STATEMENT OF BASIS

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0042544; AI 33911; PERPER20090001** 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: Town of Independence
Town of Independence Wastewater Treatment Facility
P.O. Box 35
Independence, LA 70443

II. PREPARED BY: Angela Marse

DATE PREPARED: September 3, 2009

III. PERMIT ACTION: Issue LPDES permit LA0042544, AI 33911; PERPER20090001

LPDES application received:	March 10, 2009
LPDES permit issued:	May 1, 2004
LPDES permit expired:	April 30, 2009

IV. FACILITY INFORMATION:

A. The application is for the discharge of treated sanitary wastewater from a publicly owned treatment works serving the Town of Independence.

B. The permit application does indicate the receipt of industrial wastewater. The industrial dischargers include:

Name of Discharger	Flow
Doran Sea-Pak, LLC	0.12 MGD
Waterbury Companies, Inc	Deminimus (30-40 gallons/month)
Lallie Kemp Medical Center	Undetermined*

*See Pretreatment Requirements in Section XII. Additional Information

C. The facility is located on Cason Road 1/3 mile east of its intersection with Ragusa Road in Independence, Tangipahoa Parish.

D. The treatment facility consists of screening and grit removal, biological treatment utilizing a Biolac aeration basin followed by a clarifier. Disinfection is by chlorination.

E. Outfall 001

Discharge Location: Latitude 30° 38' 5" North
Longitude 90° 29' 5" West

Description: treated sanitary wastewater

Design Capacity: Current: 0.7 MGD
Planned: 0.9 MGD

Type of Flow Measurement which the facility is currently using:
Combination Totalizing Meter / Continuous Recorder

V. RECEIVING WATERS:

The discharge is into a parish drainage ditch (for approximately 0.38 miles), thence into the Tangipahoa River in segment 040701 of the Lake Ponchartrain Basin. This segment is listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 040701 of the Lake Ponchartrain Basin are as indicated in the table below[1/]:

Overall Degree of Support for Segment 040701	Degree of Support of Each Use						
Partial	Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
	Not Supported	Full	Not Supported	Full	N/A	N/A	N/A

[1/]The designated uses and degree of support for Segment 040701 of the Lake Ponchartrain Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2006 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

Section 303 (d) of the Clean Water Act, as amended by the Water Quality Act of 1987 and EPA's regulations at 40 CFR 130, require that each state identify those waters within its boundaries not meeting water quality standards. The Clean Water Act further requires states to implement plans to address impairments. LDEQ is developing Total Maximum Daily Loadings Studies (TMDLs) to address impaired waterbodies. Segment 040701 of the Lake Pontchartrain Basin is on the 2006 Integrated 303(d) List of Impaired Waterbodies. The suspected causes of impairment are mercury and pathogen indicators. To date no TMDLs have been completed for this waterbody.

Suspected causes of concern are addressed in a manner consistent with the Department's permitting guidance for implementing Louisiana's surface water quality standards as follows:

Pathogen Indicators

Monitoring for fecal coliform is the best indicator for the potential presence of pathogenic organisms in wastewater. To protect against potential receiving water impairments due to pathogens, fecal coliform limits have been established in the permit. Permit limits are reflective of water quality standards for primary contact recreation, a designated use of the receiving stream.

Mercury

The source of mercury has been identified as atmospheric deposition. A review of the application indicates a few commercial users (dentists, medical clinics, etc.) that could potentially contribute to the receiving waterbody's mercury impairment. For these reasons, the Town of Independence will be required to develop a Mercury Minimization Program Plan (MMPP). Should the TMDL for mercury determine a mercury effluent limitation is necessary; a reopener clause has been included in the draft permit.

VI. ENDANGERED SPECIES:

The receiving waterbody, Subsegment 040701 of the Lake Ponchartrain Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the *Gulf Sturgeon*, which is listed as a threatened/endangered species. This draft permit has been sent to the FWS for review. As set forth in the Memorandum of Understanding between the LDEQ and the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse affect upon the *Gulf Sturgeon* since effluent limitations are established in the permit to ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

VII. HISTORIC SITES:

The discharge is from an existing facility location, which does not include an expansion beyond the existing perimeter. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the 'Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits' no consultation with the Louisiana State Historic Preservation Officer is required.

VIII. PUBLIC NOTICE:

Upon publication of the public notice, 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 and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. 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.

Public notice published in:

Local newspaper of general circulation
Office of Environmental Services Public Notice Mailing List

For additional information, contact:

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

IX. PERMIT LIMITS:

Outfall 001 Effluent Limits:
Proposed effluent permit limits are the same as the previous permit with the exception of total kjeldahl nitrogen, phosphorus, and ammonia. The previous permit contained monitoring requirements for total kjeldahl nitrogen and phosphorus. At the time the receiving waterbody, Subsegment 040701 (Tangipahoa River from Mississippi State Line to I-12) was impaired for nitrogen and phosphorus. Since that time, new data in the 2006 Water Quality Management Plan shows that is no longer the case. Therefore monitoring requirements for total kjeldahl nitrogen and phosphorus have been removed from the permit. Due to high concentrations reported on Discharge Monitoring Reports an ammonia nitrogen limit is included in the draft permit.

According to the application submitted March 10, 2009, the Town plans to upgrade the treatment facility. Facility upgrades are described in Section XII. Additional Information. The facility has indicated the design capacity will be increasing from 0.7 MGD to 0.9 MGD. Increasing the design capacity typically increases the loading to the receiving stream.

The state's antidegradation policy at LAC 33:IX.1109. A.2 says that the administrative authority will not approve any wastewater discharge or certify any activity for federal permit that would impair water quality or use of state water. Waste discharges must comply with applicable state and federal laws for attainment or water quality goals. Any new, existing, or expanded point source discharging to state waters..... will be required to provide the necessary level of waste treatment to protect state waters as determined by the administrative authority. Additionally, no degradation shall be allowed in high –quality waters that constitute outstanding natural resources.

LAC 33:IX.1119.C Specific Implementation Procedures for the Antidegradation Policy ensures consideration of the antidegradation policy is given to all activities which may impact water quality and require a permit. The basic principle of the policy is that water quality criteria specified in the standards shall not be exceeded and that the designated uses will not be adversely impacted.

The implementation procedure requires a use attainability analysis if the criteria or uses of the waterbody cannot be attained, requires the state shall ensure that the activity will not interfere with or become injurious to the existing uses, requires the state shall ensure the public is provided the opportunity to comment on the possible lowering of water quality, and if a wastewater discharge or activity is proposed for an outstanding natural resource water body, the administrative authority shall not approve that activity if it will cause degradation of these waters. **(Degradation is defined as a statistically significant difference at the 90% confidence interval from existing physical, chemical, and biological conditions.)**

In drafting this permit, the state has utilized the Water Quality Management Process to implement the Antidegradation Policy as required by LAC 33:IX.1119B. This is a step-by-step process to establish controls on the discharge of pollutants.....protecting state waters from degradation. Considerations have been given to the water quality standards, designated uses of the Tangipahoa River, impairments of the River based on water quality monitoring activities conducted annually to provide physical, chemical and biological data to determine quality of state waters, and discharger data found in the Water Quality Management Plan. The Administrative Authority has found the following:

- Segment 040701, the Tangipahoa River (from Mississippi State Line to I-12), is designated for primary contact recreation, secondary contact recreation, the propagation of fish and wildlife, and outstanding natural resource waterbody. At present, the subsegment does not meet the designated use propagation of fish and wildlife since it is impaired for mercury (2006 303(d) List) due to atmospheric deposition and drought related impacts. The subsegment does not meet the primary contact recreation use since it is impaired for pathogens. Suspected sources of pathogens are dairies, municipal point sources, and decentralized treatment systems and septic systems.

- The mercury impairment is not attributed to sanitary dischargers. Although sanitary treatment plants are not a suspected source of impairment, mercury is addressed in the permit. A Mercury Minimization Program Plan is also required by the permit to reduce the introduction of mercury into the collection system and treatment works. Fecal coliform limits are set at the most stringent standard based on designated uses of the receiving stream.

- Control of fecal coliform and mercury source should result in the waterbody meeting designated uses of the waterbody. A use attainability analysis is not necessary

- The public will be given the opportunity to comment on the draft permit.

- Compliance with permit limits has been reviewed. See Section XI.

At this time, the facility has not demonstrated the ability to consistently meet permit effluent limits. Although concentration limits will remain the same after the facility is upgraded to 0.9 MGD, no increase of mass loading limits can be approved given the antidegradation policy and outstanding natural resource waterbody designation for the Tangipahoa River. The Town of Independence can collect data upstream and downstream of the discharge to determine if degradation (defined above) will/will not occur with the increase discharge. If the Town demonstrates no degradation will occur from the increase design capacity and can demonstrate compliance with the permit limits, the permit can be reopened to consider increase loading limits based on 0.9 MGD.

INTERIM AND FINAL EFFLUENT LIMITS

Effluent limits shall become the effective date of the permit last through the expiration date of the permit. (The permit contains an interim limits page (0.7 MGD) and a final limits page (0.9 MGD). However, limits are the same.

Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Weekly Avg.	Basis
BOD_5	58	10 mg/l	15 mg/l	Limits are set in accordance with the Statewide Sanitary Effluent Limitations Policy (SSELP) for facilities of this treatment type and size.
TSS	88	15 mg/l	23 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	29	5 mg/l	10 mg/l	Best professional judgment based on data reported on Discharge Monitoring Reports and similar facilities with similar effluents.

Other Effluent Limitations:

1) Fecal Coliform

The discharge from this facility is into a water body which has a designated use of Primary Contact Recreation. According to LAC 33:IX.1113.C.5., 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.

4) Priority Pollutant Scan

As part of Amended Consolidated Compliance Order WE-CN-08-0225A dated October 29, 2008 the Town of Independence was ordered to submit the results of a POTW influent pollutant scan for toxic pollutants listed in LAC 33:IX.7107.Appendix D. Table II and III and Tables IV and V if the permittee believed any pollutants listed in Table IV or V were present in the effluent. To date no analysis has been submitted to the Department. Therefore, the permit requires the permittee to analyze priority pollutants annually. See Part II, Section A, Paragraph 11.

X. PREVIOUS PERMITS:

LPDES Permit No. LA0042544: Issued: May 1, 2004
Expired: April 30, 2009

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	Monthly Avg.	Weekly Avg.	Measurement Frequency	Sample Type
Flow	Report	Report	Continuous	Recorder
BOD_5	10 mg/l	15 mg/l	1/week	3-hr.composite
TSS	15 mg/l	23 mg/l	1/week	3-hr.composite
Total Kjeldahl Nitrogen	Report	Report	1/quarter	Grab
Total Phosphorus	Report	Report	1/quarter	Grab
Ammonia-Nitrogen	Report	Report	1/week	3-hr.composite
Fecal Coliform Colonies	200	400	1/week	Grab
pH	---	---	1/week	Grab

The permit contains standard pretreatment language.
The permit contains pollution prevention language.

XI. ENFORCEMENT AND SURVEILLANCE ACTIONS:

A) Inspections

A review of the files indicates the following inspections were performed during the period beginning May 23, 2007 and ending February 28, 2008 for this facility.

Date: May 23, 2007
Inspector: Bill Puissegur
Findings and/or Violations:

1. A strong odor was observed, shrimp peelings and parts were noted within two dumpsters used to contain bar screen debris. (Facility accepts discharges from a shrimp processing plant.) Aeration basin was dark gray in appearance.
2. The outfall was sampled. CBOD was 225 mg/l, TSS was 36 mg/l, and fecal coliform was >16,000colonies/100ml. This is a violation of the LPDES permit.

Date: July 13, 2007
Inspector: Bill Puissegur
Findings and/or Violations:

1.Several complaints were received concerning the release of black material to the Tangipahoa River.
2. A strong odor was observed, shrimp peelings and parts were noted within two dumpsters used to contain bar screen debris.
3.The outfall was sampled. CBOD was 29.4 mg/l and fecal coliform was >16,000colonies/100ml. This is a violation of the LDPES permit. Flow readings during sampling were 1.01 MGD to 1.21 MGD.

Date: February 28, 2008
Inspector: Bill Puissegur
Findings and/or Violations:

1. Odor was observed coming from the plant, shrimp peelings and parts were noted within two dumpsters used to contain bar screen debris. (Facility accepts discharges from a shrimp processing plant.) Aeration basin was brown in color.
2. The outfall was sampled. CBOD was 35 mg/l. This is a violation of the LPDES permit. Flow during sampling ranged from 0.909 MGD to 1.245 MGD.

B) Compliance and/or Administrative Orders

A review of the files indicates the following most recent enforcement actions administered against this facility:

LDEQ Issuance:

Docket #: WE-CN-08-0225B
Date Issued: April 17, 2009
Findings of Fact:

1. Numerous violations of effluent limitations were reported on Discharge Monitoring Reports.
2. Respondent failed to submit non-compliance reports for some violations and submitted incomplete non-compliance reports for others.
3. Respondent did not submit a LPDES permit renewal application 180 days prior to expiration date of LA0042544.

4. Respondent did not keep records of any operations and maintenance procedures, flow meter calibrations, or sludge procedures.
5. An inspection on February 19, 2009 revealed the following:
-The automatic bar screen belt was missing teeth
-Centrifugal grit chamber is not operational
-Aeration basin had some dead spots where mixing was not occurring and floatables were collecting
-Sludge rake in the south clarifier had been removed
6. An inspection conducted by the Department on March 3, 2009 revealed the receiving stream contained solids along with toilet paper and plastic waste materials.
7. The respondent failed to submit the results of the industrial user survey, results of the POTW influent scan, a determination of which industrial users may be discharging pollutants which may affect the operation of the POTW and monthly progress reports as required by Compliance Order WE-CN-08-0225A.

Order:

1. The facility was ordered to complete upgrade activities and submit to the Enforcement Division quarterly progress reports.
2. To submit a complete Industrial/Indirect Waste discharger form for DoRan Sea-Pak, LLC.

Docket #: WE-CN-08-0225A
Date Issued: October 29, 2008
Findings of Fact:

1. Numerous violations of effluent limitations were reported on Discharge Monitoring Reports.
2. Deficiencies in maintenance and operations were observed during inspections such as foam produced from discharge, brown algae and solids were found in the aeration basin, the clarifier was murky and dark gray sludge cakes were observed.
3. The facility did not submit an Indirect Discharger Form for DoRan Sea-Pak, LLC as per Compliance Order issued March 27, 2008.

Order:

1. The facility was given a schedule of upgrade activities:

Activity	Due Date
1. Complete repairs to manholes	September 20, 2008
2. Conduct smoke testing of collection system	December 31, 2008
3. Obtain LCDBG or other funding for inflow and infiltration repairs	June 30, 2009
4. Complete repairs to the collection system	June 30, 2010

2. The facility had to accomplish the following activities associated with developing a pretreatment program.
1. Within thirty days the facility has to submit results of an industrial user survey.
2. Within ninety days the facility was required to submit the results of a pollutant scan on the POTW influent.
3. Within one hundred and twenty days the permittee must take data from the industrial user survey and pollutant scan and determine which industrial users may be discharging pollutants which may affect the operation of the POTW or pass through untreated.
4. Within one hundred and eighty days the permittee was required to develop and submit a local ordinance which incorporates the appropriate legal authority to regulate the discharge from industrial users.

Although the Town is not on schedule with activities required by the Compliance Order, the following steps have been taken by the Town to correct all violations.

1. A pretreatment agreement was put in place between the Town and Doran's in December, 2008. Doran Sea-Pak, LLC began sending wastewater to the Town in May, 2007, placing an additional load upon the WWTP. In September, 2008 the Town informed Doran's the WWTP would no longer receive Doran's wastewater until necessary upgrades were implemented. Doran's must pretreat effluent wastewater to a BOD level of no more than 300 mg/l.
2. The Town has begun planning process improvement to the wastewater collection and treatment systems. The Town will submit a USDA RUS application. The planned improvements will decrease the hydraulic overloads from infiltration. See Construction Compliance Schedule in Section XII. Additional Information.

C) DMR Review

A review of the discharge monitoring reports for the period beginning **December, 2006** through **June, 2009** has revealed the following violations:

Parameter	Outfall	Period of Excursion	Permit Limit	Reported Quantity
CBOD	001	March, 2009	10 mg/l	17 mg/l
CBOD	001	March, 2009	15 mg/l	65 mg/l
CBOD	001	March, 2009	58 lb/day	147 lb/day
CBOD	001	February, 2009	10 mg/l	14 mg/l
CBOD	001	February, 2009	15 mg/l	28 mg/l
CBOD	001	February, 2009	58 lb/day	70 lb/day
CBOD	001	January, 2009	10 mg/l	20 mg/l
CBOD	001	January, 2009	15 mg/l	37 mg/l
CBOD	001	January, 2009	58 lb/day	169 lb/day
CBOD	001	December, 2009	10 mg/l	11 mg/l
CBOD	001	December, 2009	15 mg/l	25 mg/l
CBOD	001	December, 2008	58 lb/day	78 lb/day
CBOD	001	November, 2008	10 mg/l	79 mg/l
CBOD	001	November, 2008	15 mg/l	158 mg/l
CBOD	001	November, 2008	58 lb/day	426lb/day
CBOD	001	October, 2008	10 mg/l	30 mg/l
CBOD	001	October, 2008	15 mg/l	67 mg/l
CBOD	001	October, 2008	58 lb/day	164 lb/day
CBOD	001	September, 2008	10 mg/l	109 mg/l
CBOD	001	September, 2008	15 mg/l	417 mg/l
CBOD	001	September, 2008	58 lb/day	288 lb/day
CBOD	001	August, 2008	10 mg/l	20 mg/l
CBOD	001	August, 2008	15 mg/l	27 mg/l
CBOD	001	August, 2008	58 lb/day	105 lb/day
CBOD	001	July, 2008	10 mg/l	19 mg/l
CBOD	001	July, 2008	15 mg/l	47 mg/l
CBOD	001	July, 2008	58 lb/day	83 lb/day
CBOD	001	June, 2008	10 mg/l	19 mg/l
CBOD	001	June, 2008	15 mg/l	33 mg/l
CBOD	001	June, 2008	58 lb/day	80 lb/day

CBOD	001	February, 2007	10 mg/l	37 mg/l
CBOD	001	February, 2007	15 mg/l	51 mg/l
CBOD	001	February, 2007	58 lb/day	259 lb/day
CBOD	001	January, 2008	10 mg/l	51 mg/l
CBOD	001	January, 2008	15 mg/l	137 mg/l
CBOD	001	January, 2008	58 lb/day	291 lb/day
CBOD	001	December, 2007	10 mg/l	13 mg/l
CBOD	001	December, 2007	15 mg/l	22 mg/l
CBOD	001	August, 2007	10 mg/l	42 mg/l
CBOD	001	August, 2007	15 mg/l	84 mg/l
CBOD	001	August, 2007	58 lb/day	258 lb/day
CBOD	001	July, 2007	10 mg/l	93 mg/l
CBOD	001	July, 2007	15 mg/l	262 mg/l
CBOD	001	July, 2007	58 lb/day	692 mg/l
CBOD	001	June, 2007	10 mg/l	238 mg/l
CBOD	001	June, 2007	15 mg/l	440 mg/l
CBOD	001	June, 2007	58 lb/day	1416 mg/l
CBOD	001	May, 2007	10 mg/l	66 mg/l
CBOD	001	May, 2007	15 mg/l	134 mg/l
CBOD	001	May, 2007	58 l/day	360 lb/day
TSS	001	February, 2009	23 mg/l	24 mg/l
TSS	001	January, 2009	15 mg/l	22 mg/l
TSS	001	January, 2009	23 mg/l	41 mg/l
TSS	001	January, 2009	88 lb/day	188 mg/l
TSS	001	December, 2008	15 mg/l	40 mg/l
TSS	001	December, 2008	23 mg/l	140 mg/l
TSS	001	December, 2008	88 lb/day	251 lb/day
TSS	001	October, 2008	15 mg/l	35 mg/l
TSS	001	October, 2008	23 mg/l	143 mg/l
TSS	001	October, 2008	88 lb/day	180 mg/l
TSS	001	September, 2008	15 mg/l	19 mg/l
TSS	001	September, 2008	23 mg/l	28 mg/l
TSS	001	September, 2008	88 lb/day	99 lb/day
TSS	001	February, 2008	15 mg/l	43 mg/l
TSS	001	February, 2008	23 mg/l	56 mg/l
TSS	001	February, 2008	88 mg/l	293 lb/day
TSS	001	January, 2008	15 mg/l	26 mg/l
TSS	001	January, 2008	23 mg/l	38 mg/l
TSS	001	January,2 008	88 mg/l	165 lb/ay
TSS	001	July, 2007	15 mg/l	207 mg/l
TSS	001	July, 2007	23 mg/l	770 mg/l
TSS	001	July, 2007	88 mg/l	1427lb/day
TSS	001	June, 2007	15 mg/l	25 mg/l
TSS	001	June, 2007	23 mg/l	38 mg/l
TSS	001	June, 2007	88 mg/l	151 lb/day
TSS	001	May, 2007	15 mg/l	22 mg/l
TSS	001	May, 2007	23 mg/l	40 mg/l
TSS	001	May, 2007	88 mg/l	122 mg/l
Fecal coliform	001	December, 2008	400col/100 ml	2760col/100ml
Fecal coliform	001	October, 2008	400col/100ml	1380col/100ml
Fecal coliform	001	September, 2008	400col/100ml	3187col/100ml

Fecal coliform	001	August, 2008	400col/100ml	920col/100ml
Fecal coliform	001	September, 2007	400col/100ml	4968col/100ml
Fecal coliform	001	August, 2007	400col/100ml	2453col/100ml
Fecal coliform	001	July, 2007	400col/100ml	4600col/100ml
Fecal coliform	001	June, 2007	400col/100ml	1840col/100ml

XII. ADDITIONAL INFORMATION:

The Louisiana Department of Environmental Quality (LDEQ) 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 LDEQ 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.

In accordance with LAC 33:IX.2903., this permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(c) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act, if the effluent standard or limitations so issued or approved:

a) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

b) Controls any pollutant not limited in the permit; or

c) Requires reassessment due to change in 303(d) status of waterbody; or

d) Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

Final effluent loadings (i.e. lbs/day) have been established based upon the permit limit concentrations and the design capacity of 0.9 MGD (final effluent limits).

Effluent loadings are calculated using the following example:
BOD: 8.34 lb/gal x 0.7 MGD x 10 mg/l = 58 lb/day

At present, the **Monitoring Requirements, Sample Types, and Frequency of Sampling** as shown in the permit are standard for facilities of flows between 0.5 and 1.0 MGD.

CONSTRUCTION COMPLIANCE SCHEDULE

The permittee was given a schedule of upgrade activities in Compliance Order WE-CN-08-0225A issued October 29,2008. The schedule below has been included in the draft permit.

ACTIVITY	EFFECTIVE DATE
Complete repairs to collection system	June 30, 2010

The above listed activity must be achieved on or before the deadline date. Additionally, the Permittee shall submit a progress report outlining the status of all facility improvements on a quarterly basis (from the effective date of the permit) until compliance is achieved.

Within 14 days of completion of the new facility or facility upgrade and/or expansion, the Permittee shall notify the Department of Environmental Quality - Office of Environmental Compliance, in writing, that construction has been completed.

In addition, the permittee is seeking funding for the following improvements to the treatment plant:

- Installation of a new headworks filter system,
- Construction of additional aeration basins, increasing the capacity of the plant from 0.7 to 0.9 MGD,
- Construction of a disinfection tank,
- Installation of an emergency electrical generator.

EFFLUENT LIMITS SCHEDULE

According to the application submitted March 10, 2009, the Town of Independence plans to upgrade the facility. Facility upgrades include upgrades to lift stations, lining of sewer pipes, various collection system improvements, installation of a new headworks filtering system, construction of an additional aeration basin, construction of a disinfection tank, and installation of an emergency electrical generator. Interim effluent limits will be effective from the effective date of the permit through two years from the effective date of the permit and are based on a design capacity of 0.7 MGD. Final effluent limits will be effective two years from the effective date and authorize the discharge of 0.9 MGD but limits are based on 0.7 MGD.

ACTIVITY	DATE
Interim Effluent Limits and Monitoring Requirements	Effective Date of the Permit
Final Effluent Limitations and Monitoring Requirements	Two years from the effective date of the permit.

The facility has been referred to the Small Business Assistant Group for assistance in applying for funding.

Pretreatment Requirements

The Town of Independence has experienced compliance problems which it attributes to DoRan Seafood,LLC. Based upon consultation with LDEQ pretreatment personnel, pretreatment language including specific requirements for industrials users, such as Doran, has been included in the permit. In addition, a requirement for the Town to install a water meter to determine the amount of wastewater received from DoRan's has been included in the permit. The Town shall also require industrial users/indirect dischargers to have an accurate method to determine flow measurement . This is required to comply with pretreatment language in Part II, Section C.

Pollution Prevention Requirements

The permittee shall institute or continue programs directed towards pollution prevention. The permittee shall institute or continue programs to improve the operating efficiency and extend the useful life of the facility. The permittee will complete an annual Environmental Audit Report **each year** for the life of this permit according to the schedule below. The permittee will accomplish this requirement by completing an Environmental Audit Form which has been attached to the permit. All other requirements of the Municipal Wastewater Pollution Prevention Program are contained in Part II of the permit.

The audit evaluation period is as follows:

Audit Period Begins	Audit Period Ends	Audit Report Completion Date
Effective Date of Permit	12 Months from Audit Period Beginning Date	3 Months from Audit Period Ending Date

XIII. 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.

XIV. REFERENCES:

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 8, "Wasteload Allocations / Total Maximum Daily Loads and Effluent Limitations Policy," Louisiana Department of Environmental Quality, 2005.

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 5, "Water Quality Inventory Section 305(b) Report," Louisiana Department of Environmental Quality, 2006.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2008.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2008.

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, Town of Independence, Town of Independence Wastewater Treatment Facility, March 10, 2009.