STATEMENT OF BASIS

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0124222; AI 146817; PER20080001** 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: Water & Wastewater Utilities, Inc
Malapart Place Subdivision
211 Hulco Drive
Scott, LA 70583

II. PREPARED BY: Rachel Davis

DATE PREPARED: August 15, 2008

III. PERMIT ACTION: Issue LPDES permit LA0124222, AI 146817; PER20080001

LPDES application received: January 15, 2008

IV. FACILITY INFORMATION:

A. The application is for the discharge of treated sanitary wastewater from a proposed privately owned treatment works serving the Malapart Place Subdivision.

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

C. The facility is located at the intersection of Malapart Road and Common Pointes Drive in Scott, Lafayette Parish.

D. The treatment facility consists of a 45,000 GPD extended aeration sewage treatment plant with disinfection by chlorination.

E. Outfall 001

Discharge Location: Latitude 30° 17' 19" North
Longitude 92° 4' 45" West

Description: treated sanitary wastewater

Expected Flow: 106 of homes x 400 gallons/day/home = 0.042 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.

V. RECEIVING WATERS:

The discharge is into an unnamed ditch, thence into Coulee Mine, thence into Vermilion River in segment 060801 of the Vermilion - Teche Basin. This segment is not listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 060801 of the Vermilion - Teche Basin are as indicated in the table below[1/]:

Degree of Support of Each Use						
Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish 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 060801 of the Vermilion - Teche 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.

VI. ENDANGERED SPECIES:

The receiving waterbody, Subsegment 060801 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 October 27, 2007 from Boggs (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 Historical Preservation Officer (SHPO) in a letter dated January 17, 2008, to determine whether construction-related activities could potential affect sites or properties on or eligible for listing on the National Register of Historic Places. SHPO's response letter, dated February 12, 2008, stated that the facility as proposed will have no potential effects.

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:

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

IX. PROPOSED PERMIT LIMITS:

Final Effluent Limits:
Subsegment 060801,Vermilion River-Headwaters at Bayou Fusilier-Bourbeaux junction to New Flanders Bridge, Hwy. 3073, is not listed on LDEQ's Final 2006 303(d) list as impaired. However, subsegment 060801 was previously listed as impaired for phosphorus, nitrogen, organic enrichment/lowDO, 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 TMDLs 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 TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDLs have been established for subsegment 060801:

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

This TMDL 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 – Dec.: 10 mg/l $CBOD_5$/5 mg/l NH_3-N/5 mg/l DO Jan.- 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

Therefore, this discharge will be permitted accordingly.

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 be permitted according to the current state policy.

TOTAL MAXIMUM DAILY LOAD (TMDL) For TSS, Turbidity, and Siltation for the 15 Subsegments in the Vermilion River Basin

The TMDL states, "Point sources do not represent a significant source of TSS as defined in this TMDL. Point sources discharge primarily organic TSS, which does not contribute to habitat impairment resulting from sedimentation. Because the point sources are minor contributors and discharges of organic suspended solids from point sources are already addressed by LDEQ through their permitting of point sources to maintain water quality standards for DO, the wasteload allocations for point source contributions were set to zero." Therefore, the facility will be permitted according to current state policies.

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.

Vermilion River TMDLs for Dissolved Oxygen and Nitrogen Subsegments 060801 and 060802

The TMDL states, "LDEQ's water quality standards read 'The naturally occuring range of nitrogen-phosphorus ratios shall be maintained. This range shall not apply to designated intermittent streams'." Therefore, the facility will be permitted according to current state policies.

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)		10 mg/l 20 mg/l	15 mg/l 30 mg/l	Based on the *1999 Review and Assessment of the 1987 Vermilion River Watershed TMDL for Dissolved Oxygen*
TSS		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 (May- December) (January- April)		5 mg/l 10 mg/l	10 mg/l 20 mg/l	Based on the *1999 Review and Assessment of the 1987 Vermilion River Watershed TMDL for Dissolved Oxygen*
Dissolved Oxygen*		5.0 mg/l	---	Based on the *1999 Review and Assessment of the 1987 Vermilion River Watershed TMDL for Dissolved Oxygen*

*This Dissolved Oxygen limit is the lowest allowable average of daily discharges over a calendar month. When monitoring is conducted, the Dissolved Oxygen shall be analyzed immediately, as per 40 CFR 136.3.

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.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 no inspection have been conducted at the proposed facility.

B) Compliance and/or Administrative Orders

A review of the files indicates that no compliance orders have been issued against the propsed facility.

C) DMR Review

A review of the discharge monitoring reports revealed that no DMR's have been submitted for the proposed facility.

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.

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

XIII. TENTATIVE DETERMINATION:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a new 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, 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, Water & Wastewater Utilities, Inc, Malapart Place Subdivision, January 15, 2008.