NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs Division

LPDES Small MS4 Urbanized Area Clarification

(LAC 33:IX.2515, 2519, and 2521) (WQ116ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.2515, 2519, and 2521 (WQ116ft).

This Rule is identical to federal regulations found in 40 CFR Parts 122.28, 122.32, and 122.33, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the rule. This rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

The proposed Rule will revise the small municipal separate storm sewer systems (MS4s), designation requirements and is identical to portions of the recent National Pollutant Discharge Elimination System (NPDES) Small MS4 Urbanized Area Clarification, finalized by Environmental Protection Agency (EPA) and effective on July 12, 2023. The EPA finalized clarifications to its NPDES Stormwater Phase II regulations due to recent changes made by the Census Bureau. The basis and rationale for this Rule are to mirror new federal regulations, ensuring consistency on how LPDES permits are issued for small MS4s. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by WQ116ft. Such comments must be received no later than June 3, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ116ft. The proposed Rule is available on the Internet at https://deq.louisiana.gov/page/rules-regulations.

**Public Hearing**

A public hearing will be held on June 3, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at https://deqlouisiana.zoom.us/j/6836133613?omn=94258719092 or by telephone by dialing (646) 255-1997 using the meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Aurelia S. Giacometto

Secretary

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part IX. Water Quality**

**Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program**

**Chapter 25. Permit Application and Special LPDES Program Requirements**

**§2515. General Permits**

A. — A.1.e. …

f. urban~~ized~~ areas with a population of 50,000 or more people as ~~designated~~determined by the latest Decennial Census by the Bureau of the Census ~~according to criteria in 30 FR 15202 (May 1, 1974)~~; or

A.1.g. — C.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2276 (October 2000), LR 26:2553 (November 2000), LR 28:468 (March 2002), LR 29:1466 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2511 (October 2005), LR 33:2167 (October 2007), LR 35:651 (April 2009), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1349 (July 2017)., amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§2519. As an operator of a small MS4, am I regulated under the LPDES Storm Water Program?

A. …

1. your small MS4 is located in an urban~~ized~~ area with a population of 50,000 or more people as determined by the latest Decennial Census by the Bureau of the Census. (If your small MS4 is not located entirely within an urban~~ized~~ area with a population of 50,000 or more people, only the portion that is within ~~the urbanized area~~this urbanized area is regulated); or

A.2. — C. …

D. The state administrative authority may waive permit coverage if your MS4 serves a population of less than 1,000 within the urban~~ized~~ area identified in Paragraph A.1 of this Section and you meet the following criteria:

D.1. — E.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2277 (October 2000), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§2521. Requirements for Obtaining Permit Coverage for Regulated Small MS4s

A. — B.2.c. …

3. If the regulated small MS4 is in the same urban~~ized~~ area as a medium or large MS4 with an LPDES storm water permit and that other MS4 is willing to have the small MS4 operator participate in its storm water program, the parties may jointly seek a modification of the other MS4 permit to include the small MS4 operator as a limited co-permittee. As a limited co-permittee, the small MS4 operator will be responsible for compliance with the permit's conditions applicable to its jurisdiction. If the small MS4 operator chooses this option it shall comply with the permit application requirements of LAC 33:IX.2511, rather than the requirements of LAC 33:IX.2521.B.2. The small MS4 operator does not need to comply with the specific application requirements of LAC 33:IX.2511.D.1.c, d, and 2.c (discharge characterization). The small MS4 operator may satisfy the requirements in LAC 33:IX.2511.D.1.e and 2.e (identification of a management program) by referring to the other MS4's storm water management program.

B.4. — C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2278 (October 2000), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2511 (October 2005), LR 33:2167 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1349 (July 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 52: