STATEMENT OF BASIS

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0038610** 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 Lutcher
Lutcher Treatment Pond
P. O. Box 456
Lutcher, LA 70071

II. **PREPARED BY:** Darlene G. Bernard
DATE PREPARED: May 22, 2007

III. **PERMIT ACTION:** renewal of LPDES permit LA0038610/AI 19430
LPDES application received: August 3, 2005

IV. **FACILITY INFORMATION:**

A. The application is for the discharge of treated sanitary wastewater from an existing publicly owned treatment works serving the Town of Lutcher.

B. The application does indicate the receipt of industrial wastewater. The industrial discharger includes:

Name of Discharger	Flow
ACE Enterprises (Portable Toilet Waste)	0.002 MGD (Mon.-Fri.)
Browning Ferris Industries (Portable Toilet Waste)	0.004 MGD
Horace Dennis (Portable Toilet Waste)	0.001 MGD (Once/week)
High Ten Construction (Portable Toilet Waste)	0.0015 MGD (Sat. only)
Stanley Joles (Portable Toilet Waste)	0.001 MGD (1 or 2/year)
Phillip Services/LA, Inc. (Portable Toilet Waste)	0.002 MGD (Mon.-Fri.)
Pot-O-Gold (Portable Toilet Waste)	0.001 MGD
Rooster Lips Co., Inc. (Portable Toilet Waste)	0.004 MGD (infrequent)
St. James Housing Authority (Domestic Waste Solid)	0.002 MGD (infrequent)
Waste Management of BR (Portable Toilet Waste)	0.001 MGD (infrequent)
Young Septic Cleaning (Portable Toilet Waste)	0.001 MGD (1 or 2/year)

C. The facility is located on LA Hwy. 3125 in Lutcher, St. James Parish, Louisiana.

The treatment facility consists of a four cell pond. The first cell is used as an aerated pretreatment cell for the acceptance of Portable Toilet Waste only. The second cell contains aeration and is where the Town's wastewater is mixed with the pretreated Portable Toilet Waste. The wastestream is then discharged into the two cell facultative area of the pond for final treatment. Disinfection is by chlorination.

D. Outfall 001
Discharge Location: Latitude 30° 02 ′ 56″ North
Longitude 90°40′ 22″ West

Description: treated sanitary wastewater

Design Capacity: 0.61 MGD

Type of Flow Measurement that the facility is currently using: Continuous Recorder

V. RECEIVING WATERS:

The discharge is into the Mississippi River in segment 070301 of the Mississippi River Basin. This segment is not listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 070301 of the Mississippi River Basin are as indicated in the table below[1/]:

Overall Degree of Support for Segment 040804	Degree of Support of Each Use							
Full	Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Oyster Propagation	Limited Aquatic Life and Wildlife Use	Agriculture
	Full	Full	Full	N/A	Full	N/A	N/A	N/A

[1/]The designated uses and degree of support for Segment 070301 of the Mississippi River Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2002 Water Quality Management Plan, Volume 5, Part B, Water Quality Inventory respectively.

VI. ENDANGERED SPECIES:

The receiving waterbody, Subsegment 070301 of the Mississippi River Basin, has been identified by the U.S. Fish and Wildlife Service (FWLS) as habitat for the Pallid sturgeon, which is listed federally as a threatened species. However, this type of discharge is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U. S. Fish and Wildlife Service (FWS). 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 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:

The public notice is published in the local newspaper of general circulation and the Office of Environmental Services Public Notice Mailing List. 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 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.

Public notice published in:

Local newspaper of general circulation
Department of Environmental Quality Public Notice Mailing List

For additional information, contact:

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

IX. PROPOSED PERMIT LIMITS:

OUTFALL 001

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

Final Effluent Limits:

Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Weekly Avg.	Basis
BOD_5	153	30 mg/l	45 mg/l	Limits are set in accordance with the previous LPDES permit and Statewide Sanitary Effluent Limitations Policy (SSELP) for facilities of this size which discharge into the Mississippi River.
TSS	458	90 mg/l	135 mg/l	Limits are set in accordance with the previous LPDES permit and Statewide Sanitary Effluent Limitations Policy (SSELP) for facilities of this size which discharge into the Mississippi River.

Other Effluent Limitations for Outfall 001

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.a, the fecal coliform standards for this water body is 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 Judgment 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) **COD**

Report only, due to amount of portable toilet waste and industrial wastewater introduced into system.

X. PREVIOUS PERMITS:

LPDES Permit No. LA0038610: Issued: January 10, 2001
Effective: February 1, 2001
Expired: January 31, 2006

During the period beginning the effective date of the permit and lasting until two months after completion of construction but not to exceed November 30, 2002 (Design 0.61 MGD)

Effluent Characteristic	Discharge Limitations			Monitoring Requirements	
	lbs./day	other units			
	Monthly Avg.	Monthly Avg.	Weekly Avg.	Measurement Frequency	Sample Type
Flow	---	Report	Report	Continuous	Recorder
BOD_5	153	30 mg/l	45 mg/l	1/week	3-Hour Composite
TSS	458	90 mg/l	135 mg/l	1/week	3-Hour Composite
Fecal Coliform Colonies	N/A	200	400	1/week	Grab
pH	---	6-9 Standard Units		1/week	Grab

During the period beginning two months after completion of construction but not to exceed November 30, 2002 and lasting until expiration of permit (Design 0.61 MGD)

Effluent Characteristic	Discharge Limitations			Monitoring Requirements	
	lbs./day	other units			
	Monthly Avg.	Monthly Avg.	Weekly Avg.	Measurement Frequency	Sample Type
Flow	---	Report	Report	Continuous	Recorder
BOD_5	153	30 mg/l	45 mg/l	1/week	3-Hour Composite
TSS	458	30 mg/l	45 mg/l	1/week	3-Hour Composite
Fecal Coliform Colonies	N/A	200	400	1/week	Grab
pH	---	6-9 Standard Units		1/week	Grab

This permit contained pollution prevention requirements.

XI. ENFORCEMENT AND SURVEILLANCE ACTIONS:

A) Inspections

A review of EDMS indicates the following inspections were performed for this facility:

Date – September 6, 2005
Findings and/or Violations:

A telephone assessment inspection was done to assess damages to wastewater treatment facility as a result of Hurricane Katrina. The facility had no damage from the hurricane.

Date – August 7, 2003
Findings and/or Violations:

Facility inspection revealed DMR and other records up to date and in order. Tour of facility revealed it to be neat, clean, and in order.

Date – August 28, 2001
Findings and/or Violations:

Facility inspection revealed most of the ponds levees did not have three feet of freeboard. This is an area that is addressed in the town's future construction upgrade plans. The facility's flow meter needed to be calibrated. The last calibration was on 07-12-01. The facility was not keeping a pH log book for their pH meter.

B) Compliance and/or Administrative Orders

A review of EDMS and TEMPO revealed that there is an enforcement action (active) administered against this facility as follows:

LDEQ Issuance:
Enforcement Tracking # - WE-CN-02-0804
Issued – April 7, 2003
Findings:

1. The permittee was issued Compliance Order and Notice of Potential Penalty WE-CN-02-0804 on or about April 7, 2003. The relevant issues addressed in the findings of fact were:
    1) Failure to properly operate and maintain facility.
    2) Flow meter not being calibrated as required.
    3) No pH log book being kept for the pH meter.
    4) Excursions of the permit.

The relevant requirements of the Compliance Order were to:

A. Take any and all steps necessary to meet and maintain compliance with LPDES permit LA0038610;
B. Submit a complete written report including a detailed description of the circumstances of the cited violations, the actions taken to achieve compliance, and corrective or remedial actions taken to mitigate any damages resulting from the violations.

In response to the Compliance Order WE-CN-02-0804, the following actions were taken:

A. Town of Lutcher is continuously pursuing funding for necessary improvements to the

wastewater treatment plant and has recently secured approval from the State Bonding Commission to secure the necessary funding required to make the improvements.

B. Meeting was requested to discuss potential penalties.

C. Town of Lutcher Wastewater System Improvements Project Preliminary Design Report was submitted for review.

The permittee was also advised of their right for an adjudicatory hearing on a disputed issue of material fact or of law arising from the Compliance Order; the specifics concerning a request for an adjudicatory and timely filing.

The permittee was also advised of the civil penalties that could be assessed for each day of violation for the violations described in the order.

Penalty:

1. The permittee was notified that the issuance of a penalty assessment was being considered for the violations described in the order. Written comments could be filed regarding the violations and the contemplated penalty.
2. The permittee was also notified that they may request a meeting with the Department to present any mitigating circumstances concerning the violations.
3. The permittee was required to forward the most current gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations so that a determination could be made whether a penalty will be assessed and the amount of such penalty.

EPA Issuance: None

C) DMR Review

A review of the discharge monitoring reports for the period beginning **December 2003** through **November 2006** has revealed the following violations:

Effluent Characteristic	Number of Violations
BOD_5	4
TSS	15
Fecal Coliform	5
pH	2

XII. ADDITIONAL INFORMATION:

Final effluent loadings (i.e. lbs/day) have been established based upon the permit limit concentrations and the design capacity flow of 0.61 MGD. Effluent loadings are calculated as shown in the following example:

$CBOD_5 = 8.34 \times 0.61 \times 30$ mg/l = 153 lbs/day

The **Monitoring Requirements, Sample Types, and Frequency of Sampling** for facilities with flows of 0.5 MGD to 1.0 MGD are 1/week:

Effluent Characteristics	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow	Continuous	Recorder
BOD_5	1/week	3-Hr. Composite
Total Suspended Solids	1/week	3-Hr. Composite
Fecal Coliform Bacteria	1/week	Grab
pH	1/week	Grab

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. Please make additional copies to be utilized for each year of this 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 reissue a permit for the discharge described in this Statement of Basis.

XIV. REFERENCES:

Louisiana Water Quality Management Plan, Vol. 8, Appendix A "Areawide Effluent Limitations Policy", Louisiana Department of Environmental Quality, 2005.

Louisiana Water Quality Management Plan, Vol. 5, Part B, "Water Quality Inventory", Louisiana Department of Environmental Quality, 2002 and 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards", Louisiana Department of Environmental Quality, 2006.

LA 2004 Integrated Report with FINAL EPA Additions, August 17, 2005.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 23 - "The LPDES Program", Louisiana Department of Environmental Quality, 2006.

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 Lutcher, Lutcher Treatment Pond, August 3, 2005.