BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL SERVICES

September 11, 2013

Certified Mail# 7012 3460 0001 0423 5479

File No.: LAS000301
AI No.: 90429
Activity No.: PER20110003

Ms. Marcia A. St. Martin, Executive Director
Environmental Affairs Division
Sewerage and Water Board of New Orleans
625 St. Joseph Street
New Orleans, LA 70165

RE: Louisiana Pollutant Discharge Elimination System (LPDES) renewal permit for the Municipal Separate Storm Sewer Systems within Orleans Parish owned or operated by The Sewerage and Water Board of New Orleans, Jefferson Parish, the Louisiana Department of Transportation and Development (District 02), the City of New Orleans, the Port of Orleans, and the Orleans Levee District

Dear Ms. St. Martin:

This Office has received, evaluated, and responded to comments from the Sewerage and Water Board of New Orleans, the City of New Orleans, and the general public in response to the public notice published in the Office of Environmental Services Public Notice Mailing List or THE TIMES-PICAYUNE of New Orleans on February 13, 2013. A summary of the comments received and this Office's responses are attached. Permit changes made resulting from the requests in comments are included in the summary of the Office's responses and the Addendum to the Fact Sheet.

Pursuant to the Clean Water Act (33 U. S. C. 1251 et seq.), and the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached LPDES permit LAS000301 has been issued. Provisions of this permit may be appealed in writing pursuant to La. R.S. 2024(A) within 30 days of receipt of the permit. Only those provisions specifically appealed will be suspended by a request for hearing unless the secretary or the assistant secretary elects to suspend other provision(s) as well. A request for hearing must be sent to the following:

Louisiana Department of Environmental Quality
Office of the Secretary
Attention: Hearings Clerk, Legal Division
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302

Pursuant to LAC 33.IX.1309.I, LAC 33.IX.6509.A.1 and LAC 33.I.1701, you must pay any outstanding fees to the Department. Therefore, you are encouraged to verify your facility's fee status by contacting LDEQ's Office of Management and Finance, Financial Services Division at (225) 219-3863. Any outstanding fees must be remitted via a check to the Louisiana Department of Environmental Quality within thirty (30) days after the effective date of your permit. Failure to pay the full amount due in the manner and time prescribed could result in applicable enforcement actions as prescribed in the Environmental Quality Act, including, but not limited to revocation or suspension of the applicable permit, and/or a civil penalty against you.

As your storm water management plan evolves, you must continuously evaluate program compliance and the appropriateness of your identified storm water control measures (SCMs), and make any necessary changes/updates to your storm water management plan (SWMP). Although you are not required to submit your SWMP and associated records to the Permits Division unless specifically asked to do so, you are required to submit annual reports in accordance with Part V of the Permit by May 1 for the preceding calendar year. You do not need to submit a separate annual report if you are a co-permittee with another regulated MS4 operator and that operator will submit the annual report that includes information for all co-permittees. In order to maintain permit coverage and to avoid possible penalties you must maintain compliance with all terms and conditions of the permit.

The Environmental Protection Agency (EPA) has developed and made available online educational outreach materials and reference documents related to municipal storm water that local governments can customize and use in their stormwater outreach campaigns. The electronic files found on their website can be customized by adding local contact information and then printed for mass distribution. Please take advantage of the useful information contained in the EPA website at http://cfpub.epa.gov/npdes/stormwatermonth.cfm.

Part V of the permit contains monitoring and reporting requirements. In accordance with Part V.C, a system-wide annual report must be submitted to the LDEQ Enforcement Division. In accordance with Part V.E of the permit, monitoring results should be reported on a Discharge Monitoring Report (DMR) form per the schedule specified. A copy of the form to be used is attached for your convenience. Additional copies may be obtained via the following website: http://www.deq.louisiana.gov/portal/DIVISIONS/Enforcement/WaterEnforcement.aspx.

To ensure that all correspondence regarding this facility is properly filed into the Department's Electronic Document Management System (EDMS), please reference your Agency Interest (AI) number 90429 and LPDES permit number LAS000301 on all future correspondence to the Department.

Should you have questions concerning the permit, please contact Debbie Bissett, Office of Environmental Services at the address on the preceding page, by telephone at (225) 219-3603, or by email at Debbie.Bissett@la.gov.

Sincerely,

Sam L. Phillips
Assistant Secretary

Attachments: Final Permit, Addendum to Fact Sheet, Basis for Decision, Response to Public Comments, and DMR

c: IO-W

ec: Debbie Bissett
Water Permits Division

Ashley Broom
Office of Management & Finance

Permit Compliance Unit
Office of Environmental Compliance

Public Participation Group
Office of Environmental Assistance

Kim Corts
Water Permits Division

Christine Mayeaux
Enforcement Division

Public Health Chief Engineer
Office of Public Health
Department of Health and Hospitals

Chief Engineer
Dept. of Transportation & Development

Mr. Robert H. Wegener, Jr.
Assistant District Administrator
(Operations)
Dept. of Transportation & Development
P. O. Box 9180
Bridge City, LA 70096-9180

Ms. Catherine C. Dunn, Deputy Director
Port Development Division of Port of New Orleans
dunnc@portno.com

Evelyn Rosborough
EPA Region 6, Operations Support Office
Rosborough.Evelyn@epamail.epa.gov

Mr. Gerard J. Gillen, III, P.E.
Orleans Levee District
Division of Hurricane and Flood Protection
6920 Franklin Avenue
New Orleans, LA 70122-5704

Ms. Marnie Winter, Director
Jefferson Parish Department of Environmental Affairs
JPEnvironmental@jeffparish.net

Mr. Charles E. Allen, III, Director
Office of Coastal and Environmental Affairs
City of New Orleans
ceallen@nola.gov

Mr. Louis Cappo, Executive Director
Non-Flood Protection Asset Management Authority
6514 Spanish Fort Boulevard
New Orleans, LA 70124

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

ADDRESS

FACILITY
LOCATION

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

Form Approved.
OMB No. 2040-0004

PERMIT NUMBER	DISCHARGE NUMBER

	MONITORING PERIOD						
	YEAR	MO	DAY		YEAR	MO	DAY
FROM				TO			

☐ Check here if No Discharge

NOTE: Read Instructions before completing this form

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	VALUE	UNITS	VALUE	VALUE	VALUE	UNITS			
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	PERMIT REQUIREMENT										
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NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	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.		TELEPHONE		DATE		
TYPED OR PRINTED		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	AREA CODE	NUMBER	YEAR	MO	DAY

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

Paperwork Reduction Act Notice

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

General Instructions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Legal Notice

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

PERMIT NUMBER:
LAS000301
AI 90429 / PER20110003

DEQ
LOUISIANA

OFFICE OF ENVIRONMENTAL SERVICES

Water Discharge Permit

FINAL

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) Permit is reissued authorizing:

Sewerage and Water Board of New Orleans (AI 124810)
Louisiana Department of Transportation and Development (District 02) (AI 124808)
City of New Orleans (AI 90429)
Port of New Orleans (AI 124809)
Jefferson Parish (AI 95365)
Orleans Levee District (AI 124806)

to discharge from all portions of the Municipal Separate Storm Sewer Systems (MS4s) within Orleans Parish owned or operated by any permittee listed above, to waters of the State, in accordance with the Storm Water Management Programs, effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, IV, V, VI, VII, and VIII herein.

This permit shall become effective on October 1, 2013

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

Issued on September 10, 2013

Sam L. Phillips
Assistant Secretary

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

MUNICIPAL SEPARATE STORM SEWER SYSTEMS WITHIN ORLEANS PARISH OWNED OR OPERATED BY

SEWERAGE AND WATER BOARD OF NEW ORLEANS
LOUISIANA DEPT OF TRANSPORTATION AND DEVELOPMENT (DISTRICT 02)
CITY OF NEW ORLEANS
PORT OF NEW ORLEANS
JEFFERSON PARISH
ORLEANS LEVEE DISTRICT

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PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT.

A. **Permit Area.** This permit covers all areas, except agricultural lands, located within the parish boundary of Orleans Parish that are served by regulated municipal separate storm sewer systems owned or operated by the Sewerage and Water Board of New Orleans, the Louisiana Department of Transportation and Development (District 02), the City of New Orleans, the Port of New Orleans, and the Orleans Levee District, and the 17th Street Canal storm water discharges from Jefferson Parish.

B. **Authorized Discharges.**

1. Except as specified in Part I.B.2, this permit authorizes all existing or new storm water point source discharges to waters of the State from those portions of the Municipal Separate Storm Sewer System (MS4) owned or operated by the permittee(s). Discharges must not be causing or have the reasonable potential to cause or contribute to a violation of in stream water quality criteria or adversely impact the designated uses of a receiving stream. Where a discharge is already authorized under this permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable State or Federal Water Quality Standard, the permitting authority will notify the permittee of such violation(s) and the permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the Storm Water Management Program (SWMP). If violations remain or recur, then coverage under this permit may be terminated by the permitting authority. Compliance with this requirement does not preclude any enforcement activity as provided by the Clean Water Act and the Louisiana Environmental Quality Act for the underlying violation.

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

   a. *Non-storm Water and Industrial Storm Water: except those authorized by a separate Louisiana Pollutant Discharge Elimination System (LPDES) permit*, discharges of non-storm water; any storm water discharge associated with industrial activity, as defined in Louisiana Administrative Code (LAC 33:XI.2511.14); or other storm water discharges required to obtain an LPDES permit. This permit does not transfer liability for the act of discharging without (or in violation of) an LPDES permit from the operator of the discharge to the permittee(s).

   b. *Spills:* discharges of material resulting from a spill. Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittee(s) shall take, or ensure the responsible party for the spill takes, all reasonable steps to minimize or prevent any adverse effects on human health or the environment. (See also Part II.A.7 and Part VI.E.) This permit does not transfer liability for a spill

itself from the party(ies) responsible for the spill to the permittee(s) nor relieve the party(ies) responsible for a spill from the reporting requirements of LAC 33:I.Subchapters A-E (*40 Code of Federal Regulations* (CFR) Parts 117 and 302).

C. Permittee Responsibilities.

1. Each permittee is responsible for:

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

   b. Continued SWMP implementation (including implementation of measurable goals for the Storm Water Control Measures (SCMs) used to satisfy the control measures identified in Part II.A.1-12) on portions of the MS4 where the permittee is the operator;

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

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

   e. A plan of action to assume responsibility for implementation of storm water management and monitoring programs on their portions of the MS4 should inter-jurisdictional agreements allocating responsibility between permittees be dissolved or in default.

2. Permittees are jointly responsible for permit compliance on portions of the 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.

PART II. STORM WATER POLLUTION PREVENTION & MANAGEMENT PROGRAM(S).

Each permittee shall continue to contribute to the revision and implementation of a comprehensive SWMP including pollution prevention measures, treatment or removal techniques, storm water monitoring, enforcement of ordinances or other regulatory mechanisms identified in the SWMP, and other appropriate means to control the quality of storm water discharged from the MS4. Each permittee shall continue to enforce the elements of the SWMP required by this permit. The SWMP shall continue to be implemented in accordance with Section 402(p)(3)(B) of the Act, and the Storm Water Regulations (LAC 33:IX.2511).

Controls and activities in the SWMP must identify areas of permittee responsibility on a jurisdiction, applicability, or specific area basis. The SWMP must include controls necessary to effectively prohibit the discharge of non-storm water into MS4s and reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP).

Compliance with federal, state and local storm water programs revolves around the use of "storm water control measures" (SCMs, formerly called BMPs) to manage storm water: 40 CFR 122.44(k)(2) establishes legal authority to include the use of SCMs in permits to control or abate the discharge of pollutants in storm water discharges. 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 SCMs to manage storm water. Where appropriate, you are strongly encouraged to utilize principles and storm water control measures contained in the *following publications to minimize the discharge of pollutants within watersheds:* **http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm;** and **http://www.nrdc.org/smartgrowth/default.asp**. 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 Total Maximum Daily Load (TMDL).

The SWMP covers the term of the permit and must be updated as necessary, or as required by the Secretary or his designee, to ensure compliance with the statutory requirements of LAC 33:IX.2523 and Section 402(p)(3)(B) of the Act. Modifications to the SWMP shall be made in accordance with Parts II.G, and III. Compliance with the SWMP and any schedules in Permit Part III shall be deemed in compliance with Parts II.A, and II.B. The SWMP with all updates made in accordance with Part II.G is hereby incorporated by reference.

Implementation of the SWMP may be achieved through participation with other permittees, public agencies, public interest groups, private citizens, or private entities in cooperative efforts to satisfy the requirements of Part II in lieu of creating duplicate program elements for each individual permittee. The SWMP, taken as a whole, must achieve the "effective prohibition on the discharge of non-storm water" and "MEP" standards from Section 402(p)(3)(B) of the Act.

On March 22, 2012, the Environmental Protection Agency (EPA) approved the Louisiana 2010 Integrated Report. This report includes the 303(d) impaired water bodies that require the development of TMDLs and water bodies for which TMDLs have been developed. The report is located at: http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/WaterQualityStandardsAssessment/WaterQualityInventorySection305b/2010WaterQualityIntegratedReport.aspx. The permittees should review the report periodically to keep informed of changes to the 303(d) list and the establishment of TMDLs for specific pollutants.

The permittee must document in its SWMP how the SCMs and other controls implemented in its SWMP control the discharge of any pollutant(s) of concern for discharges into impaired waters. If a TMDL has not yet been approved for a 303(d) listed (Category 5 in the Integrated Report) subsegment that receives storm water runoff from the regulated MS4s within Orleans Parish, then the permittees must describe how the SCMs and other control(s) selected for its SWMP minimize, to the MEP, the discharge of those pollutants which have been identified as causing the impairment (see Part II.B). The permittee must determine, within three years of the effective date of the permit, if the MS4 is a source of the pollutant(s). If the pollutant of concern is not established in the monitoring schedule contained in Part V of this permit, monitoring is highly encouraged in order to establish the loading from the MS4, identify specific areas or sources of concern, and assess the effectiveness of the selected controls over time. If a TMDL has been approved for a water body (Category 4a in the Integrated Report), the permittee is required to describe how its SWMP is consistent with any TMDL requirements applicable to MS4 discharges into subsegments where TMDLs have been established (see Part II.B).

A. Storm Water Management Program Requirements.

1. *Structural Controls and Storm Water Collection System Operation:* The MS4 and any storm water structural controls shall continue operating in a manner to reduce the discharge of pollutants to the MEP.

2. *Post-construction Storm Water Management in New Development and Significant Redevelopment:*

   a. You must:

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

(2) continue implementation strategies which include a combination of structural and/or non-structural SCMs appropriate for your community;

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

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

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

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

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

(3) A description of any non-structural SCMs in your program, including as appropriate:

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

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

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

iv. Other measures such 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.

(4) Any structural SCMs in your program, including, as appropriate:

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

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

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

(5) Describe the mechanisms (ordinance or other regulatory mechanism) you continue to use to address post-construction runoff from new development and why you have chosen that mechanism. Include a copy of the relevant sections of the ordinance or regulatory mechanism with your program.

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

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

(8) Describe how you evaluate the success of your Post-construction Storm Water Management in Development and Redevelopment program, including how you selected the measurable goals for each of the SCMs.

3. *Roadways:* Public streets, roads, and highways must be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities.

4. *Flood Control Projects:* Impacts on receiving water quality must be assessed for all flood management projects. The feasibility of retro-fitting existing structural flood control devices to provide additional pollutant removal from storm water shall be evaluated.

5. *Pesticide, Herbicide, and Fertilizer Application:* Each permittee shall continue implementing controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied by the permittee's employees or contractors, to public right-of-ways, parks, and other municipal property. Permittee(s) with jurisdiction over lands not directly owned by that entity (e.g. incorporated city) shall continue implementing programs to reduce the discharge of pollutants related to commercial application and distribution of pesticides, herbicides, and fertilizers. The use, storage, disposal, and transportation of pesticides, herbicides, fertilizers, and their containers must be followed in accordance with the regulations of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 40 CFR Parts 150-189.

6. *Illicit Discharges and Improper Disposal*: Non-storm water discharges to the MS4 must be effectively prohibited through enforcement of an ordinance or other regulatory mechanism. Permittees must describe how appropriate enforcement procedures and actions ensure that the illicit discharge ordinance or other regulatory mechanism is implemented. For the purpose of this permit, the following discharges need not be addressed as illicit discharges by the permittee(s) nor prohibited from entering the MS4: discharges regulated by a separate LPDES permit; discharges for which an LPDES permit application has been submitted; and non-storm water discharges identified by the permittee as specified in item (a) below.

a. Permittee(s) must identify in the SWMP any categories of non-storm water that are not prohibited from being discharge into the MS4 in accordance with conditions described in items (1) and (2) below.

(1) Categories of non-storm water discharges that the permittee(s) may exempt from the prohibition of non-storm water entering the MS4 include those either:

(a) listed in LAC 33:IX.2511.D.2.d.ii.(a) [e.g., includes, but not limited to, de-chlorinated swimming pool discharges, uncontaminated pumped groundwater, air conditioning condensation, water from crawl spaces]; or

(b) other similar occasional incidental non-storm water discharges (e.g., non-commercial or charity car washes).

(2) Categories of exempted non-storm water discharges that are allowed to enter the MS4 must not reasonably be expected [based on information available to the permittee(s)] to be significant sources of pollutants to the waters of the State because of either:

(a) the nature of the discharges; or

(b) conditions placed on the discharges by the permittee(s).

The SWMP must describe any local controls or conditions placed on discharges exempted from the prohibition on non-storm water. Permittee(s) shall continue prohibiting any individual non-storm water discharge otherwise exempted under this paragraph from the prohibition on non-storm water that is determined to be contributing significant amounts of pollutants to the MS4.

b. Each permittee must describe in writing how they detect and address illicit discharges to the MS4. The written plan must describe, at a minimum, the

following:

i. Procedures for locating priority areas which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches;
ii. Procedures for investigating and tracing the source of an illicit discharge based on field screening results or other information, including the specific techniques used to detect the location of the source;
iii. Procedures for removing the source of the illicit discharge;
iv. Procedures for program evaluation and assessment;
v. How you inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in your description how this plan coordinates with your public education minimum measure and your pollution prevention/good housekeeping minimum control measures;
vi. Person(s) responsible for overall management and implementation of storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the SCMs identified for this program; and
vii. Describe how you evaluate the success of this minimum measure, including how you selected the measurable goals for each of the SCMs.

Each permittee shall continue implementation of the following programs to address the discharge of pollutants from sanitary sewers into the MS4:

(1) an on-going program for prevention of unpermitted chronic dry and wet weather overflows from the sanitary sewer system (e.g. overflows caused by deteriorated or undersize lines, excessive inflow and infiltration, improper maintenance, etc.);

(2) an on-going program for responding to and eliminating, as soon as practicable, unforeseen episodic overflows from the sanitary sewer system (e.g. overflows caused by power outage, line breakage or blockage, vandalism, etc.); and

(3) an on-going program to limit seepage from sanitary sewers into the MS4 (e.g. seepage due to minor cracks in lines, line joints separating due to land subsidence, etc.).

(4) For the SWBNO, the program requirements found above, (1), (2), and (3), which correspond to those of the Consent Decree, will be

deemed at least partially, if not fully, satisfied by compliance of the Consent Decree.

c. The permittees shall continue to ensure the implementation of a program to reduce the discharge of floatables (e.g. litter and other human-generated solid refuse). The floatables control program should include source controls and, where necessary, structural controls.

d. The discharge or disposal of used motor vehicle fluids, household hazardous wastes, and the intentional disposal of collected quantities of grass clippings, leaf litter, and animal wastes into separate storm sewers shall be prohibited. The permittees shall continue to ensure the implementation of programs to collect used motor vehicle fluids (at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Such programs must be readily available to all private residents and must be publicized and promoted on a regular basis.

e. Continue implementation of the program to locate and eliminate illicit discharges and improper disposal into the MS4. Include dry weather screening activities to locate portions of the MS4 with suspected illicit discharges and improper disposal (described in Part II.A.11.a). Follow-up activities to eliminate illicit discharges and improper disposal may be prioritized on the basis of magnitude and nature of the suspected discharge; sensitivity of the receiving water; and/or other relevant factors. Establish priorities and schedules for screening the entire MS4 at least once per five years. Facility inspections may be carried out in conjunction with other municipal programs (e.g. pretreatment inspections of industrial users, health inspections, fire inspections, etc.), but must include random inspections for facilities not normally visited by the municipality.

f. Each permittee shall continue to require the elimination of illicit discharges and improper disposal practices as expeditiously as reasonably possible. Where elimination of an illicit discharge within thirty (30) days is not possible, the permittee must require an expeditious schedule for removal of the discharge. In the interim, the permittee must require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.

g. The permittees shall continue to maintain, and update as necessary, a list of discharges to municipal separate storm sewers that have been issued an LPDES permit. The list must include the name, location, and LPDES permit number of the discharger.

h. The permittees shall continue to update the storm sewer system map as necessary, showing the location of all outfalls and the names and location of all waters of the State that receive discharges from these outfalls.

7. *Spill Prevention and Response:* Continue implementation of the program to prevent, contain, and respond to spills that may discharge into the MS4. Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the 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. The spill response program may include a combination of spill response actions by the permittee(s) (and/or another public or private entity), and legal requirements for private entities within the permittee's municipal jurisdiction.

8. *Industrial & High Risk Runoff:* Continue implementation of the program to identify and control pollutants in storm water discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee(s) determines contributes a substantial pollutant loading to the MS4. The program must include:

   a. priorities and procedures for inspections and continued establishment and implementation of control measures for such discharges;

   b. a monitoring program (Part II.A.11.c); and

   c. a list, maintained and updated as necessary, of industrial storm water sources discharging to the MS4.

9. *Construction Site Runoff:* Each permittee shall continue to implement and enforce a program to reduce pollutants in any storm water runoff to its MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The extent to which the program will rely upon the LPDES Phase II Construction regulation should be specified. This program must continue implementing, at a minimum:

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

b. requirements for construction site operators to use and maintain appropriate erosion and sediment control SCMs to reduce pollutants discharged to the MS4 during the time construction is underway;

c. requirements for construction site operators to control waste such as discarded building materials, concrete truck washout (see EPA guidance at http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=browse&Rbutton=detail&bmp=117), chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

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

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

f. notification of appropriate building permit applicants of their potential responsibilities under the LPDES permitting program for construction site runoff;

g. procedures for site inspection and enforcement of control measures; and

h. appropriate education and training measures for construction site operators.

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

a. The mechanism (ordinance or other regulatory mechanism) you use to require erosion and sediment controls at construction sites and why you chose that mechanism. You are required to include a copy of the relevant section(s) of your ordinance or regulatory mechanism with your SWMP description.

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

c. Your requirements for construction site operators to implement appropriate erosion and sediment control SCMs and to control waste at

construction sites that may cause adverse impacts to water quality. Examples of such waste might include discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste.

d. Your procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts. Describe the procedures and rationale you use to 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. Include steps used to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and characteristics of soils and receiving water quality.

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

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

10. *Public Education:* A public education program with the following elements shall continue to be implemented:

a. a program that promotes, publicizes, and facilitates public reporting of the presence of illicit discharges or improper disposal of materials, including floatables, into the MS4;

b. a program that promotes, publicizes, and facilitates the proper management and disposal of used motor vehicle fluids and household hazardous wastes;

c. a program that promotes, publicizes, and facilitates the proper use, application, and disposal of pesticides, herbicides, and fertilizers by the public and commercial and private applicators and distributors.

d. a program that distributes educational materials to the community or conducts 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;

e. a written plan that identifies each individual SCM and its corresponding measureable goal that you use in your public education and outreach program that is designed to minimize the discharge of pollutants into your

MS4;

f. a written description of how you inform individuals and households about the steps they can take to reduce storm water pollution;

g. a written description of how you inform individuals and groups about becoming involved in the storm water program (with activities such as local stream and beach restoration activities);

h. a written description of how you evaluate the success of this minimum measure, including how you selected the measureable goals for each of the SCMs;

i. identify in writing:
   a. the target audiences for your educational program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected;
   b. the target pollutant sources your public education program is designed to address;
   c. your outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) used to reach your target audiences and the number of people you expect to reach by your outreach strategy over the term of the permit; and
   d. the party 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 SCMs identified for your storm water public education and outreach program.

11. *Monitoring Programs:* The following monitoring programs shall continue to be implemented in addition to the monitoring required by Part V:

a. The *Dry Weather Screening Program* shall continue on-going efforts to detect the presence of illicit connections and improper discharges to the MS4. All areas of the MS4 must be screened at least once during the permit term. Screening methodology may be modified based on experience gained during actual field screening activities and need not conform to the protocol at LAC 33:IX.2511.D.1.d.iv. Sample collection and analysis need not conform to the requirements of 40 CFR Part 136. However, samples taken to confirm (e.g. in support of possible legal action) a particular illicit connection or improper disposal practice should conform to the requirements of 40 CFR Part 136.

b. *Wet Weather Screening Program:* The permittee(s) shall continue to identify, investigate, and address areas within their jurisdiction that may be

contributing excessive levels of pollutants to the MS4. The wet weather screening program:

(1) must screen the MS4, in accordance with the procedures specified in the SWMP.

(2) must specify the sampling and non-sampling techniques used for initial screening and follow-up purposes. Sample collection and analysis need not conform to the requirements of 40 CFR Part 136. However, samples taken to confirm (e.g. in support of possible legal action) a particular illicit connection or improper disposal practice should conform to the requirements of 40 CFR Part 136.

c. The *Industrial and High Risk Runoff Monitoring Program* shall continue monitoring storm water discharges from Type 1 and 2 facilities (as defined below in c(1) and c(2)) which discharge to the MS4. Analytical monitoring data collected by a facility to comply with or apply for an LPDES discharge permit (other than this permit) may be used, on a parameter-by-parameter basis, to avoid unnecessary cost and duplication of effort. The permittee(s) will continue to establish the monitoring frequency.

(1) Type 1 facilities are municipal landfills; hazardous waste treatment, disposal and recovery facilities; facilities that are subject to the Emergency Planning and Community Right-To-Know Act (EPCRA) Title III, Section 313; and industrial facilities the permittee(s) determines are contributing a substantial pollutant loading to the MS4.

(a) Analytical monitoring of the following parameters must be conducted at Type 1 facilities which discharge to the MS4:

(i) any pollutants limited in an existing LPDES permit for a subject facility;
(ii) oil and grease;
(iii) chemical oxygen demand (COD);
(iv) pH;
(v) biochemical oxygen demand, five-day (BOD_5);
(vi) total suspended solids (TSS);
(vii) total phosphorus;
(viii) total Kjeldahl nitrogen (TKN);
(ix) nitrate plus nitrite nitrogen; and
(x) any information on discharges required under LAC 33:IX.2501.G.7.a.

(b) In lieu of the above parameter list, the permittees may alter the monitoring requirement for any Type 1 facility:

(i) to coincide with the corresponding industrial sector-specific monitoring requirements of the LPDES Multi-Sector General Storm Water Permit (May 2011) or any applicable LPDES general permit. This exception is not contingent on whether a particular facility is actually covered by the general permit; or

(ii) to coincide with the monitoring requirements of any individual permit for the storm water discharges from that facility.

The optional monitoring list must be supplemented by any pollutants of concern identified by the permittee(s) for that facility.

(2) Type 2 facilities are other (non-Type 1) municipal waste treatment, storage, or disposal facilities (e.g., publicly owned treatment works (POTW) facilities, transfer stations, incinerators); and industrial or commercial facilities the permittee(s) believe are contributing pollutants to the MS4. Appropriate monitoring (e.g., analytic, visual), as determined by the permittee(s), shall be conducted at Type 2 facilities which discharge to the MS4.

(3) No Exposure Certification: In lieu of analytic monitoring, the permittee(s) may accept a certification from a facility that raw and waste materials, final and intermediate products, by-products, material handling equipment or activities, industrial machinery or operations, or significant materials from past industrial activity are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Where the permittee(s) accept a "no exposure" certification, the permittee(s) shall conduct periodic site inspections (not less than once per permit term) to verify facility's "no exposure" exemption.

d. The *303(d)/TMDL Monitoring Program:*

Discharges to water bodies where a TMDL is complete but No Waste Load Allocation (WLA) has been established for discharges from the MS4 for the pollutants of concern. No additional monitoring is required except as required in Part V.A.1.a of this permit.

Discharges to water bodies where a TMDL is complete and a WLA has been established for discharges from the MS4: You must take semi-annual samples for the pollutants for which a WLA has been

assigned. Take semi-annual grab samples at all representative outfalls draining basins which discharge to a stream for which the TMDL is applicable. Keep the monitoring data in your storm water management plan and use it to determine if your storm water controls are adequate to maintain compliance with the MS4s WLA. **In accordance with Part V.C.2, include the data/analysis in the Annual Report section on Pollutant Reduction Plan (PRP).**

Discharges to 303(d) listed streams with an impairment identified as caused by MS4s. You must take quarterly grab samples for the pollutant(s) cited in the 303(d) list as caused by storm water discharges. Take quarterly grab samples at all representative outfalls draining basins which discharge to a stream for which the 303(d) listed parameters exist. Keep the monitoring data in your storm water management plan and use it to determine if your storm water controls need to be modified to better control the discharge of the pollutants of concern. **In accordance with Part V.C.2, include the data/analysis in the Annual Report section on PRP.**

12. *Pollution Prevention/Good Housekeeping for Municipal Operations:* The permittees must:
    (1) continue to implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
    (2) using training materials available from EPA, LDEQ, or other organizations or training material that you have developed or adapted, your program must include employee training 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. At a minimum, your program should include:
        (a) operation and maintenance as an integral component of all storm water management programs. The intent is to improve the efficiency of all these programs and require new programs where necessary.
        (b) maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural storm water controls to reduce floatables and other pollutants discharged from your MS4;
        (c) controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage areas, salt/sand storage locations, and snow disposal areas operated by you, and waste transfer stations.
        (d) Procedures for proper disposal of waste removed from the separate

storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris), and

(e) Ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices.

(3) You must define appropriate SCMs for pollution prevention/good housekeeping for municipal operations and measurable goals for each SCM.

13. *Measurable Goals*: In accordance with EPA's 8/1/96 policy "Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits," each permittee must develop and implement Measureable Goals to assess the effectiveness of the SCMs used to satisfy the requirements of the Control Measures identified in Part II.A.1-12. If necessary to meet the requirements of the permit, the SWMP must be revised and all changes must be submitted to LDEQ in the next annual report. Measurable Goals must include the months and years in which actions will be undertaken, including interim milestones and the frequency of the actions. Additional program development resources are available through the EPA web site at http://cfpub.epa.gov/npdes/home.cfm?program_id=6. Guidance on Minimum Control Measures and Measurable Goals and a menu of SCMs can be accessed from the "Publications" link on EPA's main storm water program page which is located at http://www.epa.gov/npdes/stormwater. Measurable Goals that were required to be developed and implemented during the term of your earlier permit must be maintained and updated as necessary for the SCMs identified in the SWMP and used to satisfy the requirements of the following Control Measures:

	Control Measures	Responsible Permittees
1	Structural Controls and Storm Water Collection System Operation	SWBNO: responsible for all storm water drainage canals and pump stations except for as noted below: LDOTD: responsible for two underpass pumping stations at General De Gaulle and underpass at Mississippi River Bridge ramps. City of New Orleans, Department of Public Works: for drainage system <36 inches in width, maintains storm water catch basins, drainage lines, drop inlets, manholes, curbs, shoulders, ditches, and sidewalks and repairs potholes and subsidence caused by drainage leaks. PNO: routinely inspects and maintains catch basins, drop inlets, drainage lines, culverts, and manhole covers within its jurisdiction. Jefferson Parish: responsible for the design, construction, operation, and maintenance of most storm water drainage canals, storm water drainage lift stations and pump stations within the parish's MS4 boundary. For this permit the MS4 program for Jefferson Parish is responsible for the Hoey Basin which discharges to the 17th Street Canal. OLD: responsible for: a.) maintenance and repair of storm water drainage inlets and conduits located within the non-residential portion of Lakeshore Drive and those within the recreational areas adjacent thereto via the OLD Non-flood

		Division b.) the operation and maintenance of levees, floodwalls, floodgates, and associated drainage system valves which comprise the east bank portion of the Orleans Parish Flood Protection System via the OLD Flood Division and responsible for the Franklin Avenue Maintenance Facility.
2	Areas of New Development and Significant Redevelopment	SWBNO: responsible for areas of new development and significant redevelopment sites under the SWBNO's control and jurisdiction. LDOTD: responsible for areas of new development and significant redevelopment sites under the LDOTD's control and jurisdiction. City of New Orleans: responsible for areas of new development and significant redevelopment sites within the City's boundaries under their jurisdiction. PNO: responsible for areas of new development and significant redevelopment sites under the PNO's control and jurisdiction. Jefferson Parish: responsible for areas of new development and significant redevelopment sites under control and jurisdiction of Jefferson Parish for the Hoey Basin which discharges to the 17th Street Canal. OLD: responsible for areas of new development and significant redevelopment sites under the OLD's control and jurisdiction.
3	Roadways	SWBNO: After the SWBNO has repaired or replaced water and sewer

		lines, it is responsible for coordinating street repairs with the City of New Orleans in conjunction with street repairs being made by the City as per Paragraph 100 of the Second Modified Consent Decree. LDOTD: responsible for operation and maintenance of public streets and roadways within its jurisdiction. City of New Orleans: responsible for operation and maintenance of public streets and roadways within its jurisdiction and FEMA-funded curb to curb replacements. PNO: responsible for operation and maintenance of public streets and roadways within its jurisdiction. Jefferson Parish: responsible for operation and maintenance of public streets and roadways within its jurisdiction which impact the Hoey Basin which discharges to the 17th Street Canal. OLD: responsible for operation and maintenance of public streets within the non-residential portion of Lakeshore Drive and those public streets within the recreational areas adjacent thereto.
4	Flood Control Projects	SWBNO: responsible for all storm water drainage canals and pump stations except as noted below: LDOTD: responsible for flood control projects under its control along state highways. City of New Orleans, Department of Public Works: for storm drainage

		system <36 inches in width, maintains storm water catch basins, drainage lines, drop inlets, manholes, curbs. shoulders, ditches, and sidewalks, and repairs potholes, and subsidence caused by drainage leaks. PNO: responsible for flood control projects under its control within its jurisdiction. Jefferson Parish: responsible for flood control projects under its control within jurisdiction which impact the Hoey Basin which discharges to the 17th Street Canal. OLD: responsible for flood control projects under its control within its jurisdiction.
5	Pesticide, Herbicide, and Fertilizer Application	SWBNO: responsible for vegetation control within the canal system and at SWBNO facilities within MS4 boundary. LDOTD: responsible for vegetation control on state and federal highway property. City of New Orleans: responsible for vegetation control on neutral grounds, some parks, and golf courses. The New Orleans Mosquito and Termite Control Board is responsible for pesticide application for insect, pest, and disease vector control activities and occasionally herbicide application for weed control in lagoons and other waterways within its jurisdiction. PNO: responsible for vegetation control within its jurisdiction. Jefferson Parish: responsible for vegetation control within all portions

		of MS4 boundary in the Hoey Basin which discharges to the 17th Street Canal. OLD: responsible for vegetation control within its jurisdiction.
6	Illicit Discharges and Improper Disposal	SWBNO: responsible for identifying illicit discharges and improper disposal into storm drainage system comprised of culverts and canals ≥ 36" in width maintained by SWB. LDOTD: responsible for identifying illicit discharges and improper disposal into storm drainage maintained by LDOTD. City of New Orleans: responsible for identifying illicit discharges and improper disposal into storm drainage system comprised of culverts and canals <36" in width maintained by the City of New Orleans. PNO responsible for identifying illicit discharges and improper disposal into storm drainage maintained by PNO. Jefferson Parish: responsible for identifying illicit discharges and improper disposal into storm drainage system which discharges from the Hoey Basin to the 17th Street Canal and is maintained by Jefferson Parish. OLD: responsible for identifying illicit discharges and improper disposal into storm drainage maintained by OLD.
7	Spill Prevention and Response	SWBNO: responsible for spill prevention and response to the storm drainage system ≥ 36" in width and canals within its jurisdiction. LDOTD: responsible for spill

		prevention and response within its jurisdiction. City of New Orleans: responsible via the Department of Public Works for spill prevention and response to the storm drainage system <36" in width maintained by the City of New Orleans. PNO: responsible for spill prevention and response within its jurisdiction. Jefferson Parish: responsible for spill prevention and response within its jurisdiction that would impact the Hoey Basin which discharges to the 17th Street Canal. OLD: responsible for spill prevention and response within its jurisdiction.
8	Industrial and High Risk Runoff	SWBNO: responsible for maintaining list of NPDES and LPDES Industrial and High Risk (I&HR) permittees within its jurisdiction, performing inspections, establishing/implementing controls measures for discharges, monitoring discharges from facilities under the SWBNO jurisdiction, and inspecting and/or performing file reviews of Orleans Parish LPDES and NPDES I&HR permittees. The SWBNO investigates non-compliance complaints by these permittees. LDOTD: responsible for maintaining list of NPDES and LPDES and I&HR permittees within its jurisdiction, performing inspections, establishing/implementing control measures for discharges, and monitoring discharges from I&HR facilities under its jurisdiction.

		City of New Orleans: responsible for maintaining list of NPDES and LPDES and I&HR permittees within its jurisdiction, performing inspections, establishing/implementing controls measures for discharges and monitoring discharges from facilities under its jurisdiction. PNO: responsible for maintaining list of NPDES and LPDES and I&HR permittees within its jurisdiction, performing inspections, establishing/implementing controls measures for discharges and monitoring discharges from facilities under its jurisdiction. Jefferson Parish: responsible for maintaining list of NPDES and LPDES and I&HR permittees within its jurisdiction within the Hoey Basin which discharges to the 17th Street Canal, performing inspections, establishing/implementing controls measures for discharges and monitoring discharges from facilities under its jurisdiction, and inspecting and/or performing file reviews of Jefferson Parish LPDES and NPDES I&HR permittees. Jefferson Parish investigates non-compliance complaints by these permittees in the Hoey Basin. OLD: responsible for maintaining list of NPDES and LPDES and I&HR permittees within its jurisdiction, performing inspections, establishing/implementing controls measures for discharges and monitoring discharges from facilities under its jurisdiction.

9	Construction Site Runoff	SWBNO: responsible for construction sites one acre or more at SWBNO facilities and for investigating complaints for all construction sites. LDOTD: responsible for construction projects one acre or more on state-maintained roadways. City of New Orleans: responsible for construction projects one acre or more within the City's boundaries except where regulated by the LDOTD, PNO, Jefferson Parish, and OLD. PNO: responsible for construction projects one acre or more within its jurisdiction. Jefferson Parish: responsible for construction projects one acre or more within the Hoey Basin which drains to the 17th Street Canal. OLD: responsible for construction projects one acre or more within its jurisdiction.
10	Public Education	SWBNO: responsible for public education program containing elements in Part A.10 for target audience outlined in public education program developed by SWBNO. LDOTD: responsible for public education program containing elements in Part A.10 for target audience outlined in public education program developed by LDOTD. City of New Orleans: responsible for public education program containing elements in Part A.10 for target audience outlined in public education program developed by City of New

		Orleans. PNO: responsible for public education program containing elements in Part A.10 for target audience outlined in public education program developed by PNO. Jefferson Parish: responsible for public education program containing elements in Part A.10 for target audience outlined in public education program developed by Jefferson Parish in the storm water drainage area which discharges to Orleans Parish. OLD: responsible for public education program containing elements in Part A.10 for target audience outlined in public education program developed by OLD.
11	Monitoring Programs	SWBNO: responsible for storm water monitoring of representative outfalls, internal sampling stations, and/or in-stream monitoring currently listed in Part V.A.1.b and monitoring program outlined in Part II.A.11.a-d. Future storm water monitoring of represented outfalls, internal sampling stations, and/or in-stream monitoring may be identified and subject to sampling as outlined in Part V.A.1.b. LDOTD: responsible for monitoring program outlined in Part II.A.11.a-d in the area under the LDOTD jurisdiction. Future storm water monitoring of represented outfalls, internal sampling stations, and/or in-stream monitoring in the area of LDOTD jurisdiction may be identified and subject to sampling as outlined in Part V.A.1.b.

		City of New Orleans: responsible for monitoring program outlined in Part II.A.11.a-d in the area under the City of New Orleans jurisdiction. Future storm water monitoring of represented outfalls, internal sampling stations, and/or in-stream monitoring in the area of the City of New Orleans jurisdiction may be identified and subject to sampling as outlined in Part V.A.1.b. PNO: responsible for monitoring program outlined in Part II.A.11.a-d in the area under the PNO jurisdiction. Future storm water monitoring of represented outfalls, internal sampling stations, and/or in-stream monitoring in the area of the PNO jurisdiction may be identified and subject to sampling as outlined in Part V.A.1.b. Jefferson Parish: responsible for monitoring program outlined in Part II.A.11.a-d in the area under the Jefferson Parish jurisdiction. Future storm water monitoring of represented outfalls, internal sampling stations, and/or in-stream monitoring in the area of the Jefferson Parish jurisdiction may be identified and subject to sampling as outlined in Part V.A.1.b. (Monitoring program pertains to the area of Jefferson Parish within the Hoey Basin.) OLD: responsible for monitoring program outlined in Part II.A.11.a-d in the area under the OLD jurisdiction. Future storm water monitoring of represented outfalls, internal sampling stations, and/or in-stream monitoring in the area of OLD jurisdiction may be identified and subject to sampling as

		outlined in Part V.A.1.b.
12	Pollution Prevention/Good Housekeeping for Municipal Operations	SWBNO: responsible for pollution prevention and good housekeeping practices at SWB facilities. LDOTD: responsible for pollution prevention and good housekeeping practices at LDOTD facilities. City of New Orleans: responsible for pollution prevention and good housekeeping practices at all City facilities. PNO: responsible for pollution prevention and good housekeeping practices at PNO facilities. Jefferson Parish: responsible for pollution prevention and good housekeeping practices at Jefferson Parish facilities within the Hoey Basin which drains to the 17th Street Canal. OLD: responsible for pollution prevention and good housekeeping practices at OLD facilities.

MS4 program resources are available through several EPA web sites. Program development resources are available at http://cfpub.epa.gov/npdes/whatsnew.cfm?program_id=6. Guidance on SCMs and Measurable Goals that may be useful in your program are available at http://www.epa.gov/npdes/pubs/measurablegoals.pdf and http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm.

14. *Green Infrastructure/Low Impact Development*: In conjunction with Part II.A.9.d (Construction Site Run Off-Site Plan Review) the permittees shall review requirements for construction developments to identify and remove impediments, where feasible, to use Green Infrastructure/Low Impact Development practices that could help avoid water quality degradation, as well as, reduce flooding potential caused by increased runoff volumes and rates associated with development.

The Internet website http://water.epa.gov/infrastructure/greeninfrastructure/index.cfm serves as an informational clearinghouse for issues related to green infrastructure. Green infrastructure management approaches can be used to keep rainwater out of the sewer system so that it does not contribute to sewer overflow and also to reduce the amount of treated runoff discharging to surface waters. Green infrastructure also allows storm water to be absorbed and cleansed by soil and vegetation and either re-used or allowed to flow back into groundwater or surface water resources. Other related resources can be found at www.epa.gov/dced, www.smartgrowth.org, and www.epa.gov/owow/nps/lid.

B. Area-specific Storm Water Management Program Requirements.

1. *Pollutant Reduction Plans (PRPs) for TMDL*: If a TMDL has been approved for a water body, you must review the adequacy of your SWMP to meet the TMDL's WLA set for municipal storm water sources. If a TMDL assigns an individual WLA specifically for your MS4's storm water discharges, you must include that WLA as a Measurable Goal for your SWMP.

   If the MS4 area is subject to a TMDL that identifies an aggregate Waste Load Allocation (WLA) for applicable co-permittees, then the SWMP may identify such WLA as the benchmark. Where an aggregate WLA benchmark is used, all affected MS4 operators are jointly responsible for progress in meeting the benchmark goal and shall (jointly or individually) develop a monitoring/assessment plan as required in Part II.11.d. Where an aggregate WLA benchmark has been broken into sub-benchmarks for each MS4, each co-permittee is only responsible for progress in meeting its WLA sub-benchmark goal.

   If the SWMP is not meeting the applicable requirements of the TMDL, you must modify your SWMP accordingly. **The permittee must modify its SWMP to implement the TMDL within six months of the TMDL's approval or as otherwise specified in the TMDL.** If it is determined by the co-permittees, LDEQ, and/or EPA that the control measures outlined in Part II.A are inadequate to control the discharge of pollutants from the MS4 effectively enough to meet the in-stream water quality criteria or protect the designated uses of the receiving stream, then the procedures outlined in LAC 33:IX.1119.C may be implemented to determine whether this permit must be modified to adequately control the pollutant(s) of concern.

2. If a WLA is assigned to discharges of a particular pollutant from your MS4 to a particular basin subsegment, you must monitor in accordance with permit Part

II.A.11.d to determine if the storm water controls are adequate to maintain compliance with the MS4s WLA, unless alternative monitoring requirements are specified in the TMDL. If data collected shows 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 SCMs that you have implemented to meet the WLA for a particular pollutant and modify as necessary until two continuous sampling cycles show that the WLAs are being met or that water quality standards are being met.

If, by the end of the third year from the effective date of the permit, no progress is observed toward the benchmark goal from an aggregated WLA, the co-permittees must identify sub-benchmark goals for their respective MS4 areas. Each co-permittee shall identify alternative focused SCMs that address new or increased efforts towards the sub-benchmark goal. These revised SCMs, including implementation schedules, must be included in the SWMP and subsequent annual reports. **[NOTE: You should consult the latest edition of the Louisiana Water Quality Management Plan, which is available on the LDEQ website at: http://www.deq.louisiana.gov/portal/Portals/0/planning/TMDL%20Docs/Water%20Quality%20Management%20Plan%20-Vol%208%20after%20CD%206%207%202012.pdf to determine if a WLA for your discharges has been included in a TMDL that is issued after the effective date of this permit.]**

3. If a WLA is assigned to discharges of a particular pollutant from your MS4 to a particular basin subsegment, the permittee shall select one or more of the following recommended controls or develop other controls that may best achieve the pollutant reduction goals. The following storm water control measures address nutrient, dissolved oxygen, sediment, and/or bacteria impairments:

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

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

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

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

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

C. **Deadlines for Program Implementation.** Except as provided in Part III, full implementation of the SWMP shall begin on the effective date of the permit.

D. **Roles and Responsibilities of Permittee(s).** The SWMP, together with any attached interagency agreements, shall clearly identify the roles and responsibilities of each permittee.

E. **Legal Authority.** Each permittee shall ensure legal authority to control discharges to and from those portions the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements with permittees with existing legal authority to:

1. Control the contribution of pollutants to the MS4 by Storm Water Discharges Associated with Industrial Activity and the quality of storm water discharged from sites of industrial activity;

2. Prohibit illicit discharges to the MS4;

3. Control the discharge of spills and the dumping or disposal of materials other than storm water (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the MS4;

4. Control through interagency or inter-jurisdictional agreements among permittees the contribution of pollutants from one portion of the MS4 to another;

5. Require compliance with conditions in ordinances, permits, contracts or orders; and

6. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

F. **Storm Water Management Program Resources.** Each permittee shall provide adequate finances, staff, equipment, and support capabilities to implement their activities under the SWMP.

G. **Storm Water Management Program Review and Update.** If necessary to meet permit

requirements, the SWMP must be revised and all changes must be submitted to LDEQ in the next annual report.

1. *Storm Water Management Program Review:* Each permittee shall participate in an annual review of the current SWMP in conjunction with preparation of the annual report required under Part V.C.

2. *Storm Water Management Program Update:* The permittee(s) may change the SWMP during the term of the permit in accordance with the following procedures:

   a. The approved SWMP shall not be changed by the permittee(s) without the approval of the LDEQ, unless in accordance with Parts II.G.2.b, c, or d.

   b. Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made by the permittee(s) at any time upon written notification to the LDEQ.

   c. Changes replacing an ineffective or infeasible SCM specifically identified in the SWMP with an alternate SCM may be requested at any time. Unless denied by the LDEQ, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented by the permittee(s) 60 days from submittal of the request. Such requests shall include the following:

      (1) an analysis of why the SCM is ineffective or infeasible (including cost prohibitive),

      (2) expectations on the effectiveness of the replacement SCM, and

      (3) an analysis of why the replacement SCM is expected to achieve the goals of the SCM to be replaced.

   d. Changes resulting from schedules contained in Part III may be requested following completion of an interim task or final deadline. Unless denied by the LDEQ, proposed changes meeting the criteria contained in the applicable Part III schedule shall be deemed approved and may be implemented by the permittee(s) 60 days from submittal date.

   e. Change requests or notifications shall be made in writing, signed in accordance with Part VI.H by all directly affected permittees, and include a certification that all permittees were given an opportunity to comment on proposed changes prior to submittal to the LDEQ.

3. *Storm Water Management Program Updates Required by the LDEQ:* The Agency may require changes to the SWMP as needed to:

   a. address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;

   b. include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements; or

   c. include such other conditions deemed necessary by the LDEQ to comply with the goals and requirements of the Clean Water Act.

   Changes requested by the LDEQ shall be made in writing, set forth the time schedule for the permittee(s) to develop the changes, and offer the permittee(s) the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the LDEQ shall be made in accordance with LAC 33:IX.3105, LAC 33:IX.2903, or as appropriate LAC 33:IX.2905.

4. *Transfer of Ownership, Operational Authority, or Responsibility for Storm Water Management Program Implementation:* The permittee(s) shall implement the SWMP on all new areas added to their portion of the MS4 (or for which they become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than three years 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.

   Prior to land annexation, the permittee(s) shall include a schedule in the SWMP for extending the coverage of the SWMP to the annexed areas. At least 30 days prior to transfer of operational authority or responsibility for SWMP implementation, all parties shall prepare a schedule for transfer of responsibility for SWMP implementation on the affected portions of the MS4. Information on all new annexed areas and any resulting updates to the SWMP shall be described in the annual report.

H. **Retention of Storm Water Management Program Records.** The permittee shall retain the SWMP developed in accordance with Parts II and III for at least 3 years after coverage under this permit terminates.

PART III. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE.

A. Implementation and Augmentation of Storm Water Management Program(s).

The permittee(s) shall comply with the following schedules for Storm Water Management Program implementation, augmentation, and permit compliance.

Table III.A - Implementation and Augmentation of Storm Water Management Program.

Storm Water Management Program Component	Activity	Responsible Permittee(s)	Compliance Date
Structural Controls - Part II.A.1	Submit update report and certification of on-going maintenance/ inspection practices of the System Maintenance Program in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
New and Re-development - Part II.A.2	Submit update report and certification of on-going maintenance/ inspection practices of the System Maintenance Program in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Roadways - Part II.A.3	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Flood Control - Part II.A.4	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually

Storm Water Management Program Component	Activity	Responsible Permittee(s)	Compliance Date
Pesticide, Herbicide,... - Part II.A.5	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Illicits - Part II.A.6.a	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Illicits - Part II.A.6.b	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Illicits - Part II.A.6.c	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Illicits - Part II.A.6.d	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Illicits - Part II.A.6.e	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually

Storm Water Management Program Component	Activity	Responsible Permittee(s)	Compliance Date
Illicits - Part II.A.6.f	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Industrial & High Risk Runoff - Part II.A.8	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Construction – Part II.A.9	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Monitoring – Part II.A.11.a	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Monitoring – Part II.A.11.b	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Monitoring – Part II.A.11.c & Part II.A.11.d	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually

Storm Water Management Program Component	Activity	Responsible Permittee(s)	Compliance Date
Representative Monitoring – Part V.A	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Legal Authority – Part II.E	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Roles of Permittees – Part II.D	Submit a full report including the summary of the test results and estimate of the annual pollutant loadings in the Annual Report as required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Roles of Permittees – Part II.D	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Measurable Goals – Part II.A	**As specified in Part II.A.1-13, include updates/changes to the Measurable Goals for the SCMs used to satisfy the control measures in the Annual Report required under Part V.C.**	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	May 1 Annually
Green Infrastructure/Low Impact Development – Part II.A	**As specified in Part II.A.14, include report of progress to identify and remove impediments to use Green Infrastructure/Low Impact Development practices in the Annual Report.**	SWBNO, LDOTD, City of New Orleans, PNO, Jefferson Parish, OLD	**May 1, 2014 then Annually thereafter**

B. **Reporting compliance with schedules.** No later than 45 days following a date for a specific action (interim milestone or final deadline) identified in the above schedule(s), the permittee(s) shall submit a written notice of compliance or noncompliance to the Agency in accordance with Parts V.E.

C. **Updating Storm Water Management Program.** The permittee(s) shall update the SWMP(s), as appropriate, in response to changes required by Part III.A. Such updates shall be made in accordance with Part II.G.2.

PART IV. DISCHARGE LIMITATIONS.

A. **Discharge Limitations.** Numeric discharge limitations are not established at this time.

PART V. MONITORING AND REPORTING REQUIREMENTS.

A. Storm Event Discharges.

1. *Representative Monitoring:* Unless otherwise required by Part II.A.11.d, monitoring of representative outfalls, internal sampling stations, and/or in-stream monitoring locations shall be conducted to characterize the quality of storm water discharges from the MS4.

   a. Monitoring Requirements: Refer to Table V.A.1.a.

   b. Outfall Descriptions: Refer to Table V.A.1.b.

   c. Alternate representative monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the Agency in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the Agency, use of an alternate monitoring location (except for outfalls with numeric effluent limitations) may commence 30 days from the date of the request. A program for the collection of baseline monitoring data shall be proposed for all substitute outfalls.

Table V.A.1.a. - Representative Monitoring Requirements: Outfalls 001 - 005

PARAMETERS (unit) (MQL, if applicable)[1]	REPORT FOR EACH MONITORING PERIOD[2] (each sample type)			SAMPLE TYPE(S)		MONITORING FREQUENCY[3]
	Minimum	Average	Maximum	Grab	Composite	
Biochemical Oxygen Demand (BOD_5) (mg/l)		Yes	Yes		Yes	2/year
Chemical Oxygen Demand (COD) (mg/l)		Yes	Yes		Yes	2/year
Oil and Grease (mg/l)		Yes	Yes	Yes		2/year
Total Suspended Solids (TSS) (mg/l)		Yes	Yes		Yes	2/year
Total Dissolved Solids (TDS) (mg/l)		Yes	Yes		Yes	2/year
Total Kjeldahl Nitrogen (TKN) (mg/l) [4]		Yes	Yes		Yes	2/year
Total Nitrite (mg/l)		Yes	Yes		Yes	2/year
Total Nitrate (mg/l)		Yes	Yes		Yes	2/year
Total Ammonia (mg/l)		Yes	Yes		Yes	2/year
Total Phosphorus (mg/l)		Yes	Yes		Yes	2/year
Dissolved Phosphorus (mg/l)		Yes	Yes		Yes	2/year
Total Cadmium (µg/l) (1 µg/l)		Yes	Yes		Yes	2/year
Total Copper (µg/l) (3 µg/l)		Yes	Yes		Yes	2/year
Total Nickel (µg/l) (5 µg/l)		Yes	Yes		Yes	2/year
Total Lead (µg/l) (2 µg/l)		Yes	Yes		Yes	2/year

PARAMETERS (unit) (MQL, if applicable)[1]	REPORT FOR EACH MONITORING PERIOD[2] (each sample type)			SAMPLE TYPE(S)		MONITORING FREQUENCY[3]
	Minimum	Average	Maximum	Grab	Composite	
Total Zinc (µg/l) (20 µg/l)		Yes	Yes		Yes	2/year
Fecal Coliform (colonies/100 ml)		Yes	Yes	Yes		2/year
pH (S.U.)	Yes		Yes	Yes		2/year
Hardness (as $CaCO_3$) (mg/l)	Yes	Yes	Yes	Yes		2/year
Temperature (°C)	Yes	Yes	Yes	Yes		2/year

[1] If any individual analytical test result is less than the parameter's minimum quantification level (MQL) listed, a value of zero may be used in the DMR calculations and reporting requirements or that test results.

[2] Monitoring shall occur two times during the monitoring year. Storm water samples shall be collected during the period **May - October** and again during the period **November – April. The Annual Report that is due no later than May 1 shall include analytical results for the monitoring events that are conducted during the period November 1 to October 31.**

[3] Monitoring shall occur two times during the monitoring year. Storm water samples are to be collected during the period May 1 through April 30 during each year of the permit term. **However,** if you choose to implement a rapid bioassessment monitoring program under the Alternative Bioassessment Option (See Part V.A.2.) monitoring shall be in accordance with the requirements defined in Part V.A.2.b.

[4] Total ammonia plus organic nitrogen.

Table V.A.1.b - Representative Monitoring Major Outfall Descriptions

OUTFALL	LOCATION	DESCRIPTION	RESPONSIBLE PERMITTEE
001	Station is a manhole located at the intersection of Mirabeau Avenue and Eastern Street in New Orleans.	R1, Residential Station – Mirabeau at Eastern is monitoring a 6 foot wide surbsurface box canal; almost 100% of the area drained is existing residential land use with some minor commercial land use; drains 125 acres	Sewerage and Water Board of New Orleans
002	Station is a manhole located at the intersection of Peniston and Prytania Streets in New Orleans.	R2, Residential Station – Penniston at Prytania is monitoring a 24 inch pipe; the area drained (5 acres) is existing residential land use.	Sewerage and Water Board of New Orleans
003	Station is a manhole located at the intersection of Read Boulevard and Morrison Road in New Orleans.	R3, Residential Station – Read at Morrison is monitoring a 31 x 51 inch arc pipe; 70% of the area drained is existing Residential land use; 30% of the area drained is commercial land use; drains 19 acres.	Sewerage and Water Board of New Orleans

OUTFALL	LOCATION	DESCRIPTION	RESPONSIBLE PERMITTEE
004	Station is a manhole located on Notre Dame Street between Fulton and St. Peters Streets in New Orleans.	C1, Commercial Station – Notre Dame is monitoring a 60 inch pipe; the area drained (35 acres) is commercial land use.	Sewerage and Water Board of New Orleans
005	Station is pump station located at Elaine Street in the City of New Orleans.	I1, Industrial Station – Elaine Street is monitoring the forebay of the Almonaster Michoud Pump Station; the area drained (1100 acres) is industrial land use.	Sewerage and Water Board of New Orleans

2. *Representative Monitoring - Rapid Bioassessment Option:* The permittee(s) has/have the option of developing and implementing a rapid bioassessment monitoring program. The EPA document Rapid Bioassessment Protocols for Use in Streams and Wadeable Rivers: Periphyton, Benthic, Macroinvertebrates, and Fish: Second Edition provides an updated compilation of the most cost-effective and scientifically valid bioassessment methods. The entire document is available on the EPA website at http://www.epa.gov/owow/monitoring/rbp/.

   a. The permittee(s) shall obtain all necessary aquatic wildlife collection permits from appropriate State and/or Federal agencies (e.g. Louisiana Department of Wildlife and Fisheries).

   b. Permittee(s) utilizing the rapid bioassessment monitoring option shall conduct monitoring of the separate storm sewer system as described in Part V.A.1, except the monitoring for years 2, 3, and 5 are no longer required. All other requirements of Part V.A.1, A.3, and A.4 (e.g.: samples types, parameters) remain unchanged.

   c. If the permittee(s) elects to develop and implement a rapid bioassessment monitoring program, the permittee(s) shall submit an approvable monitoring program to the LDEQ no later than one year from the effective date of this permit. An approvable program must include:

      (1) monitoring of at least two water bodies receiving storm water discharges from the MS4 plus a reference site located within the same ecological region as the municipal separate storm sewer system;

      (2) monitoring of each station conducted at least twice per year at essentially the same time periods each year; and

      (3) concurrent (e.g. within a day or two) monitoring of the reference site each time a station located in the receiving waters of the municipal separate storm sewer system is monitored.

      Unless disapproved by the LDEQ within 60 days, a proposed rapid bioassessment monitoring plan meeting the criteria herein shall be deemed approved and the permittee(s) may implement the alternate rapid bioassessment program.

   d. The permittee(s) shall notify the LDEQ (addresses provided in Part V.E), in writing, at least 14 days prior to commencing an alternate rapid bioassessment monitoring program.

3. *Storm Event Data:* For Part V.A.1 and any additional sampling conducted for Part V.A.5, quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. Records shall be maintained of all analytical results, the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

4. *Sample Type, Collection, and Analysis:* The following requirements apply only to storm event discharge samples collected for Part V.A.1 and A.5.

   a. Composite Samples: Flow weighted composite samples shall be collected as follows:

      (1) Composite Method - Flow-weighted composite samples may be collected manually or automatically. For both methods, equal volume aliquots may be collected at the time of sampling and then flow-proportioned and composited in the laboratory, or the aliquot volume may be collected based on the flow rate at the time of sample collection and composited in the field.

      (2) Sampling Duration - Samples shall be collected for at least the first three (3) hours of discharge. Where the discharge lasts less than three (3) hours, the entire discharge must be sampled.

      (3) Aliquot Collection - A minimum of three aliquots per hour, separated by at least fifteen (15) minutes, shall be collected. Where more than three aliquots per hour are collected, comparable intervals between aliquots shall be maintained (e.g. six aliquots per hour, at least seven (7) minute intervals).

   b. Grab Samples: Grab samples shall be taken during the first two hours of discharge.

   c. Representative Storm Events: Samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

      The required 72 hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge. The required 72 hour storm event interval is also waived where the

permittee(s) documents that less than a 72 hour interval is representative for local storm events during the season when sampling is being conducted.

d. Analytical Methods: Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved Part 136 method does not exist, any available method may be used unless a particular method or criteria for method selection (such as sensitivity) has been specified in the permit.

5. *Seasonal Loadings and Event Mean Concentrations.* All necessary sampling data shall be collected to provide estimates for each major outfall (or appropriate sub-watershed) of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters listed in **Table V.A.1.a - Representative Monitoring Requirements**. This information may be estimated from the representative monitoring locations and shall take into consideration land uses and drainage areas for the outfall. **The estimates of seasonal loadings and event mean concentrations shall be included in the Annual Report for year four of the permit.**

B. **Floatables Monitoring.** Permittee(s) shall establish at least two monitoring locations for removal of floatable material in discharges to or from the MS4. For an example of a floatable debris management program see http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=factsheet_results&view=specific&bmp=5&minmeasure=1. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less that twice per year. **The program shall maintain records of the amount of floatable debris removed from each monitoring location during normal maintenance activity. The amount of material collected shall be estimated either in weight or volume.**

C. **Annual Report.** Each permittee shall contribute to the preparation of a system-wide Annual Report covering the previous year from **January 1 to December 31** (items 1-7 below) beginning in 2014 to be submitted no later than **May 1**. During the transition, the monitoring period for the Annual Report shall cover **May 1 to December 31, 2013**, with a deadline of **May 1, 2014**. The report shall include the following separate sections with an overview for the entire MS4 and subsections for each permittee:

1. The status of the storm water management program(s) (status of compliance with any schedules established under this permit shall be included in this section);

2. Measures taken to comply with any applicable TMDLs or WLAs. Include a report on information related to PRPs for TMDL waters. Report the progress on meeting the WLA measurable goal for any applicable WLA from a TMDL. Submit all data/analysis related to PRPs in the Annual Report.

3. Proposed changes to the storm water management program(s), including the addition of new SCMs and the Measurable Goals for the new SCMs, or the modification of any existing SCMs and/or Measurable Goals. The modification of an existing Measurable Goal must be clearly justified and supported by explaining how the modification is expected to more effectively measure the performance of its associated SCM;

4. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application under LAC 33:IX.2511.D.2.d and D.2.e;

5. A summary of the data, including monitoring data that is accumulated throughout the reporting year;

6. Annual expenditures for the reporting period with a breakdown for the major elements of the storm water management program and the budget for the year following each annual report;

7. A summary describing the number and nature of enforcement actions, inspections, and public education programs;

8. Identification of water quality improvements or degradation; and

9. Certification of activities and practices required in Table III.A.

Preparation and submittal of a system-wide annual report must be coordinated by the Sewerage and Water Board of New Orleans. The report must indicate which, if any, permittees have failed to provide required information on the portions of the MS4 for which they are responsible to the Sewerage and Water Board of New Orleans by 60 days prior to the report due date. Joint responsibility for report submission must be limited to participation in preparation of the overview for the entire system and inclusion of the identity of any permittee who failed to provide input to the Annual Report. Each individual permittee is individually responsible for content of the report relating to the portions of the Municipal Separate Storm Sewer System for which they are responsible and for failure to provide information for the system-wide annual report in a timely manner. Each permittee must sign and certify the Annual Report in accordance with Part VI.H and include a statement or resolution that the permittees' governing body or agency (or delegated representative) has reviewed or been appraised of the content of the Annual Report.

D. <u>Certification and Signature of Reports.</u> All reports required by the permit and other information requested by the Agency shall be signed and certified in accordance with Part VI.H.

E. Reporting: Where and When to Submit.

1. Representative monitoring results (Part V.A.1) obtained during the reporting period running from **November 1 to October 31** shall be submitted on Discharge Monitoring Report (DMR) Form(s) along with the annual report required by Part V.C. A separate DMR Form is required for each monitoring period (season) specified in Part V.A.1.

2. Signed copies of DMRs required under Part V, the Annual Report required by Part V.C, and all other reports required herein, shall be submitted to the LDEQ. **Submit one copy of these reports to the LDEQ Enforcement Division at:**

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

3. Requests for SWMP updates, changes in monitoring locations, or application for an individual permit shall be submitted to:

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

4. Additional Notification. In addition, the permittee(s) shall provide annual reports and requests for SWMP updates to:

   Southeast Regional Office
   Office of Environmental Compliance
   201 Evans Road, Bldg. 4, Suite 420
   New Orleans, Louisiana 70123-5230

PART VI. STANDARD PERMIT CONDITIONS.

A. **Duty to Comply.** The permittee(s) must comply with all conditions of this permit insofar as those conditions are applicable to each permittee, either individually or jointly. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

B. **Penalties for Violations of Permit Conditions.**

LA. R.S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R.S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES program or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program.

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

1. *Criminal Penalties*

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

a. Knowing Violations: The Louisiana Revised Statues LA. R.S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction

of such person, he shall be subject to a fine of not more than $100,000 per day of violation, or imprisonment of not more than six years, or both.

c. Knowing Endangerment: The Louisiana Revised Statutes LA. R.S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the Secretary under the LPDES, or any permit condition or limitation implementing any 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 Statement: The Louisiana Revised Statutes LA. R.S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the LPDES, shall upon conviction, be subject to a fine of not more than $10,000 or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

2. *Civil Penalties.* The Louisiana Revised Statutes LA.R.S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the Secretary, an Assistant Secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than $32,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

C. **Duty to Reapply.** If the permittee wishes to continue an activity regulated by this permit after the permit expiration date, the permittee must apply for and obtain a new permit.

The application shall be submitted at least 180 days prior to expiration of this permit. The Secretary may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments. The permit renewal application shall consist of the most recent Annual Report, the current Storm Water Management Plan, and any other information that the Department deems necessary to complete or correct deficiencies. No permit application package shall be deemed complete and ready for disposition until all reasonable additional information has been supplied.

D. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee(s) 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.

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

F. **Duty to Provide Information.** The permittee(s) shall furnish to the LDEQ, within a time specified by the LDEQ, any information which the LDEQ may request to determine whether cause exists for modifying, revoking or reissuing, or terminating this permit, or to determine compliance with this permit. The permittee(s) shall also furnish to the LDEQ, upon request, copies of records required to be kept by this permit.

G. **Other Information.** When the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information the application or in any report to the LDEQ, the permittee shall promptly submit such facts or information.

H. **Signatory Requirements.** All Discharge Monitoring Reports, storm water management plans, storm water pollution prevention plans, reports, certifications, or information either submitted to the LDEQ or that this permit requires be maintained by the permittee(s), shall be signed and certified.

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

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

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and,

3. The written authorization is submitted to the LDEQ.

4. **Certification**: Any person signing documents under this section 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."

I. **Penalties for Falsification of Monitoring Systems.** The Louisiana Revised Statutes LA. R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit. LA R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non compliance. LA R.S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the LPDES, shall, upon conviction, be subject to a fine or not more than $10,000, or imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than $20,000 per day of violation, or imprisonment of not more than 4 years, or both.

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

K. **Property Rights.** This permit does not convey any property rights of any sort, nor any exclusive privileges.

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

M. **Requiring a Separate Permit.**

1. The LDEQ may require any co-permittee authorized by this permit to obtain a separate LPDES permit. Any interested person may petition LDEQ to take action under this paragraph. LDEQ may require any co-permittee authorized to discharge under this permit to apply for a separate LPDES permit only if the co-permittee has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the co-permittee to file the application, and a statement that on the effective date of the separate LPDES permit, coverage under this permit shall automatically terminate. Separate permit applications shall be submitted to the address shows in Part V.E. LDEQ may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner a separate LPDES permit application as required by LDEQ, then the applicability of this permit to the co-permittee is automatically terminated at the end of the day specified for application submittal.

2. Any co-permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for a separate permit. The co-permittee shall submit a separate application as specified by LAC 33:IX.2511.D with reasons supporting the request to LDEQ. Separate permit applications shall be submitted to the address shows in Part V.E. The request may be granted by the issuance of a separate permit if the reasons cited by the co-permittee are adequate to support the request.

N. **State/Environmental Laws.**

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

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

O. Proper Operation and Maintenance.

1. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water management programs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

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

P. Monitoring and Records.

1. 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 LDEQ 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.

2. 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 the 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 LDEQ at any time.

3. 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; and

g. The results of all quality control procedures.

Q. **Monitoring Methods.** All sampling and testing shall be conducted in accordance with 40 CFR Part 136, unless other test procedures have been specified in this permit.

R. **Inspection and Entry.** The permittee shall allow the 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 law, to:

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

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

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

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

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

S. **Permit Actions.** This permit may be modified, revoked and reissued, or terminated for

cause in accordance with LAC 33:IX.2903, 2905, 2907, 3105 and 6509. The causes may include, but are not limited to the following:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit reissuance 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.

T. **Additional Monitoring by the Permittee.** If the permittees monitor any pollutant more frequently than required by this permit using test procedures approved under 40 CFR Part 136 (see LAC 33:IX.4901) or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR) form specified by LDEQ.

PART VII. PERMIT MODIFICATION.

A. **Modification of the Permit.** This permit covers an existing source with discharges to 303(d) waterbodies for which TMDLs have not been completed. The permit may be reopened to incorporate the results of any total maximum daily load allocation which may later be approved for the receiving waterbodies. In addition, the permit may be reopened and modified during the life of the permit to address:

1. changes in the State's Water Quality Management Plan, including Water Quality Standards;

2. changes in State or Federal statutes or regulations;

3. add a new permittee who is the owner or operator of a portion of the Municipal Separate Storm Sewer System;

4. changes in portions of the Storm Water Management Program that are considered permit conditions; or

5. other modifications deemed necessary by the Secretary to meet the requirements of the Act.

All modification to the permit will be made in accordance with LAC 33:IX.2903, LAC 33:IX.2905, and LAC 33:IX.3105.

B. **Termination of Coverage for a Single Permittee.** Permit coverage may be terminated, in accordance with the provisions of LAC 33:IX.2907 and LAC 33:IX.3105, for a single permittee without terminating coverage for other permittees.

C. **Modification of Storm Water Management Program(s).** Only those portions of the Storm Water Management Programs specifically required as permit conditions shall be subject to the modification requirements of LAC 33:IX.3105. Addition of components, controls, or requirements by the permittee(s); replacement of an ineffective or infeasible SCM implementing a required component of the Storm Water Management Program with an alternate SCM expected to achieve the goals of the original SCM; and changes required as a result of schedules contained in Part III shall be considered minor changes to the Storm Water Management Program and not modifications to the permit. (See also Part II.G.)

D. **Changes in Monitoring Outfalls.** Changes in monitoring outfalls, other than those with specific numeric effluent limitations (as described in Part V.A.1.c), shall be considered minor modifications to the permit and will be made in accordance with the procedures at LAC 33:IX.2905.

PART VIII. DEFINITIONS.

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified, additional definitions of words or phrases used in this permit are as follows:

1. "Stormwater 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 State. SCMs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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

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

4. "Co-permittee" is a permittee to an LPDES permit that is only responsible for permit conditions relating to the discharge for which it is operator.

5. "Core Municipality" means, for the purpose of this permit, the municipality whose corporate boundary (unincorporated area for counties and parishes) defines the municipal separate storm sewer system. (ex. City of Dallas for the Dallas Municipal Separate Storm Sewer System, Harris County for unincorporated Harris County).

6. "Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System.

7. "Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

8. "Grab sample" means an individual sample collected in less than 15 minutes.

9. "Green Infrastructure" generally refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspirate (the return of water to the atmosphere either through evaporation or by plants), or reuse storm water or runoff on the site where it is generated. Green infrastructure approaches that are currently used include green roofs; trees and tree

boxes; rain gardens; vegetated swales; pocket wetlands; infiltration planters; porous and permeable pavements; vegetated median strips; reforestation/re-vegetation; and protection and enhancement of riparian buffers and floodplains.

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

11. "Illicit discharge" is any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to an LPDES permit (other than the LPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

12. "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

13. "Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

14. "Large and Medium Municipal Separate Storm Sewer System" means all municipal separate storm sewers that are either:
    (i) located in an incorporated place (city) with a population of 100,000 or more as determined by the 1990 Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of LAC 33:IX); or
    (ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of LAC 33:IX); or
    (iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the LDEQ as part of the large or medium municipal separate storm sewer system.

15. "LDEQ" means the Louisiana Department of Environmental Quality.

16. "MEP" is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems 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." MEP is defined as a standard for water quality that applies to all MS4 operators regulated under the LPDES Storm Water Program. Since no precise definition of MEP exists, it

allows for maximum flexibility on the part of MS4 operators as they develop, implement, and refine their program.

17. "MS4" is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System (e.g. "the Dallas MS4").

18. "MQL" means Minimum Quantification Level which is the lowest concentration of an analyte that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions.

19. "Municipal Separate Storm Sewer" refers to a publicly-owned conveyance or system of conveyances that discharges to waters of the U.S. and is designed or used for collecting or conveying storm water, is not a combined sewer, and is not part of a publicly-owned treatment works (POTW). (See LAC 33:IX.2511.B.8 for a complete definition.)

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

21. "Operator" means the person or legal entity responsible for the operation and/or maintenance of a facility with a discharge covered by these regulations that meets either of the following two criteria: (1) the party has operational control over the storm water management plan (including the ability to make modifications to the plan), or (2) the party has day-to-day operational control of those activities which are necessary to ensure compliance with the storm water management plan or other permit conditions (e.g., they are authorized to direct workers to carry out activities in the storm water management plan or comply with other permit conditions).

22. "Part '#'" refers, unless otherwise indicated, to Part "#" of this permit (e.g. Part V.E.2.).

23. "Permittee" refers to any "person," as defined at LAC 33:IX.2313, authorized by this LPDES permit to discharge to Waters of the State.

24. "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.

25. "Pollutants of Concern" (POC) include biochemical oxygen demand (BOD); sediment or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity or siltation; pathogens; oil and grease (O&G); and any pollutant that has been identified as a

cause of impairment in any water body to which the MS4 discharges.

26. "Secretary" means the Secretary of the Louisiana Department of Environmental Quality.

27. "Storm sewer", unless otherwise indicated, refers to a municipal separate storm sewer.

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

29. "Storm Water Discharge Associated with Industrial Activity" is defined at LAC 33:IX.2511.B.14.

30. "Storm Water Management Program" refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system. For the purposes of this permit, the Storm Water Management Program is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.

31. "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 a part of a treatment system allowed by state law, regulation, or permit.

32. "SWMP" is an acronym for "Storm Water Management Program."

33. "Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

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

35. "Type 1 facilities" are municipal landfills; hazardous waste treatment, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and industrial facilities the permittee(s) determine are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System.

36. "Type 2 facilities" are other municipal wastes treatment, storage, or disposal facilities (e.g., POTWs, transfer stations, incinerators); and industrial or commercial facilities the permitee(s) believe are contributing pollutants to the Municipal Separate Storm Sewer System.

37. "Waters of the State" for the purposes of the Louisiana Pollutant Discharge Elimination

System, all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending there from three miles into the Gulf of Mexico. For purposes of the 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.*

ADDENDUM TO FACT SHEET
FOR DRAFT LPDES PERMIT NO. LAS000301 FOR DISCHARGES FROM THE REGULATED MUNICIPAL SEPARATE STORM SEWER SYSTEMS IN ORLEANS PARISH OWNED OR OPERATED BY

SEWERAGE AND WATER BOARD OF NEW ORLEANS
LA DEPT OF TRANSPORTATION AND DEVELOPMENT (DISTRICT 02)
CITY OF NEW ORLEANS
PORT OF NEW ORLEANS
JEFFERSON PARISH
ORLEANS LEVEE DISTRICT

AI 90429 / PER20110003

Permit No.	LAS000301
Issuing Office:	State of Louisiana Department of Environmental Quality Office of Environmental Services Water Permits Division
Prepared By:	Debbie Bissett Water Permits Division (225) 219-3603
Permit Action:	Reissuance of the Permit for Municipal Separate Storm Sewer Systems (MS4s) in Orleans Parish which was initially issued January 17, 1997, by the EPA and reissued effective January 1, 2001
Date Prepared	June 3, 2013

SUMMARY: During the public comment period for the Draft Renewal Permit, LDEQ received written comments from the Sewerage and Water Board of New Orleans, the City of New Orleans, the Lake Pontchartain Basin Foundation (LPBF), and the collective group consisting of the Gulf Restoration Network, Louisiana Environmental Action Network, Lower Mississippi Riverkeeper, Sierra Club, Futureproof, Global Green USA, and Sierra Club, New Orleans Group.

RESPONSE TO COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD:
A copy of the draft renewal permit was mailed to the co-permittees on January 4, 2013, and the draft permit was submitted to the LDEQ Public Participation Group to initiate the formal draft

permit public notice and comment period. Public comments that resulted in changes to the fact sheet or the permit are noted below.

RESPONSE TO COMMENTS RECEIVED FROM THE SEWERAGE AND WATER BOARD OF NEW ORLEANS (SWBNO) AND THE CITY OF NEW ORLEANS:

Permit Part II on page 2: The time frame of "one" year has been replaced with "three" years in the following: "*The permittee must determine, within three years of the effective date of the permit, if the MS4 is a source of the pollutant(s).*

Permit Part II.A.6.b: The permit has been modified to include item (4) for the SWBNO regarding program requirements and compliance of the Modified Consent Decree. The following has been added to the permit: "*(4) For the SWBNO, the program requirements found above, (1), (2), and (3),which correspond to those of the Consent Decree, will be deemed at least partially, if not fully, satisfied by compliance of the Consent Decree.*

Permit Part II.A.13: The table of the control measures and the co-permittees responsible for these control measures has been changed to include the specific responsibilities of each co-permittee relating to each control measure.

Permit Part III.B: The period of "14" days has been replaced with "45" days in the following: "*No later than 45 days following a date for a specific action (interim milestone or final deadline) identified in the above schedule(s), the permittee(s) shall submit a written notice of compliance or non-compliance to the Agency in accordance with Parts V.E.*"

Permit Part V.C: The permit has been revised to change the monitoring period to the calendar year of January 1 to December 31 beginning in 2014 and to have an adjusted monitoring period during the interim of May 1, 2013, to December 31, 2013. The Annual Report submission deadline remains May 1.

RESPONSE TO COMMENTS RECEIVED FROM THE LAKE PONTCHARTRAIN BASIN FOUNDATION (LPBF):

Permit Part II on page 2: The time frame of "one" year has been replaced with "three" years in the following: "*The permittee must determine, within three years of the effective date of the permit, if the MS4 is a source of the pollutant(s).*

Permit Part II.A.6.a: The permit has been revised to include some examples of "*non-storm water discharges exempted from the prohibition on non-storm water*", and this language has been replaced with "*exempted non-storm water discharges that are allowed to enter the MS4*" for clarification in the following: "*Categories of exempted non-storm water discharges that are allowed to enter the MS4 must not reasonably be expected [based on information available to the permittee(s)] to be significant sources of pollutants to the waters of the State because of either:...*"

RESPONSE TO COMMENTS RECEIVED FROM THE GULF RESTORATION NETWORK, LOUISIANA ENVIRONMENTAL ACTION NETWORK, LOWER MISSISSIPPI RIVERKEEPER, SIERRA CLUB, FUTUREPROOF, GLOBAL GREEN USA, and SIERRA CLUB, NEW ORLEANS GROUP:

Fact Sheet on page 8 of 17, Part III and Fee Rating Worksheet on page 1, Items 16 -17: Bayou Bienvenue (Subsegment 041801) has been included as a receiving stream for discharges from the MS4 based on additional information submitted by the SWBNO.

Fact Sheet Part III on page 8:

Segment	Segment Name	Segment Impairments
041302	Lake Pontchartrain Drainage Canals in Jefferson and Orleans Parishes (Estuarine)	Applicable TMDLs: Fecal Coliform TMDLs Required: Dissolved Oxygen
041401	New Orleans East Leveed Water Bodies	Applicable TMDLs: Dissolved Oxygen, Fecal Coliform

FINAL ACTION:

Federal Environmental Protection regulations found at 40 CFR 122.26, and in the state regulations at LAC 33:IX.2511 define storm water discharges that require permits. 40 CFR 122.26.D.3 specifically states that storm water discharges from large and medium MS4s require an NPDES permit. As an NPDES-authorized state, the Louisiana Department of Environmental Quality (LDEQ), Office of Environmental Services is authorized to issue LPDES permits, including permits for storm water discharges from large, medium and small MS4s. Regulating storm water discharges from MS4s in urbanized areas is necessary in order to minimize sources of pollutants that can be picked up by storm water and carried to our natural water bodies. Conditions in the renewal permit conform to the requirements defined in federal and state regulations. The Permits Division has decided to issue the renewal permit LAS000301 to regulate storm water quality for discharges from the co-permittee's MS4s in Orleans Parish to the maximum extent practicable and in accordance with current federal and state MS4 regulations.

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL SERVICES

BASIS FOR DECISION

LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (LPDES)
RENEWAL PERMIT NO. LAS000301
AGENCY INTEREST (AI) NO. 90429
ACTIVITY NO. PER20110003

SEWERAGE AND WATER BOARD OF NEW ORLEANS
LOUISIANA DEPARTMENT OF TRANSPORATION AND DEVELOPMENT-DISTRICT 2
CITY OF NEW ORLEANS
PORT OF NEW ORLEANS
JEFFERSON PARISH
ORLEANS LEVEE DISTRICT

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)
ORLEANS PARISH, LOUISIANA

The Louisiana Department of Environmental Quality, Office of Environmental Services (LDEQ), has reissued a renewal of a water discharge permit for the Municipal Separate Storm Sewer System (MS4) that is owned and operated by the Sewerage and Water Board of New Orleans, the Louisiana Department of Transportation and Development-District 2, the City of New Orleans, the Port of New Orleans, Jefferson Parish, and the Orleans Levee District. The owner-operators are herein referred to as "co-permittees."

In order to provide adequate drainage and prevent flooding of commercial and residential areas, public entities or agencies (e.g. city, town, levee districts, parishes, transportation agencies, etc.) may utilize an MS4. These systems are operated and funded by local governments and public agencies, not private individuals or corporations. An MS4 is a complex system of drainage canals, underground pipes, retention ponds, pumping stations, and other infrastructure that have been strategically located throughout the Parish in order to provide a means of collecting or conveying storm water runoff from urban areas (also referred to as "urban storm water"). Storm water runoff is also collected and discharged separately from sewage collection systems (i.e. publicly owned treatment works or POTWs), which are designed to collect and treat municipal sanitary wastewaster and some industrial process wastewater. However, the storm water that is collected in the MS4 is released through various outfalls to waters of the state without being routed through a treatment plant, as it would be infeasible to effectively treat the large volumes of storm water generated during rain events.

Public entities that collect storm water runoff in the MS4 and discharge it to waters of the state are required to have a permit under the federal Clean Water Act (CWA). The LDEQ's LPDES permitting program is authorized by the United States Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) program to regulate discharges of urban areas' storm water from the MS4 into waters of the state. The LDEQ's' LPDES permit for MS4 systems (referred to as "MS4 permit") requires the permittee(s) to maintain storm water

control measures (SCMs) to minimize and or prevent the introduction of pollutants into the storm water prior to entering the MS4. The permit requirements are based on federal and state regulations that are intended to reduce and/or eliminate storm water contact with pollutant sources to the Maximum Extent Practicable (MEP), thereby improving the quality of storm water discharges.

In accordance with LAC33:IX.2511, the LDEQ has the option of issuing either one system-wide MS4 permit that covers all storm water discharges from municipal separate storm sewers within a large[1] or medium[2] MS4 to a group of operators or issuing a distinct MS4 permit to each operator that discharges to the MS4. In this instance, all the co-permittees requested and the LDEQ has issued one system-wide MS4 permit for the Orleans Parish MS4, which is classified as a large MS4 based on the population of Orleans Parish. All operators within the Orleans Parish MS4 area submitted a single permit application requesting renewal of the system-wide permit. Based on the application, the LDEQ determined that a single system-wide permit will better meet the goals of the Clean Water Act through the cooperativeness of multiple operators with overlapping jurisdictions. The MS4 permit covers all discharges to waters of the state from the co-permittees' municipal separate storm sewer systems. The MS4 permit contains requirements to control pollutants entering storm water discharges through a variety of SCMs over a large geographical area.

The LDEQ's reasoning for reissuance of the permit provides the following:

- Background information on regulatory requirements and EPA guidance for MS4s, the permit action, and a description of the Orleans Parish MS4 and its operations;
- A summary of public comments and responses;
- An IT Analysis;[3]
- An Antidegradation Analysis; and
- A summary of the enforcement history of the Orleans Parish MS4.

Official records referenced in this document are located in the LDEQ's Electronic Document Management System (EDMS).[4] The details of the LDEQ's reasoning for reissuance of the permit are set forth below.

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[1] A large MS4 serves a population of 250,000 or more persons.
[2] A medium MS4 serves a population of 100,000 - 249,000 persons.
[3] See Section IV on IT Analysis *infra.*
[4] EDMS refers to the Electronic Document Management System. This system is LDEQ's electronic repository of official records that have been created or received by LDEQ. Employees and members of the public can search and retrieve documents stored in the EDMS via this web application (see http://edms.deq.louisiana.gov/app/doc/querydef.aspx).

I. BACKGROUND

A. Regulatory Requirements and EPA Guidance for MS4s

Federal Environmental Protection regulations require an NPDES permit for storm water discharges from large and medium MS4s, and under certain conditions, from small MS4s.[5,6] Similarly, the LDEQ is authorized to issue LPDES permits for storm water discharges from large, medium, and small MS4s.[7]

EPA guidance encourages multiple governments or agencies in a geographic area to establish partnerships in implementing their storm water programs as MS4 co-permittees.[8] Given the potential for overlapping activities in close proximity, partnerships between co-permittees can minimize unnecessarily repeating activities and result in more efficient use of resources. This also enables water quality to be examined and improved on a larger, consolidated scale rather than on a piece-meal, site-by-site basis. While the MS4 permit is issued to multiple co-permittees, each co-permittee is required to comply with permit conditions relating to discharges from its own municipal storm sewer system.[9]

EPA's Storm Water Phase I standards, which were promulgated in 1990, apply to large and medium MS4s. EPA's Storm Water Phase II standards, which were promulgated in 1999, apply to small MS4s.[10] Although, the Phase II standards are not more stringent than the Phase I standards with regards to water quality limitations, the Phase II standards are more specific in its structure and are written in "plain language" to enhance understandability of the regulations for small operators. The Phase II standards are structured to require MS4 operators to implement, at a minimum, six specific control measures to reduce pollutants in urban storm water discharges to the Maximum Extent Practicable (MEP).[11] While small MS4s are only required to adhere to the Phase II regulations, EPA policy requires that large and medium MS4s adhere to both the Phase I and Phase II regulations. In order for all MS4 permits to be consistent, EPA guidance recommends that individual permits for large and medium MS4s be written using the same structure and terminology that is used in small MS4 permits.[12,13]

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[5]A small MS4 serves a population of less than 100,000 persons.
[6]See 40 CFR 122.26
[7]See LAC 33:IX.2511.A.3 and LAC 33:IX.2519
[8]EPA Office of Water, *MS4 Permit Improvement Guide, April 2010* (see EPA's website at http://www.epa.gov/npdes/pubs/ms4permit_improvement_guide.pdf)
[9]See LAC 33:IX.2511.A.3.f
[10]EPA Storm Water Phase II Final Rule, published December 8, 1999 in the *Federal Register*
[11]See 40 CFR 122.34(a)
[12]EPA interim objection letter (C. Hosch) to LDEQ-OES (S. Phillips), May 24, 2012 (EDMS Document ID 8409033, p. 2)
[13] EPA Office of Water, *MS4 Permit Improvement Guide, April 2010* (see EPA's website at http://www.epa.gov/npdes/pubs/ms4permit_improvement_guide.pdf)

Therefore, the LDEQ's reissued permit for the Orleans Parish MS4 is organized so that the minimum elements of the Storm Water Management Plan (SWMP) are clearly identified and each element must be implemented to the Maximum Extent Practicable. Both Phase I and Phase II regulations are included in the permit; therefore, Orleans Parish MS4 operators must address twelve (12) minimum control measures in the SWMP.

B. Permit Action

The reissued MS4 permit is for the discharge of urban storm water into waters of the state within the Urbanized Area (UA) of Orleans Parish.[14] The permit reissuance is due to expiration of the previous permit. The MS4 permit (LAS000301) for Orleans Parish was originally issued by the EPA and became effective on January 1, 2001; it was later reissued by the LDEQ on February 12, 2007.

The renewal application consisting of the compilation of the co-permittees' SWMPs was received on December 15, 2011.[15] On April 20, 2012, following technical review of the application, the LDEQ developed a preliminary draft and submitted it to EPA Region VI staff for review. EPA staff subsequently issued several interim objections, which were withdrawn on December 20, 2012.[16]

An LPDES permit application for an MS4 differs from other LPDES permit applications in that, instead of completing an LPDES application form, an MS4 applicant submits a SWMP that includes details of its Storm Water Management Program. The Storm Water Management Program identifies sources of pollution, describes SCMs, measurable goals, and describes how the SCMs will specifically limit pollutant discharges to impaired waters and will meet the requirements of any applicable Total Maximum Daily Load (TMDL)[17] reports.

In the case of MS4 partnerships, each applicant prepares its respective jurisdictional-specific SWMP. The SWMPs are assembled as a compilation document and submitted to the LDEQ as an application for an MS4. The SWMP for each co-applicant only addresses the conveyances and/or portions of the MS4 infrastructure for which the co-applicant has operational control (jurisdiction).

During the technical review portion of the permit decision process, the LDEQ reviews the SWMP for each co-applicant, ensuring that all program elements required by state and federal regulations are adequately addressed. If all requirements are satisfied, the LDEQ

[14] Urbanized Areas (UAs) are defined and delineated by the most recent U.S. Census.
[15] See EDMS Document ID 8217708
[16] See EDMS Document ID 8653899
[17] A TMDL is a pollution budget for a specific waterbody developed from water quality survey data. It is the maximum amount of a pollutant that can be released into a waterbody without causing a violation of water quality standards.

issues one MS4 permit to the co-permittees. Each co-permittee is responsible for complying with the permit conditions that relate to the discharges that occur from its own municipal separate storm sewer. The MS4 permit describes the minimum elements of a SWMP, including, but not limited to, pollution prevention, detection and elimination of illicit discharges, monitoring, public participation and education, construction site management, and post-construction storm water management. The specifics of how each required element is implemented and enforced are determined by the co-permittees. For example, the permit requires the co-permittees to develop procedures for tracing and investigating the sources of illicit discharges. Local ordinances, monitoring plans, and enforcement procedures for this element are included in the SWMP. Essentially, the LPDES permit is the "outline" of the program and the SWMPs contain the details. While meeting the requirements of the permit, the SWMPs are considered "living documents" that must be revised as needed to correct inefficient SCMs, meet the requirements of final TMDLs, or address emerging water quality issues.

The reissued permit is for the discharge of urban storm water into surface waters within the Urbanized Area (UA) of Orleans Parish.[18]

C. Description of MS4 Jurisdictional Responsibility and MS4 Operations

The MS4 permit differs from LPDES facility-specific permits in that facility-specific permits only regulate the discharge from one facility or a specific location, while MS4 permits regulate the discharge of stormwater from the various points within the drainage infrastructure that makes up the MS4. In this situation, the MS4 permit for the UA of Orleans Parish's MS4, authorizes each of the six co-permittees to discharge storm water from the portion of the MS4 which it operates. The proper operation and maintenance of each co-permittees' portions of the MS4 infrastructure collectively help to provide adequate drainage and prevent flooding of commercial and residential areas of Orleans Parish. For example, regular cleaning and inspection of storm drains prevents the system from becoming clogged and prevents trash, debris and other pollutants from being discharged into waters of the state.

Because each co-permittee is responsible for the municipal separate storm sewer that it operates, each co-permittee is responsible for complying with all requirements for the portion of the SWMP that fall within their jurisdiction.

The six co-permittees' jurisdictions are described below:

Port of New Orleans (PNO)
The PNO's jurisdictional property is located along the east and west banks of the Mississippi River, Inner Harbor-Navigational Canal and Intracoastal Waterway. It is bound on the south and west by Jefferson Parish, on the east by St. Bernard Parish,

[18] Urbanized Areas (UAs) are defined and delineated by the most recent U.S. Census.

and on the north by Lake Pontchartrain.[19] The PNO has jurisdiction for the maintenance and operation of all water and sewerage lines on its property.[20]

Orleans Levee District (OLD) Non-flood District / Flood District

The OLD-Non-flood District has jurisdiction of the following properties located within the City of New Orleans: Orleans Marina, South Shore Harbor Marina, New Orleans Lakefront Airport, New Basin Canal, Lake Vista Community Center, OLD Police Station, Senator Ted Hickey Bridge and Boat Launch, and Parks/Recreational Green Space (totaling approximately 440 acres in 6 locations).[21]

The OLD-Flood District has jurisdiction of the following located within the City of New Orleans: Flood Protection System (levees, floodwalls, floodgates, and associated valves which make up the east bank portion of the Orleans Parish Flood Protection System) and the Franklin Avenue Maintenance Facility.[22]

City of New Orleans (City)

The City's Department of Public Works has jurisdiction for the construction and maintenance of the following within Orleans Parish: roadside ditches, underground storm sewer, and all structures associated with sewer lines of a specified size (totaling more than 1200 miles of drainage lines).[23]

Jefferson Parish

Jefferson Parish has jurisdiction for the design, construction, operation and maintenance of all storm drainage canals and pump stations within the MS4 boundary, except for the city of Gretna which maintains its own drainage structures within its city limits.[24] The Jefferson Parish MS4 is authorized to discharge storm water to various water bodies within Jefferson Parish under LPDES permit number LAS000201. Jefferson Parish is included as a co-permittee under this permit as one water body (17th Street Canal) within the New Orleans MS4 area receives storm water discharges from the Jefferson Parish MS4.

Louisiana Department of Transportation and Development-District 2 (LDOTD)

The LDOTD has jurisdiction of two underpass pumping stations. On the west bank, the pumping station is located at the General DeGaulle underpass and the Mississippi River Bridge ramp in the LDOTD's right-of-way. On the east bank, the pumping station is located at I-10 and the Southern Rail Road tracks and Metairic Cemeteries.[25]

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[19]See EDMS Document ID 8217708, p. 15 of 765 (1of 6 pdf p. 15 of 119)
[20]See EDMS Document ID 8217708, p. 18 of 765 (1of 6 pdf p. 18 of 119)
[21]See EDMS Document ID 8217708, pp. 202-204 of 765 (2of 6 pdf pp. 83-85 of 185)
[22]See EDMS Document ID 8217708, p. 238 of 765 (2of 6 pdf p. 119 of 185)
[23]See EDMS Document ID 8217708, p. 269 of 765 (2of 6 pdf p. 150 of 185)
[24]See EDMS Document ID 8217708, p. 353 of 765 (3of 6 pdf p. 49 of 153)
[25]See EDMS Document ID 8217708, p. 591 of 765 (4of 6 pdf p. 134 of 153)

Sewerage and Water Board of New Orleans (SWBNO)

The SWBNO has jurisdiction for the design, construction, maintenance and operation within the MS4 boundary for all storm water drainage canals and all pumping stations (except for the two LDOTD pumping stations described above). This drainage network comprises approximately 90 miles of open canals and 90 miles of subsurface canals.[26]

Due to Orleans Parish's frequent high intensity rainfall events, heavy annual rainfall (more than 60 inches per year),[27] and its low elevation (the majority of the parish is at or below sea level),[28] a large volume of storm water may amass in a short period of time, making the area at risk for flooding. The City of New Orleans is particularly vulnerable to flooding because, in addition to the above risk factors, it is completely surrounded by a ring of flood protection levees. Because there is no natural pathway for storm water to drain, all the rain that falls within the ring of levees must be pumped over the levees.[29]

As provided in the application, as accepted by the LDEQ, in order to provide adequate drainage and prevent flooding of the commercial and residential areas of the parish, a unique system of levees and high capacity pumps is required.[30] The existing MS4's infrastructure system is comprised of approximately 90 miles of open storm water drainage canals, 90 miles of subsurface canals, twenty-two pumping stations, and thirteen underpass stations to discharge collected storm water runoff within the storm water drainage system to waters of the state[31]

The following waterbodies, also called Subsegments and identified by Subsegment number, receive urban storm water discharges from the Orleans Parish MS4:

- Lake Pontchartrain-West of US-11 Bridge (Subsegment 041001);
- Lake Pontchartrain- East of US-11 bridge (Subsegment 041002) ;
- Bayou St. John (Subsegment 041301);
- Lake Pontchartrain Drainage Canals in Jefferson and Orleans Parishes (Subsegment 041302);
- New Orleans East Leveed Water Bodies (Subsegment 041401);
- Inner Harbor Navigation Canal-From Mississippi River Lock to Lake Pontchartrain (Subsegment 041501);
- Intracoastal Waterway- From Inner Harbor Navigation Canal to Chef Menteur Pass (Subsegment 041601);

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[26]See EDMS Document ID 8217708, p. 618 of 765 (5of 6 pdf p. 8 of 149)
[27]See http://www.usclimatedata.com/climate.php?location=USLA0338
[28]See City of New Orleans-Office of Homeland Security Emergency Preparedness, *Orleans Parish 2010 Hazard Mitigation Plan Update* http://www.nola.gov/getattachment/788090f9-fa83-43e7-b7bc-c3f958a84e2d/Orleans-Parish-2010,-Hazard-Mitigation-Plan-Final/
[29]See EDMS Document ID 8217708, pp. 612-613 of 765 (5of 6 pdf pp. 2-3 of 149)
[30]See EDMS Document ID 8217708, pp. 15-16 of 765 (1of 6 pdf pp. 15-16 of 119)
[31]See EDMS Document ID 8217708, pp. 15-16 of 765 (1of 6 pdf pp. 15-16 of 119)

- Bayou Bienvenue- From headwaters to hurricane gate at Mississippi River Gulf Outlet (MRGO) (Subsegment 041801); and
- Mississippi River- From Monte Sano Bayou to Head of Passes (Subsegment 070301).

The MS4 permit is designed to prevent adverse environmental impacts to these receiving waterbodies. Details regarding discharge treatment methods, effluent limits, monitoring frequencies, and protection of the receiving waterbodies' designated uses are provided in Section IV.B.4.a and Section V.

II. PUBLIC COMMENT

On February 13, 2013, the LDEQ published a public notice announcing the proposal to reissue permit LAS000301 and to provide notice of a 30-day comment period in *The Times Picayune* of New Orleans. The public notice was also mailed to concerned citizens listed in the Office of Environmental Services' Public Notice Mailing List on February 11, 2013. In response to requests from individuals for a public hearing, the LDEQ decided to conduct a public hearing on the draft permit and extend the public comment period. The LDEQ published a second public notice on April 5, 2013 in the *Times Picayune* notifying the public of the public hearing and extension of the public comment period. The second public notice was also mailed to concerned citizens listed in the Office of Environmental Services' Public Notice Mailing List on April 5, 2013.

The LDEQ conducted the public hearing at New Orleans City Hall, New Orleans, LA on May 7, 2013. The draft permit and all supplemental information were made available to the public at the LDEQ Headquarters, 602 N. Fifth Street, Baton Rouge, LA 70802, and EDMS. Copies could also be requested through the Public Records Act. The LDEQ received oral comments during the public hearing and written comments during the public comment period. The public comment period ended on May 9, 2013.

III. PUBLIC COMMENTS RESPONSE SUMMARY

A "Public Comments Response Summary" was prepared for all significant comments and is attached and made a part of this Basis for Decision.

IV. IT ANALYSIS

A. The Requirements

An "IT Analysis" consists of five requirements that both the permit applicant and the LDEQ consider during the permit application process.[32] Although the five requirements

[32] See *Save Ourselves v. Envtl. Control Comm'n*, 452 So.2d 1152,1157 (La. 1984).

have been expressed as three requirements, the requirements remain basically the same whether stated as five or as three.[33] The "IT Analysis" considers whether:

1) the potential and real adverse environmental effects of the proposed project have been avoided to the maximum extent possible;
2) a cost benefit analysis of the environmental impact costs balanced against the social and economic benefits of the project demonstrate that the latter outweighs the former;
3) there are alternative projects or alternative sites or mitigating measures, which would offer more protection to the environment than the proposed project without unduly curtailing nonenvironmental benefits to the extent applicable.

Notably, the Louisiana Constitution does not establish environmental protection as an exclusive goal, but instead, requires a balancing process in which environmental costs and benefits must be given full and careful consideration along with economic, social, and other factors.[34]

B. LDEQ's Analysis

The LDEQ conducted an "IT Analysis" during the permit application review process. The LDEQ considered the permit application consisting of the co-permittees' SWMPs in conducting the following "IT" Analysis."

While the LDEQ recognizes that the concepts of alternative sites, alternative projects, and mitigative measures are closely interrelated and overlap, each concept is addressed separately in this document for purposes of emphasis and clarity. However, the LDEQ stresses the interrelation of the three; for example, the choice of a particular site could involve mitigative factors and possibly alternative project considerations. Likewise, selection of an alternative project could invoke mitigative factors and impact site selection. Apparently, the Louisiana First Circuit Court of Appeal has also recognized this interrelationship and now considers the three requirements as one.[35]

1. ALTERNATIVE SITES: Are there alternative sites, which would offer more protection to the environment than the proposed facility site without unduly curtailing nonenvironmental benefits?

The issue of alternative sites is generally considered when evaluating possible impacts of a proposed facility's operations at a specific site. As previously stated, an MS4 is not a facility or particular site, but rather a system of drainage canals, underground pipes, and other structures that run through the city. When originally installed, the MS4's drainage infrastructure was strategically positioned to provide the most effective way to prevent

[33] See *Matter of Rubicon, Inc.*, 95-0108, (La. App. 1 Cir. 2/14/96), 670 So.2d 475, 483.
[34] See *Save Ourselves v. Envtl. Control Comm'n*, 452 So.2d 1152,1157 (La. 1984).
[35] See *Matter of Rubicon, Inc.*, 95-0108 (La. App. 1 Cir. 2/14/96), 670 So. 2d 475, 483.

flooding and provide adequate drainage (i.e. it was a mitigation strategy to prevent and/or minimize flooding in the city). Because the MS4 system has been in existence and legally operating for many years, the concept of alternative sites is not directly applicable to this permit action. Nevertheless, in considering the permit application, the LDEQ evaluated the issue of alternative sites with regard to the co-permittees' jurisdictional areas and the discharge locations. As provided in the application, as accepted by the LDEQ, the existing MS4's extensive network of infrastructure includes an extensive system of open storm water drainage canals, subsurface canals, pumping stations and underpass stations.[36] Relocating the MS4 drainage canals (relocation of jurisdictional areas) would not be an environmentally or economically feasible alternative because it would produce significantly more adverse environmental impacts than the already existing jurisdictional areas. Relocation of the canals would most likely disturb green space because new canals would have to be constructed and the construction of new infrastructure would be costly. Additionally, the relocation of the canals to a new location would not ensure it would be more environmentally protective than the existing canals.

Relocating the discharge points (i.e. pumping stations) to different receiving streams would also not be environmentally or economically feasible for the same reasons stated above: a disturbance of green space and extensive cost to the co-permittees for the construction of new pumping stations at a new location. As demonstrated by the current construction cost of ongoing Southeast Louisiana Urban Flood Control Program (SELA) improvements (the cost of a single pumping station is estimated at 19.3 million dollars), the construction of new pumping station would be expensive for the co-permitees. [37] Moreover, relocating the discharge points will not be more environmentally protective because the current pumping stations already discharge to the least sensitive surface waters. These locations already minimize the potential environmental impact that may be caused. As part of the technical review of the permit application, the LDEQ determined that the discharges to receiving waterbodies are not expected to cause degradation of the water quality or impairment of the existing uses of the waterbodies (See Section V).

CONCLUSION: For the foregoing reasons, the LDEQ finds there are no alternative sites which would offer more protection to the environment than the proposed site without unduly curtailing non-environmental benefits.

2. ALTERNATIVE PROJECTS: Are there alternative projects, which would offer more protection to the environment than the proposed facility without unduly curtailing non-environmental benefits?

In order for an alternative project to replace the existing MS4 and thus eliminate the need for an MS4 permit, it must be capable of managing the extremely large volumes of storm water that Orleans Parish often experiences in a short period of time without discharging to surface waters. There are no known technologies or procedures available that are capable of

[36]See EDMS Document ID 8217708, pp. 15-16 of 765 (1of 6 pdf pp. 15-16 of 185)
[37]See Southeast Louisiana Urban Flood Control Program; www.swbnosela.com.

effectively managing such a large volume of storm water and prevent flooding in the Orleans Parish. In addition, as stated above, no alternative discharge locations exist, from an economic or environmental standpoint.

The LDEQ has determined that the urban storm water discharges from the Orleans Parish MS4 into the receiving waterbodies listed above (See Section I.C), in compliance with the MS4 permit, have not had adverse impacts on the environment. In addition, as previously stated, Orleans Parish has extensive infrastructure in place to manage the area's storm water. Because of the effectiveness of the existing program, alternative storm water management methods are not warranted.

CONCLUSION: For the aforementioned reasons, the LDEQ finds there are no alternative projects which would offer more protection to the environment than the proposed project without unduly curtailing non-environmental benefits.

3. **MITIGATING MEASURES: Are there mitigating measures, which would offer more protection to the environment than the facility as proposed without unduly curtailing non-environmental benefits?**

The storm water discharges from the existing Orleans Parish MS4 into the receiving waterbodies listed above (See Section I.C), in compliance with the MS4 permit, have not had an adverse impact on the environment. Each co-permittee's SWMP describes the measures (e.g. structural controls, operational controls, maintenance procedures, and SCMs) employed to mitigate the environmental impacts of pollutant discharges to receiving waterbodies to the maximum extent possible. Examples of these measures are:

- The SWBNO operates and maintains of all drainage canals and pump stations within the MS4 boundary, with the exception of two stations managed by LDOTD. Structural controls improve water quality by removing floatables and debris prior to discharge.[38]
- The Orleans Levee District and the Port of Orleans' SWMPs focus on inspections and maintenance of industrial areas in order to prohibit pollutants from entering storm water, thereby increasing the quality of the storm water discharges.[39][40]
- Jefferson Parish's *Guidance Document for Post-Construction Pollutant Controls in Areas of New Development and Re-Development* is a component of its SWMP.[41]

In addition, all co-permittees have addressed the elements required by the Phase I standards (as interpreted through the regulations) as follows:

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[38]See EDMS Document ID 8217708, pp. 618-620 of 765 (5 of 6 pdf pp. 8-10 of 149)
[39]See EDMS Document ID 8217708, pp. 206-207 of 765 (2 of 6 pdf pp. 87-88 of 185)
[40]See EDMS Document ID 8217708, pp. 18-19 of 765 (1 of 6 pdf pp.18-19 of 119)
[41]See EDMS Document ID 8217708, pp. 432-454 of 765 (3 of 6 pdf pp. 128-150)

- Structural Controls and Storm Water Collection System Operation;
- Post-construction Storm Water Management in Areas of New Development and Significant Re-development;
- Roadways;
- Flood Control Projects;
- Pesticide, Herbicide and Fertilizer Applications;
- Illicit Discharges and Improper Disposal;
- Spill Prevention and Response;
- Industrial and High Risk Runoff;
- Construction Site Runoff;
- Public Education;
- Monitoring; and
- Pollution Prevention/Good Housekeeping Practices for Municipal Operations.

The co-permittees submit annual reports to the LDEQ as required by the MS4 permit (See Section VI.C.). The annual reports document the co-permittees' progress towards measurable goals and include any necessary updates to the SWMPs.

The co-permittees' SWMPs address future green infrastructure initiatives that may result in a small amount of the area's storm water to be made available for beneficial reuse, filtration, ground absorption, or other purposes instead of being discharged to surface waters. Notably, there are no green infrastructure measures that could entirely replace the collection and discharge of the area's storm water (See Section IV.B.2). Co-permittees' SWMPS describe future green infrastructure initiatives as follows:

- During the 5-year term of the MS4 permit, the SWBNO will review its regulations and codes and revise where necessary "to ensure that they do not prohibit or impede the use of green infrastructure practices, including infiltration, reuse, and evapotranspiration."[42]
- The City is exploring pervious pavement, incentives for residential rain gardens and rain barrels, and bioswales and water retention areas. Implementation would be based on remaining research and coordination with other governmental departments or agencies.[43]
- Jefferson Parish through the promotion of green space by zoning, may reduce the percentage of impervious surface, thereby having a positive effect on storm water quality and quantity.[44]
- The City's Master Plan has established green infrastructure goals for establishing regulations and controls for wetlands acquisition, conservation, and protection.[45]

[42]See EDMS Document ID 8217708, p. 664 of 765 (5 of 6 pdf p. 54 of 149)
[43]See EDMS Document ID 8217708, p. 289 of 765 (2 of 6 pdf p. 170 of 185)
[44]See EDMS Document ID 8217708, pp. 453-454 of 765 (3 of 6 pdf pp. 149-150 of 153)
[45]See EDMS Document ID 8217708, p. 292 of 765 (2 of 6 pdf p. 173 of 185)

- The City has incorporated goals into its SWMP to retain existing parklands, install additional greenways, and expand coordination of coastal restoration efforts in Orleans Parish.[46]

Finally, as described above (See Section I.A) the reissued MS4 requires the permittees' SWMPs to address six (minimum) specific control elements in the Phase II standards for small MS4s to reduce pollutants in urban storm water discharges to the Maximum Extent Practicable (MEP)[47]as follows:

- Public education and outreach on storm water impacts;
- Public involvement/participation;
- Illicit discharge detection and elimination;
- Construction site storm water runoff control;
- Post-construction storm water management in new development and redevelopment; and
- Pollution prevention/good housekeeping for municipal operations.

CONCLUSION: For the foregoing reasons, the LDEQ finds there are no additional mitigating measures, which would offer more protection to the environment that the facility as proposed, without unduly curtailing non-environmental benefits.

4. **AVOIDANCE OF ADVERSE ENVIRONMENTAL EFFECTS: Have the potential and real adverse environmental effects of the proposed facility been avoided to the maximum extent possible?**

As part of the permitting process, potential and real adverse environmental impacts of pollutant discharges from the existing source were assessed by the LDEQ to ensure that they are minimized. The following paragraphs describe the assessment by type of impact:

a. Wastewater Discharges

There are no wastewater discharges, other than urban storm water, directly associated with the MS4 operations. Other types of wastewater (e.g. treated car wash wastewater, treated industrial process wastewater, industrial storm water), may be allowed to discharge to the MS4 system. These other wastewater discharges to the MS4 system must be regulated by and in compliance with a separate LPDES permit. Therefore, these discharges are not directly addressed by the MS4 permit.

b. Storm Water Discharges

The permit authorizes urban storm water discharges to waters of the State from those portions of the MS4 owned or operated by the permittee(s). The permit prohibits any

[46]See EDMS Document ID 8217708, pp. 291-304 of 765 (2 of 6 pdf pp. 172-185 of 185)
[47]See 40 CFR 122.34(a)

other wastewater that is not already regulated by a separate LPDES permit from being discharged to the MS4. Prohibited discharges include materials resulting from a spill, the dumping of untreated sanitary waste, or any industrial wastewater or industrial storm water discharge for which an LPDES permit has not been obtained. The MS4 permit requires the co-permittees to develop and implement programs to eliminate and/or reduce pollutants from entering urban storm water, either from illicit discharges or from non-point sources (i.e. runoff from lawns, roads, parking lots, etc.).

The Orleans Parish MS4 discharges to nine receiving waterbodies (See Sections I.C and V). According to the 2011-2012 Implementation Strategy for the Louisiana Department of Environmental Quality and the United States Fish and Wildlife Service (FWS) Memorandum of Understanding (MOU),[48] the West Indian manatee, Gulf sturgeon, pallid sturgeon, and Sprague's pipit are on the endangered species list for Orleans Parish. However, the Gulf sturgeon is the only endangered species that has a habitat at a location where Orleans ParishMS4 discharges.

As set forth in the MOU, and based on information provided by the FWS, the LDEQ has determined that the issuance of the MS4 permit is not likely to have an adverse effect upon the Gulf sturgeon. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the LDEQ determined that the issuance of the MS4 permit is not likely to have an adverse effect on any endangered or candidate species or critical habitat.

The permit does not propose any changes to the volume and/or types of wastewaters currently authorized for discharge under the previous MS4 permit. Therefore, adverse changes to the water quality of the receiving waters due to the discharges are not likely. As in all MS4 permits, a reopener clause has been included in the permit to allow for more stringent limitations or requirements should they be necessary in the future.

Basis for Effluent Limitations

Because storm water discharges are highly variable in flow and pollutant concentration and this results in the lack of the necessary information on which to base numeric water quality-based effluent limitations, EPA recommends an interim permitting approach for storm water permits that is based on Best Management Practices (BMPs).[49] Existing methodologies for numeric water quality-based effluent limitations are designed primarily for process wastewater discharges, which occur at predictable rates with predictable loading under low-flow conditions in receiving waters. The methodologies used for process wastewater are not reliable for municipal storm water discharges due to the use of system-wide permits and a variety of jurisdiction-wide BMPs, including educational and programmatic BMPs. In order to regulate storm water discharges, EPA

[48] See 2012 MOU (EDMS Document ID 8363129)
[49] Memo from Robert H. Wayland, III, Director, Office of Wetlands, Oceans and Watersheds, to Water Division Directors, Regions 1-10, November 22, 2002.

has developed a permitting guidance that includes a BMP-based approach to storm water sources in TMDLs. The permit requires that BMPs are used as control measures to manage and minimize the discharge of pollutants of concern in storm water to the maximum extent practicable for discharges into impaired waters. The performance of the control measures are evaluated and adjusted as necessary to protect water quality.

The potential adverse environmental effects include the discharge of urban storm water that is not in compliance with the effluent limitations and conditions in the MS4 permit, which would have the potential to cause an exceedance of the water quality criteria that is discharged from the MS4. Compliance with the permit requirements will help to ensure that general and numerical water quality criteria are maintained and thus, the discharge should not cause adverse environmental effects.

This permit does not propose any new type of discharge that is not already authorized under the facility's current permit; therefore, adverse changes to the water quality of the waterways due to the discharges are not likely. As with all LPDES permits, a re-opener clause has been included in the permit to allow for more stringent limitations or requirements should they be necessary in the future.

LAC 33:IX.2511.D.2.c.i(a) requires that applicants that operate an MS4s submit (as part of the application) data "collected of storm water discharges from three storm events occurring at least one month apart in accordance with the requirements at LAC 33:IX.2501.G.7." LAC 33:IX.2511.D.2.c.i(c) requires that samples for the following pollutants be collected: Total Suspended Solids (TSS), total dissolved solids (TDS), COD, BOD_5, oil and grease; fecal coliform; fecal streptococcus; pH; total Kjeldahl nitrogen; nitrate plus nitrite; dissolved phosphorus; total ammonia plus organic nitrogen; total phosphorus. LAC 33:IX.2511.D.2.c.i(d) further allows the state administrative authority to require that quantitative data be provided for additional parameters, and may establish sampling conditions such as the location, season of sample collection, form of precipitation (snow melt, rainfall) and other parameters necessary to ensure representativeness.

Using Best Professional Judgment (BPJ), the LDEQ has determined that data collected at three storm events is not adequate to characterize the discharge and provide the MS4 data to establish pollutant loading, which may be utilized to determine if the Orleans Parish MS4 is meeting Waste Load Allocations (WLAs) set forth by applicable TMDLs.
Therefore, the LDEQ has included the following monitoring requirements in the final permit.

OUTFALL	LOCATION	PARAMETERS	MONITORING FREQUENCY
001	Station is a manhole located at the intersection of Mirabeau Avenue and Eastern Street in New Orleans.	BOD_5, COD, Oil and Grease, TSS, TDS, Total Kjeldahl Nitrogen, Total Nitrite, Total Nitrate, Total Ammonia, Total Phosphorus, Dissolved Phosphorus, Total Cadmium, Total Copper, total Nickel, Total Lead, Total Zinc, Fecal Coliform, pH, Hardness, Temperature	2 per Year
002	Station is a manhole located at the intersection of Peniston and Prytania Streets in New Orleans.	BOD_5, COD, Oil and Grease, TSS, TDS, Total Kjeldahl Nitrogen, Total Nitrite, Total Nitrate, Total Ammonia, Total Phosphorus, Dissolved Phosphorus, Total Cadmium, Total Copper, total Nickel, Total Lead, Total Zinc, Fecal Coliform, pH, Hardness, Temperature	2 per Year
003	Station is a manhole located at the intersection of Read Boulevard and Morrison Road in New Orleans.	BOD_5, COD, Oil and Grease, TSS, TDS, Total Kjeldahl Nitrogen, Total Nitrite, Total Nitrate, Total Ammonia, Total Phosphorus, Dissolved Phosphorus, Total Cadmium, Total Copper, total Nickel, Total Lead, Total Zinc, Fecal Coliform, pH, Hardness, Temperature	2 per Year
004	Station is a manhole located on Notre Dame Street between Fulton and St. Peters Streets in New Orleans.	BOD_5, COD, Oil and Grease, TSS, TDS, Total Kjeldahl Nitrogen, Total Nitrite, Total Nitrate, Total Ammonia, Total Phosphorus, Dissolved Phosphorus, Total Cadmium, Total Copper, total Nickel, Total Lead, Total Zinc, Fecal Coliform, pH, Hardness, Temperature	2 per Year
005	Station is pump station located at Elaine Street in the City of New Orleans.	BOD_5, COD, Oil and Grease, TSS, TDS, Total Kjeldahl Nitrogen, Total Nitrite, Total Nitrate, Total Ammonia, Total Phosphorus, Dissolved Phosphorus, Total Cadmium, Total Copper, total Nickel, Total Lead, Total Zinc, Fecal Coliform, pH, Hardness, Temperature	2 per Year

c. Solid and Hazardous Waste Generation

No activities in connection with operating the MS4 are subject to permitting under the solid waste and hazardous waste regulations.

d. Air Emissions

The existing MS4 does not result in emissions for which air permit requirements or regulations are applicable. Therefore, no air permit is associated with the MS4.

CONCLUSION: Accordingly, the LDEQ finds that the existing MS4 has avoided, to the maximum extent possible, adverse environmental impacts without unduly curtailing non-environmental benefits.

5. COST/BENEFIT ANALYSIS (BALANCING): Does a cost benefit analysis of the environmental impact costs balanced against the social and economic benefits of the proposed facility demonstrate that the latter outweighs the former?

The social and economic benefits of permitting storm water discharges from the Orleans Parish MS4 will greatly outweigh the adverse environmental impacts. Notably, the Louisiana Constitution requires balancing, not protection of the environment, as an exclusive goal. *Save Ourselves,, supra at 1157.*

a. Environmental Impact Costs

The potential adverse environmental impacts associated with storm water discharges from the Orleans Parish MS4 along with measures to avoid those impacts, have been described in Section IV.B.3 and 4.

b. Social and Economic Benefits

The LDEQ finds that the social and economic benefits associated with the existing MS4's operations will outweigh its environmental impact costs.

While the MS4 operations are not associated with direct economic benefits such as jobs or tax revenues to local and state economies, they do provide social and economic benefits in the form of cost savings and avoidance of losses of social benefits.

Cost Savings Provided by Permitted MS4 Operations

Due to Orleans Parish's frequent high intensity rainfall events, heavy annual rainfall (more than 60 inches per year),[50] and its low elevation (the majority of the parish is at or

[50]See http://www.usclimatedata.com/climate.php?location=USLA0338

below sea level),[51] a large volume of storm water may amass in a short period of time, making the area at risk for flooding. The City of New Orleans is particularly vulnerable to flooding because, in addition to the above risk factors, it is completely surrounded by a ring of flood protection levees. Because there is no natural pathway for storm water to drain, all the rain that falls within the ring of levees must be pumped over the levees.[52]

Sixty-nine percent of all structures in Orleans Parish lie within the Special Flood Hazard Areas (SFHAs) delineated by the Federal Emergency Management Agency (FEMA).[53,54] Based on this fact, the City of New Orleans-Office of Homeland Security Emergency Preparedness has determined that "a major flood will result in significant property damage to residential and non-residential structures and disruption to the lives of people who live and work in the City."[55]

The existing Orleans Parish MS4 operations effectively manage the extremely large volume of storm water that Orleans Parish often experiences, thus providing flood protection for commercial and residential areas occupied by approximately 369,000 persons.[56]

The existing MS4 operations help to provide economic benefits in the form of cost savings that would otherwise be incurred with widespread flooding of homes and commercial properties. Enormous costs would be likely, based on property damage costs due to flooding associated with Hurricane Katrina which were reported to be $20-30 billion.[57]

Social Benefit Losses Avoided by Permitted MS4 Operations

The existing MS4 operations help to prevent losses to numerous social benefits as a result of flooding in the Orleans Parish, including those associated with public safety. The following impacts to essential social benefits may abruptly occur as a result of flooding: limited transportation (road closures), power outages, limited access to health services (clinics and hospitals), and safety risks (delayed fire or police response).

CONCLUSION: Based on the reasoning above, the LDEQ finds that the social and economic benefits outweigh the environmental impact costs.

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[51] See City of New Orleans-Office of Homeland Security Emergency Preparedness, *Orleans Parish 2010 Hazard Mitigation Plan Update* http://www.nola.gov/getattachment/788090f9-fa83-43e7-b7bc-c3f958a84e2d/Orleans-Parish-2010,-Hazard-Mitigation-Plan-Final/

[52] See EDMS Document ID 8217708, pp. 612-613 of 765 (5of 6 pdf pp. 2-3 of 149)

[53] See City of New Orleans-Office of Homeland Security Emergency Preparedness, *Orleans Parish 2010 Hazard Mitigation Plan Update*, Section 6, p. 80 http://www.nola.gov/getattachment/788090f9-fa83-43e7-b7bc-c3f958a84e2d/Orleans-Parish-2010,-Hazard-Mitigation-Plan-FinalSFHAs)

[54] Special Flood Hazard Areas (SFHAs) are areas subject to inundation by the base (1-percent-annual-chance) flood.

[55] See City of New Orleans-Office of Homeland Security Emergency Preparedness, *Orleans Parish 2010 Hazard Mitigation Plan Update* http://www.nola.gov/getattachment/788090f9-fa83-43e7-b7bc-c3f958a84e2d/Orleans-Parish-2010,-Hazard-Mitigation-Plan-Final/

[56] Estimated 2012 population; www.census.gov.

[57] http://useconomy.about.com/od/grossdomesticproduct/f/katrina_damage.htm

V. ANTIDEGRADATION

The LDEQ's Antidegradation Policy found at LAC 33:IX.1109 and Implementation Plan found at LAC 33:IX.1119 are the LDEQ's implementation of the federal Antidegradation Policy found at 40 CFR 131.12. The goal of the antidegradation policy and implementation plan is to protect designated instream water uses and the water quality necessary to support these uses. Waterbodies are evaluated based upon the water quality at the time the designated use is adopted. The LDEQ evaluates proposed (new or increased) discharges to determine whether the additional wasteload content will result in degradation. Permits are developed with effluent limitations that protect state waters from degradation.

While this permit does not authorize a new or increased discharge, the LDEQ nevertheless considered the discharges authorized by the MS4 permit and their impact on the subsegments listed below.

Subsegment	Designated Uses*	Receiving Waters
041001	A, B, C	Lake Pontchartrain- West of US-11 bridge (Estuarine)
041002	A, B, C, E	Lake Pontchartrain- East of US-11 bridge (Estuarine)
041301	A, B, C, F	Bayou St. John (Scenic) (Estuarine)
041302	A, B, C	Lake Pontchartrain Drainage Canals in Jefferson and Orleans Parishes (Estuarine)
041401	A, B, C	New Orleans East Leveed Water Bodies
041501	A, B, C	Inner Harbor Navigation Canal-From Mississippi River Lock to Lake Pontchartrain (Estuarine)
041601	A, B, C, E	Intracoastal Waterway-From Inner Harbor Navigation Canal to Chef Menteur Pass (Estuarine)
041801	A, B, C	Bayou Bienvenue- From headwaters to hurricane gate at MRGO (Estuarine)
070301	A, B, C, D	Mississippi River- From Monte Sano Bayou to Head of Passes

* A = Primary Contact Recreation; B = Secondary Contact Recreation; C = Fish and Wildlife Propagation; D = Drinking Water Supply; E = Oyster Propagation; F = Outstanding Natural Resource Waters

Subsegment Analysis

Subsegments are hydrologic units used to define the borders of a watershed or drainage basin. Each subsegment has water quality standards unique to its location and designated uses. The LDEQ has reviewed the permit with regard to each of the subsegment's

designated uses, degree of support for the designated uses, causes and sources of impairment, and water quality standards.

Definitions of designated uses are provided below.

A. Primary Contact Recreation – defined in LAC 33:IX.1111.A as "any recreational or other water contact activity involving prolonged or regular full-body contact with the water and in which the probability of ingesting appreciable amounts of water is considerable. Examples of this type of water use include swimming, skiing, and diving."

B. Secondary Contact Recreation – defined in LAC 33:IX.1111.A as "any recreational or other water contact activity involving prolonged or regular full-body contact with the water and in which the probability of ingesting appreciable amounts of water is minimal. Examples of this type of water use include fishing, wading, and boating."

C. Fish and Wildlife Propagation – defined in LAC 33:IX.1111.A as "the use of water for aquatic habitat, food, resting, reproduction, cove and/or travel corridors for any indigenous wildlife and aquatic life species associated with the aquatic environment. This use also includes the maintenance of water quality at a level that prevents damage to indigenous wildlife and aquatic life species associated with the aquatic environment and contamination of aquatic biota consumed by humans."

D. Drinking Water Supply – defined in LAC 33:IX. as "the use of water for human consumption and general household use. Surface waters designated as drinking water supplies are specifically so designated in LAC 33:IX.1123, Table 3; this designation does not apply to their tributaries or distributaries unless so specified."

E. Oyster Propagation – defined in LAC 33:IX. as "the use of water to maintain biological systems that support economically important species of oysters, clams, mussels, or other mollusks so that their productivity is preserved and the health of human consumers of these species is protected. This use designation shall apply only to those water bodies specifically so designated in LAC 33:IX.1123, Table 3 and not to their tributaries or distributaries unless so specified."

F. Outstanding Natural Resource Water – defined in LAC 33:IX.1111.A as "water bodies designated for preservation, protection, reclamation, or enhancement of wilderness, aesthetic qualities, and ecological regimes, such as those designated under the Louisiana Natural and Scenic Rivers System or those designated by the department as waters of ecological significance. Characteristics of *outstanding natural resource waters* include, but are not limited to, highly diverse or unique instream and/or riparian habitat, high species diversity, balanced trophic structure, unique species, or similar qualities. This use designation shall apply only to those water bodies specifically so designated in LAC 33:IX.1123, Table 3 and not to their tributaries or distributaries unless so specified."

The designated uses for Subsegments 041001, 041302, 041401, 041501, and 041801 are primary contact recreation, secondary contact recreation, and fish and wildlife propagation.

The designated uses for Subsegments 041002 and 041601 are primary contact recreation, secondary contact recreation, fish and wildlife propagation, and oyster propagation.

The designated uses for Subsegment 041301 are primary contact recreation, secondary contact recreation, fish and wildlife propagation, and outstanding natural resource waters (ONRW).

The designated uses for Subsegment 070301 are primary contact recreation, secondary contact recreation, fish and wildlife propagation, and drinking water supply.

Biannually, the LDEQ assesses whether or not water quality standards are being met for each subsegment's designated uses. The degree of support for each designated use is analyzed with respect to ambient water quality data, total maximum daily load (TMDL) surveys, and other information related to the subsegment. This data can be found in the Louisiana Water Quality Inventory: Integrated Report, which is also commonly known as the "305(b) report."

According to the 2012 "305(b) report" receiving waterbodies in Subsegments 041001, 041002, 041301, 041501, 041601, 041801, and 070301 are fully supporting all the designated uses.[58] Subsegment 041401 was previously listed as impaired for fecal coliform and dissolved oxygen, for which TMDLs were developed. Although Subsegment 041401 is no longer impaired, the Waste Load Allocations (WLAs) established by the TMDLs are valid. Specific requirements are included in the permit to address the WLAs.

According to the 2012 "305(b) report" receiving waterbodies in Subsegment 041302 are not supporting two of the designated uses: Primary Recreation; and Fish and Wildlife Propagation.

[58] See Final 2012 Louisiana Water Quality Inventory: Integrated Report (305(b)/303(d))
http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/WaterQualityStandardsAssessment/WaterQualityInventorySection305b/2012IntegratedReport.aspx

Causes and Sources of Impairments

Subsegment 041302

The 2012 "305(b) report" identifies suspected causes and sources of impairment to water quality standards for each subsegment. The LDEQ has established MS4 permit requirements that address the sources of impairments. Subsegment 041302 is not supporting the designated use of Fish and Wildlife Propagation as listed in the LDEQ's 2012 Integrated Report. The suspected cause of impairment is low dissolved oxygen. Suspected sources of this impairment include combined sewer overflows, urbanized areas, and collection system failures.

Although, to date, no TMDLs have been developed for this subsegment, the LDEQ has established the following requirements in the permit to address potential contributions to the impairment as a result of discharges from the MS4.Part II of the reissued permit requires the co-permittees to document in the SWMP how the implemented SCMs will control the discharge of any pollutant(s) of concern to impaired waters, to the maximum extent practicable. Additionally, within one year of the effective date of the permit, the MS4 operators are required to identify 1) whether or not the MS4 is a source of oxygen-demanding pollutants and 2) identify specific areas or sources of concern, and assess the effectiveness of the controls over time. As part of this analysis, the MS4 operator is required to take quarterly grab samples at representative outfalls that discharge to subsegment 041302. The results of this analysis shall be included in the Annual Reports submitted to LDEQ during the term of the permit. If a TMDL is finalized during the term of the permit and a Waste Load Allocation (WLA) is assigned the MS4, the co-permittees must modify the SWMP to meet the TMDL requirements within six months of the TMDL's approval. These **new** permit requirements make this permit renewal more stringent than the previous permit. The MS4 co-permittees are expected to demonstrate compliance with these requirements upon reissuance of the permit.

In addition to not supporting the designated use of Fish and Wildlife Propagation, Subsegment 041302 also does not support the designated use of Primary Contact Recreation as listed in the LDEQ's 2012 Integrated Report. The suspected cause of this impairment is fecal coliform, for which a TMDL has been developed. The final TMDL assigned a water-quality based control called Waste Load Allocation (WLA) to the MS4. As discussed in Part IV.B.4.b. of this document, the EPA does not recommend numeric limitations in MS4 permits, but requires targeted BMPs to control the discharge of the pollutants of concern. Therefore, Part II.B of the final permit requires the co-permittees to develop a Pollution Reduction Plan that specifically addresses the pollutant of concern, which includes the WLA as a measurable goal in the SWMP and the selection of one or more targeted BMPs. The targeted BMPs for addressing fecal coliform WLAs include, but are not limited to: prioritizing the detection and elimination of illicit discharges; implementing public education measures to reduce the discharge of bacteria contributed by pets, livestock, and zoos; implementation of programs to enhance the MS4's sanitary sewer system, such as addressing inadequate collection systems and malfunctioning lift

stations. The co-permittees are required to modify the SWMP to meet TMDL requirements within six months of permit issuance. The MS4's progress towards meeting the measurable goal(s) will be evaluated through the monitoring requirements established in the permit, and will be reported to LDEQ in the Annual Report. These new permit requirements make the permit renewal more stringent. The MS4 co-permittees are expected to demonstrate compliance with these requirements upon issuance of the final permit.

Subsegment 041401

Based on the LDEQ's 2012 Integrated Report, Subsegment 041401 currently fully supports all designated uses listed. However, this subsegment was previously listed as impaired for fecal coliform and dissolved oxygen, for which TMDLs were developed. Even though the subsegment is now fully supporting all designated uses, the final TMDL is considered valid and the permit must implement the requirements of the TMDL in order to maintain the existing water quality.

The TMDL for fecal coliform assigned a WLA to the City, only; the other MS4 co-permittees were excluded. The TMDL for dissolved oxygen assigned WLAs to the City, the OLD, LDOTD, and the SWBNO. These listed MS4 co-permittees must also meet TMDL requirements by developing a Pollution Reduction Plan and selecting targeted BMPs, as described in the preceding paragraph. Targeted BMPs for controlling the discharge of oxygen-demanding pollutants include, but are not limited to: prioritizing the detection and elimination of illicit discharges; implementing public education measures to reduce the discharge of nutrients contributed by pets, livestock, and zoos; implementation of programs to enhance the MS4's sanitary sewer system, such as addressing inadequate collection systems and malfunctioning lift stations; implementation of public education programs to reduce the discharge of nutrients from the over application of residential and commercial fertilizers; and requiring minimum buffer zones for construction activities. These are new permit requirements that were not established in the previous permit, and therefore, make this permit more stringent. The MS4 co-permittees are expected to demonstrate compliance with these requirements upon reissuance of the permit.

Water Quality Standards

According to LAC 33:IX.1113, criteria are elements of the water quality which set general and numerical limitations on the permissible amounts of a substance or other characteristics of state waters. General and numerical criteria are established to promote restoration, maintenance, and protection of state waters. General criteria specifically apply to human activities; they do not apply to naturally occurring conditions. General water quality criteria include: aesthetic consideration; color; floating, suspended or settable solids; taste and odor, toxic substances; oil and grease; foaming or frothing materials; balance of the nitrogen-phosphorus nutrient ratio; turbidity; alteration of flow

characteristics; radioactive materials; and the maintenance and protection of the biological and aquatic community integrity.

The permit does not propose to add any type of wastewater other than urban storm storm water runoff currently authorized for discharge under the previous MS4 permit. Therefore, adverse changes to the water quality of the waterways due to the discharges are not likely. Furthermore, designated uses are being fully supported for eight receiving waterbodies; one of these (041401) was previously impaired and has applicable TMDLs for which the permit requires WLAs to be addressed. Only one receiving waterbody (041302) is not supporting its designated uses. The permit requires co-permittees to address the assigned WLAs as well as the pollutants of concern in the SWMP. Each co-permittee has identified targeted BMPs to prevent these pollutants from entering the MS4. Implementation of the targeted BMPs will effectively reduce and/or eliminate pollutants from being discharged to waters of the state via storm water, thereby preventing further degradation of the receiving waters. Therefore, the discharge complies with water quality standards, including the antidegradation policy.

VI. COMPLIANCE HISTORY

A. Facility Compliance History

The EPA held enforcement authority over the Orleans Parish MS4 until April 5, 2012, when the EPA relinquished enforcement authority to the LDEQ.[59] Currently, all compliance reports are required to be submitted directly to the LDEQ.[60]

LDEQ records of the Orleans Parish MS4 were reviewed for the period January 2011 through December, 2012. There are no open enforcement actions on file.

B. Annual Reports

The permit requires annual reports to be submitted by the co-permittees, which must document the progress towards measurable goals and must include any necessary updates to the SWMP. Per LAC 33:IX.2511.A.3.f, "Co-permittees need only comply with permit conditions relating to discharges from the municipal separate storm sewers for which they are operators."

The LDEQ received the following Annual Reports for the Orleans Parish MS4 from the co-permittees in accordance with permit requirements:

[59] See EDMS Document ID 8354768
[60] Effective May 1, 2012.

- 2011-2012 Annual Report on October 29, 2012;[61]
- 2010-2011 Annual Report on October 26, 2011; [62] and
- 2009-2010 Annual Report on October 26, 2010.[63]

C. Inspections

The most recent inspection took place on February 19, 2009, at the City of New Orleans - Rock Crusher facility. According to the inspection report, the vacuum trucks dump in an area about 50 yards from the storm drain. A berm will be built around the dump area to prevent any migration of the material.[64]

D. Review of the Permit Applicant

The LDEQ has reviewed the qualifications of the co-permittees of the Orleans Parish MS4 as permit applicants for the LPDES permit. No outstanding fees or penalties are owed to the LDEQ.

Based upon the Orleans Parish MS4 record in properly operating the MS4 and recent improvements to the SWMP, the LDEQ has determined that the Orleans Parish MS4 is expected to meet the requirements of the permit.

VII. CONCLUSION

The LDEQ, Office of Environmental Services, Water Permits Division, has conducted a review of all information submitted and has issued LPDES Permit No. LAS000301 to the Sewerage and Water Board of New Orleans, the Louisiana Department of Transportation and Development-District 2, the City of New Orleans, the Port of New Orleans, Jefferson Parish, and the Orleans Levee-District 2 for the Municipal Separate Storm Sewer System (MS4).

The permit for the Municipal Separate Storm Sewer System (MS4) will require that the discharges be controlled to meet or exceed the requirements of all applicable regulations and defined permit conditions.

Orleans Parish and its residents are expected to benefit socially and economically from the continued MS4 operations, which prevent flooding by effectively managing the extremely large volumes of storm water often experienced in the area. The MS4 operations provide significant economic benefits in the form of cost savings that would otherwise be incurred due to widespread flooding of homes and commercial properties. Further, the MS4 operations help to prevent losses to numerous social benefits; particularly, they help to avoid

[61] See EDMS Document ID 8638958
[62] See EDMS Document ID 7741787
[63] See EDMS Document ID 8182106
[64] See EDMS Document ID 6336053

losses that impact public safety. These benefits are major, significant, and tangible. They outweigh the environmental impact costs of operation of the MS4 operations.

Based on a careful review and evaluation of the entire administrative record, which includes the permit application, additional application-related information, the draft permit, and public comments, the Louisiana Department of Environmental Quality, Office of Environmental Services, finds that the permit for the Municipal Separate Storm Sewer System (MS4) that is owned and operated by the Sewerage and Water Board of New Orleans, the Louisiana Department of Transportation and Development-District 2, the City of New Orleans, the Port of New Orleans, Jefferson Parish, and the Orleans Levee District 2 complies with all applicable federal and state statutes and regulations and complies with the requirements of *Save Ourselves v. La. Envtl. Control Commission*, 452 So. 2d 1152, 1157 (La. 1984). Particularly, the LDEQ finds that the permit has minimized or avoided potential and real adverse environmental impacts to the maximum extent possible and that social and economic benefits of the existing MS4 outweigh adverse environmental impacts. *Id.*

Sam L. Phillips, Assistant Secretary
Office of Environmental Services

September 10, 2013
Date

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIROMENTAL SERVICES

PUBLIC COMMENTS RESPONSE SUMMARY

LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (LPDES)
RENEWAL PERMIT NO. LAS000301
AGENCY INTEREST (AI) NO. 90429
ACTIVITY NO. PER20110003

SEWERAGE AND WATER BOARD OF NEW ORLEANS
LOUISIANA DEPARTMENT OF TRANSPORATION AND DEVELOPMENT (DISTRICT 02)
CITY OF NEW ORLEANS
PORT OF NEW ORLEANS
JEFFERSON PARISH
ORLEANS LEVEE DISTRICT

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)
ORLEANS PARISH, LOUISIANA

The Louisiana Department of Environmental Quality, Office of Environmental Services (LDEQ), published a public notice regarding the draft water discharge permit for the Municipal Separate Storm Sewer Systems (MS4) within Orleans Parish that are owned and operated by the Sewerage and Water Board of New Orleans (SWBNO), the Louisiana Department of Transportation and Development (LADOTD) (District 02), the City of New Orleans, the Port of New Orleans, Jefferson Parish, and the Orleans Levee District co-permittees. The public notice was published on February 13, 2013 in the *Times Picayune* of New Orleans. The public notice was also mailed to concerned citizens listed in the Office of Environmental Services' Public Notice Mailing List on February 11, 2013.

In response to requests from individuals for a public hearing, the LDEQ decided to conduct a public hearing on the draft permit and extend the public comment period. The LDEQ published a second public notice on April 5, 2013 in the *Times Picayune* notifying the public of the public hearing and extension of the public comment period. The second public notice was also mailed to concerned citizens listed in the Office of Environmental Services' Public Notice Mailing List on April 5, 2013. The LDEQ conducted the public hearing at City Hall, New Orleans, LA on May 7, 2013. The official public comment period ended on May 9, 2013.

This document responds to pertinent written and oral statements (questions and/or comments) relevant to the LPDES water permit regarding the impact of discharges on water quality from the Municipal Separate Storm Sewer Systems (MS4) within Orleans Parish. Comments addressing the same issues have been grouped and summarized from the commenters' statements. The issues have been numbered in this document for reference. The documents containing the commenters' complete statements are located in the LDEQ's Electronic Document Management System

(EDMS).[1] The LDEQ's responses to the comments received during the public comment period are provided below.

Issue #1
New Orleans' levee failures during Hurricane Katrina demonstrated that the city's storm water needs to be managed differently.[2]

In the past few years, New Orleans has experienced flooding from Hurricanes (e.g. Katrina, Gustav, and Isaac). In addition, summer storm flooding has become increasingly common. Our water management needs to be a top priority as hurricane season draws near.[3]

LDEQ Response to Issue #1
The LDEQ appreciates the comments; however, the purpose of the MS4 permit is to reduce and/or eliminate pollutants in storm water discharges to the Maximum Extent Practicable, thereby improving water quality and meeting the goals of the Clean Water Act. Widespread flooding issues due to the city's unique topography and levee system may not be directly addressed through an LPDES permit. Although the management practices required to reduce pollutants in storm water discharges may provide indirect benefits to flooding issues, the LPDES program does not provide a regulatory basis for overall flood and disaster management.

Issue #2
The permit should require increased use of green infrastructure storm water measures,[4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21] low impact development,[22,23] and natural, passive water treatment processes instead of traditional storm water management methods.[24]

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[1] EDMS stands for Electronic Document Management System, the LDEQ's electronic repository of official records that have been created or received by LDEQ. Employees and members of the public can search and retrieve documents stored in EDMS via this web application. (See http://edms.deq.louisiana.gov/app/doc/querydef.aspx).
[2] S. Rosenthal written statement (EDMS Document No. 8828017)
[3] N. Noordhoff written statement (EDMS Document No. 8755090)
[4] J. Supak on behalf of Global Green USA, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)
[5] C. Sarthou statement on behalf of Gulf Restoration Network, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)
[6] L. Leavitt written statement (EDMS Document No. 8843158)
[7] D. Dell written statement (EDMS Document No. 8828037)
[8] S. Accorsi written statement (EDMS Document No. 8828029).
[9] R. Brown written statement (EDMS Document No. 8828039)
[10] M. King; M Rosamano written statements (EDMS Document No. 8828025)
[11] L. Miester written statement (EDMS Document No. 8828023)
[12] L. White; M. Fleming; M. Jones written statements (EDMS Document No. 8828021)
[13] C. Scott; E. Tecchie; K. Welch; K. Toivola; S. Chang; L. Adams written statements (EDMS Document No. 8828019)
[14] C. Miller; J. White; B. Barre; C. Singleton; D. Fish; G. Thompson; R. Bedsole; S. Rosenthal; L. Arrigo; J. Dangler; M. Erenberg; L. Perez; C. Tippens; B. Gorman; C. Murphey; written statements (EDMS Document No. 8828017)

Dischargers should be required to reduce their impervious surfaces by a certain percentage as a far-reaching goal of the permit.[25]

The permit should require specified goals or milestones for the permittee to achieve with regard to the use of green infrastructure. Without such established goals, the permit will not be adequately protective of the waters in the Orleans Parish area.[26,27,28,29,30,31,32,33,34,35,36,37,38,39,40,41]

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[15] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)

[16] L. Adams; C. Fox; R. Leake; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)

[17] E. & J. Pecoul written statement (EDMS Document No. 8758899)

[18] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)

[19] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)

[20] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)

[21] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)

[22] H. Voorhoff statement on behalf of Friends of Lafitte Corridor, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[23] C. Sarthou statement on behalf of Gulf Restoration Network, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[24] H. Voorhoff statement on behalf of Friends of Lafitte Corridor, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[25] M. Rota, B. Kohl, M. Orr, and P. Orr written statements on behalf of the Gulf Restoration Network, Sierra Club-New Orleans, Louisiana Environmental Action Network, and Lower Mississippi Riverkeeper, (EDMS Document No. 8777804)

[26] L. Leavitt written statement (EDMS Document No. 8843158)

[27] D. Dell written statement (EDMS Document No. 8828037)

[28] S. Accorsi written statement (EDMS Document No. 8828029)

[29] R. Brown written statement (EDMS Document No. 8828039)

[30] M. King; M Rosamano written statements (EDMS Document No. 8828025)

[31] L. Miester written statement (EDMS Document No. 8828023)

[32] L. White; M. Fleming; M. Jones written statements (EDMS Document No. 8828021)

[33] C. Scott; E. Tecchie; K. Welch; K. Toivola; S. Chang; L. Adams written statements (EDMS Document No. 8828019)

[34] C. Miller; J. White; B. Barre; C. Singleton; D. Fish; G. Thompson; R. Bedsole; S. Rosenthal; L. Arrigo; J. Dangler; M. Erenberg; L. Perez; C. Tippens; B. Gorman; C. Murphey; written statements (EDMS Document No. 8828017)

[35] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)

[36] L. Adams; C. Fox; R. Leake; S. Brandao; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)

[37] E. & J. Pecoul written statement (EDMS Document No. 8758899)

The permit should require strategies for reducing the amount of storm water being discharged from the system.[42,43,44,45,46,47,48,49,50,51,52,53,54,55,56,57]

The permit should address water retention strategies for public works facilities.[58]

The permit should limit how much water is to be drained off a municipally-owned property or private property.[59]

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[38] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)

[39] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)

[40] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)

[41] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)

[42] L. Leavitt written statement (EDMS Document No. 8843158)

[43] D. Dell written statement (EDMS Document No. 8828037)

[44] S. Accorsi written statement (EDMS Document No. 8828029)

[45] R. Brown written statement (EDMS Document No. 8828039)

[46] M. King; M Rosamano written statements (EDMS Document No. 8828025)

[47] L. Miester written statement (EDMS Document No. 8828023)

[48] L. White; M. Fleming; M. Jones written statements (EDMS Document No. 8828021)

[49] C. Scott; E. Tecchie; K. Welch; K. Toivola; S. Chang; L. Adams written statements (EDMS Document No. 8828019)

[50] C. Miller; J. White; B. Barre; C. Singleton; D. Fish; G. Thompson; R. Bedsole; S. Rosenthal; L. Arrigo; J. Dangler; M. Erenberg; L. Perez; C. Tippens; B. Gorman; C. Murphey; written statements (EDMS Document No. 8828017)

[51] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)

[52] L. Adams; C. Fox; R. Leake; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)

[53] E. & J. Pecoul written statement (EDMS Document No. 8758899)

[54] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)

[55] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)

[56] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)

[57] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)

[58] H. Voorhoff statement on behalf of Friends of Lafitte Corridor, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[59] H. Voorhoff statement on behalf of Friends of Lafitte Corridor, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

The permit should require a specified reduction (numerically stated) in the amount of surface runoff for each major development in the City of New Orleans.[60]

The permit should require a certain number of rain gardens to be built during the permit period.[61]

The permit should require a reduction (by a specified percentage) in the amount of impermeable pavement being utilized for roads and sidewalks during the permit period and require the use of pervious pavement.[62,63,64]

The permit should include a specified goal of the number of green roofs to be used on buildings to reduce runoff.[65]

The permit should indicate the maximum amount of water that is allowed to be discharged to the water bodies as established by the LDEQ.[66]

The permit should require all permittees in Orleans Parish to reduce pollution and reduce the amount of water being discharged.[67,68,69,70,71,72,73,74,75,76,77,78,79,80,81,82]

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[60] D. Malek-Wiley on behalf of Sierra Club-Environmental Justice Program, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[61] D. Malek-Wiley on behalf of Sierra Club-Environmental Justice Program, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[62] D. Malek-Wiley on behalf of Sierra Club-Environmental Justice Program, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[63] C. Sarthou statement on behalf of Gulf Restoration Network, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[64] H. Voorhoff statement on behalf of Friends of Lafitte Corridor, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[65] D. Malek-Wiley on behalf of Sierra Club-Environmental Justice Program, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[66] P. Bennett statement, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[67] L. Leavitt written statement (EDMS Document No. 8843158)

[68] D. Dell written statement (EDMS Document No. 8828037)

[69] S. Accorsi written statement (EDMS Document No. 8828029)

[70] R. Brown written statement (EDMS Document No. 8828039)

[71] M. King; M Rosamano written statements (EDMS Document No. 8828025)

[72] L. Miester written statement (EDMS Document No. 8828023)

[73] L. White; M. Fleming; M. Jones written statements (EDMS Document No. 8828021)

[74] C. Scott; E. Tecchie; K. Welch; K. Toivola; S. Chang; L. Adams written statements (EDMS Document No. 8828019)

[75] C. Miller; J. White; B. Barre; C. Singleton; D. Fish; G. Thompson; R. Bedsole; S. Rosenthal; L. Arrigo; J. Dangler; M. Erenberg; L. Perez; C. Tippens; B. Gorman; C. Murphey; written statements (EDMS Document No. 8828017)

LDEQ Response to Issue #2

All of the aforementioned comments refer to requirements for specific types of green infrastructure or quantitative storm water reduction measures. The LDEQ has based the MS4 permit requirements on Water Quality Regulations and EPA guidance for MS4s as explained in the attached *Basis for Decision* document.[83] The requirements for green infrastructure or storm water discharged reduction as described by the commenters are outside the scope of the LDEQ's regulatory authority for MS4 permits. While no regulations contain the degree of specificity in terms of type of green infrastructure and quantitative limits, as described by the commenters, the permit does require the co-permittees to address green infrastructure/low impact developments. In accordance with Part II.A.14 of the final permit, the co-permittees are required "to review requirements for construction developments to identify and remove impediments, where feasible, to use Green Infrastructure/Low Impact Development practices..." Additionally, the co-permittees are required to report progress on the use of green infrastructure in the Annual Report. See LAC 33:IX.2511 D.2.d.

Notably, the SWBNO (identified in the SWMP as the lead agency) has committed "to explore and pursue inclusion of green infrastructure as part of the Remedial Measures Action Plans (RMAPs) for all Basins...Defendants will submit their green infrastructure proposal to EPA within one year of the entry of this Second Modified Consent Decree."[84] The Second Modified Consent Decree has been included in the final permit as a component of the Storm Water Management Plan. Therefore, in order to meet the requirements of both the LPDES permit and the Second Modified Consent Decree, the SWBNO must at a minimum, pursue low impact development options, where feasible, and develop a plan to implement those options.

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[76] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)

[77] L. Adams; C. Fox; R. Leake; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)

[78] E. & J. Pecoul written statement (EDMS Document No. 8758899)

[79] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)

[80] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)

[81] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)

[82] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)

[83] See *LDEQ's Basis for Decision, Sewerage and Water Board of New Orleans, Louisiana Department of Transportation and Development-District 2, City of New Orleans, Port of New Orleans, Jefferson Parish, and Orleans Levee District / Municipal Separate Storm Sewer System (MS4) LPDES Permit No. LAS000301*, Section I.A

[84] In The *United States of America, League of Women Voters of New Orleans, et al. v. Sewerage and Water Board of New Orleans*; http://www.deq.louisiana.gov/portal/Portals/0/permits/lpdes/pdf/Endangered%20and%20Threatened%20Species%20by%20parish%207-29-11.pdf.

The SWBNO has indicated that the permittees will commit to explore and pursue the inclusion of green infrastructure as part of the Remedial Measures Action Plan under the Second Modified Consent Decree.

Further, the co-permittees' SWMPs address future green infrastructure initiatives that may result in some of the area's storm water to be made available for beneficial reuse, filtration, ground absorption, or other purposes instead of being discharged to surface waters. These initiatives included in the attached *Basis for Decision* document.[85]

Issue #3

If there is no incentive for the city of New Orleans to change its existing storm water management, it isn't likely that green approaches will occur. The LDEQ can ensure accountability of the permit applicants to increase green approaches for managing storm water (such as holding and filtering storm water) by including incentives in the permit.[86]

The permit could include incentives for the permittees to improve the storm water management process by absorbing water and letting it soak into the ground where it falls.[87]

The permit should provide an incentive for the city of New Orleans to work with the US Army Corps of Engineers (USACE) in its Southeastern Louisiana Flood Control Project (SELA)[88] projects to include green approaches to improve storm water quality.[89]

The permit should provide incentives for the permittee to work towards reducing discharges to reach the amount allowed to be discharged as established by the LDEQ.[90]

The permit should include incentives for incorporating green infrastructure (e.g. green roofs, rain gardens, and pervious pavement) within the city of New Orleans because this will result in environmental benefits. Green infrastructure will increase water retention time and reduce the

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[85] See *LDEQ's Basis for Decision, Sewerage and Water Board of New Orleans, Louisiana Department of Transportation and Development-District 2, City of New Orleans, Port of New Orleans, Jefferson Parish, and Orleans Levee District / Municipal Separate Storm Sewer System (MS4) LPDES Permit No. LAS000301*, Section IV.B.3

[86] C. Sarthou statement on behalf of Gulf Restoration Network, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[87] P. Bennett statement, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[88] Southeastern Louisiana Flood Control Project (SELA) is a multi-year, multiphase plan to reduce risk for Jefferson, Orleans, and St. Tammany parishes from storm flooding. See http://selaprojects.com/

[89] C. Sarthou statement on behalf of Gulf Restoration Network, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[90] P. Bennett statement, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

amount of storm water runoff; this reduces the amount of pollution entering local water bodies and helps to maintain a healthier water table.[91,92,93,94,95,96,97,98,99,100,101,102,103,104,105,106,107]

The permit should provide incentives for green infrastructure within the city of New Orleans because it will result in benefits such as:

- reduced risk of flooding;
- decreased pumping costs;
- increase in community green spaces;
- decreased heat island effects (with increased health benefits); and
- possible reduced crime rates (as indicated by Temple University research).[108]

LDEQ Response to Issue #3

Neither 40 CFR 122.26 nor LAC 33:IX, Chapter 25 provides the LDEQ with authority to grant incentives to permittees for implementing any storm water management practices beyond what is prescribed by the regulations. See LDEQ Response to Issue 2.

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[91] J. Supak on behalf of Global Green USA, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[92] L. Leavitt written statement (EDMS Document No. 8843158)

[93] D. Dell written statement (EDMS Document No. 8828037)

[94] S. Accorsi written statement (EDMS Document No. 8828029)

[95] R. Brown written statement (EDMS Document No. 8828039)

[96] M. King; M Rosamano written statements (EDMS Document No. 8828025)

[97] L. Miester written statement (EDMS Document No. 8828023)

[98] L. White; M. Fleming; M. Jones written statements (EDMS Document No. 8828021)

[99] C. Scott; E. Tecchie; K. Welch; K. Toivola; S. Chang; L. Adams written statements (EDMS Document No. 8828019)

[100] C. Miller; J. White; B. Barre; C. Singleton; D. Fish; G. Thompson; R. Bedsole; S. Rosenthal; L. Arrigo; J. Dangler; M. Erenberg; L. Perez; C. Tippens; B. Gorman; C. Murphey; written statements (EDMS Document No. 8828017)

[101] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)

[102] L. Adams; C. Fox; R. Leake; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)

[103] E. & J. Pecoul written statement (EDMS Document No. 8758899)

[104] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)

[105] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)

[106] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)

[107] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)

[108] J. Supak on behalf of Global Green USA, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

Issue #4

The permit does not identify the actual outfalls as defined by federal regulations. Monitoring for pollutants is only done at five locations which are not actually outfalls. The outfalls identified in the permit are within the system, not where the system discharges into the waters of the United States. The permit needs to be revised to include the locations of the actual discharge (outfall) points. The permit needs to require monitoring at the actual discharge (outfall) point- where the discharged water enters the waters of the United States.[109,110,111,112,113,114,115,116,117,118,119]

The permit should include water quality monitoring at the point where the New Orleans Canal meets the lake so that if I should want to recreate in that water, I would know the quality of the water.[120]

Even if you add the actual outfall points (as defined by federal regulations) as monitoring points to the final permit, please keep the five monitoring locations as listed in the draft permit as additional monitoring stations.[121]

A map of all outfalls and drainage basins within the MS4 should be required in the draft permit, storm water management plans, and reports.[122]

LDEQ Response to Issue #4

Monitoring at all *Outfalls*, as defined by LAC 33:IX.2511.B.9, is cost-prohibitive as potentially hundreds of outfalls exist within the MS4 area. LAC 33:IX.2511.B.5 defines a *Major Municipal*

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[109] C. Sarthou statement on behalf of Gulf Restoration Network, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[110] D. Malek-Wiley on behalf of Sierra Club-Environmental Justice Program, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[111] L. Leavitt written statement (EDMS Document No. 8843158)

[112] D. Dell written statement (EDMS Document No. 8828037)

[113] S. Accorsi written statement (EDMS Document No. 8828029)

[114] R. Brown written statement (EDMS Document No. 8828039)

[115] M. King; M Rosamano written statements (EDMS Document No. 8828025)

[116] L. Miester written statement (EDMS Document No. 8828023)

[117] L. White; M. Fleming; M. Jones written statements (EDMS Document No. 8828021)

[118] C. Scott; E. Tecchie; K. Welch; K. Toivola; S. Chang; L. Adams written statements (EDMS Document No. 8828019)

[119] C. Miller; J. White; B. Barre; C. Singleton; D. Fish; G. Thompson; R. Bedsole; S. Rosenthal; L. Arrigo; J. Dangler; M. Erenberg; L. Perez; C. Tippens; B. Gorman; C. Murphey; written statements (EDMS Document No. 8828017)

[120] H. Voorhoff statement, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[121] C. Sarthou statement on behalf of Gulf Restoration Network, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[122] M. Rota, B. Kohl, M. Orr, and P. Orr written statements on behalf of the Gulf Restoration Network, Sierra Club-New Orleans, Louisiana Environmental Action Network, and Lower Mississippi Riverkeeper, (EDMS Document No. 8777804)

Separate Storm Sewer Outfall as "*a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).*" The major outfalls identified by the SWBNO and co-permittees are consistent with the latter definition. However, for clarity, LDEQ has re-labeled Table V.A.1.b as "Representative Monitoring Major Outfall Descriptions" in the final permit. LAC 33:IX.2511.D.2.c.i requires the state administrative authority to designate between 5 and 10 outfalls or field screening points as representative of the commercial, residential and industrial land use activities of the drainage area contributing to the system. LDEQ has reviewed Appendix D of the SWMP and has determined the five identified outfalls, which were selected to represent commercial, residential and industrial areas of Orleans Parish, adequately represent the MS4 system.[123] The SWBNO stated in their comments, dated May 9, 2013, that the agency and the five co-permittees are in the process of evaluating each outfall presently being used. Changes in outfall locations will be made in accordance with Part V.A.1.c of the permit. Furthermore, Part II.A.11 of the final permit requires dry weather and wet weather monitoring programs in addition to the monitoring required in Part V. Per the permit, "all areas of the MS4 must be screened at least once during the permit term." Dry weather monitoring locations are discussed in more detail in Response to Issue # 6.

Portions of the storm sewer system map may be found in Appendix E of the Storm Water Management Plan.[124] Part II.A.6.h of the final permit requires the permittees to continue to update the storm sewer system map as necessary, showing the location of all outfalls, and the names and location of all waters of the State that receive discharges from these outfalls. As the storm sewer system maps may not be included in annual reports due to size restrictions, the map and any associated files shall be available from the permittees in accordance with Louisiana Public Records Law, La. Rev. Stat. § 44:1.

Results from samples collected at any major outfall or other screening locations in accordance with permit requirements must be submitted to LDEQ and are also considered public record. Monitoring results submitted to LDEQ via Annual Reports are readily available in the EDMS system for members of the public who are concerned with storm water quality. The issue of the renewal permit monitoring frequency requirements is addressed in detail in the attached *Basis for Decision* document.[125]

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[123] See EDMS Document No. 8217708_5of6.pdf, p. 121
[124] See EDMS Document No. 8217708_5of6.pdf, p. 135
[125] See *LDEQ's Basis for Decision, Sewerage and Water Board of New Orleans, Louisiana Department of Transportation and Development-District 2, City of New Orleans, Port of New Orleans, Jefferson Parish, and Orleans Levee District / Municipal Separate Storm Sewer System (MS4) LPDES Permit No. LAS000301*, Section IV.B.4.b

Issue #5
How can six dischargers be covered under one permit? The permit needs to be revised to clarify this.[126,127,128,129,130,131,132]

LDEQ Response to Issue #5
LAC 33:IX.2511.D states "*Where more than one public entity owns or operates a municipal separate storm sewer within a geographic area (including adjacent or interconnected municipal separate storm sewer systems), such operators may be a co-applicant to the same application.*" Due to the inter-connectivity of the Orleans Parish storm water drainage system and the overlapping jurisdictional authorities, LDEQ has determined that a system-wide permit that (1) includes all MS4 operators and (2) clearly defines the responsibilities of each operator or co-permittee is preferable to multiple permits. By issuing one system-wide permit, the various co-permittees may pool resources and enter into legally binding agreements in order to meet the requirements of the permit.

The issue of multiple governments or agencies in a geographic area establishing partnerships in implementing their storm water programs as Orleans Parish MS4 co-permittees is also addressed in detail in the attached *Basis for Decision* document.[133]

Issue #6
Permit language addressing illicit discharges into the storm sewer system needs to be strengthened. The permit needs to explain how illegal discharges will be located.[134]

LDEQ Response to Issue #6
Part II.6.e of the permit requires the inclusion of dry weather screening activities to locate portions of the MS4 with suspected illicit discharges and improper disposal (described in Permit Part II.A.11.a).

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[126] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)
[127] L. Adams; C. Fox; R. Leake; S. Brandao; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)
[128] E. & J. Pecoul written statement (EDMS Document No. 8758899)
[129] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)
[130] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)
[131] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)
[132] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)
[133] See *LDEQ's Basis for Decision, Sewerage and Water Board of New Orleans, Louisiana Department of Transportation and Development-District 2, City of New Orleans, Port of New Orleans, Jefferson Parish, and Orleans Levee District / Municipal Separate Storm Sewer System (MS4) LPDES Permit No. LAS000301,* Introduction and Section I.A.
[134] C. Sarthou statement on behalf of Gulf Restoration Network, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013,* (EDMS Document No. 8888698)

The Storm Water Management Plan describes, in detail, the processes and procedures each co-permittee utilizes to detect and eliminate discharges within the MS4 area. For example, the co-permittees have ordinances to prohibit the disposal of yard debris, trash, grease and oils, solvents, motor vehicle fluids, and other objectionable materials into catch basins, drainage culverts, line canals and any body of water. Some permittees offer regular curbside recycling programs to collect and recycle such items as newspapers, magazines, telephone books, aluminum and tin cans, glass and food beverage containers, and corrugated cardboard. Jefferson Parish operates a household hazardous waste collection program, two recycling centers for yard waste and used motor vehicle fluids, waste tires, and batteries, and a curbside recycling program to facilitate recycling and/or disposal of waste materials to minimize storm water contamination. The SWBNO conducts investigations of citizen complaints through the 52-WATER complaint line as well as conducting windshield (i.e. visual) screening during dry and wet weather to identify suspected illicit discharges, illegal connections and improper disposal.

Issue #7

The permit does not have sufficient monitoring locations to determine where an illegal discharge might have originated, as compared to other MS4 permits. For example, the permit for Oklahoma City's MS4 has 554 monitoring locations while the New Orleans MS4 doesn't have nearly that many.[135]

LDEQ Response to Issue #7

The actual number of monitoring stations other than *Major Municipal Separate Storm Sewer Outfalls* (See Response to Issue # 4) are not identified and/or quantified in the permit in order to establish flexibility for the permittees in determining priority areas of investigation. Per the permit, "all areas of the MS4 must be screened at least once during the permit term." The Storm Water Management Plan includes additional monitoring locations that are not specifically identified in the permit document. The SWBNO has divided the MS4 area into 12 basins, with a total of 53 named canals. See Appendix E of the SWMP.[136] In order to the meet the dry weather monitoring requirement, twenty percent of the basins are screened annually, utilizing a zip-code based tracking system to ensure that representative segments within each basin are sampled. To meet the requirements of the wet weather screening program, the SWBNO will annually screen all outfalls in commercial, residential, and industrial areas. Results from the dry and wet weather screening programs are to be included in the Annual Reports.

When comparing monitoring stations and/or representative outfalls identified in the MS4 permits, the assessment of Oklahoma City's 554 monitoring locations is incorrect. Oklahoma City's MS4 permit identifies three representative monitoring stations (i.e. for the collection of laboratory-analyzed samples) and an additional 21 monitoring stations for the removal of flotable material.[137]

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[135] C. Sarthou statement on behalf of Gulf Restoration Network, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[136] See EDMS Document ID No. 8217708_5of6.pdf; pp. 46 and 135.

[137] Permit Number OKS00010, effective March 15, 2013, p. 21, http://www.deq.state.ok.us/WQDnew/stormwater/2012OKCMS4Permit_Final_Feb2013.pdf

The permit monitoring locations and associated monitoring requirement information are included in the attached *Basis for Decision* document.[138]

Issue #8
The draft permit states that the permittees will encourage citizens to call a designated phone number to report storm water violations, but it does not provide the number to be used. The permit language should include the single 24-hour hotline phone number that is to be used to report storm water violations. The permit language should require the permittees to provide citizens with this 24-hour hotline phone number. [139]

LDEQ Response to Issue #8
LAC 33:IX.2511.D.2.d. does not specifically require a single complaint hotline. However, the SWBNO stated in their comments dated May 9, 2013, that citizens may report storm water pollution issues to 52-WATER 24 hours a day. The hotline is also identified in the SWBNO's SWMP as a component of the illicit discharge and elimination program.[140]

Issue #9
Our current methods of handling storm water do not allow us to adequately manage large rainfall events and have resulted in adverse effects on the city. [141]

LDEQ Response to Issue #9
As discussed in the Response to Issue # 1, flood management is not necessarily a direct requirement of the LPDES program, although permittees are required to consider water quality impacts of any flood management strategy. See LAC 33:IX.2511D.2.d.i(d). However, it is apparent that the drainage and pumping systems are important for minimizing local flooding in the Orleans Parish MS4 permit area during storm events. Due to the severity of the damage associated with Hurricane Katrina and other extreme rainfall events, the federal government acknowledged the drainage system is an integral part of storm protection for Orleans Parish. As a result, the Southeast Louisiana Urban Flood Control Program (SELA) was appropriated additional federal funding for drainage and pump station improvements, which are currently in progress.[142]

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[138] See *LDEQ's Basis for Decision, Sewerage and Water Board of New Orleans, Louisiana Department of Transportation and Development-District 2, City of New Orleans, Port of New Orleans, Jefferson Parish, and Orleans Levee District / Municipal Separate Storm Sewer System (MS4) LPDES Permit No. LAS000301*, Section IV.B.4.b

[139] C. Sarthou statement on behalf of Gulf Restoration Network, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[140] See EDMS Document ID No. 8217708_5of6.pdf; p. 24

[141] P. Bennett statement, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[142] See Southeast Louisiana Urban Flood Control Program; www.swbnosela.com.

Issue #10

The LDEQ should place more emphasis in the permit on important waterways and waterways that are already polluted. There should be numeric goals, specified practices, and required monitoring to ensure that no polluted water flows in Bayou St. John, which is a Scenic River and Outstanding Natural Resource Water. The permit should assign numeric limits on all discharges that flow into waters listed as impaired. [143,144,145,146,147,148,149,150,151,152,153,154,155,156,157,158]

LDEQ Response to Issue #10

The permit issued for the Orleans Parish Ms4 requires that the discharges be controlled to meet or exceed the requirements of all applicable regulations and defined permit conditions and therefore is designed to be protective of the environment, including all of the receiving waterbodies, as described in the attached Basis *for Decision* document.[159]

Issue #11

The Sewerage and Water Board of New Orleans has not done a good job of storm water management. The LDEQ should not approve the permit until the board can show it is doing a

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[143] L. Leavitt written statement (EDMS Document No. 8843158)
[144] D. Dell written statement (EDMS Document No. 8828037)
[145] S. Accorsi written statement (EDMS Document No. 8828029)
[146] R. Brown written statement (EDMS Document No. 8828039)
[147] M. King; M Rosamano written statements (EDMS Document No. 8828025)
[148] L. Miester written statement (EDMS Document No. 8828023)
[149] L. White; M. Fleming; M. Jones written statements (EDMS Document No. 8828021)
[150] C. Scott; E. Tecchie; K. Welch; K. Toivola; S. Chang; L. Adams written statements (EDMS Document No. 8828019)
[151] C. Miller; J. White; B. Barre; C. Singleton; D. Fish; G. Thompson; R. Bedsole; S. Rosenthal; L. Arrigo; J. Dangler; M. Erenberg; L. Perez; C. Tippens; B. Gorman; C. Murphey; written statements (EDMS Document No. 8828017)
[152] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)
[153] L. Adams; C. Fox; R. Leake; S. Beandao; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)
[154] E. & J. Pecoul written statement (EDMS Document No. 8758899)
[155] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)
[156] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)
[157] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)
[158] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)
[159] See *LDEQ's Basis for Decision, Sewerage and Water Board of New Orleans, Louisiana Department of Transportation and Development-District 2, City of New Orleans, Port of New Orleans, Jefferson Parish, and Orleans Levee District / Municipal Separate Storm Sewer System (MS4) LPDES Permit No. LAS000301*, Section IV.B.4. and Section V.

better job of storm water management. Withholding the permit may encourage the board to improve its practices.[160]

LDEQ Response to Issue #11
LDEQ's records indicate that Orleans Parish is properly operating its MS4. Based on these records and recent improvements to the SWMP, the LDEQ has determined that the Orleans Parish MS4 is expected to meet the requirements of the permit. The LDEQ's review of the permittees' compliance history is provided in the attached *Basis for Decision* document.[161]

Issue #12
The LDEQ and the Sewerage and Water Board of New Orleans need to start thinking outside the box. Instead of country projects, they need to implement ways for us to become a city that lives with water, which is what we need here.[162]

In order for a city to move forward and embrace a greener building code, we must consider how we will manage these water issues.[163]

New Orleans needs to "get smarter" in addressing our water issue. [164,165,166,167,168,169,170,171,172,173,174,175,176,177,178,179]

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[160] P. Bennett statement, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)
[161] See *LDEQ's Basis for Decision, Sewerage and Water Board of New Orleans, Louisiana Department of Transportation and Development-District 2, City of New Orleans, Port of New Orleans, Jefferson Parish, and Orleans Levee District / Municipal Separate Storm Sewer System (MS4) LPDES Permit No. LAS000301*, Section VI
[162] J. Supak on behalf of Global Green USA, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)
[163] D. Malek-Wiley on behalf of Sierra Club-Environmental Justice Program, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)
[164] L. Leavitt written statement (EDMS Document No. 8843158)
[165] D. Dell written statement (EDMS Document No. 8828037)
[166] S. Accorsi written statement (EDMS Document No. 8828029)
[167] R. Brown written statement (EDMS Document No. 8828039)
[168] M. King; M Rosamano written statements (EDMS Document No. 8828025)
[169] L. Miester written statement (EDMS Document No. 8828023)
[170] L. White; M. Fleming; M. Jones written statements (EDMS Document No. 8828021)
[171] C. Scott; E. Tecchie; K. Welch; K. Toivola; S. Chang; L. Adams written statements (EDMS Document No. 8828019)
[172] C. Miller; J. White; B. Barre; C. Singleton; D. Fish; G. Thompson; R. Bedsole; S. Rosenthal; L. Arrigo; J. Dangler; M. Erenberg; L. Perez; C. Tippens; B. Gorman; C. Murphey; written statements (EDMS Document No. 8828017)
[173] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)
[174] L. Adams; C. Fox; R. Leake; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)
[175] E. & J. Pecoul written statement (EDMS Document No. 8758899)

LDEQ Response to Issue #12
The final permit contains requirements to reduce and/or eliminate pollutants in storm water to the Maximum Extent Practicable, in accordance with state and federal regulations. As discussed in Response to Issue 2, where feasible, the SWBNO has indicated that the permittees will commit to explore and pursue the inclusion of green infrastructure as part of the Remedial Measures Action Plan under the Second Modified Consent Decree.

Issue #13
It is time for LDEQ to be consistent with EPA in stating the need for increased use of green infrastructure.[180]

LDEQ Response to Issue #13
In accordance with the MOU between EPA Region VI and the LDEQ, EPA permitting staff provided a thorough review of the preliminary draft permit to ensure consistency with both the Clean Water Act and EPA policy. All interim objections submitted by EPA staff were resolved and the interim objection was officially withdrawn on December 20, 2012.[181]

Issue #14
New developments, such as the new Costco and Winn Dixie, are not required to have specific rainwater runoff plans. Once constructed, these new developments are going to add more runoff to our existing system.[182]

LDEQ Response to Issue #14
The final permit imposes requirements upon the MS4 co-permittees to address construction storm water management. Part II.A of the permit requires the co-permittees to conduct a site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts. The use of best management practices (BMPs) as control measures is required to manage and minimize pollutants in storm water discharges to the maximum extent practicable. The performance of the BMPs is evaluated and adjusted as necessary to protect water quality.

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[176] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)

[177] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)

[178] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)

[179] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)

[180] D. Malek-Wiley on behalf of Sierra Club-Environmental Justice Program, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[181] See EDMS Document ID No. 8653899

[182] D. Malek-Wiley on behalf of Sierra Club-Environmental Justice Program, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

Issue #15

We need to make sure our storm water does not pollute Bayou St. John, Lake Pontchartrain, the Mississippi River, other surrounding bayous, and wetlands by using green infrastructure and keeping water where it lands. [183,184,185,186,187,188,189,190,191,192,193,194,195,196,197,198]

LDEQ Response to Issue #15

As previously stated in Response to Issue 2, the use of green infrastructure is not a required element of MS4 permits. The existing MS4 is already minimizing potential environmental impacts by directing the majority of the discharges to the least sensitive surface waters. Orleans Parish minimizes the potential impacts on Bayou St. John and the other receiving waters by directing the majority of the discharges to the least sensitive surface waters. As part of the technical review of the permit application, the LDEQ determined that the discharges to receiving waterbodies are not expected to cause degradation of the water quality or impairment of the existing uses of the waterbodies. The permit issued for the Orleans Parish MS4 requires that the discharges be controlled to meet or exceed the requirements of all applicable regulations and defined permit conditions and therefore is designed to be protective of the environment, including all of the receiving waterbodies, as described in the attached Basis *for Decision* document.[199]

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[183] L. Leavitt written statement (EDMS Document No. 8843158)
[184] D. Dell written statement (EDMS Document No. 8828037)
[185] S. Accorsi written statement (EDMS Document No. 8828029)
[186] R. Brown written statement (EDMS Document No. 8828039)
[187] M. King; M Rosamano written statements (EDMS Document No. 8828025)
[188] L. Miester written statement (EDMS Document No. 8828023)
[189] L. White; M. Fleming; M. Jones written statements (EDMS Document No. 8828021)
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[193] L. Adams; C. Fox; R. Leake; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)
[194] E. & J. Pecoul written statement (EDMS Document No. 8758899)
[195] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)
[196] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)
[197] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)
[198] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)
[199] See *LDEQ's Basis for Decision, Sewerage and Water Board of New Orleans, Louisiana Department of Transportation and Development-District 2, City of New Orleans, Port of New Orleans, Jefferson Parish, and Orleans Levee District / Municipal Separate Storm Sewer System (MS4) LPDES Permit No. LAS000301*, Section IV.B.4. and Section V.

Issue #16
In the Lower 9th Ward area, the water enters a canal, then Bayou Bienvenue, then into the Mississippi Gulf River Outlet. The Sierra Club is interested in restoration of that bayou area. We would like to see actual data for pollution entering this area so we can look at possible mitigation measures for pollution that impacts our projects. [200]

Bayou Bienvenue is an outstanding natural resource water body and scenic stream that is not mentioned or listed as a receiving stream in the permit.[201]

LDEQ Response to Issue #16
The Louisiana Water Quality Inventory: Integrated Report, which is also commonly known as the "305(b) report," contains data regarding the degree of support for each designated use analyzed with respect to ambient water quality data, total maximum daily load (TMDL) surveys, and other information related to the subsegment. The report is found on the LDEQ webpage: http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/WaterQualityAssessment/WaterQualityInventorySection305b.aspx.

Subsegment 042002 of Bayou Bienvenue is not included in the permit. It is not a receiving stream of any discharges from the MS4. A new flood wall diverts water flow from the portion of Bayou Bienvenue that is designated as an ONRW to the Intracoastal Waterway rather than to Subsegment 042002.

Subsegment 041801 of Bayou Bienvenue is included in the permit as a receiving stream. Additional information provided by the SWBNO confirmed the western portion of Bayou Bienvenue (Subsegment 041801) does receive storm water discharges from Pump Station No. 5. The final permit has been modified to include Bayou Bienvenue (Subsegment 041801) as receiving stream.

Issue #17
Since all of our rainwater must be pumped at some point, why don't we consider the alternative of pumping it to a series of filtration beds and process it into usable water?[202]

LDEQ Response to Issue #17
The feasibility of reducing storm water discharges through alternative projects is provided in the attached *Basis for Decision* document.[203]

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[200] D. Malek-Wiley on behalf of Sierra Club-Environmental Justice Program, *Public Hearing on LPDES Draft Water Discharge Permit for the Municipal Separate Storm Sewer Systems (MS4s) Within Orleans Parish, May 7, 2013*, (EDMS Document No. 8888698)

[201] M. Rota, B. Kohl, M. Orr, and P. Orr written statements on behalf of the Gulf Restoration Network, Sierra Club-New Orleans, Louisiana Environmental Action Network, and Lower Mississippi Riverkeeper, (EDMS Document No. 8777804)

[202] C. Lesher written statement (EDMS Document No. 8755090)

[203] See *LDEQ's Basis for Decision, Sewerage and Water Board of New Orleans, Louisiana Department of Transportation and Development-District 2, City of New Orleans, Port of New Orleans, Jefferson Parish, and Orleans Levee District / Municipal Separate Storm Sewer System (MS4) LPDES Permit No. LAS000301*, Section IV.B.2.

Issue #18

How will LDEQ enforce a permit with six dischargers covered under one permit? The permit needs to be revised to clarify this.[204,205,206,207,208,209,210]

There are six major dischargers covered under one permit. This permit design or structure is inadequate in holding each permittee accountable for maintaining compliance with the permit conditions. This sort of permit design makes it difficult or impossible for the LDEQ to monitor permit compliance because it is easy for a permittee to "pass the buck" or not comply. For example, when cited for violations, the Port of New Orleans and the LADOTD responded that they were not responsible for the discharge violation.[211,212,213,214,215,216,217,218,219,220,221,222,223,224,225,226]

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[204] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)

[205] L. Adams; C. Fox; R. Leake; S. Brandao; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)

[206] E. & J. Pecoul written statement (EDMS Document No. 8758899)

[207] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)

[208] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)

[209] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)

[210] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)

[211] L. Leavitt written statement (EDMS Document No. 8843158)

[212] D. Dell written statement (EDMS Document No. 8828037)

[213] S. Accorsi written statement (EDMS Document No. 8828029)

[214] R. Brown written statement (EDMS Document No. 8828039)

[215] M. King; M Rosamano written statements (EDMS Document No. 8828025)

[216] L. Miester written statement (EDMS Document No. 8828023)

[217] L. White; M. Fleming; M. Jones written statements (EDMS Document No. 8828021)

[218] C. Scott; E. Tecchie; K. Welch; K. Toivola; S. Chang; L. Adams written statements (EDMS Document No. 8828019)

[219] C. Miller; J. White; B. Barre; C. Singleton; D. Fish; G. Thompson; R. Bedsole; S. Rosenthal; L. Arrigo; J. Dangler; M. Erenberg; L. Perez; C. Tippens; B. Gorman; C. Murphey; written statements (EDMS Document No. 8828017)

[220] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)

[221] L. Adams; C. Fox; R. Leake; S. Brandao; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)

[222] E. & J. Pecoul written statement (EDMS Document No. 8758899)

[223] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)

[224] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)

[225] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)

LDEQ Response to Issue #18

Part I.C of the permit requires all co-permittees to comply with permit conditions relating to discharges from portions of the MS4 where the permittee is the operator. For additional clarity, the table of control measures and the responsible permittees in Part II.A.13 of the final permit has been revised to specify the responsibilities of each co-permittee. Compliance issues identified during routine inspections, audits, or investigations are dealt with in accordance with LAC 33:IX, Chapter 5. Enforcement.

Issue #19

Why is the LDEQ allowing discharges into impaired waters? The permit needs to be revised to clarify this.[227,228,229,230,231,232,233]

LDEQ Response to Issue #19

The feasibility of reducing storm water discharges through alternative projects is provided in the attached *Basis for Decision* document.[234] As previously stated, the MS4 permit is designed to be protective of the environment, including all of the receiving waterbodies. Adverse changes to the water quality of the waterways due to the discharges are not likely because of the protective nature of the required storm water control measures included in the permit.

Furthermore, designated uses are being fully supported for eight of the nine receiving waterbodies. One of the eight waterbodies (041401) was previously impaired. Therefore, the permit renewal requires Waste Load Allocations (WLAs) as established by the Total Maximum Daily Load (TMDL) to be addressed for this subsegment.

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[226] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)

[227] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)

[228] L. Adams; C. Fox; R. Leake; S. Brandao; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)

[229] E. & J. Pecoul written statement (EDMS Document No. 8758899)

[230] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)

[231] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)

[232] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)

[233] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)

[234] See *LDEQ's Basis for Decision, Sewerage and Water Board of New Orleans, Louisiana Department of Transportation and Development-District 2, City of New Orleans, Port of New Orleans, Jefferson Parish, and Orleans Levee District / Municipal Separate Storm Sewer System (MS4) LPDES Permit No. LAS000301*, Section IV.B.2.

As for the one receiving waterbody (041302) that does not support its designated use, the permit requires the co-permittees to address the assigned WLAs, as well as, the pollutants of concern in the SWMP. Each co-permittee has identified targeted BMPs to prevent these pollutants from entering the MS4. Therefore, the discharge complies with water quality standards, including the antidegradation policy. Details regarding the protective nature of the permit requirements are provided in the attached *Basis for Decision* document.[235]

Issue #20
How is the LDEQ implementing the most current EPA guidance with regard to these discharges? The permit needs to be revised to clarify this.[236,237,238,239,240,241]

LDEQ Response to Issue #20
The MS4 Permit Improvement Guide that the EPA developed for NPDES authorities may be used to evaluate the quality of the MS4 Phase I and Phase II programs.[242] Although LDEQ does not use this document as a regulatory basis for the LPDES MS4 permit requirements, EPA staff utilized the document during their review of the preliminary draft permit. Changes requested by EPA staff, such as changing the verb usage to increase the enforceability of the permit, were based on the above-mentioned guidance document.

Issue #21
Do the plans submitted by the applicant adequately reduce runoff and pollution? The permit needs to be revised to clarify this.[243,244,245,246,247,248,249]

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[235] See *LDEQ's Basis for Decision, Sewerage and Water Board of New Orleans, Louisiana Department of Transportation and Development-District 2, City of New Orleans, Port of New Orleans, Jefferson Parish, and Orleans Levee District / Municipal Separate Storm Sewer System (MS4) LPDES Permit No. LAS000301*, Section V.
[236] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)
[237] L. Adams; C. Fox; R. Leake; S. Brandao; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)
[238] E. & J. Pecoul written statement (EDMS Document No. 8758899)
[239] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)
[240] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)
[241] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)
[242] http://www.epa.gov/npdes/pubs/ms4permit_improvement_guide.pdf
[243] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)
[244] L. Adams; C. Fox; R. Leake; S. Brandao; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)
[245] E. & J. Pecoul written statement (EDMS Document No. 8758899)
[246] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)
[247] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)

LDEQ Response to Issue #21

Permittees must comply with all of the standard MS4 permit requirements, which are based on federal and state regulations that are intended to reduce and/or eliminate pollutants in storm water discharges to the Maximum Extent Practicable (MEP). LDEQ staff conducted a thorough review of the renewal application prior to developing the draft permit. The Storm Water Management Plan (SWMP) submitted by all co-permittees as the renewal application includes all elements required by state and federal regulations. Implementation of the SWMP will reduce pollutants in storm water to the MEP. Requiring overall reductions in volume of storm water discharged to waters of the state is outside the scope of the LDEQ's regulatory authority for MS4 permits. See Response to Issue # 2.

Issue #22

This permit is extremely important to the continued resiliency of New Orleans.[250,251,252,253,254,255,256]

LDEQ Response to Issue #22

LDEQ appreciates the comment. The final permit and associated Storm Water Management Plan comply with state and federal requirements. The nature of the final permit, in which the permit document provides an outline of the SWMP requirements, which are fully developed and implemented by the co-permittees, allows for issues specific to the community to be addressed. Although all requirements must be addressed, the co-permittees have the discretion to direct more resources towards the components of the SWMP that are of significant interest to the community.

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[248] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)

[249] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)

[250] A. Gomez; A, Charlot; C. Dyal; H. Groh; K. Twitchell; S. Lyons written statements (EDMS Document No. 8777806)

[251] L. Adams; C. Fox; R. Leake; S. Brandao; M. Fleming; J. Pecoul; C. Lesher; E. Williford; S. Jacob; J. Dales; C. Johnson; W. Greene; O. Adams Jr.; R. Hoke; T. Tippens; J. Henderson; N. Noordhoff; A. Ladd written statements (EDMS Document No. 8755090)

[252] E. & J. Pecoul written statement (EDMS Document No. 8758899)

[253] J. Young; S. Peak; M. Moore; T. Sherry; M. DiLeo; T. Carbonell written statements (EDMS Document No. 8758903)

[254] K. Cargo; J. Koppman; J. White; J. Ward; D. Stephan; Y. Etheredge written statements (EDMS Document No. 8758901)

[255] S. Accorsi; M. Rickard; G. Good; P. Purvis; G. Ioup; L. Mauskopf; E. Rota; A. Dalton; R. Brown; S. Eustis; S. Rosenthal; S. Thornburg; P. Jordan; N. Slie; S. Baus; D. Visco; J. Deleon; J. Pecorino; D. Fish; J. Dalton; K. Brignac; A. Cheatham; L. Fleetwood; R. Guillory; S. Chang written statements (EDMS Document No. 8761063)

[256] J. Supak; C. Ewy; R. Blink; A. Henderson; E. Ramoni; M. Virre; P. Andrews; F. Cole; H. Egger written statements (EDMS Document No. 8761061)

Issue #23

Part II.B.1 of the draft permit does not address the possibility that the person/agency/department implementing the MS4 may not be the same entity responsible for implementing the TMDL. When it has not been established how the TMDL load reductions will be implemented, the person/agency/department implementing the MS4 will be responsible for reaching the TMDL load reductions as currently written in the permit.[257]

LDEQ Response to Issue #23

Part II. B of the permit states: "*If the MS4 area is subject to a TMDL that identifies an aggregate Waste Load Allocation (WLA) for applicable co-permittees, then the SWMP may identify such WLA as the benchmark. Where an aggregate WLA benchmark is used, all affected MS4 operators are jointly responsible for progress in meeting the benchmark goal and shall (jointly or individually) develop a monitoring/assessment plan as required in Part II.11.d. Where an aggregate WLA benchmark has been broken into sub-benchmarks for each MS4, each co-permittee is only responsible for progress in meeting its WLA sub-benchmark goal.*" The TMDLs for Fecal Coliform Bacteria for Selected Subsegments in the Lake Pontchartrain Basin and the New Orleans East Leveed Water Bodies provide disaggregated WLAs for each co-permittee. Therefore, each co-permittee is individually responsible for meeting the requirements of the TMDLs. The TMDL for Dissolved Oxygen for New Orleans East Leveed Waterbodies provides an aggregated WLA for the entire Orleans Parish MS4. Therefore, all co-permittees are jointly responsible for the progress of meeting the goal. All of the applicable WLAs for the MS4 were computed by multiplying the load allocation (LA) by the ratio of the MS4 area in each subsegment to the subsegment area. Per the TMDLs, these loads are estimates that can be refined in the future as more information about the MS4s and land-use-specific loadings becomes available. As a result, the WLAs shall be adopted into the SWMP as measurable goals and are not intended to be used as permit limits, nor are the co-permittees required to meet the measurable goals within a specified time frame, but rather, document progress towards the measurable goal. Targeted storm water control measures (SCMs), such as those required in Part II.B.3 of the permit, will contribute to load reductions from the MS4s. Additionally, LDEQ anticipates the data collected during this permit term will provide a better indication of the true loading from the MS4s, after which, goals that are more refined may be developed for each co-permittee.

Issue #24

The MS4 should be allowed 2-3 years rather than a year to obtain data for potential pollutants into impaired waters to account for inter-annual variability and to obtain a statistically viable data set.[258,259]

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[257] A. Bourgeois-Calvin written statements; EDMS Document ID 8777804.
[258] A. Bourgeois-Calvin written statements; EDMS Document ID 8777804.
[259] S. Finney & M. St. Martin on behalf of the Sewerage and Water Board of New Orleans written statements; EDMS Document ID 8828027.

LDEQ Response to Issue #24
LDEQ has no objection to this request, and Permit Part II on page 2 has been changed to state the following: *"The permittee must determine, within three years of the effective date of the permit, if the MS4 is a source of the pollutant(s).*

Issue # 25
Examples should be used to clarify the requirements in Permit Part II. A.6.a which references *"non-storm water discharges exempted from the prohibition on non-storm water"*. The group commented that the language is confusing.[260]

LDEQ Response to Issue # 25
LDEQ has no objection to this request. Part II.A.6.a of the permit has been revised to include some examples of exempted non-storm water discharges that are allowed to enter the MS4. and the language has been clarified to state: *"Categories of exempted non-storm water discharges that are allowed to enter the MS4 must not reasonably be expected [based on information available to the permittee(s)] to be significant sources of pollutants to the waters of the State because of either..."*

Issue # 26
The Sewerage and Water Board of New Orleans (SWBNO) requested that permit monitoring periods of October 1 to September 30 (items 1, 2, 3, 5, 6, and 7) and November 1 to October 31 (item 4) in Part V.C of the draft permit be changed to the reporting period of January 1 to December 31 beginning in 2014. The proposed interim reporting periods would be May 1, 2012, to April 30, 2013, with October 1, 2013, as the Annual Report deadline and May 1, 2013, to December 31, 2013, with May 1, 2014, as the Annual Report deadline. The City of New Orleans also requested that the reporting period of October 1 to September 30 of the previous year be changed to the calendar year of January 1 to December 31 while retaining the May 1 Annual Report submission deadline. The reason for the reporting period change for both permittees is that their fiscal year and other reports used to prepare the Annual Report are based on a calendar year.[261]

LDEQ Response to Issue # 26
LDEQ has no objection to this request. Part V.C of the permit has been revised to reflect the change in the monitoring period based on the calendar year of January 1 to December 31 beginning in 2014. The monitoring period during the interim has been adjusted to May 1, 2013, to December 31, 2013. The due date for submission of the Annual Report remains May 1.

Issue # 27
The SWBNO requested a change of the draft permit from 14 days to 45 days regarding the reporting compliance with schedules which states: *"No later than 14 days following a date for a specific action (interim milestone or final deadline) identified in the above schedule(s), the*

[260] A. Bourgeois-Calvin written statements; EDMS Document ID 8777804.
[261] S. Finney & M. St. Martin on behalf of the Sewerage and Water Board of New Orleans written statements; EDMS Document ID 8828027.

permittee(s) shall submit a written notice of compliance or non-compliance to the Agency in accordance with Parts V.E." See Permit Part III.B. This will allow the SWBNO adequate time to compile required data from its departments and the other co-permittees.[262]

LDEQ Response to Issue # 27
LDEQ has no objection to this request. The reporting compliance with schedules in Part III.B of the permit has been revised to reflect the change of "*45*" days.

Issue #28
The SWBNO commented that it has implemented the same programs in the Modified Consent Decree that it has implemented in Part II.A.6.b of the permit, and they requested that this part of the permit have item (4) added stating the following: *"(4) For the SWBNO, the program requirements found above, (1), (2), and (3), will be deemed satisfied by compliance of the Consent Decree and all modifications."*[263]

LDEQ Response to Issue #28
This request is partially granted. LDEQ will not rely entirely upon the SWBNO's compliance with the Consent Decree to satisfy the program requirements of the permit as the conditions of the permit may not always coincide with the conditions specified in the consent decree or future modifications. The permit has been revised to include item (4) which has been modified to state: *"(4) For the SWBNO, the program requirements found above, (1), (2), and (3),which correspond to those of the Consent Decree, will be deemed at least partially, if not fully, satisfied by compliance of the Consent Decree.*

Issue #29
The SWBNO and the City of New Orleans requested the revision of the table of control measures and the responsible permittees in Part II.A.13 to specify the responsibilities of each co-permittee.[264]

LDEQ Response to Issue #29
LDEQ has no objection to this request. The table in Part II.A.13 has been modified to list the specific responsibilities of each co-permittee.

Issue #30
The City of New Orleans expressed concerns of budgetary constraints regarding the permit requirement in Part II.F that each permittee must provide adequate finances, staff, equipment, and support capabilities to implement their activities under the SWMP.[265]

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[262] S. Finney & M. St. Martin on behalf of the Sewerage and Water Board of New Orleans written statements; EDMS Document ID 8828027.
[263] S. Finney & M. St. Martin on behalf of the Sewerage and Water Board of New Orleans written statements; EDMS Document ID 8828027.
[264] S. Finney & M. St. Martin on behalf of the Sewerage and Water Board of New Orleans written statements; EDMS Document ID 8828027.
[265] C. Allen III on behalf of the City of New Orleans written statements; EDMS Document ID 87761055.

LDEQ Response to Issue #30
The implementation and development of Storm Water Management Program Resources was included in your 2007 permit as a requirement because permittees must have the necessary funds, staff, and equipment to accomplish and support the activities of the programs in the permit. Storm Water Management Program Resources remains a storm water management program requirement of this renewal permit. Permittees are not exempt from meeting these program requirements. See LAC 33:IX.2511.D.2.f.

Issue #31
LDEQ should remove the "*greater than five (5) acres*" from the TMDL/303(d) monitoring requirements in Permit Part II.A.11.d and a revision of the language to require permittees to take samples at "*all*" representative outfalls draining basins which discharge into a stream for which the TMDL is applicable or the 303(d) listed parameters exist.[266]

LDEQ Response to Issue #31
LDEQ concurs with the request and the appropriate changes have been made to the final permit.

Issue # 32
The groups encouraged LDEQ to provide a toolkit for the draft permit and other MS4 permittees to help them implement their MS4 permits.[267]

LDEQ Response to Issue # 32
LPDES MS4 permits implement the requirements contained in LAC 33: IX, specifically Sections 2511 and Sections 2517-2529, which are identical to federal "Phase I" and "Phase II" MS4 regulations. As EPA has already designed a toolkit available to MS4s nationwide, LDEQ refers permittees to EPA's webpage: http://cfpub.epa.gov/npdes/stormwater/munic.cfm.

[266] M. Rota, B. Kohl, M. Orr, and P. Orr written statements on behalf of the Gulf Restoration Network, Sierra Club-New Orleans, Louisiana Environmental Action Network, and Lower Mississippi Riverkeeper, (EDMS Document No. 8777804)
[267] M. Rota, B. Kohl, M. Orr, and P. Orr written statements on behalf of the Gulf Restoration Network, Sierra Club-New Orleans, Louisiana Environmental Action Network, and Lower Mississippi Riverkeeper, (EDMS Document No. 8777804)