastewater means 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.

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

38. 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

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

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.

PART VII
ADDITIONAL DEFINITIONS

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

Best management practices (BMPs) also known as storm water control measures (SCMs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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

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

Construction activity – Soil disturbance, including clearing, grading, and excavating; and not including routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (for example, the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

> **Small construction activity** is construction activity that results in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) 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 (1) and less than five (5) acres of land.
>
> **Large construction activity** is construction activity that results in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres 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 five (5) acres of land.

Control measure as used in this permit, refers to any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

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

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

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

Deficiency, or Notice of Deficiency as used in this permit and any reviews pertaining to it (including notifications in writing), refers to any insufficient or missing information necessary to come into compliance with the requirements of the LDEQ MS4 permit.

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

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

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

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

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

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

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

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

Illicit discharge is defined as any discharge to a municipal separate storm sewer that is not composed entirely of storm water, except discharges authorized under an LPDES permit (other

than the LPDES permit for discharges from the MS4) and discharges resulting from firefighting activities.

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

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

Infeasible is defined as not technologically possible or not economically practicable and achievable in light of best industry practices.

Interjurisdictional/Interagency agreement is defined as an agreement involving or made between two or more jurisdictions/agencies/governments in cooperation to solve problems of mutual concern.

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

(i) Located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of LAC 33:IX.Chapter 71); or
(ii) Located in the counties (parishes) with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these parishes are listed in Appendices H and I of LAC 33:IX.Chapter 71); or
(iii) Owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the state administrative authority as part of the large or medium MS4.

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

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

MS4 is the abbreviation for municipal separate storm sewer system and is used to refer to either a Large, Medium or Small Municipal Separate Storm Sewer System. The term is used to refer to

either the system operated by a single entity or a group of systems within an area that are operated by multiple entities.

Municipal Separate Storm Sewer System (MS4) is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(a) Owned or operated by the United States or by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewerage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the state;
(b) Designed or used for collecting or conveying storm water;
(c) Which is not a combined sewer; and
(d) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at LAC 33:IX.2313.

National Pollutant Discharge Elimination System (NPDES) is 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.

Non-structural Control is a pollution prevention measure and best management practice that involves management and source controls. They may include policies and measures such as education, site planning, directing growth to identified areas, protecting sensitive areas such as wetlands and riparian areas, maintaining and/or increasing open space, providing buffers along sensitive water bodies, minimizing impervious surfaces, minimizing disturbance of soils and vegetation, and storm water management regulations and ordinances.

Non-traditional MS4 is an MS4 that may lack legal authority, often cannot pass ordinances, and may employ a different type of enforcement mechanism (such as withholding contract payment) to enforce the storm water management program. Other examples of non-traditional small MS4s include drainage districts, airports, military bases, prisons, hospitals, and universities.

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

Open space means an undeveloped piece of land adding ecological, scenic or recreational value to an urban area. Open spaces are generally large pervious areas that are free from paving, buildings, structures, etc., except for basic improvements that are complementary, necessary or appropriate to the use and enjoyment of the open area. Open space can be public or private. Open space includes any area that is characterized by natural scenic beauty or whose condition or quality is such that it will enhance the present or potential value of surrounding developed lands, or enhance the conservation of natural or scenic resources. Examples include forests, marshes,

wildlife sanctuaries, stream corridors, wetlands, agricultural lands, pasture land, pathways, walking and riding trails, groves, wooded areas, fields, parkland, watersheds, and retention/detention areas and floodways and floodplains. Preserving open space is one of the principles of Smart Growth. Visit the EPA website to learn more about open space and principles of Smart Growth.

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

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

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

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

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

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

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

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

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

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

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

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

Small Municipal Separate Storm Sewer System (Small MS4) is defined at 40 CFR 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not defined as a "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings.

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

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

State administrative authority means the Secretary of the Department of Environmental Quality or his designee or the applicable assistant secretary or his designee.

Storm water associated with industrial activity is defined at LAC 33:IX.2511.B.14 and incorporated here by reference.

Storm water discharge associated with small construction activity is defined at LAC 33:IX.2511.B.15. This includes discharges of storm water from construction activities including clearing, grading, excavating, and support activities related to a construction site that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one or less than five acres. Small construction activity does not include routine

maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

Storm water discharge associated with large construction activity includes discharges of storm water from construction activities including clearing, grading excavating, and support activities related to a construction site that results in land disturbance greater than five acres. Also included is construction activity that disturbs 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 greater than five acres.

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

Storm water management program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the MS4. The SWMP required by this permit must include the minimum control measures described in LAC 33:IX.2523.B and satisfy all of the requirements set forth in LAC 33:IX.2523.

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

Structural control is a pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in storm water runoff. Structural controls may include but are not limited to: wet ponds, infiltration basins, and storm water wetlands.

Subsegments are watersheds or portions of watersheds delineated as management units for water quality monitoring, assessment, permitting, inspection, and enforcement purposes.

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

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

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

Urbanized area (UA) is a Bureau of the Census determination of a central place (or places) and the adjacent densely settled surrounding area -- urban fringe -- that together have a minimum residential population of 50,000 people and an overall population density of 1,000 people/square

mile. It is a calculation used by the Bureau of the Census to determine the geographic boundaries of the most heavily developed and dense urban areas.

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

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

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

You and **Your** as used in this permit is intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's responsibilities (the city, the county, the flood control district, and the U.S. Air Force, for example).

APPENDIX C

ALLOWABLE NON-STORMWATER DISCHARGES

The St. Bernard Parish Municipal Separate Storm Sewer System (MS4) permit issued by the LPDES on November 20, 2023, requires that each permittee *"..contribute to the development, revision, and implementation of a comprehensive Stormwater Management Program (SWMP) including pollution prevention measures, treatment or removal techniques, stormwater monitoring, use of legal authority, and other appropriate means to control the quality of stormwater discharges from the Municipal Storm Sewer System."*

The permit requires that non-stormwater discharges to the MS4 shall be effectively prohibited by the permittees. However, certain discharges need not be addressed as illicit discharges by the permittees nor prohibited from entering the MS4 for the purpose of this permit. Part I.C of the permit requires that St. Bernard Parish *"..identify all type of discharges that they will allow as occasional incidental discharges and specify those discharges in their stormwater management plan (SWMP)."* These discharges include the following:

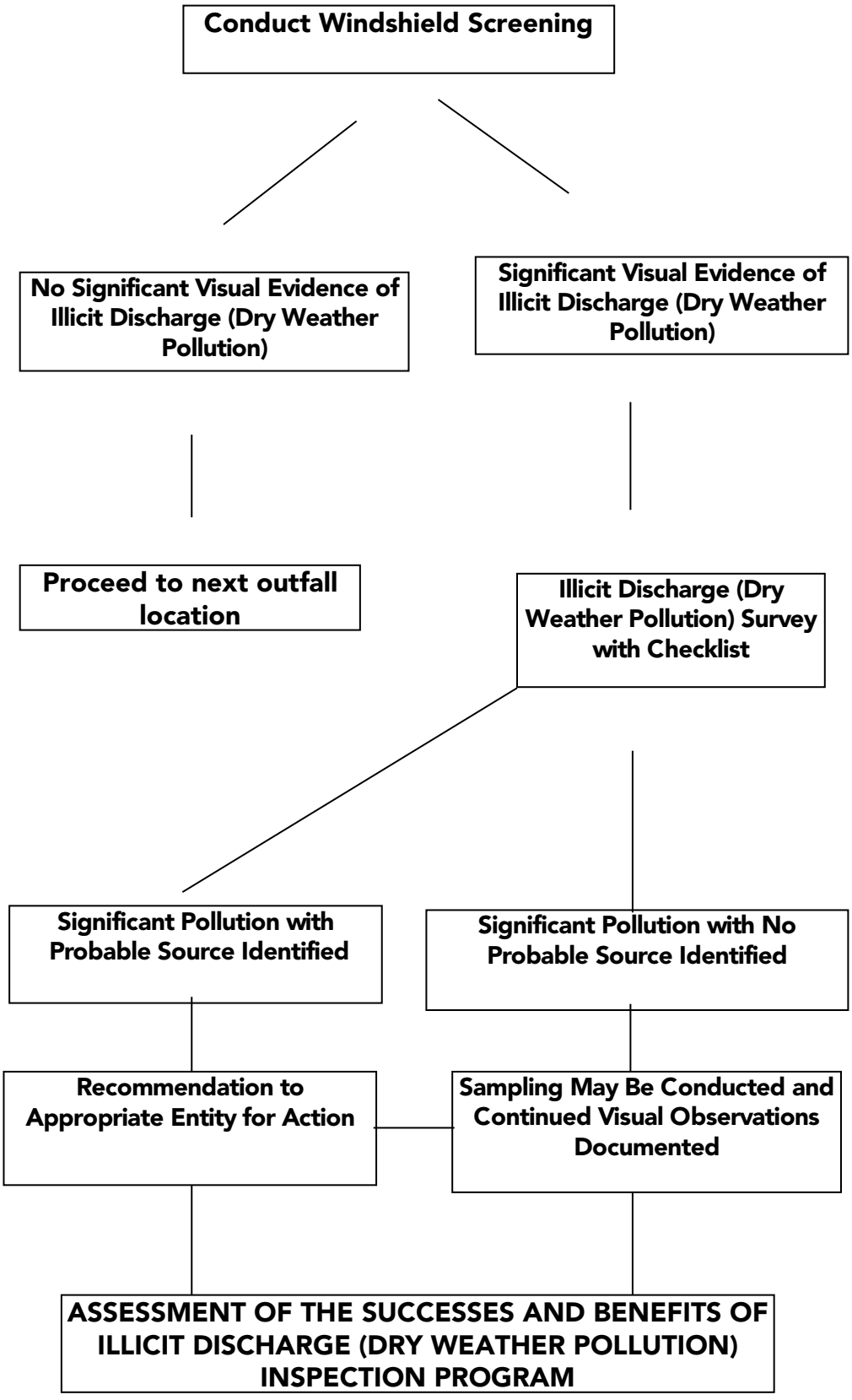
- **A discharge authorized by, and in compliance with, an LPDES permit issued to the discharger.**
- **A discharge or flow resulting from fire fighting activities by the fire department.**
- **A discharge or flow resulting from firefighting activities by the fire department.**
- **A discharge or fiow of fire protection water that does not contain oil or hazardous substances or materials.**
- **Agricultural water runoff.**
- **A discharge or flow from water line flushing or other potable water sources, but not including a discharge from water line disinfection by superchlorination or other means unless it contains no harmful quantities of chlorine (e.g typically less than one PPM chlorine) or any other chemical used in the line disinfection.**
- **A discharge or flow from lawn watering, landscape irrigation, or other irrigation water.**
- **A discharge or flow from a diverted stream flow or natural spring.**
- **A discharge or flow from uncontaminated pumped groundwater or rising groundwater.**
- **Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(20) to the MS4.**
- **Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain (not including groundwater dewatering systems) ;**
- **A discharge or flow from air conditioning condensation that is not mixed with water from a cooling tower, emissions scrubber, emission filter, or any other source of pollutant.**
- **A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container.**
- **A discharge or flow from individual residential car washing, non-commercial car washing, or limited fund-raising car washing.**
- **A discharge or flow from a riparian habitat or wetland.**
- **A discharge or flow from water used in street washing that is not contaminated with any soap, detergent. solvent, emulsifier, dispersant, or any other harmful cleaning substance.**
- **Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant.**

- **A discharge or flow from swimming pools (if dechlorinated- typically less than one PPM chlorine).**
- **A discharge or flow from dye testing, provided verbal notification thereof is provided to the public works director or his designee prior to initiation of the dye testing.**
- **A discharge or flow specified in writing by the public works director or his designee as being necessary to protect public health and safety.**

APPENDIX D

ILLICIT DISCHARGE INSPECTION PROCEDURES FLOW CHART

ST. BERNARD PARISH ILLICIT DISCHARGE INSPECTION PROCEDURES FLOW CHART



APPENDIX E

ILLICIT DISCHARGE VISUAL OBSERVATION CHECKLIST

(DRY WEATHER FIELD SCREENING DATA FORM)

ST. BERNARD PARISH MS4 - Dry Weather Field Screening Visual Data Form

Investigator: ____________________________ Date: _______________
Outfall GIS ID: ______ Ditch/Canal Description: ____
Substantially Identical Outfalls: ☐ Yes ☐ No Identical Outfall GIS ID: ________________________
Outfall Pipe Material(s):____________________ Outfall Dimension(s):______________________
Precipitation <72 hours ☐ Yes ☐ No
Flow: ☐ None ☐ Low ☐ Med ☐ High Sewage: ☐ Yes ☐ No Trash: ☐ Yes ☐ No
Oil Sheen: ☐ Yes ☐ No Surface Scum: ☐ Yes ☐ No Color: ☐ Yes ☐ No
Photos Taken: ☐ Yes ☐ No
Notes:____
____

Investigator: ____________________________ Date: _______________
Outfall GIS ID: ______ Ditch/Canal Description: ____
Substantially Identical Outfalls: ☐ Yes ☐ No Identical Outfall GIS ID: ________________________
Outfall Pipe Material(s):____________________ Outfall Dimension(s):______________________
Precipitation <72 hours ☐ Yes ☐ No
Flow: ☐ None ☐ Low ☐ Med ☐ High Sewage: ☐ Yes ☐ No Trash: ☐ Yes ☐ No
Oil Sheen: ☐ Yes ☐ No Surface Scum: ☐ Yes ☐ No Color: ☐ Yes ☐ No
Photos Taken: ☐ Yes ☐ No
Notes:____
____

Investigator: ____________________________ Date: _______________
Outfall GIS ID: ______ Ditch/Canal Description: ____
Substantially Identical Outfalls: ☐ Yes ☐ No Identical Outfall GIS ID: ________________________
Outfall Pipe Material(s):____________________ Outfall Dimension(s):______________________
Precipitation <72 hours ☐ Yes ☐ No
Flow: ☐ None ☐ Low ☐ Med ☐ High Sewage: ☐ Yes ☐ No Trash: ☐ Yes ☐ No
Oil Sheen: ☐ Yes ☐ No Surface Scum: ☐ Yes ☐ No Color: ☐ Yes ☐ No
Photos Taken: ☐ Yes ☐ No
Notes:____
____

APPENDIX F

HAZARDOUS MATERIALS RESPONSE GUIDE

Hazardous Materials Response

314.1 PURPOSE AND SCOPE

Hazardous materials (HAZMAT) may include toxic, flammable, corrosive, explosive, radioactive, or reactive materials; materials that can cause health hazards; or a combination of these materials. The purpose of this policy is to provide a general framework for handling a HAZMAT incident.

Training related to HAZMAT response is addressed in the Hazardous Materials Training Policy.

314.2 POLICY

It is the policy of the St. Bernard Parish Fire Department to protect the safety of the public and responders to HAZMAT incidents and to comply with all applicable state and federal laws during initial response and prior to arrival of the State Police HAZMAT Unit or its authorized designee (29 CFR 1910.120; La. R.S. 30:2375; La. R.S. 30:2376).

314.3 RESPONSIBILITIES

All HAZMAT responses should be managed using the National Incident Management System (NIMS) and the Incident Command System (ICS) in accordance with Louisiana standards for emergency response and applicable federal laws.

314.3.1 INITIAL ACTIONS

The first responding unit should confirm that Fire Alarm has notified the State Police and the local emergency planning committee (LAC 33:V.10111

If available, information should be provided by Fire Alarm to the units responding to a HAZMAT incident including the name and type of the material involved (e.g., hydrochloric acid, corrosive), the size and quantity of the containers involved, the nature of the problem (e.g., spill, leak), and any known dangerous properties of the materials.

The first-arriving unit approaching the incident should use caution, approach from upwind and upgrade of the incident, establish Incident Command, and begin a size-up of the situation. The purpose of the size-up by the first-in company is to determine the nature and severity of the HAZMAT incident and formulate an initial Incident Action Plan (IAP). While it may be necessary to take immediate action to make a rescue or evacuate an area, any action should be taken with an awareness of the risk to department personnel and making appropriate use of available protective equipment. It is important to avoid the premature commitment of personnel to potentially hazardous locations. In some cases, isolating the incident and denying entry until more resources arrive may be the safest approach.

In assessing the incident, all available references should be used to determine the hazards that are or potentially could be present. These references may include but are not limited to the U.S. Department of Transportation (DOT) Emergency Response Guidebook, the National Institute for Occupational Safety and Health (NIOSH) Pocket Guide to Chemical Hazards, Safety Data Sheets (SDS), HAZMAT business plans, manifests, or bills of lading, National Fire Protection

Association (NFPA) placards, U.S. DOT placards, and United Nations substance identification numbers. Other sources of information may be available, such as the Chemical Transportation Emergency Center (CHEMTREC®), facility personnel, department specialists, or manufacturers of the materials involved.

The hazards presented by a HAZMAT incident may change significantly as the materials interact with other materials, the surrounding environment, and the actions taken by responders. Responders should consider site topography, surroundings, other potential hazards, and prevailing weather conditions. The initial perimeter established for the incident may need to be expanded to establish the appropriate control zones for the response (e.g., exclusion zone, contamination reduction zone, support zone).

314.4 INCIDENT ACTION PLAN

The primary goal of the IAP will be to protect the safety of the public and responders. The initial IAP should focus on identifying a safe approach for other arriving units, determining the type of hazard and the scope of the incident, isolating the area and denying entry to the public, determining incident-specific personal protective equipment (PPE), and initiating notifications. The initial IAP may be a written document or may be notes kept and controlled by the Incident Commander (IC). The initial IAP should include the following minimum information:

(a) Incident name, agency or unified command, and command post location.

(b) Information for responding units on the best route of travel, staging locations, and minimum isolation distances to maintain the safety of responding members.

(c) The information available on the products involved or an indication that the products are not yet known.

(d) The incident control objectives and goals.

(e) An incident site safety plan and designation of an Incident Safety Officer.

(f) A communications plan including radio frequencies and contact telephone numbers.

When a HAZMAT incident response will be prolonged and will extend beyond an initial operational period, a written IAP should be developed. The written IAP should utilize standard NIMS/ICS forms that may include but are not limited to:

- ICS-201 Incident Briefing.
- ICS-202 Incident Objectives.
- ICS-203 Organization Assignment List.
- ICS-204 Assignment List.
- ICS-205 Incident Radio Communications Plan.
- ICS-206 Medical Plan.
- ICS-207 Incident Organization Chart.
- ICS-208 Safety Message/Plan.

314.5 RESOURCE CONSIDERATIONS

Most HAZMAT incidents will require the IC to request additional resources in order to implement the IAP and safely mitigate the hazard.

The response to a HAZMAT incident may require numerous specialized resources to achieve incident stabilization and return to normal operations. The IC should consider involving:

(a) Specialized HAZMAT teams at the technician and/or specialist levels for assistance with mitigating the release of material. Teams may be operated by local or regional fire agencies, military or private industry.

(b) Specialized operators or contractors to address post-response mitigation, removal, cleanup, and required disposal of material (The Responsible Party shall be identified and assume all cleanup cost).

(c) Local law enforcement for assistance with scene security and evacuation, if necessary.

(d) Emergency Medical Services for standby for the duration of the incident.

(e) Activation of local or regional Louisiana HAZMAT emergency response teams for assistance.

(f) United States Coast Guard assistance for spills affecting waterways.

(g) Public works and road departments for diking, diversion or other activities.

Resources shall be coordinated using NIMS/ICS as the response is reinforced. It is important that duties assigned to personnel are suitable for their level of training under federal regulations and Louisiana law. It is also important to consider the limitations of available PPE and the limitations of chemical detection or monitoring equipment on hand when preparing to commit personnel to a potentially hazardous area.

314.6 NOTIFICATIONS

Managing the response to a HAZMAT incident may involve required notifications to various local, regional, state or federal agencies. ICs should confirm that Fire Alarm has notified the State Police HAZMAT Unit and the local emergency planning committee (LAC 33:V.10111). ICs should also consider notifying the following agencies when applicable or required:

(a) The public, media and other affected entities, such as schools and businesses

(b) Adjoining jurisdictions that may be impacted by incident activities

(c) Local and regional elected officials and emergency management personnel

(d) Louisiana Office of State Fire Marshal, if applicable

(e) United States Environmental Protection Agency National Response Center

Hazardous Materials Initial Incident Response

318.1 PURPOSE AND SCOPE

This document provides on-scene procedures for St. Bernard Parish Fire Department units operating at incidents involving hazardous materials.

Corresponding Policies:

Hazardous Materials Response
Hazardous Materials Training
Incident Management

318.2 DEFINITIONS

Hazardous Materials Operational Zones:

Exclusion zone (hot zone) - The area with actual or potential contamination and the highest potential for exposure to hazardous substances.

Contamination reduction zone (warm zone) - The transition area between the exclusion and support zones. This area is where responders enter and exit the exclusion zone and where decontamination activities should take place.

Support zone (cold zone) - The area that is free from contamination that should be safely used as a planning and staging area.

318.3 FIRST FIVE MINUTES

Whenever practicable, the first arriving St. Bernard Parish Fire Department unit should approach the scene from upwind and uphill and stage at a location estimated to be in the cold zone. Contact Fire Alarm and provide the following information:

- Unit on-scene
- Initial scene size-up
- Primary (Level 1) staging location, which should be in the cold zone
- Unit assuming incident command (IC)

The IC should:

#Attempt to identify the hazardous material(s) involved in the incident through:

- Any available location pre-plan
- Material Safety Data Sheets
- Information from site representatives or vehicle operator
- Visible placards or signs
- The shape of tanks or other holding areas

- Reference to Emergency Response Guidebook that should be on all apparatus

#Perform or direct another member to perform a 360 assessment and report the results to the IC. Whenever available, personnel should use air monitors, such as four-gas monitors, to assist in determining levels of contamination. For hazardous materials response, the 360 assessment report should include, but not be limited to:

- Any leaking of liquids
- Any venting of gases or vapors
- Identification of the hazardous material
- Possible victims

#Contact Fire Alarm and request additional resources necessary to contain and isolate the hazardous material, including any specialized resources such as hazardous materials response units available to the department from neighboring jurisdictions and county, state or federal agencies.

#Begin developing the initial incident action plan (IAP), taking into consideration:

- Incident name, agency or unified command and command post location.
- Information for responding units on the best route of travel, staging locations and minimum isolation distances to maintain the safety of responding members.
- The information available on the products involved or an indication that the products are not yet known.
- The incident control objectives and goals, including confinement and containment measures.
- An incident site safety plan and designation of an Incident Safety Officer.
- A communications plan, including radio frequencies and contact telephone numbers

318.4 PROCEDURES

318.4.1 RESOURCE DEPLOYMENT

(a) Apparatus

1. Apparatus should be positioned in the cold zone and, whenever practicable, upwind, uphill and upstream of any vapor cloud or spill.

(b) Personnel

1. Personnel should be wearing PPE appropriate for the hazard.
2. Personnel should engage only in operations in relation to their level of training and only when wearing PPE appropriate to the level of the incident.

318.4.2 OPERATIONS

(a) The primary objectives of a hazardous materials response include, but may not be limited to:

1. Isolating, confining and containing the hazardous material.
2. Evacuating the contaminated area.
3. Denying entry to the contaminated area.

(b) Personnel should assume that any unknown or unidentified substance is a hazardous material until confirmed otherwise.

(c) As soon as it is practicable, the IC should confirm operational hot, warm and cold zones and relocate staging locations, the command post and personnel accordingly.

(d) When available, personnel should use air monitors, such as four-gas monitors, to continually read the scene contamination levels.

(e) Whenever practicable, the IC should have at least one advance life support ambulance on-scene and available for treatment and transport before personnel enter the hot zone.

(f) The IC should evaluate responding personnel's level of training in relation to the hazard. Hazardous materials mitigation activities should not exceed the level of training and PPE required to contain and/or mitigate the hazard.

(g) The IC should determine the hazard Level of the incident as soon as possible to aid in developing the IAP, determining operations and additional required resources, and performing a risk vs. benefit analysis for any rescue, fire suppression or mitigation and containment activities. Hazard levels are:

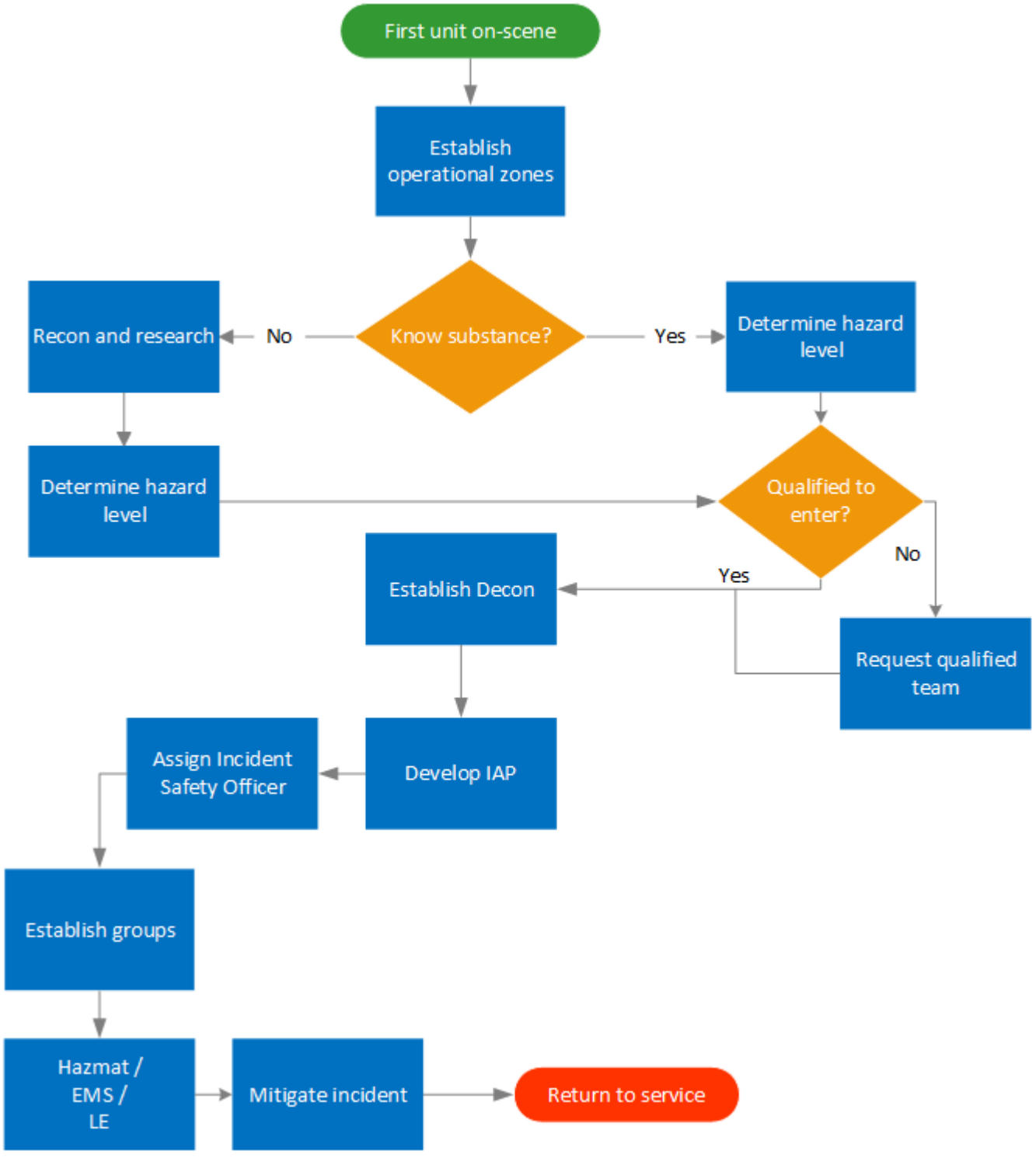
1. Level I - These incidents are relatively small and can usually be handled using defensive actions by initial responding personnel wearing structural firefighting PPE. These incidents have no environmental impact and pose little threat to the public. Examples of Level I incidents include, but are not limited to:
    - Fuel spills of less than 20 gallons that have not entered or threatened to enter storm drains or waterways that can be contained by use of dikes, diversion and collection.
    - Natural gas or propane leak at a single-family residence with no explosion, fire or injuries that can be mitigated by shutting off the gas supply and venting the residence or through use of controlled tank venting or plugs.
    - Requests for investigation of an unknown odor that finds no hazardous materials present.
    - Carbon monoxide calls.
2. Level II - These incidents should be considered as more complex than Level I incidents and may require offensive or defensive actions and evacuation. These incidents can pose a significant threat to the environment and public health and may require trained HAZMAT teams with specialized equipment and PPE. Examples of Level II incidents include, but are not limited to:

- Fuel spills or leaks of more than 20 gallons entering or threatening to enter storm drains or waterways. These incidents may require immediate containment measures and monitoring the spread of the hazard to determine downstream contamination or hazards.
- A release of hazardous materials with the potential for explosion.
- Any natural gas or propane leak from a vehicle-mounted propane delivery tank or in a building larger than a single-family residence.
- Any incident where the hazard is not identified.
- Leaks from outside natural gas lines.

3. Level III - These incidents are extremely complex and pose an extreme and immediate threat to the environment and/or public health. These incidents generally exceed the capabilities of local, regional and state resources, and often require widespread evacuation. Examples of Level III incidents include, but are not limited to:
    - Structure fires involving hazardous material production, processing or storage facilities.
    - Train derailment involving the release of one or more hazardous materials.
    - Terror attack involving hazardous materials.

318.5 PROCEDURE DECISION TREE

Hazardous Materials Initial Incident Response



Hazardous Materials Decontamination

319.1 PURPOSE AND SCOPE

This document provides arrival and on-scene procedures for decontamination of St. Bernard Parish Fire Department personnel equipment operating at a Hazardous Materials Incident.

Corresponding Policies:

Hazardous Materials Response
Hazardous Materials Training

319.2 DEFINITIONS

Exclusion zone (hot zone) - The area with actual or potential contamination and the highest potential for exposure to hazardous substances.

Contamination reduction zone (warm zone) - The transition area between the exclusion and support zones. This area is where responders enter and exit the exclusion zone and where decontamination activities should take place.

Support zone (cold zone) - The area that is free from contamination and that should be safely used as a planning and staging area.

Decontamination Corridor - An area set up in the warm zone providing a water wash for personnel leaving the hot zone.

319.3 FIRST FIVE MINUTES

The first arriving St. Bernard Parish Fire Department unit should contact Fire Alarm and provide the following information:

- Unit on-scene
- Initial scene size-up
- Primary (Level 1) Staging location, which should be in the cold zone
- Unit assuming incident command (IC)

The IC should:

#Identify the hazardous material(s) involved in the incident through:

- Any available location pre-plan.
- Material Safety Data Sheets.
- Information from site representatives.
- Visible placards or signs.
- The shape of tanks or other holding areas.

- Reference to the Emergency Response Guidebook, which should be located on all apparatus and command vehicles.

#Determine if decon is required based on the hazardous material involved and whether there is actual or potential exposure.

#Assign a member trained in hazardous materials decon as Decontamination Group Supervisor with the responsibility of setting up and operating decon activities.

#Assign a sufficient number of personnel trained in decon activities to staff the decon group to conduct decon activities based on available resources and scene conditions.

#Contact Fire Alarm and request additional resources necessary to establish and operate decon activities including any specialized resources such as hazardous materials response units available to the department from neighboring jurisdictions and county, state or federal agencies.

319.4 PROCEDURES

319.4.1 RESOURCE DEPLOYMENT

(a) Apparatus

1. Equipment and support vehicles should stage in the support (cold) zone until the location for the decontamination corridor is established by the IC or the decon group supervisor. Once a location is identified only apparatus directly involved in decon operations should enter the warm zone.

(b) Personnel

1. Personnel assigned to decon should wear PPE appropriate for the decon process and hazards involved.
2. Personnel assigned to perform emergency decon should be trained in decon procedures.

319.4.2 OPERATIONS

Personnel who enter the warm or exclusion (hot) zone at a hazardous materials incident risk becoming contaminated. Members who have worked in the hot zone should pass through the warm zone before entering the cold zone. The specific methods and operations used by the decon group, listed below, will depend on the circumstances surrounding the incident and the level of contamination.

(a) Locating the decon area

1. Considerations for locating the decon area include:
   - Accessibility.
   - Surface material.
   - Lighting.

- Drains and waterways.
- Water supply.
- Weather.

(b) Decon methods

1. The IC and decon group supervisor should consider employing one or more of the four universal decon methods, based upon the hazardous material and available resources:

   (a) Dilution: Use of water to flush the contaminant from a victim, member or piece of equipment.

   (b) Absorption: Use of an absorbent for picking up a liquid contaminant.

   (c) Chemical degradation: Use of another material to change the chemical structure and neutralize the hazardous material.

   (d) Isolation and disposal: Collection and disposal of hazardous material according to state and federal regulations.

(c) Decon Operations

1. There are three main types of decon. These are technical, emergency and mass decontamination.

   (a) Technical decon operations

      1. Apparatus which may have been contaminated should be cleaned in accordance with manufacturer's instructions and at a level necessary to remove the hazardous materials involved.

      2. The decon officer should determine if contaminated items are salvageable. Items that cannot be properly decontaminated should be disposed of in accordance with state and federal regulations. Items that can be decontaminated should be returned to the member after being properly decontaminated.

      3. Bags containing contaminated items should not be placed in command vehicle, ambulance or apparatus passenger compartments.

      4. Towels and other items used to dry off should also be placed in a bag for decontamination or disposal.

      5. All articles of contaminated structural firefighting PPE and uniform clothing should be placed in a bag, then sealed and tagged. The tag should list the contaminant, contents of the bag, member’s name, along with the time and date.

      6. If a member’s uniform has been contaminated, the member should proceed to a showering station. After showering, he/she should dry off and change into clean clothes. The decon group supervisor/

officer is responsible for ensuring that members who require showering are afforded all due privacy.

7. After a member has been rinsed off and decontaminated as much as possible, the member should proceed to the final area where a decon team member will assist the member in removing his/her protective clothing.

8. At the entrance of the decon area the member should discard any tools and equipment at the edge of the corridor so that they can be decontaminated.

9. Establish a decon corridor within the contamination reduction (warm) zone. Whenever practicable, the decon corridor should be easily accessible to personnel leaving the hot zone and located up-wind and uphill of the hot zone and with good drainage.

(b) Emergency decon operations - Emergency decon should be used if an emergency occurs such as when a responder or civilian is in medical distress caused by the hazardous material or has been exposed to a highly toxic material.

1. Strip away contaminated clothing.

2. Thoroughly flush and wash using large volumes of water.

3. When practicable, runoff from emergency decon should be contained or directed to a holding area.

4. Isolate contaminated PPE, clothing and equipment according to the technical decon operations listed above.

(c) Mass decon operations - Mass decon is emergency decon conducted at the mass casualty incident level using emergency decon operations and based upon available resources:

1. Responders must quickly identify the problem and establish hot, warm and cold zones

2. Responders should communicate the need for assistance and what the victims must do.

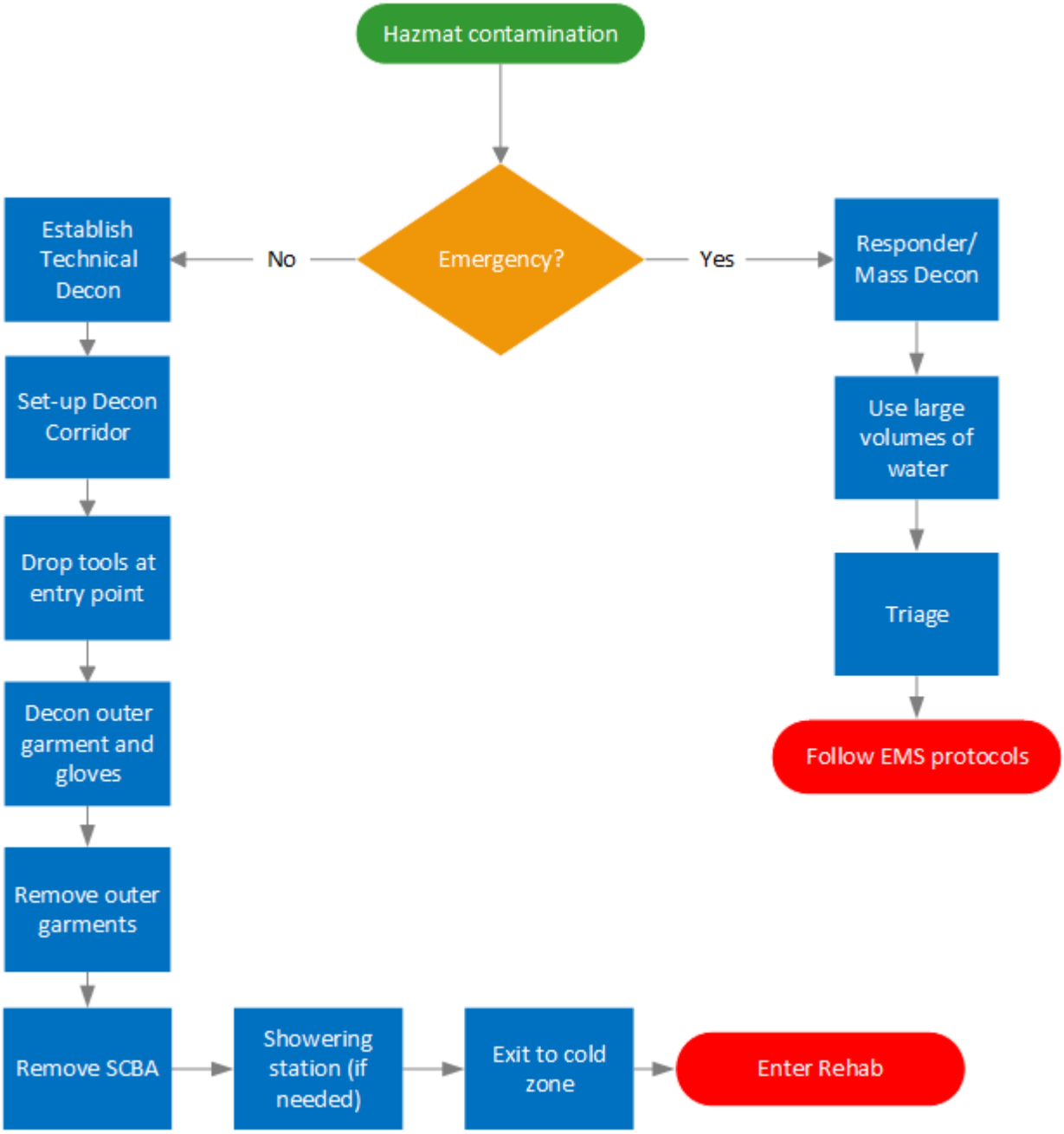
(d) Non-Ambulatory victim decon operations

1. Get as much information about the status and needs of non-ambulatory personnel or civilian victims as possible from rescue personnel.

2. As much as practicable, decon should take into account the medical condition of the victim.

3. Victims should be placed on a backboard or roller system so the patient is not lying in dirty water or spent decon solution

319.5 PROCEDURE DECISION TREE



APPENDIX G

ST. BERNARD PARISH CONSTRUCTION SITE INSPECTION FORM

NPDES Storm Water - Regulatory Construction Compliance Inspection Report

Weekly and Monthly Inspections

NPDES Permit #: **Date of Inspection:**
Project Name: **County:**
Project Description (check one) ☐ **Residential** ☐ **Commercial** ☐ **Linear (type):**

I. Type of Inspection: ☑ Once every 7 calendar days ☐ Monthly (upon MS4 approval)

II. Weather Conditions: Conditions during inspection: Rainfall Amount

III. On-Site Documentation - *Are the following required items available for regulatory review?*

Y ☐ N ☐ On-site, if off-site (where) my
Y ☐ N ☐ DHEC Coverage Letter
Y ☐ N ☐ SWPPP - Stamped Plans
Y ☐ N ☐ Weekly Inspection forms
Y ☐ N ☐ NOI
Y ☐ N ☐ Co-Permittee agreements/contractor statements
Y ☐ N ☐ Copy of General Permit

IV. Best Management Practices

Y ☐ N ☐ Construction entrance/exit installed as per plan Y ☐ N ☐ Perimter silt fence and other controls properly installed Y ☐ N ☐ Are addition al BMPs needed or did any BMP fail to operate as designed or prove inadequate (If yes, describe and give specific location(s)

Y ☐ N ☐ Do any **BMPs** require maintenance? *If **yes,** provide location (s) and description(s):

Y ☐ N ☐ Is construction activity following the phasing and sequencing plan?
Y ☐ N ☐ Has construction activity ceased on any area of the site for 14 days or more?
Y ☐ N ☐ If activity has ceased, have temporary stabilization measures been installed within 14 days) * If **No,** identify location(s) needing stabilization:

Y ☐ N ☐ Are the following being addressed and/or removed? Check area of concern and describe corrective action.
☐ Cement Washout Area ☐ Stockpiled Soil ☐ Fuel ☐ Oil / Lubricants ☐ Construction Debris
☐ Building Products and Chemicals ☐ Land Clearing Debris ☐ Other:
Action:

V. Final Stabilization

Y ☐ N ☐ Have all land disturbing activities at the site permanently ceased? * If yes, complete the following questions:

Y ☐ N ☐ Are there any areas of active erosion evident? If yes, location (s):

Y ☐ N ☐ Does the permitted area have 70% permanent vegetative cover (i.e. grass or other cover) **OR** have equivalent measures such as riprap, or geotextiles been installed?

VI. Offsite Impacts from Project

Are there any offsite impacts? Y ☐ N ☐ where? ☐ Public ROW ☐ Adjoining Property Owner
☐ Wetlands ☐ Creek/River ☐ Lake/Pond ☐ Other:

If answering **"yes"** to the previous question, indicate location and describe the impact:

VII. Were deficiencies noted in this inspection previously listed in a last report? Y ☐ N ☐
Corrective Action needed as a result of this inspection, including date and time:

VIII. Storm Water Pollution Prevention Updates

Y ☐ N ☐ Does the SWPPP need to be modified as a result of the inspection?
Y ☐ N ☐ Has the SWPPP been modified since the last inspection? If so, note the date(s):

IX. Comments, Corrective Actions and Attachments:

Inspector
Name (printed)
Email Address:

Title/Qualifications: CEPSCI #
Phone No.

Signature:

Attachments Y ☐ N ☐ **Photos: (if applicable)** Y ☐ N ☐