STATEMENT OF BASIS

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0122602; AI 147783; PER20060001** to discharge to waters of the **State of Louisiana** as per LAC 33:IX.2311.

The **permitting authority** for the Louisiana Pollutant Discharge Elimination System (LPDES) is:

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

I. THE APPLICANT IS: BJD Properties, LLC/ Richland Heights
626 Verot School Road, Suite E
Lafayette, LA 70508

II. PREPARED BY: Christopher K. Bertrand

DATE PREPARED: March 14, 2007

III. PERMIT ACTION: issue LPDES permit LA0122602, AI 147783; PER20060001

LPDES application received: December 27, 2006

IV. FACILITY INFORMATION:

A. The application is for the discharge of treated sanitary wastewater from a privately owned treatment works serving a residential subdivision.

B. The permit application does not indicate the receipt of industrial wastewater.

C. The facility is located 573 feet north of the intersection of Verot School Road (LA 339) and Fortune Road on the west side of Verot School Road (LA 339) in Lafayette, Lafayette Parish.

D. The treatment facility consists of a 45,000 GPD aeration treatment plant. Disinfection is by chlorination.

E. Outfall 001

Discharge Location: Latitude + 30° 07′ 29″ North
Longitude - 92° 02′ 21″ West

Description: treated sanitary wastewater from the sewage treatment plant

Expected Flow: 107 homes x 400 gallons/day/home = 0.0428 MGD

Calculations for gallons per day were based upon figures obtained from Chapter 15 of the State of Louisiana Sanitary Code, Department of Health and Hospitals, Office of Public Health.

Please note that if the facility grows to a discharge beyond the design capacity of the facility, additional sewage treatment must be added with prior approval of the facility's plans by the Louisiana Department of Health and Hospitals and an authorization request must be submitted to the LDEQ. Also, if the expected flow reaches or exceeds the design capacity of the facility, a *permit modification may be required.*

V. RECEIVING WATERS:

The discharge is into a parish drainage ditch; thence into Anselm Coulee in segment 060802 of the Vermilion - Teche Basin. This segment is listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 060802 of the Vermilion - Teche Basin are as indicated in the table below[1/]:

Overall Degree of Support for Segment	Degree of Support of Each Use						
Not Supported	Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shellfish Propagation	Agriculture
	Not Supported	Not Supported	Not Supported	N/A	N/A	N/A	Full

[1/]The designated uses and degree of support for Segment 060802 of the Vermilion - Teche Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 1998 Water Quality Management Plan, Volume 5, Part B, Water Quality Inventory, respectively.

VI. ENDANGERED SPECIES:

The receiving waterbody, Subsegment 060802 of the Vermilion - Teche Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U. S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated September 29, 2006, from Watson (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

VII. HISTORIC SITES:

The discharge will be from a proposed facility. LDEQ has consulted with the State Historic Preservation Officer (SHPO) in a letter dated January 10, 2007, to determine whether construction-related activities could potentially affect sites or properties on or eligible for listing on the National Register of Historic Places. SHPO's response letter, dated February 7, 2007, stated that the facility as proposed will have no potential effects.

VIII. PUBLIC NOTICE:

Upon publication of the public notice in the Department of Environmental Quality Public Notice Mailing List and a newspaper of wide distribution in Lafayette Parish, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit to the LDEQ contact person, listed below, and may request a public hearing to clarify issues involved in the permit decision. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

For additional information, contact:

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

IX. PROPOSED PERMIT LIMITS:

Subsegment 060802, Vermillion River – From New Flanders (Ambassador Caffery) Bridge, La. Hwy. 3073 to Intracoastal Waterway, is not listed on LDEQ's Final 2004 303(d) list as impaired. However, subsegment 060802 was previously listed as impaired for phosphorus, nitrogen (Nitrate + Nitrate as N), organic enrichment/low DO, pathogen indicators, suspended solids/turbidity/siltation, and Carbofuran, for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The *1999 Review and Assessment of the 1987 Vermilion River Watershed TMDL for Dissolved Oxygen*

The *1999 Review and Assessment of the 1987 Vermilion River Watershed TMDL for Dissolved Oxygen*, was revised in December 1999, and approved by EPA on April 5, 2001. This TMDL re-established that NPDES permits for individual point sources in the Vermilion Watershed should continue to be issued on the basis of flow rates as follows:

FLOW RATE	PERMIT LIMITS
Greater than 25,000 gpd	May – December: 10 mg/l $CBOD_5$/5 mg/l NH_3-N/5 mg/l DO January – April: 20 mg/l $CBOD_5$/10 mg/l NH_3-N/5 mg/l DO
25,000 gpd or less	secondary limits year round

The expected flow from this facility is 0.0428 MGD. Therefore, this facility will be permitted with the limitations consistent with discharges greater than 25,000 GPD.

The *Vermilion River TMDL for Fecal Coliform*

The *Vermilion River TMDL for Fecal Coliform* was finalized on April 5, 2001, addressing the presence of pathogen indicators in the watershed. As per this TMDL, "...there will be no change in the permit requirements based upon a wasteload allocation resulting from this TMDL." Therefore, Fecal Coliform effluent limitations will remain in this permit.

The *Vermilion River TMDL for Sulfate Subsegments 060801 & 060802*

The *Vermilion River TMDL for Sulfate Subsegments 060801 & 060802*, finalized on May 23, 2001, established monthly average load limitations for all significant point source dischargers in these subsegments. However, due to a change in the standards for sulfate in subsegment 060802, it was determined that this subsegment was in compliance with the new sulfate standard. Therefore, a limitation for sulfate will not be placed in the permit.

TMDL for TSS, Turbidity, and Siltation for the 15 Subsegments in the Vermilion River Basin

As per the *TMDL for TSS, Turbidity, and Siltation for the 15 Subsegments in the Vermilion River Basin*, point source loads are so small as to be insignificant, and because effective policies are in place to limit TSS discharges, no specific reductions from point sources are required. Therefore, TSS limits will be required in this permit according to the current state policy.

TMDL for the Pesticide Carbofuran in the Mermentau and Vermilion-Teche River Basins

The *TMDL for the Pesticide Carbofuran in the Mermentau and Vermilion-Teche River Basins* was finalized on March 21, 2002, and states no point sources are known to discharge Carbofuran; therefore, no allocation was given to point source discharges in the Vermilion-Teche River Basin.

Delisting of Phosphorus, Lead, Chlorides, Salinity, TDS, Turbidity, Temperature, and Oil & Grease

As per the February 29, 2000 Delist (Federal Register Notice: Vol. 65, Num. 173, pages 54032-54034, 9/6/2000), assessment of new data and information shows this segment is meeting water quality standards for phosphorus and lead. Therefore, requirements for Total Phosphorus and Total Lead will not be placed in this permit.

As per the October 2000 LA TMDL Delist (Federal Register Notice: Vol. 66, Num. 66, pages 18087-18089, 4/5/2001), assessment of new data and information shows this segment is meeting water quality standards for chlorides, salinity, TDS, turbidity, and temperature. Therefore, requirements for these parameters will not be placed in this permit.

As per the March 29, 2001, delisting (Federal Register Notice: Vol. 66, Num. 100, pages 28490-28491, 5/23/2001), this segment has been delisted for Oil & Grease based on several visual inspections. All of the visual inspections were negative. Oil & Grease will not be limited in this permit.

Final Effluent Limits:

OUTFALL 001

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Weekly Avg.	Basis
$CBOD_5$ May – December January – April	 N/A N/A	 10 mg/l 20 mg/l	 15 mg/l 30 mg/l	Limits are set in accordance with the *1999 Review and Assessment of the 1987 Vermilion River Watershed TMDL for Dissolved Oxygen* TMDL for dischargers with flows greater than 25,000 GPD.
TSS	N/A	20 mg/l	30 mg/l	Since there is no numeric water quality criterion for TSS, and in accordance with the current Water Quality Management Plan, the TSS effluent limitations shall be based on a case-by-case evaluation of the treatment technology being utilized at a facility. Therefore, a Technology Based Limit has been established through Best Professional Judgement for the type of treatment technology utilized at this facility.
Ammonia-Nitrogen May – December January – April	 N/A N/A	 5 mg/l 10 mg/l	 10 mg/l 20 mg/l	Limits are set in accordance with the *1999 Review and Assessment of the 1987 Vermilion River Watershed TMDL for Dissolved Oxygen* TMDL for dischargers with flows greater than 25,000 GPD.

Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Weekly Avg.	Basis
Dissolved Oxygen	N/A	5 mg/l	N/A	Limits are set in accordance with the *1999 Review and Assessment of the 1987 Vermilion River Watershed TMDL for Dissolved Oxygen* TMDL for dischargers with flows greater than 25,000 GPD.

*Concentration limits are used in accordance with LAC 33:IX.2363.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which express BOD_5 and TSS in terms of concentration.

Other Effluent Limitations:

1) **Fecal Coliform**

The discharge from this facility is into a water body that has a designated use of Primary Contact Recreation. According to LAC 33:IX.1113.C.5.b.i, the fecal coliform standards for this water body are 200/100 ml and 400/100 ml. Therefore, the limits of 200/100 ml (Monthly Average) and 400/100 ml (Weekly Average) are proposed as Fecal Coliform limits in the permit. These limits are being proposed through Best Professional Judgement in order to ensure that the water body standards are not exceeded, and due to the fact that existing facilities have demonstrated an ability to comply with these limitations using present available technology.

2) **pH**

According to LAC 33:IX.3705.A.1., POTW's must treat to at least secondary levels. Therefore, in accordance with LAC 33:IX.5905.C., the pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time.

3) **Solids and Foam**

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

X. ENFORCEMENT AND SURVEILLANCE ACTIONS:

A) Inspections

A review of the files indicates that there are no inspections on file for this facility as of January 16, 2007.

B) Compliance and/or Administrative Orders

A review of the files indicates that there are no enforcement actions administered against this facility as of January 16, 2007.

C) DMR Review

A review of the discharge monitoring report for this facility indicates that there are no DMRs on file as of January 16, 2007.

XI. ADDITIONAL INFORMATION:

The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDL's. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as requested by the permittee and/or as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

At present, the **Monitoring Requirements, Sample Types, and Frequency of Sampling** as shown in the permit are standard for facilities of flows between 0.02 and 0.10 MGD.

Effluent Characteristics	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow	1/week	Measure
$CBOD_5$	1/month	Grab
Total Suspended Solids	1/month	Grab
Ammonia-Nitrogen	1/month	Grab
Dissolved Oxygen	1/month	Grab
Fecal Coliform Bacteria	1/month	Grab
pH	1/month	Grab

XII. TENTATIVE DETERMINATION:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in this Statement of Basis.

XIII. REFERENCES:

Louisiana Water Quality Management Plan, Vol. 8, "Wasteload Allocations and Discharger Inventory," Louisiana Department of Environmental Quality, 1992.

Louisiana Water Quality Management Plan, Vol. 5-B, "Water Quality Inventory", Louisiana Department of Environmental Quality, 1998.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards", Louisiana Department of Environmental Quality, 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program", Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, Michot Family LLC, Holiday Meadows Estates, March 21, 2002.