



**FEMA**

**U.S. Department of Homeland Security**  
Louisiana Recovery Office  
1 Seine Court  
New Orleans, Louisiana 70114

**DRAFT FINDING OF NO SIGNIFICANT IMPACT**  
**for**  
**ST. MARTINVILLE WASTEWATER TREATMENT PLANT**  
**ST. MARTIN PARISH, LOUISIANA**

BACKGROUND

On September 1, 2008, the tidal surge, heavy rain, and high velocity winds from Hurricane Gustav caused extensive damage to a portion of the City of St. Martinville Sewerage Treatment Plant Pond. This portion contained baffles, known as a Lemna biomass assimilation system, to extend the exposure time of the wastewater to microbes as a secondary treatment.

The city has been involved in a lawsuit filed by the EPA concerning the discharge at this plant. The EPA sued because that the Lemna system was not as efficient as possible, resulting in final discharge that exceeded discharge permit limits. As a result of the lawsuit, a settlement was reached between the city and the EPA in October 2009. This settlement called for the installation of a different treatment system, known as the Wetlands Enhancement Project, to replace the inefficient Lemna system.

The proposed action would implement the Wetlands Enhancement Project by distributing secondarily treated wastewater into a nearby wetlands area for final tertiary treatment of the flow before it enters Cypress Island Coulee. This would offer improved treatment potential compared to the current Lemna system, which was not providing enough quality treatment to keep the wastewater within discharge permit limits.

In accordance with the environmental review guidelines of the Council of Environmental Quality found at 40 Code of Federal Regulations (CFR) Part 1500, and with the use of the implementing environmental review procedures of the United States Environmental Protection Agency (EPA) found at 40 CFR Part 6, entitled "Procedures for Implementing the Requirements of the Council on Environmental Quality on the National Environmental Policy Act" as guidance, the EPA performed an environmental review and prepared an Environmental Assessment (EA) in April 2005. The purpose of the EA was to analyze the potential environmental impacts associated with the diversion of wastewater into the wetlands area and to determine whether to prepare an Environmental Impact Statement (EIS) or Finding of No Significant Impact (FONSI). The need for the proposed action is to offer adequate wastewater treatment services for the City of St. Martinville that will also remain within the EPA permit discharge limits. The October 2009 settlement with the EPA determined that the Wetlands Enhancement Project would be the most efficient method of remaining within the EPA permit discharge limits. The alternatives considered were 1) No Action and 2) Implementation of the Wetlands Enhancement Project (Proposed Action). Multiple alternative options were considered and dismissed.

## COORDINATION, PUBLIC REVIEW AND COMMENT

In preparation of the EA, the EPA coordinated with federal and state agencies such as the U.S. Fish and Wildlife Service, State Historic Preservation Office, Louisiana Department of Transportation and Development, U.S. Army Corps of Engineers, National Park Service, Louisiana Department of Environmental Quality, National Resources Conservation Service, Louisiana Department of Natural Resources, and the local floodplain administrator. A public hearing for the proposed project was conducted to inform the public of the proposed project, to identify any issues of concern, and to request public participation in the development of the project. No adverse public comments or concerns were received either in person or in writing.

## FEMA'S INVOLVEMENT

The applicant, the City of St. Martinville, has requested Public Assistance funding under Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL-93-288, as amended, and implementing regulations at 44 CFR Part 206 for this project. The applicant requested Public Assistance funding because, on September 1, 2008, the tidal surge, heavy rain, and high velocity winds from Hurricane Gustav caused extensive damage to a portion of the City of St. Martinville Sewerage Treatment Plant Pond. The applicant requested an Improved Project to replace the Lemna system with the Wetlands Enhancement Project. FEMA has conducted a review of the EPA's Environmental Assessment and has adopted it pursuant to the Council on Environmental Quality's Implementing Procedures for NEPA at 40 CFR 1506.3.

## FINDINGS

FEMA has made the following determinations from the information contained in the EPA EA:

The proposed project will not result in any significant adverse impact to existing land use, water resources (surface water, groundwater, Waters of the United States, wetlands and floodplains), coastal resources, biological resources (vegetation, fish and wildlife, state and federally-listed threatened or endangered species and critical habitats), cultural resources, air quality, noise, traffic, safety, hazardous materials or result in disproportionately high or adverse effects to minority or low-income populations. The proposed action is also in compliance with all relevant federal, state, and local laws, including Executive Orders (EO) 11988 (Floodplain Management), EO 11990 (Protection of Wetlands), and EO 12898 (Environmental Justice). FEMA has determined that the proposed project qualifies as a major federal action that will not significantly affect the quality of the natural and human environment, nor does it have the potential for significant cumulative effects. As a result of this FONSI, an EIS will not be prepared (44 CFR Part 10.9) and the proposed project as described in the attached EA may proceed.

## CONDITIONS

The following conditions must be met as part of the implementation of the project. Failure to comply with these conditions may jeopardize federal funds:

- This FONSI applies only to the project area that has been specifically described and evaluated in the EPA EA. If there is a change in the scope of work, or if any other areas outside the project area described in the EPA EA will be impacted, the project must be re-evaluated for compliance with NEPA and other applicable federal, state, and local environmental and historic preservation laws, regulations, and Executive Orders.
- These conditions, contained in the EPA EA, shall be adhered to as a condition of this FONSI:
  - Should materials, artifacts, or properties of a potentially historic or archaeological nature be unearthed during construction, work will stop immediately in that general vicinity, and the funding recipient will immediately notify the SHPO of the discovery. Any such resources discovered will be evaluated in accordance with the requirements of 36 CFR, Part 800. Appropriate mitigation measures will be developed and implemented, as needed, in consultation with the SHPO before construction is allowed to continue.
  - Based upon coordination with the United States Army Corps of Engineers (COE), construction of the proposed project will require the issuance of a permit under Section 404 of the Clean Water Act prior to the initiation of construction activities. Compliance with all provisions of the COE permit will ensure that construction of the project should not have significant adverse impact to wetlands.
  - The recipient agrees that no wastewater generated by development located in the floodplain or wetlands shall be treated or transported by the project facilities for a period of 50 years. This restriction does not apply to development which existed prior to the issuance date of the Finding of No Significant Impact related to this project.
  - The recipient agrees to adopt and enforce suitable ordinances and implementing procedures for effective local administration of this floodplains and wetlands service area restriction. On application of the recipient's governing body and after considering all relevant information on a proposed development's effects on the natural functions and values of the affected floodplain, the EPA Regional Administrator may waive the service area restriction in individual cases; and
  - EPA and the recipient intend that this floodplains and wetlands service area restriction shall benefit any person, organization, or entity possessing an interest in preservation of the natural environment in the 100-year floodplains and wetlands subject to this restriction. Any such beneficiary may seek enforcement of the restriction against the recipient or its successor in a court of competent jurisdiction, if the notice of the intent to seek enforcement is first

given the recipient and the EPA Region 6, and neither entity initiates corrective action within 90 days of receiving such notice.

APPROVAL

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Katherine Zeringue  
Environmental Liaison Officer  
Louisiana Recovery Office  
FEMA-1603/1607/1786/1792-DR-LA

Date

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Joseph Threat, Acting Director  
Louisiana Recovery Office  
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Date