

Draft Environmental Assessment

# **Calcasieu Parish Flood Protection Berm Project**

Calcasieu Parish, Louisiana  
HMGP 1786-0027

FEMA-1786-DR-LA

*March 2012*



**FEMA**

**U.S. Department of Homeland Security**  
Louisiana Recovery Office

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## LIST OF ACRONYMS

AC	Acre
ACHP	Advisory Council on Historic Preservation
AI	Agency Interest
APE	Area of Potential Effect
BFE	Base Flood Elevation
BMP	Best Management Practices
CFR	Code of Federal Regulations
CMU	Concrete Masonry Unit
CWA	Clean Water Act
DA	Department of the Army
DEA	Draft Environmental Assessment
DFIRM	Digital Flood Insurance Rate Map
EA	Environmental Assessment
EIS	Environmental Impact Statement
EL	Elevation
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
GOHSEP	Governor's Office of Homeland Security and Emergency Preparedness
GPM	Gallons per Minute
HMGP	Hazard Mitigation Grant Program
LADOTD	Louisiana Department of Transportation and Development
LDEQ	Louisiana Department of Environmental Quality
LDNR	Louisiana Department of Natural Resources
LDWF	Louisiana Department of Wildlife and Fisheries
LPDES	Louisiana Pollutant Discharge Elimination System
LSU	Louisiana State University
MPH	Miles per Hour
MSL	Mean Sea Level
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NDPES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
OSHA	Occupational Safety and Health Administration
PAH	Polycyclic Aromatic Hydrocarbons
PVC	Polyvinyl Chloride
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office/Officer
SONRIS	Strategic Online Natural Resources Information System
SOW	Scope of Work

SPOC	Single-Point-of-Contact
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
UST	Underground Storage Tank
WWTF	Westlake Wastewater Treatment Facility

DRAFT

## **1.0 INTRODUCTION**

### **1.1 Project Authority**

Hurricane Gustav made landfall as a Category 2 hurricane near Cocodrie, Louisiana on September 1, 2008, with sustained winds of 105 miles per hour (mph). President George Walker Bush declared a major disaster for the state of Louisiana due to damages from Hurricane Gustav and signed a disaster declaration (FEMA-1786-DR-LA) on September 2, 2008, authorizing the Department of Homeland Security's Federal Emergency Management Agency (FEMA) to provide federal assistance in designated areas of Louisiana. FEMA is administering this disaster assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended. Section 404 of the Stafford Act authorizes FEMA's Hazard Mitigation Program to provide funds to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration.

This draft Environmental Assessment (EA) has been prepared in compliance with the National Environmental Policy Act of 1969 (NEPA); the President's Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508); and FEMA's regulations implementing NEPA (44 CFR 10.9). The purpose of this EA is to analyze the impacts of a proposed flood protection berm around the Westlake Wastewater Treatment Facility (WWTF) in Westlake, Louisiana. FEMA will use the findings in this EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

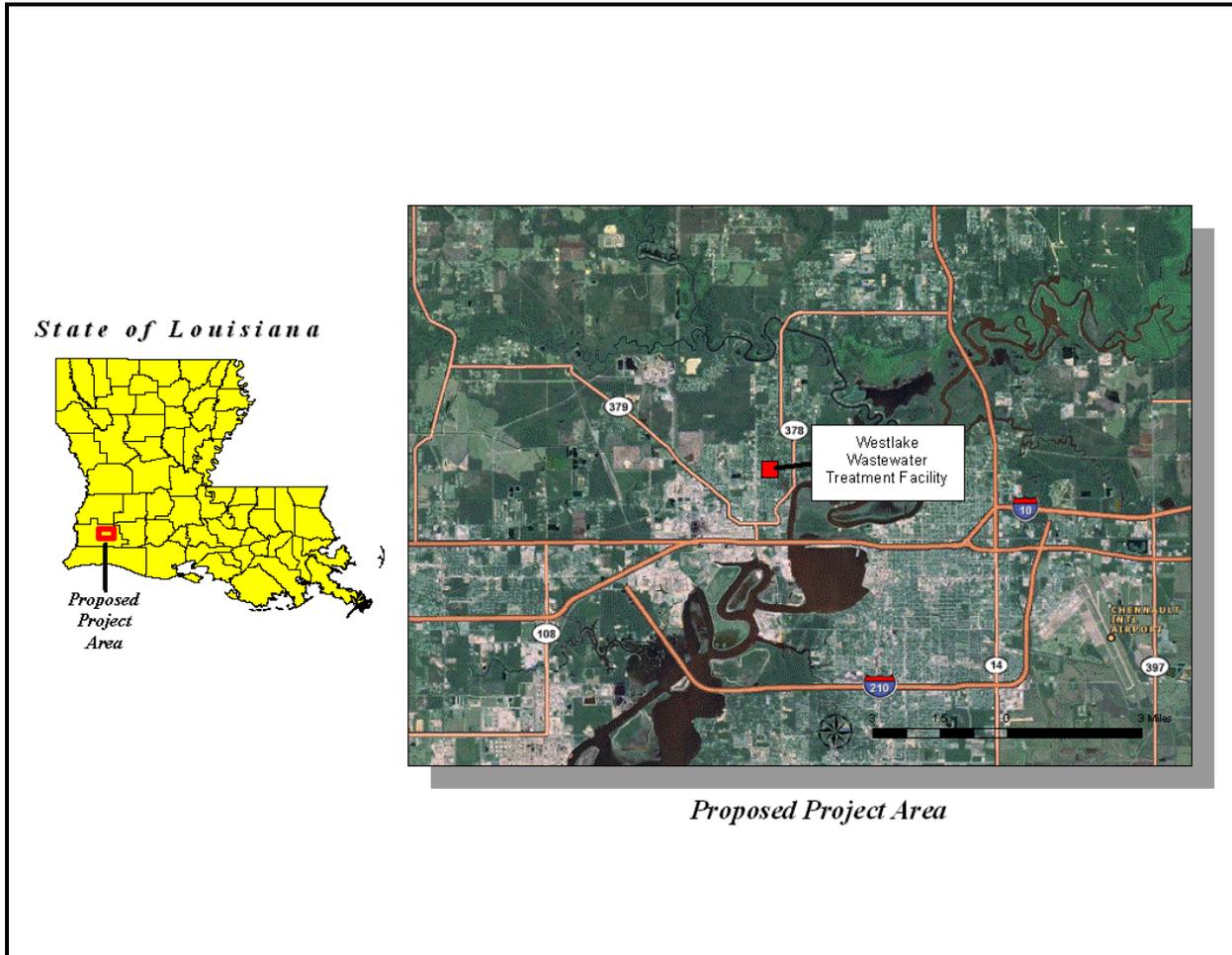
### **1.2 PROJECT LOCATION / BACKGROUND**

Calcasieu Parish is located in southwest Louisiana. In total, it encompasses approximately 1,094 square miles, with approximately 1,071 square miles of land and 23 square miles of water. It is bordered to the north by Beauregard Parish, to the east by Jefferson Davis Parish, to the south by Cameron Parish, and to the west by the Sabine River, the City of Orange, Texas, and the unincorporated areas of Orange County and Newton County, Texas.

The city of Westlake is located in central Calcasieu Parish, with approximately 4,547 people, according to 2005-2009 U.S. Census figures. Westlake lies approximately 2.5 miles northwest of the city of Lake Charles and almost 8 miles to the east of the city of Sulphur. The proposed project is located at the Westlake Wastewater Treatment Facility (30.257204, -93.253301) at 2000 Carlin Drive, Westlake, LA (Figure 1). The proposed project area is located within Section 23, Township 9S, and Range 9W.

Flooding from rainfall can occur during any season of the year in the City of Westlake. Heavy rainfalls during the winter and spring are usually the result of passing warm and cold weather fronts. Summer thunderstorms can cause flooding in the area, and tropical storms and hurricanes sometimes hit this area during the summer and fall. These storms, in addition to the intense rainfall which they bring, produce wind-driven tides which also affect the area.

**Figure 1: State Map of Louisiana and Vicinity Map of Proposed Project Area**



*Westlake Wastewater Treatment Facility, located at 2000 Carlin Drive*



## 2.0 PURPOSE AND NEED

The WWTF is comprised of three primary components: the 1,240 square foot main treatment building (which houses the wastewater pumps and associated machinery), the bar screen structure (used to remove large solids from the waste stream), and the standby generator structure. The main treatment building is a rectangular, slab-on-grade structure with concrete masonry unit (CMU) walls and a gable roof with asphalt shingles (photo on page 2). This facility conveys all of Westlake's collected wastewater to the regional treatment plant located in nearby Sulphur.

The purpose of this project is to protect the WWTF from future flood hazards. Flooding in the area has forced the facility to shut down several times in the past, resulting in negative water quality impacts and public health concerns. The proposed project aims to substantially reduce the number of these flood-related shutdowns, thereby protecting the citizens of Westlake from potential water quality impacts, while also helping to ensure the continued operations of important community infrastructure during a flood event.

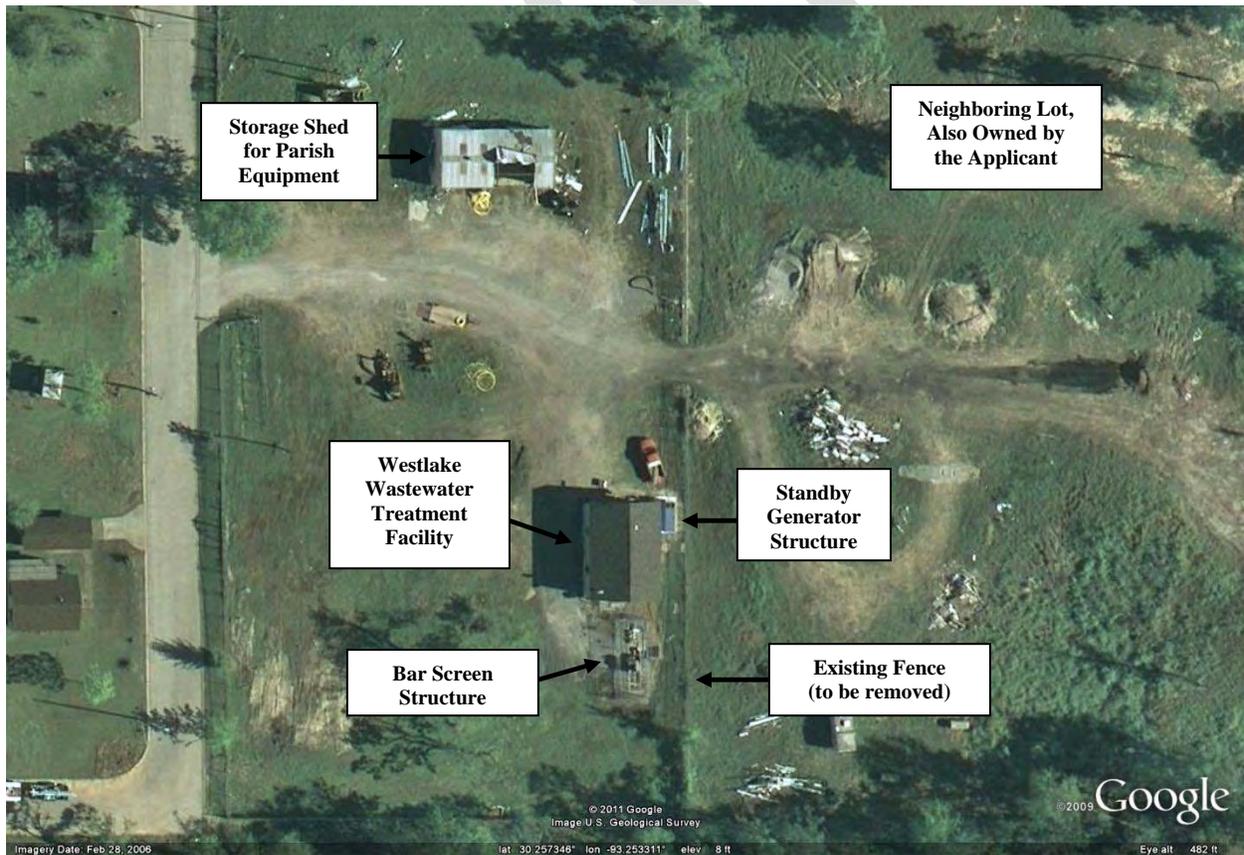
The need for this project is defined by the WWTF's lack of elevation and subsequent vulnerability to repeated flooding in the proposed project area. As sewage flows to the facility by way of gravity, the WWTF was constructed in a particularly low-lying site in relation to the adjacent terrain. Ground elevations at the facility, on average, range from one to two feet below the location's regulatory base flood height (i.e. flood having a 1% chance of being equaled or exceeded in any given year). Additionally, soils in the vicinity, which possess slow permeability, also contribute to drainage problems during heavy rainfalls. Listed below are documented instances of past flood damage in the immediate area provided by the Applicant:

- In September of 2008, storm water caused by Hurricane Ike inundated the main treatment building with over two feet of storm water, leaving the facility disabled for several days. In total, Hurricane Ike caused approximately \$163,908.84 in damages to the bar screen structure, the wastewater transfer pumps, and the automated transfer to auxiliary power device.
- In August of 1992, a 100-year flood event caused an estimated \$1,895,000 in damages to twenty-three homes in the project area and required the evacuation of 108 people by Emergency Services.
- In October of 1989, a 50-year flood event caused an estimated \$195,000 in damages to sixteen homes in the project area and required the evacuation of 58 people by Emergency Services.



*Photo of past flooding at the Westlake Wastewater Treatment Facility*

**Figure 2: Aerial View of Proposed Project Area**



### **3.0 ALTERNATIVES**

The NEPA process consists of an evaluation of the environmental and cultural effects of a federal undertaking including its alternatives. The identification and evaluation of the purpose and need of a project is essential in establishing a basis for the development of the range of reasonable alternatives required in an EA and assists with the identification and eventual selection of a preferred alternative. Four alternatives have been proposed and reviewed for this project. They include: 1) No Action, 2) Construction of a ring earthen berm around the WWTF including installation of a drain pump 3) Elevation of the WWTF above the base flood elevation, and 4) Construction of a concrete flood wall around the WWTF.

#### **3.1 Alternative 1 - No Action**

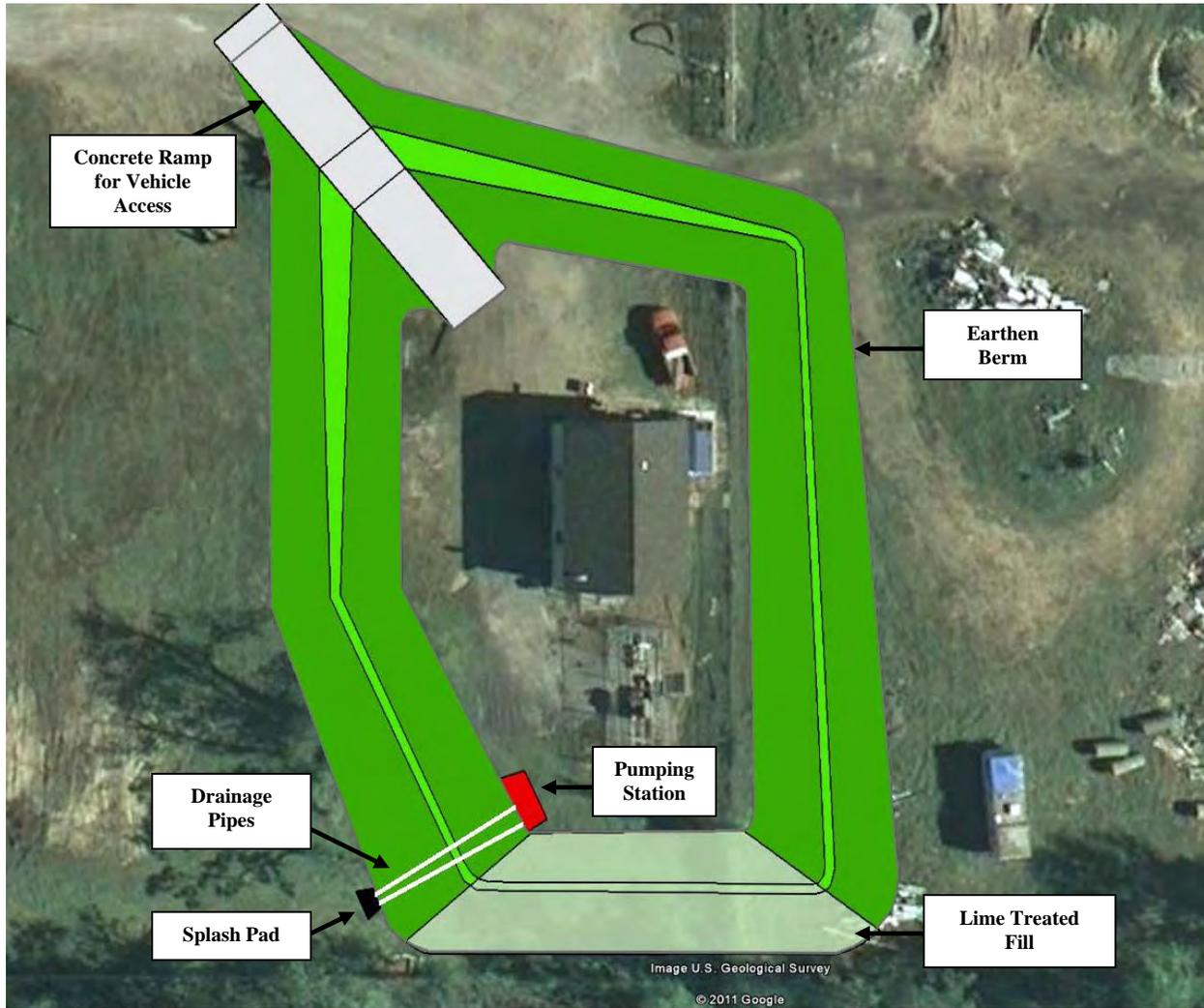
Under this alternative, Calcasieu Parish would not construct the proposed earthen berm. Consequently, the WWTF would continue to be subject to flood damage during severe storms, tropical storms, and hurricanes. Therefore, the no action alternative would result in continued shutdowns and the associated negative water quality impacts and public health and safety concerns.

#### **3.2 Alternative 2- Construction of an earthen berm around the Westlake Wastewater Treatment Facility, including installation of drain pump (Proposed Action)**

The proposed action for this project consists of constructing an earthen berm approximately 550 linear feet in length around the perimeter of the WWTF. The construction of the proposed berm would require the excavation of approximately 2,700 cubic yards (CY) of soil from a pre-designated borrow area located off-site (Figure 7). According to the United States Department of Agriculture, Soil Conservation Service website, the proposed borrow area contains soils that are rated as “very limited” for embankments, dikes, and levees. A “very limited” rating indicates that the soil has one or more features that are unfavorable for the specified use. Therefore, any material used for the proposed berm should be certified by a professional engineer as being suitable for the proposed berm.

The total area to be taken up by the proposed action is .6 of an acre (AC); the total area to be enclosed by the proposed berm is less than .2 AC. In general, the proposed berm would be between 13 and 15 feet wide, approximately 6 feet high, and would have a crown with an elevation of 13 feet above mean sea level (msl). The proposed berm would be expected to provide protection up to 4.0 feet above the current established base flood elevation (BFE) (the 100-year or 1.0 percent chance event) or 9 feet above msl for the proposed project location, as shown on the new effective Digital Flood Insurance Rate Map (DFIRM) (Figure 5). In most areas, the berm would be sloped with 2:1 sides. On the south side of the facility, however, due to space limitations, the proposed berm would be constructed with 1.5:1 sides using lime treated fill. Additionally, a concrete entrance ramp would be installed over the berm for vehicle access.

**Figure 3: Proposed Scope of Work**



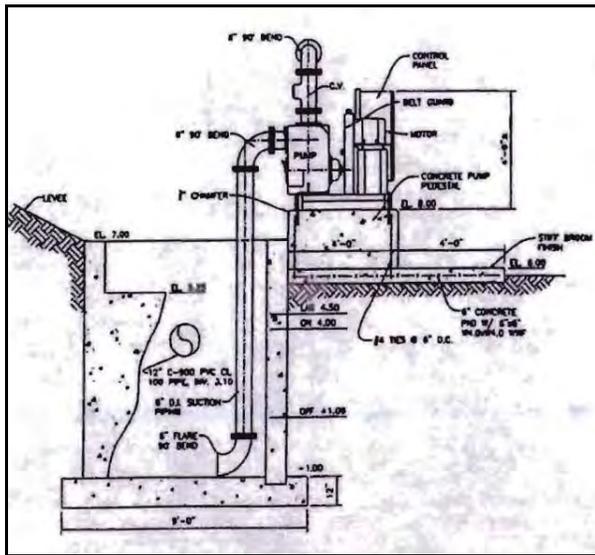
The proposed berm would be constructed in accordance with a geotechnical engineering report commissioned by the Applicant. The contractor would be responsible for erosion control and reparation during and after construction. Upon completion of construction, the berm would be sodded. All other areas of the site that are disturbed during construction shall be restored by grading, compacting, and seeding or placing aggregate. Additionally, an existing chain-link fence separating the proposed project site from the neighboring lot to the east would require removal during construction. It should be noted that the Applicant owns the property on the other side of this fence.

The proposed scope of work also includes the installation of a pump station and catch basin that would serve the interior area of the berm during rainfall events. The proposed catch basin would be approximately 7 ft. by 7 ft. by 8 ft. and would rest on a 9 ft. x 9 ft. x 1 ft. foundation. Storm water from the catch basin would drain into a 12-inch Polyvinyl Chloride Class 100 pipe and, when necessary, would be pumped out by a 6-inch self-priming pump rated for 750 gallons per

minute (GPM). A second 6-inch self-priming pump would be installed as a backup in case of a failure of the first pump.

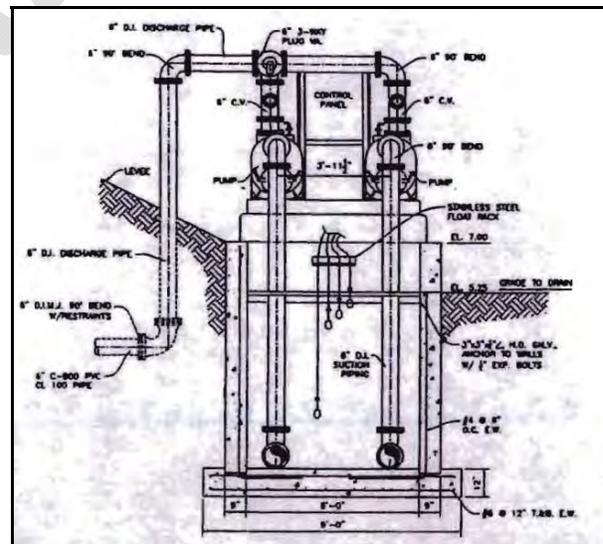
Storm water pumped from this catch basin would exit through drainage pipes onto a splash pad located on the exterior side of the proposed berm. The area adjacent to the splash pad would be graded to convey stormwater to the southeast. All proposed drainage pipes would be fitted with check valves to prevent the backflow of storm water from damaging pump station equipment. The proposed pump station would be connected to an existing generator that currently serves the main facility in case of a power outage.

**Figure 4: Preliminary Construction Plans for Proposed Pumping Station**



*Preliminary construction plans for proposed pumping station provided by the Applicant*

*Proposed pumping station will house two 6-inch self-priming pumps, one of which will serve as a backup in case of failure*



### **3.3 Alternatives Eliminated From Further Consideration**

On May 5, 2011, FEMA personnel conducted an on-site assessment of the WWTF and met with the Applicant to discuss the proposed action. During that meeting, the project engineer for the Applicant and FEMA personnel discussed the option of elevating the WWTF above the 100-year flood elevation instead of constructing the proposed berm. The project engineer stated that this alternative was eliminated from further consideration because it was not practical or cost-effective.

Another alternative considered was the construction of a concrete flood wall around the WWTF, in place of the proposed berm, to protect the facility from future flood damages. The Applicant also eliminated this alternative from further consideration because its construction would cost an estimated \$200,000 more than the proposed action, while essentially providing the same level of flood protection.

## **4.0 AFFECTED ENVIRONMENT AND IMPACTS**

### **4.1 Impact Summary**

The following matrix summarizes the results of the environmental review process for the proposed action (Table 3). Potential environmental impacts that were found to be negligible are not evaluated further. Resource areas that have the potential for impacts of minor, moderate, or major intensity are further developed in the following sections. Definitions of the impact intensity are described below:

**Negligible:** The resource area would not be affected, or changes would be either non-detectable or if detected, would have effects that would be slight and local. Impacts would be well below regulatory standards, as applicable.

**Minor:** Changes to the resource would be measurable, although the changes would be small and localized. Impacts would be within or below regulatory standards, as applicable. Mitigation measures would reduce any potential adverse effects.

**Moderate:** Changes to the resource would be measurable and have both localized and regional scale impacts. Impacts would be within or below regulatory standards, but historical conditions are being altered on a short-term basis. Mitigation measures would be necessary and the measures would reduce any potential adverse effects.

**Major:** Changes would be readily measurable and would have substantial consequences on a local and regional level. Impacts would exceed regulatory standards. Mitigation measures to offset the adverse effects would be required to reduce impacts, though long-term changes to the resource would be expected.

**Table 1: Affected Environment and Environmental Consequences Matrix**

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Geology and Soils	X				Potential for short-term localized increase in soil erosion during construction. The U.S. Department of Agriculture (USDA-Natural Resources Conservation Service (NRCS) Alexandria, LA office has determined that the proposed project will not impact any Prime, Unique, or Local Important Farmland.	USDA-NRCS correspondence letter from Kevin D. Norton of the Alexandria, LA office, dated 8/30/2011. (See Appendix B) Louisiana Department of Environmental Quality (LDEQ) email dated 9/6/2011. (See Appendix B)	Implement construction Best Management Practices (BMPs), install silt fences/straw bales to reduce sedimentation. Area soils would be covered and /or wetted during construction. If fill is stored on site as part of unit installation or removal, the contractor would be required to appropriately cover it. See also Section 6.0.
Hydrology and Floodplains (Executive Order 11988)		X			Preliminary Digital Flood Insurance Rate Maps were reviewed on FEMA's web site. According to DFIRM 22019C 0294F, with a effective date of February 18, 2011, the project area is located within zone AE (EL 9) (the 100-year floodplain).		The project area must be kept cleared so as not to interfere with floodplain functions. Additionally, all appropriate permits must be obtained from the local floodplain administrator. See also Sections 4.2.1 and 6.0.
Wetlands (Executive Order 11990)	X				U.S. Fish and Wildlife Service (USFWS) mapped wetlands are not present in the proposed project area.	Letter from the U.S. Army Corps of Engineers, dated 9/27/2011. (See Appendix B)	Any changes or modifications to the proposed project will require a revised determination. Off-site locations of activities such as borrow, disposals, haul-and-detour roads and work mobilization site developments may be subject to the Department of the Army (DA) regulatory requirements and may have an impact to a DA project. See also Section 6.0.

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Surface Water and Water Quality		X			<p>According to the LDEQ files, the Carlin site previously had a NPDES permit (the Environmental Protection Agency's version of the state LPDES permit), but the City of Westlake notified the LDEQ in 1990 that it no longer needed the NPDES permit for the Carlin site as the City of Westlake was and is now discharging into the larger regional Wastlake Wastewater Treatment Plant (which began in the mid-1980s) rather than into a ditch as it was previously. The files indicating this are attached in Appenix B, along with the last permit for the facility, dated 1984.</p> <p>The facility that the Carlin site pumps waste water to has its own LPDES permit, dated 2006, which is also attached in Appendix B. It expired in 2011 and the City of Westlake has applied to renew it. The LDEQ is currently processing this request.</p>	<p>LDEQ email dated 9/6/2011. Letter from LDEQ dated 11/7/90 cancelling NPDES Permit requirement for City of Westlake Treatment Plant. LDEQ LPDES permit letter dated 10/24/2006. (See Appendix B)</p>	<p>The LDEQ should be contacted to determine if a LPDES permit is required for the proposed project. Implement construction BMPs to reduce sedimentation. See also Sections 4.2.2 and 6.0.</p>
Groundwater	X				<p>The site is located over the Chicot Aquifer System, which is a Sole Source Aquifer. According to the Louisiana Department of Natural Resources (LDNR) Strategic Online Natural Resources Information System (SONRIS) site, there are no groundwater areas of concern. The nearest registered drinking water is approximately 0.15 miles away.</p>	<p>EPA determination of no adverse effect dated 9/14/2011. LDNR SONRIS site. (See Appendix B)</p>	<p>The contractor should observe all precautions to protect the groundwater of the region. See also Section 6.0.</p>
Coastal Resources	X				<p>According to the Coastal Zone Management map, referenced on 3/17/2011, the proposed project area is not in the Coastal Zone and would therefore have no effect on any coastal resources.</p> <p>The project is not located within the Coastal Barrier Resource System as per DFIRM 22019C 0294F with an effective date of February 18, 2011.</p>	<p>LDNR response dated 9/21/2001. (See Appendix B)</p>	
Air Quality	X				<p>During construction, potential short-term localized increase in vehicle emissions and dust particles. The Calcasieu Parish airshed is in attainment for all criteria pollutants per the Clean Air Act.</p>	<p>LDEQ email dated 9/6/2011. (See Appendix B)</p>	<p>Vehicle operation times would be kept to a minimum. Area soils would be covered and/or wetted during construction to minimize dust. See also Section 6.0.</p>

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Vegetation and Wildlife	X				<p>The proposed project area is a heavily developed area and consists of maintained grassland or paved roadways and driveways. The project site is bordered by undeveloped land to the south that contains a small tributary of the Calcasieu River. This neighboring lot was recently purchased and is currently in plans for development by the new property owner. No long-term impacts to existing vegetation and wildlife are anticipated.</p> <p>The preliminary construction plans provided by the Applicant depict plans to remove two trees of an unknown species. On a site visit, taken on May 5, 2011, it was apparent that these trees had already been removed from the project area.</p>	U.S. Fish and Wildlife (USFWS) determination of no effect, dated 8/29/2011. (See Appendix B)	
Threatened and Endangered Species (Endangered Species Act Section 7)	X				No impact to federally listed threatened or endangered species is anticipated. No impacts to critical habitats are anticipated.	USFWS determination of no effect, dated 8/29/2011. Louisiana Department of Wildlife and Fisheries (LDWF) letter dated 9/2/2011. (See Appendix B)	

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Cultural Resources (National Historic Preservation Act Section 106)	X				<p>A review of NEMIS #1786-0027 was conducted in accordance with the State-Specific Programmatic Agreement regarding FEMA's Hazard Mitigation Grant Program, date January 31, 2011 (2011 LA HMGP PA). This finding includes an informal consultation on May 5, 2011 with the SHPO liaison regarding an off-site borrow pit. It was determined through this consultation that the borrow area met the criteria outlined in Appendix C, Stipulation I.A. and pursuant to Stipulation VI.B (2011 LA HMGP PA) FEMA is only required to consult on elements of the Scope of Work (SOW) that do not meet the Programmatic Allowances. Following the procedures outlined in Stipulations VII, VIII, and IV of the 2011 LA HMGP PA, FEMA has determined that No Historic Properties will be affected by the proposed undertaking in a letter dated October 6, 2011. SHPO concurrence with this determination was received on November 11, 2012. In accordance with the 2011 LA HMGP PA, FEMA may document this determination in the project file and authorize funding for the undertaking without further Section 106 review. The Applicant must comply with the NHPA conditions set forth in this PW. Any change to the approved scope of work will require reevaluation under Section 106.</p>	<p>State Historic Preservation Officer (SHPO) concurrence letter dated November 2, 2011. (See Appendix B)</p>	<p>If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the Applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The Applicant shall inform their Public Assistance (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The Applicant will not proceed with work until FEMA HP completes consultation with the SHPO.</p> <p>If human bone or unmarked grave(s) are present within the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The Applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The Applicant shall notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery.</p>

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Environmental Justice (Executive Order 12898)/ Socioeconomics	X				<p>According to the American Census, Estimated Data for 2005-2009, the percentage of families in the city of Westlake below the poverty level is 13.5%. This figure for the U.S. as a whole is 9.9%. The median per capita income for Westlake \$19,335. The figure for the U.S. as a whole is \$27,041. The demographics for Westlake are as follows: African American: 9.2%, Hispanic 7.3%, and Asian 0.0%. The demographic for the U.S. as a whole are: African American: 12.4%, Hispanic: 15.1%, and Asian: 4.4%.</p> <p>The developed area to the west and the north of the proposed berm footprint appears to be a mixed income residential subdivision. The proposed work has no potential to adversely impact any population.</p>	<p>Census data obtained at <a href="http://factfinder.gov/home/saff/Main.htm?_lang=en">http://factfinder.gov/home/saff/Main.htm?_lang=en</a></p>	
Noise		X			<p>During the construction period there would be a short-term increase in noise levels. See also Section 4.3.</p>		<p>If necessary, the following noise reduction measures should be considered: using a 7 A.M. to 7 P.M. construction schedule. See also Sections 4.3 and 6.0.</p>

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Public Safety	X				No impacts to safety and security are anticipated.		<p>The contractor would place fencing around the work area perimeter to protect nearby residents from vehicular traffic. To minimize worker and public health and safety risks from project construction and closure, all construction and closure work would be done using qualified personnel trained in the proper use of construction equipment, including all appropriate safety precautions.</p> <p>All activities would be conducted in a safe manner in accordance with the standards specified in Occupational Safety and Health Administration (OSHA) regulations and the USACE safety manual. The contractor would post appropriate signage and fencing to minimize potential adverse public safety concerns.</p> <p>Additionally, the Westwood Elementary School is located approximately four-hundred yards southwest of the project site. The contractor should take precautions not to endanger any children during the hauling of construction materials.</p> <p>See also Section 6.0.</p>
Traffic and Transportation		X			<p>Traffic volumes along the respective work areas would increase temporarily during work activities.</p> <p>Surface traffic on the affected areas of LA Highway 378, Garden Dr., Carlin Dr., and Shady Ln. would be impacted during the installation the proposed culverts and manholes on these streets.</p> <p>See also Section 4.4.</p>		<p>Appropriate signage and barriers should be in place prior to construction activities in order to alert pedestrians and motorists of project activities and traffic pattern changes.</p> <p>The contractor would implement traffic control measures, as necessary.</p> <p>See also Sections 4.4 and 6.0.</p>

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Hazardous Materials and Toxic Wastes	X				EPA and Louisiana LDEQ hazardous materials database searches were queried for the project work areas. No sites of concern were identified by the database search within the project area. No environmental conditions of concern observed during the field reconnaissance within the project area. The LDNR SONRIS database was queried for the project work areas. There are no registered oil/gas wells or drinking water wells located within the project area. There are no groundwater areas of concern.	EPA Envirofacts Database EPA EnviroMapper EPA Brownfields Database LDEQ Electronic Document Management System (EDMS) LDEQ Voluntary Remediation Program (VRP) Database LDEQ Louisiana State Brownfields Database LDNR SONRIS Database LDEQ Leaking Underground Storage Tank (LUST) Database LDEQ Authorized Debris Sites Database  Email from the LDEQ dated 9/6/2011 (See Appendix B.)	If hazardous materials are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation, management and disposal of the contamination would be initiated in accordance with applicable federal, state, and local regulations. The contractor would be required to take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction area.  The LDNR Office of Conservation should be contacted at 225-342-5540 if any unregistered wells of any type are encountered during construction work. For pipelines and other underground hazards, Louisiana One Call should be contacted at 800-272-3020 prior to commencing operations. If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification to LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Additionally, precautions should be taken to protect workers from these hazardous constituents.

## 4.2 Water Resources

### 4.2.1 Hydrology and Floodplains

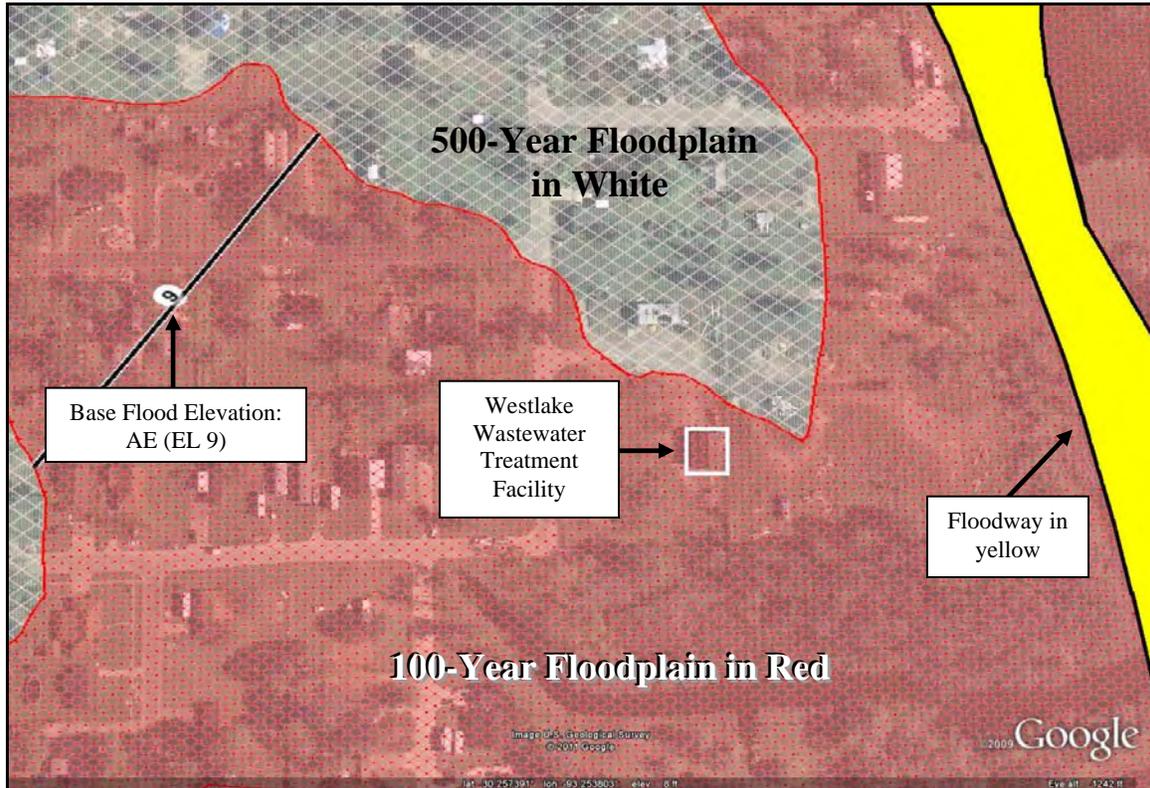
Executive Order 11988 (Floodplain Management) requires federal agencies to avoid or minimize development in the floodplain except when there are no practicable alternatives. FEMA's regulations for complying with EO 11988 are found at 44 CFR Part 9, Floodplain Management and Protection of Wetlands. FEMA uses the National Flood Insurance Program (NFIP) preliminary Digital Flood Insurance Rate Maps (DFIRM) to determine the flood hazard zone for the proposed project location.

In compliance with FEMA policy implementing EO 11988, Floodplain Management, the proposed project was reviewed for potential impacts associated with occupancy or modification to a floodplain. Calcasieu Parish enrolled in the National Flood Insurance Program (NFIP) on September 29, 1978. The city of Westlake enrolled in the NFIP on February 3, 1982. Per effective DFIRM panel number 22019C 0294F, with an effective date of February 18, 2011, the proposed project site is located in a Special Flood Hazard Area (SFHA) flood hazard AE (EL 9). This is a special hazard area subject to inundation by the 1 percent annual chance flood event (i.e. the 100-year flood or flood having a 1% chance of being equaled or exceeded in any given year).

Historically, the proposed project site was located in an AE zone. According to FIRM panel 220043 0001B dated February 13, 1982, the proposed project site was located in zone A5 (EL 8).

Advisory Base Flood Elevation maps, or ABFE maps, were also created for many of Louisiana's southern parishes, including Calcasieu Parish, after Hurricanes Katrina and Rita to provide homeowners and public officials with assistance in elevating, reconstructing, retrofitting, or repairing their structures after these events. However, an ABFE map was not created for the proposed project area.

**Figure 5: Depiction of Base Floodplain in the Proposed Project Area**



Alternative 1- No Action: The No Action alternative would have no effect on floodplains.

Alternative 2 – Construction of the ring earthen berm at the Westlake Wastewater Treatment Facility (Proposed Action): The proposed project is located in Zone AE (EL 9). To comply with Executive Order 11988, Floodplain Management, FEMA is required to follow the procedure outlined in 44 CFR Part 9 to ensure that impacts to the floodplain are avoided to the extent possible and to confirm that alternatives to the proposed action have been considered. This process, also known as the “Eight Step Planning Process,” has been applied to this mitigation project and is described in Appendix C. For the purposes of the study, no practical alternatives to the proposed action have been identified.

Also included in Appendix C is a qualitative and simplified, semi-quantitative H&H study conducted by the Applicant to determine the proposed action’s potential to impact surrounding areas within the floodplain. Based on this report, dated June 29, 2011:

- “The berm proposed will have no adverse upstream or downstream effects on the adjacent Bayou Marino”
- “The berm will also not interfere with existing localized drainage paths”
- “Flood elevations of the surrounding properties are not expected to be affected”

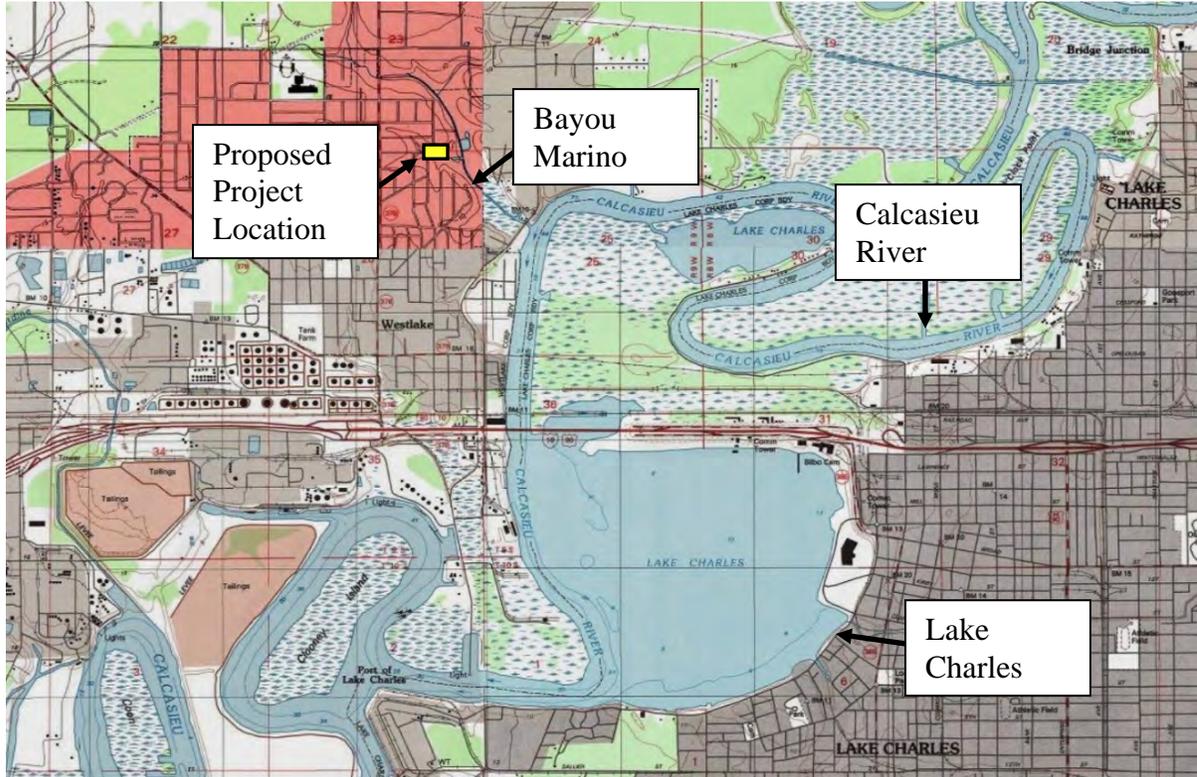
Consequently, the proposed action is not anticipated to have an adverse effect on the floodplain. However, the proposed action is still required to comply with all local floodplain ordinances. The Applicant must contact the local floodplain administrator prior to the start of construction and must obtain all necessary floodplain permits. Copies of these permits, as well as the Applicant's coordination with the local floodplain administrator, should be provided to LA GOHSEP and FEMA for the permanent project files.

#### **4.2.2 Surface Water and Water Quality**

The Clean Water Act (CWA) is the primary regulatory structure for governing pollutant discharges to navigable Waters of the U.S. It establishes regulations for effluent limitations, water quality standards and implementation plans, national performance standards, and point source (e.g. municipal wastewater systems, concentrated animal feeding operation) and nonpoint source programs (e.g. stormwater). Section 402 of the CWA authorizes the National Pollutant Discharge Elimination System (NPDES) program, which regulates point sources that discharge pollutants into Waters of the U.S. Louisiana became a state authorized to delegate the NPDES program in August of 1996, and, as such, the LDEQ effectively regulates discharges of pollutants from point sources with the LPDES program. The USACE regulates discharge of fill materials into Waters of the U.S., including wetlands, as established by Section 404 of the CWA.

The Westlake Treatment Plant is located in the LDEQ sub-watershed segment known as the Calcasieu River and Ship Channel (LA030301), which is listed on the 2010 LDEQ Water Quality Inventory Integrated Report (Section 305[b] and 303[d] Reports) for violating the specified criteria for polychlorinated biphenyls (PCBs) and polycyclic aromatic hydrocarbons (PAHs)(Aquatic Ecosystems). The Calcasieu River and Ship Channel is supporting designated uses such as primary contact recreation (swimming), as well as secondary contact recreation (boating). However, it does not support the designated use of fish and wildlife propagation. Industrial point source discharge is listed as the suspected source of impairment.

**Figure 6: Topographic Map for City of Westlake and Vicinity**



According to LDEQ files, the WWTF previously held a NPDES permit (the EPA version of the state LPDES permit), but the city of Westlake notified the LDEQ in 1990 that it no longer needed the NPDES permit for the facility, as the city of Westlake was, and is now, discharging into the larger regional wastewater treatment plant (which began in the mid 1980s) rather than into a ditch as it was previously. Copies of these files and the last permit the WWTF had, dated 1984, are presented in Appendix B. The facility that the Carlin site pumps wastewater to has its own LPDES permit, dated 2006, which is also attached. This permit expired in 2011. The LDEQ is currently processing the city of Westlake's application for a permit renewal.

The proposed project site is also located approximately 160 yards west of Bayou Marino. Bayou Marino is approximately 1.3 miles long and has been enlarged by dredging operations in the past, which have improved the local drainage. Bayou Marino is a tributary of the Calcasieu River, which is approximately 200 miles long and flows south. Lake Charles is located approximately 1.3 miles southeast of the proposed project site.

Alternative 1- No Action: The No Action alternative would not change site drainage or have an effect on the surface water quality of the area.

Alternative 2 – Construction of the ring earthen berm at the Westlake Wastewater Treatment Facility (Proposed Action): During construction there is the potential to

impact surface waters through minor erosion and sedimentation. In order to minimize impacts to waters of the U.S., the contractor is required to implement BMPs that meet the LDEQ permitting specifications for storm water discharge regulated under Section 402 of the CWA. This includes designing the site with specific construction measures to reduce or eliminate run-off impacts. Any adverse effects to water quality associated with the construction of the projects would be short term and minimized by the measures described above.

### **4.3 Noise**

Noise is generally described as unwanted sound. The closest noise receptors to the project site are less than 500 feet. There are numerous residential properties in the nearby area. Noise levels within and adjacent to the project area would temporarily increase during construction activities as a result of construction equipment and vehicular activity.

Alternative 1-No Action: The No Action alternative would have no effect on noise in the project area.

Alternative 2- Construction of the ring earthen berm at the Westlake Wastewater Treatment Facility (Proposed Action): Construction of the earthen berm would result in an increase in noise. The increase is expected to be temporary and would not affect any sensitive receptors. The Applicant is expected to comply with all relevant, local noise ordinances.

No significant noise impacts are expected at the previously mentioned Westwood Elementary School (page 14), as the facility is located over 1000 feet to the west of the proposed action.

### **4.4 Traffic and Transportation**

The proposed site is located in a developed, moderate to heavy traffic volume area.

Alternative 1- No Action: The No Action alternative would have no effect on traffic.

Alternative 2 – Construction of the ring earthen berm around Westlake Wastewater Treatment Facility, along with installation of a drain pump (Proposed Action): Construction at the proposed project site would have a temporary effect on traffic by increasing the number of heavy machinery vehicles on LA Highway 378, Shady Lane, Carlin Drive, and Garden Drive. Construction traffic should be closely monitored and controlled as appropriate. All construction activities would be conducted in a safe manner in accordance with OSHA requirements.

Surface traffic on the affected areas near the project site would be increase during the construction of the proposed berm. The contractor would implement traffic control

measures as necessary. The construction site is already fenced off, which should discourage trespassers.

**Figure 7: Street Map with Aerial View of Proposed Borrow Area**



## 5.0 CUMULATIVE IMPACTS

Cumulative impacts are those effects on the environment that result from the incremental effect of the action when added to past, present, and reasonably foreseeable future actions, regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

There are no other known projects that, when added to the proposed action, would have a significant cumulative adverse impact on the human environment.

According to the National Oceanic and Atmospheric Administration (NOAA) Coastal Change Analysis Program (C-CAP) Land Cover Atlas, from 1996 to 2006, the percent of developed land parish wide in Calcasieu Parish has increased from 12.37% to 12.70%,

and the percentage of impervious surface area has increased from 4.49% to 4.65%. Within the same timeframe, the percentage of forested land parish-wide has decreased from 31.17% to 30.58%, and the percentage of Calcasieu Parish that is wetland has decreased from 27.39% to 26.86%. In 1996, Calcasieu Parish had 364.65 square miles of agricultural land. In 2006, Calcasieu Parish had 362.11 square miles of agricultural land, for a net loss of 2.54 square miles of land (-0.70% change) used for agriculture.

The entire Louisiana Gulf Coast is still engaged in extensive recovery efforts after the damage inflicted by Hurricanes Katrina, Rita, Gustav, and Ike. There have been other projects in Calcasieu Parish to repair structures to pre-disaster condition with upgrades to codes and standards, as well as numerous mitigation projects to protect structures from future flood damage.

Similar to other mitigation projects in the area, the proposed berm would have the beneficial effect of making important community infrastructure more resilient to future flood hazards. The proposed action's potential to contribute to any adverse cumulative effects to the natural resources of Calcasieu Parish, when considering all known projects involving the construction of flood control structures or the placement of fill, is minimal. On the whole, the proposed action would benefit the human environment of Calcasieu Parish by helping to ensure the continued operations of the WWTF during a flood event without affecting flood elevations for the surrounding areas or encouraging further development in the floodplain.

## **6.0 CONDITIONS AND MITIGATION MEASURES**

Based upon the studies and consultations undertaken in this EA, several conditions and mitigation measures must be taken by the Applicant prior to and during project implementation.

- The contractor will be responsible for keeping all excavated areas periodically sprayed with water, all equipment maintained in good working order, and all construction vehicles would be limited to 15 miles per hour to minimize pollution/fugitive dust.
- All precautions should be observed to control nonpoint source pollution from construction activities.
- Any changes or modifications to the proposed project will require a revised determination by FEMA personnel to ensure compliance with all relevant environmental and historic preservation laws. Off-site locations of activities such as borrow, disposals, haul-and detour-roads and work mobilization site developments may be subject to the Department of the Army regulatory requirements and may have an impact to a Department of Army project.

- All precautions should be observed to protect the groundwater of the region.
- In order to minimize impacts to waters of the U.S., the contractor is required to implement BMPs that meet the LDEQ permitting specifications form storm water discharge regulated under Section 402 of the CWA. This includes designing the site with specific construction measures to reduce or eliminate run-off impacts. LDEQ has stormwater general permits for construction areas equal to or greater than five acres. It is recommended that the LDEQ Water Permit Division be contacted at (225) 219-3181 to determine whether the proposed improvements require permits.
- The Applicant should contact the LDEQ to determine if a LPDES permit is required for the proposed project.
- If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification to LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Additionally, precautions should be taken to protect workers from these hazardous constituents.
- Construction traffic should be closely monitored and controlled as appropriate. All construction activities would be conducted in a safe manner in accordance with OSHA requirements. During construction activities, the construction site(s) will be fenced off to discourage trespassers.
- If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the Applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The Applicant shall inform their Public Assistance (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The Applicant will not proceed with work until FEMA HP completes consultation with the SHPO.
- If human bone or unmarked grave(s) are present within the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The Applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The Applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery.
- In accordance with applicable local, state, and federal regulations, the Applicant is responsible for acquiring any necessary permits and/or clearances prior to the commencement of any construction related activities.

Failure to comply with these conditions may make part or all of these projects ineligible for FEMA funding.

## 7.0 PUBLIC INVOLVEMENT

The public will be invited to comment on the proposed action. A legal notice was published in the following newspaper(s): The *Baton Rouge Advocate* from March 1, 2012 to March 5, 2012. Additionally, the Draft Environmental Assessment was made available at the Westlake Branch Library from March 1, 2012 to March 19, 2012. The Draft Environmental Assessment was also published on FEMA's and the Parish's official websites. A copy of the Public Notice is attached in Appendix D.

## 8.0 AGENCY COORDINATION

U.S. Army Corps of Engineers  
Louisiana Department of Environmental Quality  
Louisiana Department of Natural Resources  
Louisiana Department of Wildlife and Fisheries  
Environmental Protection Agency  
USDA Natural Resources Conservation Service  
Louisiana State Historic Preservation Officer  
U.S. Fish and Wildlife Service

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## 10.0 LIST OF PREPARERS

Joseph Chauvin, Environmental Protection Specialist  
Federal Emergency Management Agency, Louisiana Recovery Office

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Federal Emergency Management Agency, Louisiana Recovery Office

Tiffany Spann-Winfield, Deputy Environmental Liaison Officer (DELO)  
Federal Emergency Management Agency, Louisiana Recovery Office

LeSchina Holmes, Lead Environmental Protection Specialist  
Federal Emergency Management Agency, Louisiana Recovery Office

Laurel Rohrer, Environmental Specialist, URS – Contract Support to FEMA  
Federal Emergency Management Agency, Louisiana Recovery Office

Michael Verderosa, Historic Preservation Specialist/ Historic Structures, URS-  
Contractor Support to FEMA  
Federal Emergency Management Agency, Louisiana Recovery Office

Mark Martinkovic, Historic Preservation Specialist/ Archaeologist, URS- Contractor  
Support to FEMA  
Federal Emergency Management Agency, Louisiana Recovery Office

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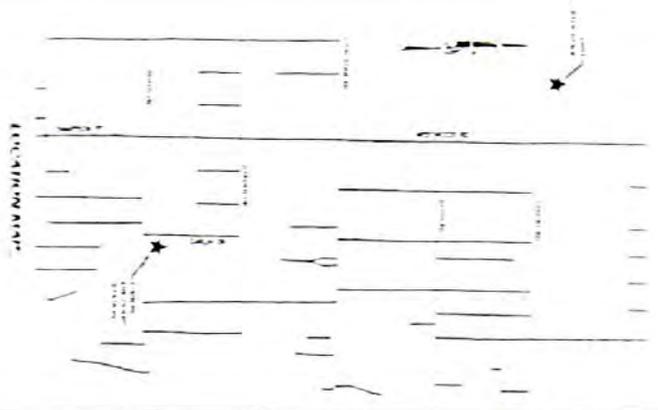
**APPENDIX A**  
**CONSTRUCTION PLANS**



**Meyer & Associates, Inc.**  
 Civil, Survey, Engineers  
 1000 Westbank Drive, Suite 100  
 Metairie, Louisiana 70002  
 Phone: (504) 885-1100  
 Fax: (504) 885-1101

**I N D E X**

**SUBJECT: FLOOD MITIGATION**  
 TITLE: PROPOSED FLOOD MITIGATION PROJECT  
 DATE: PREPARED BY: MEYER & ASSOCIATES, INC.



**CITY OF WESTLAKE  
 CALCASIEU PARISH, LOUISIANA**

**Proposed Mitigation Project No. 4  
 FLOOD PREVENTION BERM  
 CARLIN DR. WASTEWATER TRANSFER  
 TO TREATMENT FACILITY**

**DAN CUPIT, MAYOR**

**WALLY ANDERSON, MAYOR PRO-TEMPORE**

**COUNCIL:**

- WALLY ANDERSON**
- JOHN CRADURE**
- BOB HARDEY**
- LORI PETERSON**
- DAN RACCA**

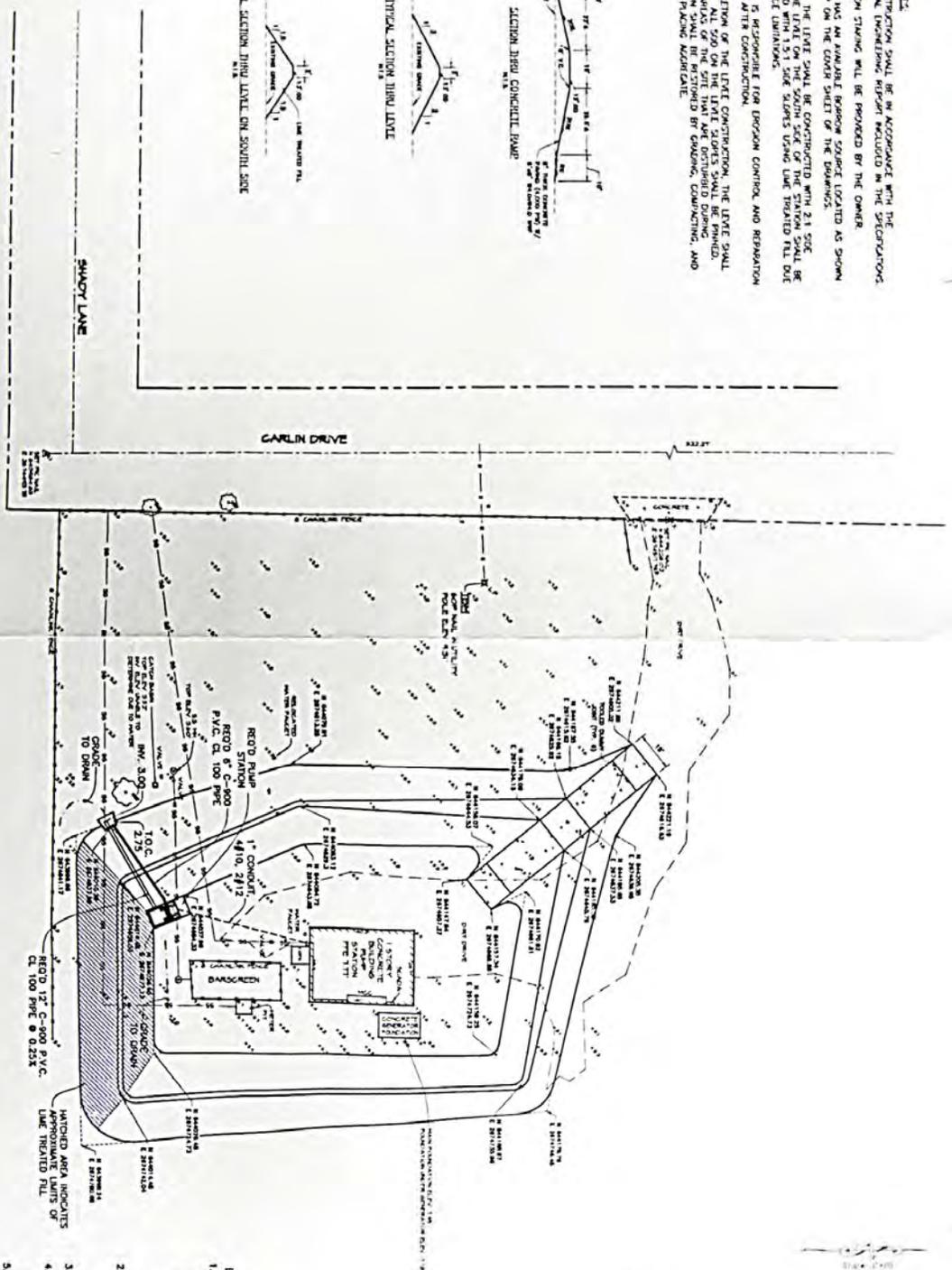
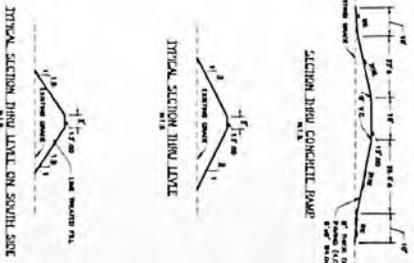
**BRAD BAKER, PUBLIC WORKS DIRECTOR**

**A MITIGATION PROJECT  
 UNDER  
 MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN  
 OF  
 CALCASIEU PARISH, LOUISIANA POLICE JURY**

**PREPARED BY:  
 MEYER & ASSOCIATES, INC.  
 OCTOBER, 2008**

**CONSULTING ENGINEERS  
 M.A. PROJ. NO. A9-08027-DA**

- GENERAL NOTES**
1. LEVEL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE DISTRICT ENGINEERING DEPARTMENT REGULATIONS IN THE SPECIFICATIONS.
  2. CONSTRUCTION STAKING WILL BE PROVIDED BY THE OWNER.
  3. THE OWNER HAS AN AVAILABLE BORROW SOURCE LOCATED AS SHOWN ON THE MAP ON THE COVER SHEET OF THE DRAWINGS.
  4. IN GENERAL, THE LEVEE SHALL BE CONSTRUCTED WITH 2:1 SIDE SLOPES. THE LEVEL ON THE SOUTH SIDE OF THE STATION SHALL BE CONSTRUCTED WITH 1.5:1 SIDE SLOPES USING LIME TREATED FILL DUE TO THE SHALE UNDERLAYS.
  5. CONTRACTOR IS RESPONSIBLE FOR EROSION CONTROL AND REPAIRATION DURING AND AFTER CONSTRUCTION.
  6. UPON COMPLETION OF THE LEVEE CONSTRUCTION, THE LEVEE SHALL BE SLOTTED, ALL 500' ON THE LEVEE SHOULD BE SLOTTED. ALL CONSTRUCTION SHALL BE DISTRICT BY EROSION, COMPACTING, AND SLIDING OR PAVING APPROPRIATE.



- ELECTRICAL NOTES**
1. CHANGE OUT ONE OF THE UNUSED GROUND BREAKERS TO A MAIN GROUND BREAKER. MATCH THE BREAKER STYLE TO THAT THE DOOR & MOUNTING HIGHSIDES WILL BE. THE BREAKER SHALL BE FIELD MOUNTED & FIELD ISOLATION FIELD VERY BEFORE ORDERING. CONNECT CB TO CONTROL PANEL FEEDER.
  2. INSTALL HIGH LEVEL ALARM CONTACT WIRING FROM CONTROL PANEL TO OWNER'S SCADA BY OTHERS.
  3. ALL WIRE SHALL BE 600V TYPE THHN.
  4. ALL CONDUIT SHALL BE SCHEDULE 40 RIGID ALUMINUM ABOVE GROUND & SCHEDULE 40 PVC BELOW GROUND.
  5. RIGID CONDUIT 2\"-0\" WITH WARNING TAPE 12\" BELOW GROUND.
  6. ALL WORK SHALL BE PER NEC & LOCAL CODES.



DESIGNED BY	APPROVED BY
DATE	DATE

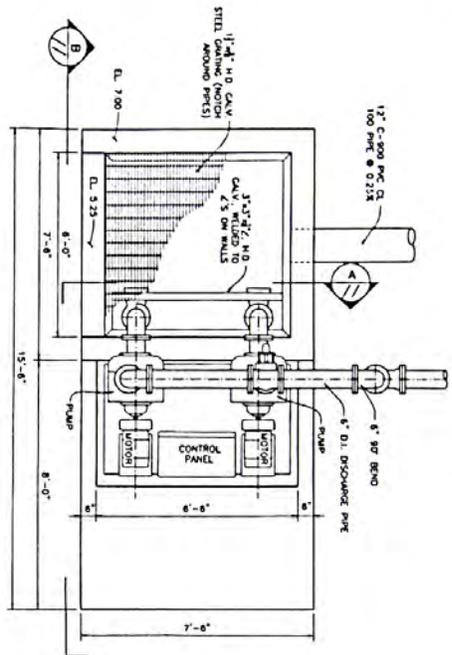
**Meyer & Associates, Inc.**  
 Consulting Engineers  
 120 N. 10th Street, Suite 1000, Omaha, NE 68102  
 (402) 442-1000

CITY OF WESTLAKE  
 CALCASIEU PARISH, LOUISIANA

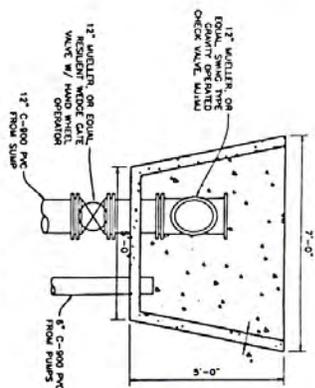
CARLIN DR. PUMP STATION  
 LEVEE

NO.	REVISION	DATE

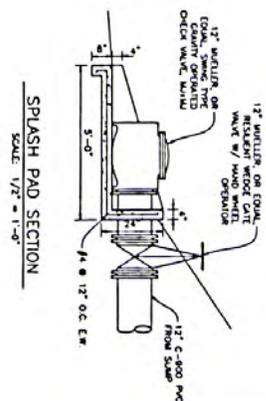
PROJECT NO.	DATE
AS-00027-DA	OCTOBER 2008
SCALE	SHEET
1\"-20'	CO2



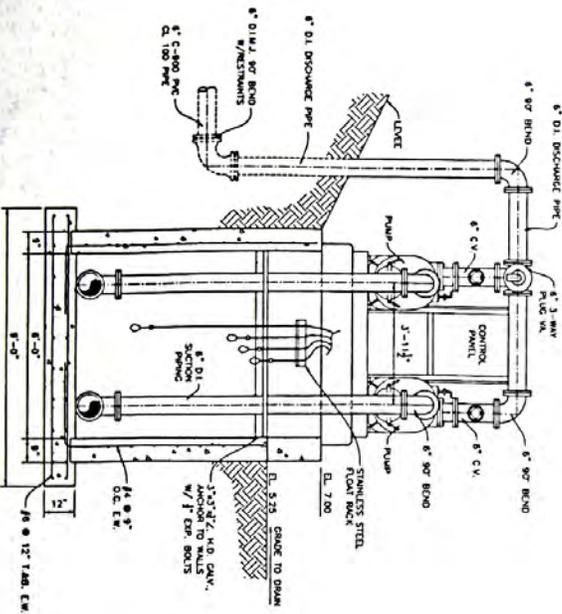
PUMP STATION PLAN  
SCALE 1/2" = 1'-0"



SPASH PAD PLAN  
SCALE 1/2" = 1'-0"

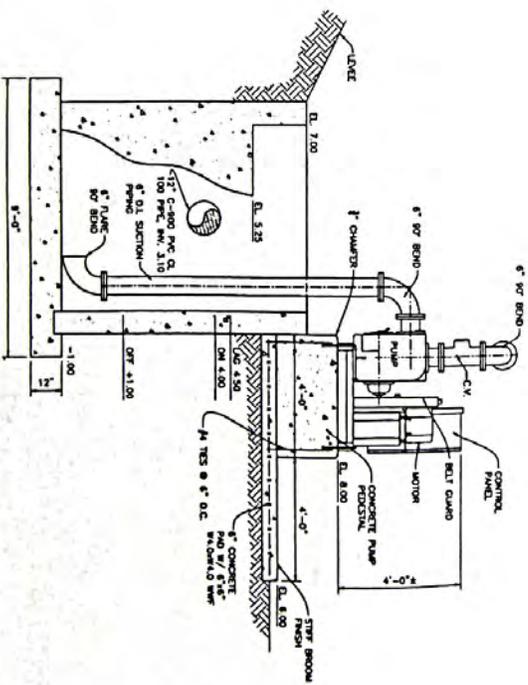


SPASH PAD SECTION  
SCALE 1/2" = 1'-0"



SECTION 'A-A'  
SCALE 1/2" = 1'-0"

- NOTES:
1. ALL DIMENSIONS SHALL BE VERIFIED WITH THE PUMP MANUFACTURER.
  2. CONCRETE: 4,000 PSI COMPRESSIVE STRENGTH.
  3. REINFORCING STEEL: GRADE 60.
  4. ANCHOR BOLTS: HEAVY DUTY, H.D. GALV. W/ 1\"/>



SECTION 'B-B'  
SCALE 1/2" = 1'-0"



**Meyer & Associates, Inc.**  
Consulting Engineers

CITY OF WESTLAKE  
CALCASIEU PARISH, LOUISIANA

CARLUN DR. PUMP STATION  
LEVEE

PUMP STATION  
DETAILS

PROJECT NO. AS-08027-0A  
SCALE 1/2" = 1'-0"  
DATE OCTOBER 2008  
SHEET M01

DRAFT

**APPENDIX B**

**AGENCY CORRESPONDENCE**

received  
Aug. 29, 2011  
UT



FEMA

This project has been reviewed for effects to Federal trust resources under our jurisdiction and currently protected by the Endangered Species Act of 1973 (Act). The project, as proposed,  
() Will have no effect on those resources  
( ) Is not likely to adversely affect those resources.  
This finding fulfills the requirements under Section 7(a)(2) of the Act.

Deborah A. Fuller Aug 29, 2011  
Acting Supervisor Date  
Louisiana Field Office  
U.S. Fish and Wildlife Service

August 26, 2011

Ms. Amy Trahan  
U.S. Fish and Wildlife Service  
646 Cajundome Blvd., Ste. 400  
Lafayette, LA 70506

Subject: Westlake Wastewater Treatment Facility  
2000 Carlin Drive, Westlake, Louisiana  
Flood Protection Berm  
Project #1786-0027 FEMA-1786-DR-LA

Dear Ms. Trahan:

FEMA is considering providing Public Assistance Program funding for the attached project in relation to Hurricanes Gustav (FEMA-1782-DR-LA). This letter requests consultation with your office regarding impacts this project may have on all federal trust resources. We would appreciate your comments on this project within thirty days. If we do not receive comments from you within this time period, we will assume that you have no concerns or issues with the proposed project. If appropriate, FEMA will condition funding approval or funding continuance based on the applicant's obtaining applicable permits from your office. Attached is a detailed project description, along with other relevant project information.

If you would like to mail in your response please include Joseph Chauvin-Environmental Department 4<sup>th</sup> floor in the address or you may fax to our office at (504) 762-2353. Please contact Joseph Chauvin, Environmental Specialist, at (504) 875-7733, with any questions.

Sincerely

Tiffany Winfield,  
Deputy Environmental Liaison Officer, FEMA LA-TRO  
FEMA 1603/1607-DR-LA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

September 14, 2011

Mr. Joseph Chauvin  
Environmental Department  
FEMA LRO  
1 Seine Ct.  
RM 4048  
New Orleans, LA 70114

Dear Mr. Chauvin:

We have received your September 9, 2011, email of Tiffany Winfield's letter requesting our evaluation of the potential environmental impacts which might result from the following project:

**Berm Construction Around  
Wastewater Treatment Facility  
Calcasieu Parish  
Westlake, Louisiana**

The project, proposed for financial assistance through the Federal Emergency Management Agency's Hazard Mitigation Program is located on the Chicot aquifer system which has been designated a sole source aquifer by the EPA. Based on the information provided for the project, we have determined that the project, as proposed, should not have an adverse effect on the quality of the ground water underlying the project site.

This approval of the proposed projects does not relieve the applicant from adhering to other State and Federal requirements, which may apply. This approval is based solely upon the potential impact to the quality of ground water as it relates to the EPA's authority pursuant to Section 1424(e) of the Safe Drinking Water Act.

If you did not include the Parish/County; a legal description; project location and the latitude and longitude if available, please do so in future Sole Source Aquifer correspondence.

If you have any questions on this letter or the sole source aquifer program please contact me at (214) 665-7133.

Sincerely yours,

A handwritten signature in blue ink that reads "Michael Bechdol".

Michael Bechdol, Coordinator  
Sole Source Aquifer Program  
Ground Water/UIC Section

cc: Jesse Means, LDEQ



BOBBY JINDAL  
GOVERNOR

State of Louisiana  
DEPARTMENT OF WILDLIFE AND FISHERIES  
OFFICE OF WILDLIFE

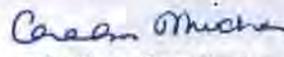
ROBERT J. BARHAM  
SECRETARY  
JIMMY L. ANTHONY  
ASSISTANT SECRETARY

**Date** September 2, 2011  
**Name** Joseph Chauvin  
**Company** FEMA  
**Street Address** 1 Seine Court  
**City, State, Zip** New Orleans, LA 70114  
**Project** Calcasieu Parish Flood Protection Berm  
**Project ID** 4722011  
**Invoice Number** 11090207

Personnel of the Habitat Section of the Coastal & Non-Game Resources Division have reviewed the preliminary data for the captioned project. After careful review of our database, no impacts to rare, threatened, or endangered species or critical habitats are anticipated for the proposed project. No state or federal parks, wildlife refuges, scenic streams, or wildlife management areas are known at the specified site within Louisiana's boundaries.

The Louisiana Natural Heritage Program (LNHP) has compiled data on rare, endangered, or otherwise significant plant and animal species, plant communities, and other natural features throughout the state of Louisiana. Heritage reports summarize the existing information known at the time of the request regarding the location in question. The quantity and quality of data collected by the LNHP are dependent on the research and observations of many individuals. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in Louisiana have not been surveyed. This report does not address the occurrence of wetlands at the site in question. Heritage reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. LNHP requires that this office be acknowledged in all reports as the source of all data provided here. If at any time Heritage tracked species are encountered within the project area, please contact the LNHP Data Manager at 225-765-2643. If you have any questions, or need additional information, please call 225-765-2357.

Sincerely,

*for*   
Amity Bass, Coordinator  
Natural Heritage Program



BOBBY JINDAL  
GOVERNOR

State of Louisiana  
DEPARTMENT OF WILDLIFE AND FISHERIES  
OFFICE OF WILDLIFE

ROBERT J. BARHAM  
SECRETARY  
JIMMY L. ANTHONY  
ASSISTANT SECRETARY

## INVOICE

---

***RETURN THIS COPY OF INVOICE WITH PAYMENT***

***Date*** September 2, 2011  
***Invoice Number*** 11090207  
***Project*** Calcasieu Parish Flood Protection Berm

***Name*** Joseph Chauvin  
***Company*** FEMA  
***Street Address*** 1 Seine Court  
***City, State, Zip*** New Orleans, LA 70114  
***Number of Quads Reviewed*** 1  
***Total Due*** \$0.00

Payment should be made to "Louisiana Department of Wildlife & Fisheries" within 30 days of the date of this invoice. Please include the invoice number on your check and return a copy of this invoice with your remittance to the following address:

Louisiana Department of Wildlife & Fisheries  
Attn: Jennifer Riddle  
P.O. Box 80399  
Baton Rouge, LA 70898-0399

Should you have any questions regarding this invoice, for review of the Louisiana Natural Heritage database for information on known sensitive elements at a charge of \$20.00 per quad reviewed, please contact LNHP at (225) 765-2357.



BOBBY JINDAL  
GOVERNOR

State of Louisiana  
DEPARTMENT OF WILDLIFE AND FISHERIES  
OFFICE OF WILDLIFE

ROBERT J. BARHAM  
SECRETARY  
JIMMY L. ANTHONY  
ASSISTANT SECRETARY

## INVOICE

**RETAIN THIS COPY FOR YOUR RECORDS**

**Date** September 2, 2011  
**Invoice Number** 11090207  
**Project** Calcasieu Parish Flood Protection Berm  
**Name** Joseph Chauvin  
**Company** FEMA  
**Street Address** 1 Seine Court  
**City, State, Zip** New Orleans, LA 70114  
**Number of Quads Reviewed** 1  
**Total Due** \$0.00

Payment should be made to "Louisiana Department of Wildlife & Fisheries" within 30 days of the date of this invoice. Please include the invoice number on your check and return a copy of this invoice with your remittance to the following address:

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Should you have any questions regarding this invoice, for review of the Louisiana Natural Heritage database for information on known sensitive elements at a charge of \$20.00 per quad reviewed, please contact LNHP at (225) 765-2357.

**BOBBY JINDAL**  
GOVERNOR



**SCOTT A. ANGELLE**  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF COASTAL MANAGEMENT

09/21/2011

U.S. DEPARTMENT OF HOMELAND SECURITY - FEMA  
1 SEINE CT., 4TH FLOOR  
NEW ORLEANS, LA 70114

**RE: P20111157, Solicitation of Views**  
**DEPARTMENT OF HOMELAND SECURITY - FEMA**  
**Description:** Construct a berm around the Westlake Wastewater Treatment Facility.  
**Location:** Lat 30° 15' 25.93"N / Long -93° 15' 11.96"W; Westlake,  
**Calcasieu Parish, LA**

Dear Joseph Chauvin:

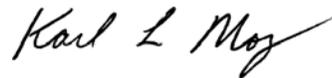
We have received your Solicitation of Views for the above referenced project, which has been found to be outside the Louisiana Coastal Zone. Therefore, pursuant to the provisions of LA R.S. 49:214.25.E, a Coastal Use Permit will not be required.

This determination is valid for two (2) years from the date of this letter. If the proposed activity is not initiated within this 2-year period, this determination will expire and the applicant will be required to submit a new application.

This determination has been made on the basis of information provided by your application. If it is later established that you furnished erroneous data, you may be directed to alter or modify your plans, to remove structures you have installed, and/or to restore the work area to pre-project conditions at your own expense. If it is established that you knowingly furnished erroneous data, you could also be subject to legal action.

The drawings submitted with your referenced application are attached hereto and made a part of the record. If you have any questions regarding this authorization, please contact our office at (225) 342-7591 or (800) 267-4019.

Sincerely,

A handwritten signature in black ink that reads "Karl L. Morgan". The signature is written in a cursive style with a long, sweeping underline.

Karl L. Morgan  
Acting Administrator

**Karl L. Morgan/jbp**

Attachments

**Final Plats:**

1) [P20111157](#)    [Final Plats](#)    [08/29/2011](#)

cc: Pete Serio, COE w/plats  
Dave Butler, LDWF w/plats  
Peggy Rooney, OCM w/plats  
Kaili Mills, CMD/FI w/plats  
Calcasieu Parish w/plats



Natural Resources Conservation Service  
3737 Government Street  
Alexandria, LA 71302

(318) 473-7751  
Fax: (318) 473-7626

August 30, 2011

**PLEASE DIRECT ALL FUTURE  
CORRESPONDENCE  
TO KEVIN D. NORTON AT THE  
ADDRESS SHOWN ABOVE**

Joseph Chauvin  
FEMA  
1 Seine Court, 4<sup>th</sup> Floor  
New Orleans, Louisiana 70114

RE: Calcasieu Parish Flood Protection Berm

Dear Mr. Chauvin:

I have reviewed the above referenced project for potential requirements of the Farmland Protection Policy Act (FPPA) and potential impact to Natural Resource Conservation Service projects in the immediate vicinity.

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a federal agency or with assistance from a federal agency. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

The project map submitted with your request indicates that the proposed construction areas are within urban areas and therefore is exempt from the rules and regulations of the Farmland Protection Policy Act (FPPA)—Subtitle I of Title XV, Section 1539-1549.

For specific information about the soils found in the project area, please visit our Web Soil Survey at the following location:

<http://websoilsurvey.nrcs.usda.gov/>

Please direct all future correspondence to me at the address shown above.

Respectfully,

A handwritten signature in black ink, appearing to read "W. Norton", written over a light blue horizontal line.

ACTING FOR

Kevin D. Norton  
State Conservationist

Attachments

U.S. Department of Agriculture

# FARMLAND CONVERSION IMPACT RATING

<b>PART I (To be completed by Federal Agency)</b>		Date Of Land Evaluation Request 8/26/11	
Name Of Project	Calcasieu Parish Flood Protection Berm	Federal Agency Involved	FEMA
Proposed Land Use	Earthen Berm	County And State	Calcasieu

<b>PART II (To be completed by NRCS)</b>		Date Request Received By NRCS	
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply – do not complete additional parts of this form).		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Major Crop(s) Rice, Soybeans		Farmable Land In Govt. Jurisdiction Acres: 620,272 % 89	Acres Irrigated N/A Average Farm Size 509
Name Of Land Evaluation System Used Calcasieu Parish LESA	Name Of Local Site Assessment System None	Amount Of Farmland As Defined in FPPA Acres: 500,487 % 72	
		Date Land Evaluation Returned By NRCS 8/29/11	

PART III (To be completed by Federal Agency)	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	0.1			
B. Total Acres To Be Converted Indirectly				
C. Total Acres In Site	0.1	0.0	0.0	0.0

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	0.0			
B. Total Acres Statewide And Local Important Farmland	0.0			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	0.0			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	0.0			

PART V (To be completed by NRCS) Land Evaluation Criterion				
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)	0	0	0	0

PART VI (To be completed by Federal Agency)		Maximum Points			
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))					
1. Area In Nonurban Use					
2. Perimeter In Nonurban Use					
3. Percent Of Site Being Farmed					
4. Protection Provided By State And Local Government					
5. Distance From Urban Builtup Area					
6. Distance To Urban Support Services					
7. Size Of Present Farm Unit Compared To Average					
8. Creation Of Nonfarmable Farmland					
9. Availability Of Farm Support Services					
10. On-Farm Investments					
11. Effects Of Conversion On Farm Support Services					
12. Compatibility With Existing Agricultural Use					
<b>TOTAL SITE ASSESSMENT POINTS</b>	<b>160</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	0	0	0	0
Total Site Assessment (From Part VI above or a local site assessment)	160	0	0	0	0
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>
----------------	-------------------	---

Reason For Selection: Project will be constructed on an existing site dedicated to urban development. This project is exempt from the rules and regulations of the FPPA.

## STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 - Federal agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form.

Step 2 - Originator will send copies A, B and C together with maps indicating locations of site(s), to the Natural Resources Conservation Service (NRCS) local field office and retain copy D for their files. (Note: NRCS has a field office in most counties in the U.S. The field office is usually located in the county seat. A list of field office locations are available from the NRCS State Conservationist in each state).

Step 3 - NRCS will, within 45 calendar days after receipt of form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.

Step 4 - In cases where farmland covered by the FPPA will be converted by the proposed project, NRCS field offices will complete Parts II, IV and V of the form.

Step 5 - NRCS will return copy A and B of the form to the Federal agency involved in the project. (Copy C will be retained for NRCS records).

Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form.

Step 7 - The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

## INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

**Part I:** In completing the "County And State" questions list all the local governments that are responsible for local land controls where site(s) are to be evaluated.

**Part III:** In completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

**Part VI:** Do not complete Part VI if a local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5 (b) of CFR. In cases of corridor-type projects such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will, be weighed zero, however, criterion #8 will be weighed a maximum of 25 points, and criterion #11 a maximum of 25 points.

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown in the FPPA rule. In all cases where other weights are assigned relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

**Part VII:** In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points, and alternative Site "A" is rated 180 points:

Total points assigned Site A = 180 x 160 = 144 points for Site "A."

Maximum points possible     200

## Chauvin, Joseph

---

**From:** Mick.Tamara@epamail.epa.gov  
**Sent:** Monday, August 29, 2011 08:31  
**To:** Chauvin, Joseph  
**Cc:** amy.e.powell@usace.army.mil; beth.dixon@la.gov; cmichon@wlf.la.gov;  
jamie.phillippe@la.gov; karl.morgan@la.gov; Holmes, Leschina; Sibley, Melanie; Spann,  
Tiffany  
**Subject:** Re: Solicitation of Views: 1786-0027 Calcasieu Parish Flood Protection Berm

Mr. Chauvin, EPA has no objection to the proposed project provided compliance with EPA's 404(b)(1) Guidelines have been met. Thanks for the opportunity to review and comment.

Tamara Mick  
US EPA Region 6  
Wetlands Section  
Dallas TX 75202  
214-665-7134

**From:** "Chauvin, Joseph" <Joseph.Chaudin@dhs.gov>  
**To:** "amy.e.powell@usace.army.mil" <amy.e.powell@usace.army.mil>, Tamara Mick/R6/USEPA/US@EPA, "beth.dixon@la.gov" <beth.dixon@la.gov>, "jamie.phillippe@la.gov" <jamie.phillippe@la.gov>, "cmichon@wlf.la.gov" <cmichon@wlf.la.gov>, "karl.morgan@la.gov" <karl.morgan@la.gov>  
**Cc:** "Spann, Tiffany" <Tiffany.Spann@dhs.gov>, "Sibley, Melanie" <Melanie.Sibley@dhs.gov>, "Holmes, Leschina" <Leschina.Holmes@dhs.gov>  
**Date:** 08/26/2011 05:19 PM  
**Subject:** Solicitation of Views: 1786-0027 Calcasieu Parish Flood Protection Berm

---

**U.S. Department of Homeland Security  
Federal Emergency Management Agency  
FEMA-DR 1603/1607 LA  
1 Seine Ct, 4<sup>th</sup> Floor  
New Orleans, LA 70114**



# FEMA

August 26, 2011

MEMORANDUM TO: See Distribution List

SUBJECT: Scoping Notification/Solicitation of Views

To Whom It May Concern:

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is mandated by the U.S. Congress to administer Federal disaster assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended. Section 404 of the Stafford Act authorizes FEMA's Hazard Mitigation Program to provide funds to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration.

The attached scope of work and aerial maps correspond to a proposed project for which FEMA funding has been requested.

On September 1, 2008, storm surge caused by Hurricane Gustav inundated large portions of Louisiana causing extensive flood damage to residences across Calcasieu Parish. The proposed project is located at the Westlake Wastewater Treatment Facility in the City of Westlake. This facility has flooded numerous times in the past, shutting the facility down and leading to negative water quality impacts and public health and safety concerns. The proposed scope of work for this project includes constructing a berm around the wastewater treatment facility at least three (3) feet above ABFE to protect the facility from future flooding occurrences.

To ensure compliance with the National Environmental Policy Act (NEPA), Executive Orders (EOs), and other applicable Federal regulations, we will be preparing an Environmental Assessment (EA). To assist us in preparation of the EA, we request that your office review the attached documents for a determination as to the requirements of any formal consultations, regulatory permits, determinations, or authorizations.

Please respond within 30 calendar days of the date of this scoping notification. If our office receives no comments at the close of this period, we will assume that your agency does not object to the project as proposed.

Comments may be faxed to (504) 762-2353, emailed to [Joseph.C Chauvin@associates.dhs.gov](mailto:Joseph.C Chauvin@associates.dhs.gov) or mailed to the attention of Joseph Chauvin, Environmental Department, at the address above.

For questions regarding this matter, please contact Joseph Chauvin, Environmental Specialist at (504) 762-2291.

Sincerely,

Tiffany Winfield,  
Deputy Environmental Liaison Officer, FEMA LA-TRO  
FEMA 1603/1607-DR-LA

- Attachments: Project Description
- Project Vicinity Map
- Proposed Project Area
- Wetland Map
- Construction Plans for Proposed Pump Station

Distribution List: USACE, EPA, LDEQ, LAFWS, LADNR

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

This Email message contained an attachment named image001.jpg which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After

receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

[attachment "1786-0027\_Scoping Consultation letter.pdf" deleted by Tamara Mick/R6/USEPA/US]

**From:** Beth Altazan-Dixon [Beth.Dixon@LA.GOV]  
**Sent:** Tuesday, September 06, 2011 10:00  
**To:** Joseph.Chauvin@dhs.gov  
**Subject:** DEQ SOV 110829/2500 Westlake Wastewater Treatment Facility-Berm Construction

September 6, 2011

Tiffany Winfield, Deputy Environmental Liaison Officer  
 FEMA  
 1 Seine Ct.  
 New Orleans, LA 70114  
[Joseph.Chauvin@dhs.gov](mailto:Joseph.Chauvin@dhs.gov)

110829/2500 Westlake Wastewater Treatment Facility-Berm Construction  
 FEMA Funding  
 Calcasieu Parish

Dear Ms. Winfield:

The Department of Environmental Quality (LDEQ), Business and Community Outreach Division has received your request for comments on the above referenced project.

After reviewing your request, the department has no objections based on the information provided in your submittal. However, for your information, the following general comments have been included. Please be advised that if you should encounter a problem during the implementation of this project, you should immediately notify LDEQ's Single-Point-of-contact (SPOC) at (225) 219-3640.

- Please take any necessary steps to obtain and/or update all necessary approvals and environmental permits regarding this proposed project.
- If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary.
- If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater.
- All precautions should be observed to control nonpoint source pollution from construction activities. LDEQ has stormwater general permits for construction areas equal to or greater than one acre. It is recommended that you contact the LDEQ Water Permits Division at (225) 219-3181 to determine if your proposed project requires a permit.
- If your project will include a sanitary wastewater treatment facility, a Sewage Sludge and Biosolids Use or Disposal Permit application or Notice of Intent must be submitted no later than June 1, 2011. Additional information may be obtained on the LDEQ website at <http://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx> or by contacting the LDEQ Water Permits Division at (225) 219- 3181.
- If any of the proposed work is located in wetlands or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps directly regarding permitting issues. If a Corps permit is required, part of the application process may involve a water quality certification from LDEQ.
- All precautions should be observed to protect the groundwater of the region.
- Please be advised that water softeners generate wastewaters that may require special limitations depending on local water quality considerations. Therefore if your water system improvements include water softeners, you are advised to contact the LDEQ Water Permits to determine if special water quality-based limitations will be necessary.
- Any renovation or remodeling must comply with LAC 33:III.Chapter 28, Lead-Based Paint Activities; LAC 33:III.Chapter 27, Asbestos-Containing Materials in Schools and State Buildings (includes all training and accreditation); and LAC 33:III.5151, Emission Standard for Asbestos for any renovations or demolitions.
- If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification to LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Additionally, precautions should be taken to protect workers from these hazardous constituents.

**Currently, Calcasieu Parish is classified as attainment with the National Ambient Air Quality Standards and has no general conformity determination obligations.**

Please send all future requests to my attention. If you have any questions, please feel free to contact me at (225) 219-3958 or by email at [beth.dixon@la.gov](mailto:beth.dixon@la.gov).

Sincerely,

*Beth*

Beth Altazan-Dixon  
Performance Management  
LDEQ/Business and Community Outreach Division  
Office of the Secretary  
P.O. Box 4301 (602 N. 5th Street)  
Baton Rouge, LA 70821-4301  
Phone: 225-219-3958  
Fx: 225-325-8148  
Email: [beth.dixon@la.gov](mailto:beth.dixon@la.gov)



**DEPARTMENT OF THE ARMY**  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 60267  
NEW ORLEANS, LOUISIANA 701600267

SEP 27 2011

REPLY TO  
ATTENTION OF

Operations Division  
Operations Manager,  
Completed Works

Mr. Joseph Chauvin  
FEMA  
1 Seine Court  
4<sup>th</sup> Floor  
New Orleans, Louisiana 70114

Dear Mr. Chauvin:

This is in response to the Solicitation of Views request dated August 29, 2011, concerning the construction of a berm around the Westlake Wastewater Treatment Facility, at Westlake, Louisiana, in Calcasieu Parish.

We have reviewed your request for potential Department of the Army regulatory requirements and impacts on any Department of the Army projects.

We do not anticipate any adverse impacts to any Corps of Engineers projects.

Based on review of recent maps, aerial photography, and soils data, we have determined that the specific site of the proposed berm is not in a wetland subject to Corps' of Engineers jurisdiction. A Department of the Army permit under Section 404 of the Clean Water Act will not be required for the deposition or redistribution of dredged or fill material on this site. However, wetlands have been identified in the immediate vicinity of this property. Any expansion will require a revised determination.

You are advised that this preliminary jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

Off-site locations of activities such as borrow, disposals, haul-and detour-roads and work mobilization site developments may be subject to Department of the Army regulatory requirements and may have an impact on a Department of the Army project.

Please contact Mr. Robert Heffner, of our Regulatory Branch by telephone at (504) 862-1288, or by e-mail at [Robert.A.Heffner@usace.army.mil](mailto:Robert.A.Heffner@usace.army.mil) for questions concerning wetlands determinations or need for on-site evaluations. Questions concerning regulatory permit requirements may be addressed to Mr. Ronnie Duke by telephone at (504) 862-2261 or by e-mail at [Ronnie.W.Duke@usace.army.mil](mailto:Ronnie.W.Duke@usace.army.mil).

Future correspondence concerning this matter should reference our account number MVN-2011-02339-SZ. This will allow us to more easily locate records of previous correspondence, and thus provide a quicker response.

Sincerely,

A handwritten signature in blue ink that reads "Karen L. Oberlies". The signature is written in a cursive style with a large initial 'K'.

Karen L. Oberlies  
Solicitation of Views Manager

STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER POLLUTION CONTROL DIVISION  
Post Office Box 44066, Capitol Station  
Baton Rouge, Louisiana 70804-4066

PERMIT APPLICATION FOR MUNICIPAL WASTEWATER DISCHARGE

This application to the Department of Environmental Quality may be submitted on either of the following forms:

1. EPA Consolidated Permits Program Application Form 1 (EPA Form 3510-1) plus National Pollutant Discharge Elimination System (NPDES) Standard Form A (EPA Form 7550-22 Sections I, II, III and, IV), or
2. EPA Consolidated Permits Program Application Form 1 (EPA Form 3510-1) plus Department of Environmental Quality Form MUN-1

SECTION I

NPDES No. LA 0038466

PROJECT IDENTIFICATION

Check One: Initial Permit X Permit Revision \_\_\_\_\_

Legal Name of Company: City of Westlake

Mailing Address: P.O. Box 700

Westlake, Louisiana 70669

Facility Name: Westlake Sewage Plant Telephone 436-5813

Facility Location: 200 Carlin Dr. Westlake, Louisiana 70669

Parish: Calcasieu

Responsible Representative of Application:

Name: Dudley R. Dixon

Title: Mayor

Mailing Address: P.O. Box 700

Westlake, Louisiana 70669

Telephone: (318) 433-0691

Is there an existing or expired permit for this facility? Yes X No       .  
If so give the permit limits for Flow, .5 MGD, BOD<sub>5</sub> 30, TSS 30 mg/l  
based on average daily flow (30 day average). Existing Permit No. LA0038466  
Expiration date May 1, 1977.

Will any existing discharges be eliminated when this facility is completed?  
Yes        No X. If so give the following information for each existing  
discharge that will be eliminated:

Permit No. LA0038466

	Permit Condition	Actual Condition
Average Daily Flow	1.25 Max	.732 MGD
BOD <sub>5</sub> lbs/day	125.0	1346
BOD <sub>5</sub> mg/l	45	22.7
TSS lbs/day	125.0	109.31
TSS mg/l	45	18.98

Treatment process:

Receiving Stream:

How waste reaches state waters (Check appropriate words): (Existing System)

directly       ; by ditch X; by private  
sewer       ; by public well       .

Waste flows into: (1) Ditch; (2) thence into Bayou Marina;  
(3) thence into Calcasieu River; (4) thence  
into Lake Charles Lake  
(name of stream, lake, marsh or underground horizon receiving the

waste)

Attach a vicinity map showing the proposed discharge location. (Scale 1:25,000)

**Project Loading**

	<u>Present Conditions</u> <u>(before project)</u>	<u>After Project In Design</u> <u>(initially)</u>	<u>year</u>
1. Domestic population served	5400		
2. Industrial waste -- P.E.*	N/A		
3. Domestic average flow - mgd	.732	(4 month average, 1984)	
4. Industrial waste - mgd	-		
5. Total average flow - mgd (items 3+4)	.732	MGD	
6. Total P.E. before treatment (items 1+2)	5400		
7. Influent BOD <sub>5</sub> - lbs/day (all sources)	N/A		
8. Effluent BOD <sub>5</sub> - lbs/day	134.6		
9. Effluent BOD <sub>5</sub> - mg/l	22.7		
10. Influent N-NH <sub>3</sub> - lbs/day	N/A		
11. Effluent N-NH <sub>3</sub> - lbs/day	N/A		
12. Effluent N-NH <sub>3</sub> - mg/l	N/A		
13. Influent P - lbs/day	N/A		
14. Effluent P - lbs/day	N/A		
15. Effluent P - mg/l	N/A		

\* If industrial wastes are discharged into this facility, please complete Attachment 1 for each significant source. PE - Total pounds BOD<sub>5</sub>/0.2

Provide a schematic showing major process components.

ATTACHMENT 1

INDUSTRIAL WASTE DISCHARGER  
INTO MUNICIPAL SYSTEM

Legal Name of Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Type of Process: \_\_\_\_\_

Total Daily Flow: \_\_\_\_\_ mgd

Type of Discharge: Continuous \_\_\_\_\_ Intermittent \_\_\_\_\_

If intermittent give hours per day and number of days per week of discharge

BOD<sub>5</sub> \_\_\_\_\_ lbs/day  
Total Suspended Solids \_\_\_\_\_ lbs/day  
N-NH<sub>3</sub> \_\_\_\_\_ lbs/day  
Phosphorous \_\_\_\_\_ lbs/day  
Oil & Grease \_\_\_\_\_ lbs/day

Pertinent physical and chemical properties (e.g., toxic compounds, taste and odor compounds, heavy metals, etc.)

\* Note: If there are numerous discharges with similar processes, such as service stations, laundromats, etc., these may be grouped together and the total flow and waste loads reported on one form. An estimate should be provided of the number of dischargers.

If the above source contains any substances not amenable to treatment by the facility covered by this application, an individual pretreatment determination may be made by the issuing agency.

A F F I D A V I T

State of LOUISIANA

Parish or County of CALCASIEU

Before me, the undersigned authority, on this day personally appeared DUDLEY R. DIXON known to me to be the person whose name is subscribed to this instrument, who after being by me duly sworn on oath or affirmation states that he has had this report prepared, and, that this report is a true and correct reflection of the record of the operations reported herein, that no pertinent matter inquired into this report, and known by him, has been omitted therefrom.

Sworn to and subscribed before me, this 7th day of June, 19 84, \_\_\_\_\_

Notary Public *Therese S. Levan*  
Signature *Dudley R. Dixon*  
Title \_\_\_\_\_

Name and Address of responsible official Dudley R. Dixon, Mayor  
City of Westlake, P.O. Box 700 Westlake, Louisiana 70669  
Telephone (318) 433-0691



6. Facility (see instructions)  
Give the name, ownership, and physical location of the plant or other operating facility where discharge(s) presently occur(s) or will occur.

Name

Ownership (Public, Private or Both Public and Private).

Check block if a Federal facility

and give GSA Inventory Control Number

Location:  
Number & Street

City

County

State

6. Discharge to Another Municipal Facility (see instructions)  
a. Indicate if part of your discharge is into a municipal waste transport system under another responsible organization. If yes, complete the rest of this item and continue with Item 7. If no, go directly to Item 7.

b. Responsible Organization Receiving Discharge Name

Number & Street

City

State

Zip Code

c. Facility Which Receives Discharge Give the name of the facility (waste treatment plant) which receives and is ultimately responsible for treatment of the discharge from your facility.

d. Average Daily Flow to Facility (mgd) Give your average daily flow into the receiving facility.

7. Facility Discharges, Number and Discharge Volume (see instructions) Specify the number of discharges described in this application and the volume of water discharged or lost to each of the categories below. Estimate average volume per day in million gallons per day. Do not include intermittent or noncontinuous overflows, bypasses or seasonal discharges from lagoons, holding ponds, etc.

City of Westlake Sewage Treatment Plant

Latitude 30 degrees 15 minutes 30 seconds N

Longitude 93 degrees 15 minutes 10 seconds W

PUB  PRV  BPP

FED

200 Carlin Drive

Westlake

Calcasieu

Louisiana

Yes  No

Project in progress to pump waste to regional treatment plant in Sulphur, Louisiana. Estimate completion by April 1985

\_\_\_\_\_

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\_\_\_\_\_ mgd

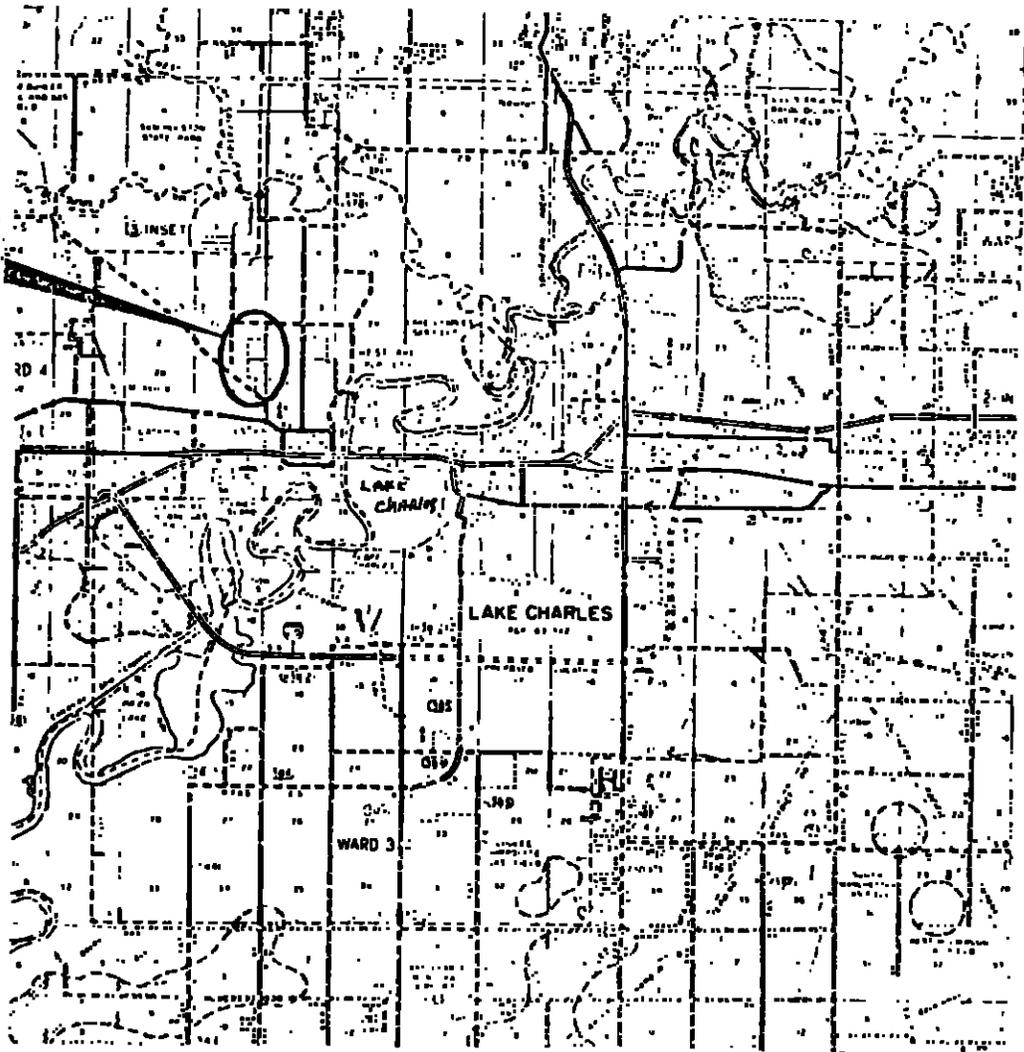




# SITE MAP

TOWN OF WESTLAKE  
LOUISIANA

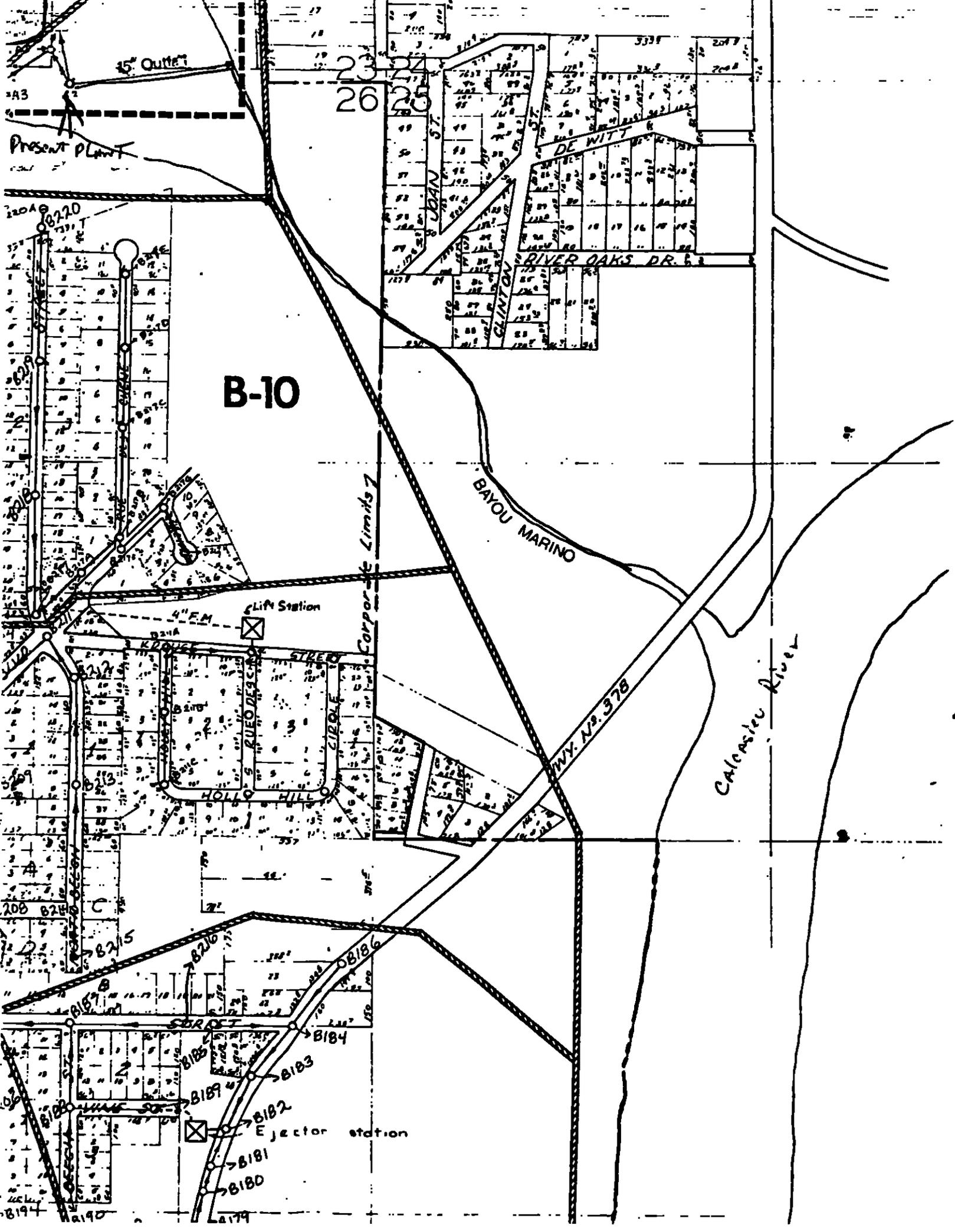
*Present Plant  
Location*



16







B-10

Present Plant  
15" Outlet

203  
206  
207

CLINTON ST.

DE WITT

RIVER OAKS DR.

BAYOU MARINO

Corporate Limits

Lift Station

RUEO DES CHENES  
HOLLOW HILL

HWY. No. 378

Calcasieu River

Ejector station

20A9  
8270

4" EM

208  
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# CITY OF WESTLAKE

**Mayor**  
Dudley R. Dixon

**Mayor Pro-Tempore**  
Dan Cupit



**Councilmen**  
Doris J. Cormier  
Percy Meche  
Sylvian Schwartzburg  
Earnest Smith

October 23, 1990

Office of Water Resources  
Lisa W. Kemp, Environmental Quality Specialist  
Post Office Box 44091  
Baton Rouge, LA 70804

RE: Void request for wastewater discharge permit application; WP1020

Dear Ms. Kemp:

This is a formal request that the Office of Water Resources void our wastewater discharge permit application, WP1020 due to the fact that we no longer process our wastewater. We are now tied into the Regional Wastewater Treatment System in Sulphur, Louisiana who handles 100% of the processing and treatment. The City of Westlake only pumps the wastewater to the Treatment Facility. Therefore, we have no need for the application. Thank you for your attention.

Sincerely,

A handwritten signature in cursive script that reads 'Babette Veillon'.

Babette Veillon  
City Clerk

WATER RESOURCES  
09 OCT 25 P12:35

BV:

cc:

Southwest Regional Office  
Water Pollution Control Division  
Post Office Box 3047  
Lake Charles, Louisiana 70602

J. Kilren Vidrine, Coordinator  
Municipal Permits



State of Louisiana  
Department of Environmental Quality



BUDDY ROEMER  
Governor

PAUL TEMPLET  
Secretary

OCT 18 1990

File No. WP 1020

FILE COPY

City of Westlake  
Post Office Box 700  
Westlake, Louisiana 70669

ATTN: Superintendent of Sewage System

RE: Void request for wastewater discharge permit application; WP1020

Gentlemen:

In a recent telephone conversation, your Office informed us that the City of Westlake has tied into the regional wastewater treatment plant in Sulphur, Louisiana, and that you no longer needed a wastewater discharge permit. We requested that you send a letter to this Office stating that you wish to void this permit application. To this date, we have not received a letter from you. This letter is required in order to officially void this application and clear it from our files. Please mail a letter requesting that this application be voided to the following address:

Office of Water Resources  
Post Office Box 44091  
Baton Rouge, Louisiana 70804-4091  
ATTN: Lisa Kemp

If you have any questions, do not hesitate to contact Lisa Kemp, Office of Water Resources, Post Office Box 44091, Baton Rouge, Louisiana 70804-4091, or telephone (504) 342-6363.

Sincerely,

Lisa W. Kemp  
Environmental Quality Specialist

cc:

Southwest Regional Office  
Water Pollution Control Division  
Post Office Box 3047  
Lake Charles, Louisiana 70602

J. Kilren Vidrine, Coordinator  
Municipal Permits

PHONE:  
(318) 433-0691

# CITY OF WESTLAKE

*600 p 1020*

**MAYOR**  
DUDLEY R. DIXON

**MAYOR PRO-TEMPORE**  
SYLVIAN SCHWARTZENBURG



**COUNCILMEN**  
LEON DAUTRIEL  
JIMMY DUGAS  
JOHN M. LOVE  
EARNEST SMITH

P.O. BOX 700-701 JOHNSON STREET  
WESTLAKE, LOUISIANA 70669

June 7, 1984

Louisiana Department of Environmental Quality  
Permits Division  
P.O. Box 44066 Capitol Station  
Baton Rouge, Louisiana 70804-4066

Re: State Wastewater Permits

Gentlemen:

The following permit application is submitted for your review and action. The City of Westlake has entered into the regional wastewater treatment plant presently under construction at Sulphur, Louisiana. A force main will carry all domestic wastewater to this plant from Westlake. Estimated completion date for the force main is April 1985. At that time the present plant will be abandoned. The information contained in this application is for present conditions of existing plant.

*attaching files*

Engineers for this project are Meyer and Associates, Inc. P.O. Box 2128, 600 Cities Service Hwy. Sulphur, Louisiana. *Tel. 318-625-8353*

Thank you for your assistance and cooperation in this matter. *Richard Meyer*

Respectfully,

*Dudley R. Dixon*  
Dudley R. Dixon, Mayor  
City of Westlake

*Superintendent*

*Herbert TRATT*

*Vertical stamp or text on the right side of the page, partially illegible.*



State of Louisiana  
Department of Environmental Quality



BUDDY ROEMER  
Governor

NOV. 07 1990

PAUL TEMPLET  
Secretary

File No. LA0038446

**FILE COPY**

City of Westlake  
Post Office Box 700  
Westlake, Louisiana 70669

Attention: Ms. Babette Veillon, City Clerk

Gentlemen:

Subject: Cancellation of La. Water Discharge Permit Application WP1020 -  
Westlake Sewage Plant

We have received your letter of October 23, 1990, regarding status of the above referenced facility. Because a permit will not be needed, your La. State Water Discharge Permit Application, WP1020 in the name of City of Westlake, is hereby canceled.

Please be aware that if you should decide to resume discharging at this facility, you will need to reapply for another state water discharge permit 180 days prior to resuming operations. You will also be required to complete the permitting process (including public notice requirements and new permit fees) before resuming any future discharges.

Should you have any further questions regarding this matter, please feel free to contact Jan Cedars at (504)342-6363.

Sincerely,

  
Linda Korn Levy, Program Manager  
Permits Section

LKL: JMC  
cc: U.S. Environmental Protection Agency  
Region VI

Southwest Regional Office  
Water Pollution Control Division



## DEPARTMENT OF ENVIRONMENTAL QUALITY

KATHLEEN BABINEAUX BLANCO

OCT 24 2006

GOVERNOR

MIKE D. McDANIEL, Ph.D.

SECRETARY

Certified Mail# 7003 1010 0002 1622 6836

FILE NUMBER: LA0067083

AI NUMBER: 19201

ACTIVITY NUMBER: PER20050001

City of Sulphur  
Sulphur Regional Wastewater Treatment Facility  
Post Office Box 1309  
Sulphur, LA 70664

Attention: Honorable Ron LeLeux, Mayor

Subject: Louisiana Pollutant Discharge Elimination System (LPDES) permit to discharge treated sanitary wastewater into a parish drainage ditch; thence into the Calcasieu Ship Channel from a publicly owned treatment works serving the City of Westlake, the City of Sulphur, and nearby unincorporated areas.

Gentlemen:

This Office has not received comments from either the general public or the City of Sulphur in response to the public notice published in the **SOUTHWEST DAILY NEWS** of Sulphur on July 28, 2006, and the Department of Environmental Quality Public Notice Mailing List on July 27, 2006.

Pursuant to the Clean Water Act (33 U.S.C. 1251 *et seq.*), and the Louisiana Environmental Quality Act (La. R.S. 30:2001, *et seq.*), the attached LPDES permit has been issued. Provisions of this permit may be appealed in writing pursuant to La. R.S. 2024 (A) within 30 days of receipt of this permit. Only those provisions specifically appealed will be suspended by a request for a hearing unless the secretary or the assistant secretary elects to suspend other permit conditions as well. All other provisions of this permit will remain in effect. A request for a hearing must be sent to the following:

Louisiana Department of Environmental Quality  
Office of the Secretary  
Attention: Hearings Clerk, Legal Affairs Division  
Post Office Box 4301  
Baton Rouge, Louisiana 70821-4301

Please reference your Agency Interest Number, AI 19201, and your Louisiana Pollutant Discharge Elimination System Number, LA0067083, on all future correspondence to the Department.

In accordance with Part II, Section A, Paragraph 10 of the permit, monitoring results should be reported on a Discharge Monitoring Report (DMR) form as per the schedule specified. A copy of the form to be used is attached for your convenience.

**ENVIRONMENTAL SERVICES**

: PO BOX 4313, BATON ROUGE, LA 70821-4313

P:225-219-3181 F:225-219-3309

WWW.DEQ.LOUISIANA.GOV

City of Sulphur

LA0067083; AI 19201; PER20050001

Page Two

A Municipal Water Pollution Prevention Environmental Audit Report Form has been enclosed. Please consult Part II, Section C of the permit for instructions regarding this audit.

Should you have any questions concerning any part of the permit, please contact Mr. Todd Franklin of the Office of Environmental Services, Permits Division, Municipal and General Water Permits Section, at the address on the preceding page or telephone (225) 219-3102.

Sincerely,



Chuck Carr Brown, Ph. D.  
Assistant Secretary

jtf

Attachments (DMR, Permit (Parts I-III), and MWPP)

cc: IO-W

ec: Mr. Todd Franklin  
Water & Waste Permits Division

Mr. Ronnie Bean  
Water & Waste Permits Division

Public Health Chief Engineer  
Office of Public Health  
Department of Health and Hospitals

Ms. Evelyn Rosborough (6WQ-CA)  
U.S. Environmental Protection Agency  
Region VI

Permit Compliance Unit  
Office of Environmental Compliance

Southwest Regional Office  
Office of Environmental Compliance

PERMITTEE NAME/ADDRESS  
(Include Facility Name/Location if different)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
DISCHARGE MONITORING REPORT (DMR)

(2-16)

(17-19)

NAME

ADDRESS

PERMIT NUMBER

DISCHARGE NUMBER

Check Appropriate Box

Major Facility

Minor Facility

Check here if No Discharge

MONITORING PERIOD

YEAR	MO	DAY	TO	YEAR	MO	DAY
(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

FROM

NOTE: Read instructions before completing this form.

PARAMETER (32-37)	QUANTITY OR LOADING (46-53)	QUANTITY OR LOADING (54-61)		UNITS	QUALITY OR CONCENTRATION (54-61)		NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
		AVERAGE	MAXIMUM		MINIMUM	AVERAGE			
SAMPLE MEASUREMENT PERMIT REQUIREMENT									
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# DMR Instructions

(from back of DMR)

## PAPER WORK REDUCTION ACT NOTICE

Public reporting burden for this collection of information is estimated to vary from a range of 10 hours as an average per response for some minor facilities, to 110 hours as an average per response for some major facilities, with a weighted average for major and minor facilities of 18 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and to the Office of Information and

## GENERAL INSTRUCTIONS

1. If form has been partially completed by preprinting, disregard instructions directed at entry of that information already pre-printed.
2. Enter "Permittee Name/Mailing Address (and facility name/ location, if different)," "Permit Number," and "Discharge" where indicated. (A separate form is required for each discharge.)
3. Enter dates beginning and ending "Monitoring Period" covered form where indicated.
4. Enter each "Parameter" as specified in monitoring requirements of permit.
5. Enter "Sample Measurement" data for each parameter under "Quantity" and "Quality" in units specified in permit. "Average" is normally arithmetic average (geometric average for bacterial parameters) of all sample measurements for each parameter obtained during "Monitoring Period"; "Maximum" and "Minimum" are normally extreme high and low measurements obtained during "Monitoring Period". (Note to municipals and secondary treatment requirement: Enter 30-day average of sample measurements under "Average", and enter maximum 7-day average of sample measurements obtained during monitoring period under "Maximum.")
6. Enter "Permit Requirement" for each parameter under "Quantity" and "Quality" as specified in permit.
7. Under "No Ex" enter number of sample measurements during monitoring period that exceeded maximum (and/or minimum or 7-day average as appropriate) permit requirement for each parameter. If none, enter "0".
8. Enter "Frequency of Analysis" both as "Sample Measurement" (actual frequency of sampling and analysis used during monitoring period) and as "Permit Requirement" specified in permit. (e.g. Enter "Cont," for continuous monitoring, "1/7" for one day per week, "1/30" for one day per month, "1/90" for one day per quarter, etc.)
9. Enter "Sample Type" both as "Sample Measurement" (actual sample type used during monitoring period) and as "Permit Requirement", (e.g. Enter "Grab" for individual sample, "24HC" for 24-hour composite, "CONT" for continuous monitoring, etc.)
10. Where violations of permit requirements are reported, attach a brief explanation to describe cause and corrective actions taken, and reference each violation by date.
11. If "No Discharge" occurs during monitoring period, check the box for "No Discharge". or if no box is present please write the words "NO DISCHARGE" across the DMR Form.
12. Enter "Name/Title of Principal Executive Officer" with "Signature of Principal Executive Officer or Authorized Agent", "Telephone Number", and "Date" at bottom of form.
13. Mail signed Report to Office(s) by date(s) specified in permit. Retain copy for your records.
14. More detailed instructions for use of this Discharge Monitoring Report (DMR) form may be obtained from Office(s) specified in permit.
15. Facilities using the digital form of the DMR must first obtain approval from the NPDES authority in their state. The parameters and data on the form must be mono-spaced (e.g. Courier) and have a size of 10 pitch (12 points). Approval for EPA Region 6 can be obtained by contacting Cathy Bius at (214)665-6456. Permittees holding a storm water general permit in New Mexico, Texas, or Oklahoma do not need approval if they use the correct type as specified above. THE FORM MAY NOT BE ALTERED IN ANY MANNER.

## LEGAL NOTICE

This report is required by law (33 U.S.C. 1318; 40 C.F.R. 125.27). Failure to report or failure to report truthfully can result in civil penalties not to exceed \$10,000 per day of violation; or in criminal penalties not to exceed \$25,000 per day of violation, or by imprisonment for not more than one year, or by both.



PERMIT NUMBER: LA0067083  
AGENCY INTEREST NO: 19201  
ACTIVITY NUMBER: PER20050001

OFFICE OF ENVIRONMENTAL SERVICES  
**Water Discharge Permit**

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, and in reliance on statements and representations heretofore made in the application, a Louisiana Pollutant Discharge Elimination System permit is issued authorizing

City of Sulphur  
Sulphur Regional Wastewater Treatment Facility  
Post Office Box 1309  
Sulphur, LA 70664

**Type Facility:** existing publicly owned treatment works serving the City of Westlake, the City of Sulphur, and nearby unincorporated areas

**Location:** 3400 Bayou D'Inde Road in Westlake, Calcasieu Parish

**Receiving Waters:** parish drainage ditch; thence into the Calcasieu Ship Channel

to discharge in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III attached hereto.

This permit shall become effective on 12/1/06

This permit and the authorization to discharge shall expire five (5) years from the effective date of the permit.

Issued on 10/23/06

**Chuck Carr Brown, Ph. D.**  
Assistant Secretary

**EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning the effective date of the permit and lasting through the expiration date of the permit the permittee is authorized to discharge from:

Outfall 001, treated sanitary wastewater (design capacity is 9.0 MGD).

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Storet Code</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
		(lbs/day) <u>Monthly Avg.</u>	other units (specify) <u>Monthly Avg.</u>	<u>Weekly Avg.</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow-MGD	50050	---	Report	Report	Continuous	Recorder <sup>1</sup>
BOD <sub>5</sub>	00310	2,252	30 mg/l	45 mg/l	5/week	12 Hr. Composite
TSS	00530	2,252	30 mg/l	45 mg/l	5/week	12 Hr. Composite
Fecal Coliform colonies/100ml <sup>2</sup>	74055	---	200	400	5/week	Grab
pH (Standard Units) <sup>3</sup>	00400	---	---	---	5/week	Grab
	<u>Storet Code</u>	(lbs/day) <u>Monthly Avg.</u>	(lbs/day) <u>Daily Max.</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>
Total Copper <sup>4</sup>	01042	---	7.6		1/quarter	24 Hr. Composite
Total Mercury <sup>4</sup>	71900	---	0.0524		1/quarter	24 Hr. Composite

**Whole Effluent Toxicity Testing<sup>5</sup>**

Quality (Percent % UNLESS STATED)

<u>Biomonitoring<sup>5</sup></u>	<u>Storet Code</u>	Quality (Percent % UNLESS STATED)		<u>Measurement Frequency</u>	<u>Sample Type</u>
		<u>Monthly Avg. Minimum</u>	<u>7-Day Minimum</u>		
<u><i>Mysidopsis bahia</i></u>	TLP3E	Report <sup>6</sup>	Report <sup>6</sup>	1/quarter	24-Hr Composite
	TOP3E	Report	Report	1/quarter	24-Hr Composite
	TPP3E	Report	Report	1/quarter	24-Hr Composite
	TGP3E	Report <sup>6</sup>	Report <sup>6</sup>	1/quarter	24-Hr Composite
	TQP3E	Report	Report	1/quarter	24-Hr Composite
<u><i>Menidia beryllina</i></u>	TLP6B	Report <sup>6</sup>	Report <sup>6</sup>	1/quarter	24-Hr Composite
	TOP6B	Report	Report	1/quarter	24-Hr Composite
	TPP6B	Report	Report	1/quarter	24-Hr Composite
	TGP6B	Report <sup>6</sup>	Report <sup>6</sup>	1/quarter	24-Hr Composite
	TQP6B	Report	Report	1/quarter	24-Hr Composite

**EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

If a test failure has occurred and the required retests have been performed, the test results are to be reported on the DMR as follows:

	Storet <u>Code</u>	Monthly Avg. <u>Minimum</u>	7-Day <u>Minimum</u>	Measurement <u>Frequency</u>	Sample <u>Type</u>
Biomonitoring <sup>5</sup>					
Retest #1	22415	Report <sup>6</sup>	Report <sup>6</sup>	As Required <sup>7</sup>	24-Hr Composite
Retest #2	22416	Report <sup>6</sup>	Report <sup>6</sup>	As Required <sup>7</sup>	24-Hr Composite

<sup>1</sup> Includes totalizing meter or totalizer.

<sup>2</sup> See Part II, Section A, Paragraph 9

<sup>3</sup> The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

<sup>4</sup> If any individual analytical test result is less than the minimum quantification level listed below, a value of zero (0) may be used for that individual result for the Discharge Monitoring Report (DMR) mass calculations and reporting requirements for the pollutants listed below:

<u>Pollutant</u>	<u>MQL</u>
Copper	10 µg/L
Mercury	0.2 µg/L

<sup>5</sup> See Part II, Whole Effluent Toxicity Testing Requirements.

If there are no significant lethal or sub-lethal effects demonstrated at or below the critical dilution during the first four quarters of testing, the permittee may certify fulfillment of the WET testing requirements to the permitting authority and WET testing may be reduced to not less than once per six months for the more sensitive species (*Mysidopsis bahia*) and not less than once per year for the less sensitive species (*Menidia beryllina*) for the remainder of the term of the permit. Upon expiration of the permit, the monitoring frequency for both species shall revert to once per quarter until the permit is re-issued.

<sup>6</sup> Species Quality Reporting Units: Pass = 0, Fail = 1

<sup>7</sup> Monthly Testing Required only if routine test for reporting period (for either species) fails.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location:

Outfall 001, at the point of discharge from the last treatment unit prior to mixing with other waters.

## PART II

### OTHER REQUIREMENTS

In addition to the standard conditions required in all permits and listed in Part III, the office has established the following additional requirements in accordance with the Louisiana Water Quality Regulations.

#### SECTION A. GENERAL STATEMENTS

1. 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 TMDLs. 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 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.
2. This permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the application or limited or monitored for in the permit.
3. Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land, this permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.
4. For definitions of monitoring and sampling terminology see Part III, Section F.
5. 24-hour Oral Reporting: Daily Maximum Limitation Violations

Under the provisions of Part III Section D.6.e.(3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to the Office of Environmental Compliance within 24 hours from the time the permittee became aware of the violation followed by a written report in five days.

Pollutants:      Copper and Mercury

In addition, enforcement authority has been retained by EPA. Therefore, EPA must also be notified according to the provisions above until notification that enforcement authority has been assumed by LDEQ. The written report shall be submitted to the following address:

U.S. Environmental Protection Agency, Region 6  
Water Enforcement Branch, 6 EN-WC  
1445 Ross Ave.  
Dallas, TX 75202

6. As an exception to Part III Section D.6.e.(1), the permittee shall report all overflows in the collection system with the Discharge Monitoring Report submittal. These reports shall be summarized and reported in tabular format. The summaries shall include: the date, time, duration, location, estimated volume, and cause of the overflow; observed environmental impacts from the overflow; actions taken to address the overflow; and the ultimate discharge location if not contained (e.g.,

**OTHER REQUIREMENTS (cont.)**

storm sewer system, ditch, tributary). All other overflows and overflows which endanger human health or the environment must be reported in the manner described in Part III, Section D.6 of the permit.

7. In accordance with La.R.S.40:1149, it shall be unlawful for any person, firm, or corporation, both municipal and private, operating a water supply system or sewerage system to operate same unless the competency of the operator is duly certified to by the State Health Officer. Furthermore, it shall be unlawful for any person to perform the duties of an operator without being duly certified. Therefore, the City of Sulphur should take whatever action is necessary to comply with La.R.S. 40:1149.
8. The permittee shall achieve compliance with the effluent limitations and monitoring requirements specified for discharges in accordance with the following schedule:

**EFFECTIVE DATE OF THE PERMIT**

9. Future water quality studies may indicate potential toxicity from the presence of residual chlorine in the treatment facility's effluent. Therefore, the permittee is hereby advised that a future Total Residual Chlorine Limit may be required if chlorine is used as a method of disinfection. In many cases, this becomes a NO MEASURABLE Total Residual Chlorine Limit. If such a limit were imposed, the permittee would be required to provide for dechlorination of the effluent prior to a discharge.

**10. DISCHARGE MONITORING REPORTS**

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). All monitoring reports must be retained for a period of at least three (3) years from the date of the sample measurement. The permittee shall make available to this Department, upon request, copies of all monitoring data required by this permit.

If there is a no discharge event at any of the monitored outfall(s) during the sampling period, place an "X" in the NO DISCHARGE box located in the upper right corner of the Discharge Monitoring Report.

Reporting periods shall end on the last day of the month. Monitoring results for each month shall be summarized on a Discharge Monitoring Report (DMR) Form and submitted to the Office of Environmental Compliance on a monthly basis, postmarked no later than the 15th day of the month following each reporting period.

Permittees shall be required to submit DMRs according to the following schedule or as established in the permit:

For parameter(s) with monitoring frequency(ies) of **1/month or more frequent**:

Submit DMR by the 15th day of the following month.

For parameter(s) with monitoring frequency (ies) of **1/quarter**:

<u>Monitoring Period</u>	<u>DMR Due Date</u>
January 1-March 31	April 15 <sup>th</sup>
April 1-June 30	July 15 <sup>th</sup>
July 1- September 30	October 15 <sup>th</sup>
October 1 – December 31	January 15 <sup>th</sup>

**OTHER REQUIREMENTS (cont.)**

For parameter(s) with monitoring frequency (ies) of **semi-annual**:

<u>Monitoring Period</u>	<u>DMR Due Date</u>
January 1-June 30	July 15 <sup>th</sup>
July 1- December 31	January 15 <sup>th</sup>

For parameter(s) with monitoring frequency(ies) of **1/year**:

<u>Monitoring Period</u>	<u>DMR Due Date</u>
January 1- December 31	January 15 <sup>th</sup>

Duplicate copies of DMRs (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503.B, and all other reports (one set of originals) required by this permit shall be submitted to the Permit Compliance Unit at the following address:

Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
Attention: Permit Compliance Unit

In addition, enforcement authority has been retained by EPA. Therefore, the original and a copy of the DMRs must also be submitted to the following address until notification that enforcement authority has been assumed by LDEQ:

U.S. Environmental Protection Agency, Region 6  
Water Enforcement Branch, 6 EN-WC  
1445 Ross Ave.  
Dallas, TX 75202

## OTHER REQUIREMENTS (cont.)

### SECTION B. STORMWATER DISCHARGES

1. This section applies to all stormwater discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow.
2. Any runoff leaving the developed areas of the facility, other than the permitted outfall(s), exceeding 50 mg/L TOC, 15 mg/L Oil and Grease, or having a pH less than 6.0 or greater than 9.0 standard units shall be a violation of this permit. Any discharge in excess of these limitations, which is attributable to offsite contamination, shall not be considered a violation of this permit. A visual inspection of the facility shall be conducted and a report made annually as described in Paragraph 4 below.
3. The permittee shall prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. The terms and conditions of the SWP3 shall be an enforceable Part of the permit. EPA document 833-R-92-002 (Storm Water Management for Industrial Activities) may be used as a guidance and may be obtained by writing to the U.S. Environmental Protection Agency, Office of Water Resources (RC-4100), 401 M Street, S.W., Washington D.C. 20460 or by calling (202) 260-7786.
4. The following conditions are applicable to all facilities and shall be included in the SWP3 for the facility.
  - a. The permittee shall conduct an annual inspection of the facility site to identify areas contributing to the storm water discharge from developed areas of the facility and evaluate whether measures to reduce pollutant loadings identified in the SWP3 are adequate and have been properly implemented in accordance with the terms of the permit or whether additional control measures are needed.
  - b. The permittee shall develop a site map that includes all areas where stormwater may contact potential pollutants or substances that can cause pollution. Any location where reportable quantities leaks or spills have previously occurred are to be documented in the SWP3. The SWP3 shall contain a description of the potential pollutant sources, including, the type and quantity of material present and what action has been taken to assure stormwater precipitation will not directly contact the substances and result in contaminated runoff.
  - c. Where experience indicates a reasonable potential for equipment failure (e.g. a tank overflow or leakage), natural condition of (e.g. precipitation), or other circumstances which result in significant amounts of pollutants reaching surface waters, the SWP3 should include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.
  - d. The permittee shall maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the SWP3 and the permit, and identifying any incidents of noncompliance. The summary report should contain, at a minimum, the date and time of inspection, name of inspector(s), conditions found, and changes to be made to the SWP3.
  - e. The summary report and the following certification shall be signed in accordance with LAC 33:IX.2503. The summary report is to be attached to the SWP3 and provided to the Department upon request.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signatory requirements for the certification may be found in Part III, Section D.10 of this permit.

**OTHER REQUIREMENTS (cont.)**

- f. The permittee shall make available to the Department, upon request, a copy of the SWP3 and any supporting documentation.
5. The following shall be included in the SWP3, if applicable.
- a. The permittee shall utilize all reasonable methods to minimize any adverse impact on the drainage system including but not limited to:
    - i. maintaining adequate roads and driveway surfaces;
    - ii. removing debris and accumulated solids from the drainage system; and
    - iii. cleaning up immediately any spill by sweeping, absorbent pads, or other appropriate methods.
  - b. All spilled product and other spilled wastes shall be immediately cleaned up and disposed of according to all applicable regulations, Spill Prevention and Control (SPC) plans or Spill Prevention Control and Countermeasures (SPCC) plans. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with State or Federal safety regulations (i.e., requirement for non-slippery work surface). In all such cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.
  - c. All equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other materials exposed to stormwater shall be maintained in a manner which prevents contamination of stormwater by pollutants.
  - d. All waste fuel, lubricants, coolants, solvents, or other fluids used in the repair or maintenance of vehicles or equipment shall be recycled or contained for proper disposal. Spills of these materials are to be cleaned up by dry means whenever possible.
  - e. All storage tank installations (with a capacity greater than 660 gallons for an individual container, or 1,320 gallons for two or more containers in aggregate within a common storage area) shall be constructed so that a secondary means of containment is provided for the entire contents of the largest tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spills.
  - f. All diked areas surrounding storage tanks or stormwater collection basins shall be free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked area. All drains from diked areas shall be equipped with valves that shall be kept in the closed condition except during periods of supervised discharge.
  - g. All check valves, tanks, drains, or other potential sources of pollutant releases shall be inspected and maintained on a regular basis to assure their proper operation and to prevent the discharge of pollutants.
  - h. The permittee shall assure compliance with all applicable regulations promulgated under the Louisiana Solid Waste and Resource Recovery Law and the Hazardous Waste Management Law (L.R.S. 30:2151, etc.). Management practices required under above regulations shall be referenced in the SWP3.
  - i. The permittee shall amend the SWP3 whenever there is a change in the facility or change in the operation of the facility that materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.
  - j. If the SWP3 proves to be ineffective in achieving the general objectives of preventing the release of significant amounts of pollutants to water of the state, then the specific objectives and requirements of the SWP3 shall be subject to modification to incorporate revised SWP3 requirements.

**OTHER REQUIREMENTS (cont.)**

6. Facility Specific SWP3 Conditions:

- a. **Site Map.** The locations of the following areas, where such areas are exposed to precipitation, shall also be included on the site map: grit, screenings and other solids handling, storage or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage and/or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides and pesticides.
- b. **Employee Training.** At a minimum, must address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; proper procedures for using fertilizer, herbicides and pesticides.
- c. **Potential Pollutant Sources.** The summary of potential pollutant sources must also list the activities and pollutants from the following areas: grit, screenings and other solids handling, storage or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage and/or hauled waste receiving station; and access roads/rail lines.
- d. **Description of BMPs to be Used.** In addition to the other BMPs considered, the facility must consider routing storm water into treatment works, or covering exposed materials from the following exposed areas: grit, screenings and other solids handling, storage or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage and/or hauled waste receiving station.
- e. **Inspections:** The following areas must be included in all monthly inspections: access roads/rail lines; grit, screenings and other solids handling, storage or disposal areas; sludge drying beds, dried sludge piles; compost piles; septage and/or hauled waste receiving station areas.
- f. **Wastewater and Washwater Requirements.** If washwaters are handled in another manner other than the treatment works, the disposal method must be described and all pertinent documentation must be attached to the plan.

**OTHER REQUIREMENTS (cont.)**

**SECTION C. MUNICIPAL WATER POLLUTION PREVENTION**

**Pollution Prevention Requirements**

1. 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. A copy of the Environmental Audit Form has been attached to this permit. Please make additional copies to be utilized for each year of this permit. Additional copies can be obtained upon request.

The audit evaluation period is as follows:

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

These reports shall discuss the following items:

- a. The influent loading, flow, and design capacity of the facility;
  - b. The effluent quality and plant performance;
  - c. The age of the wastewater treatment facility;
  - d. Bypasses and overflows of the tributary sewerage system and treatment works;
  - e. The ultimate disposition of the sewage sludge;
  - f. Landfilling of sewage sludge and potential alternatives (if applicable);
  - g. New developments at the facility;
  - h. Operator certification and training;
  - i. The financial status of the facility; and
  - j. A subjective evaluation of conditions at the facility.
2. A resolution from the permittee's governing body shall be obtained as part of the Environmental Audit Report. This resolution shall include, at a minimum, the following:
    - a. An acknowledgement that the governing body has reviewed the Environmental Audit Report;
    - b. A description of actions that the permittee will take to maintain compliance with the permit conditions, and if necessary, include a schedule outlining major projects to be accomplished.
  3. The Environmental Audit Report and the governing body's resolution must be signed by a duly authorized representative of the permittee and shall be maintained with the permit and permit related records (i.e. lab data, DMRs), and made available upon request by duly authorized regional inspectors and/or DEQ Headquarters representatives.

**OTHER REQUIREMENTS (cont.)**

**SECTION D. CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS**

1. The following pollutants may not be introduced into the treatment facility:
  - a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;
  - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference;
  - d. Any pollutant, including oxygen demanding pollutants (e.g., BOD5), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
  - e. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
  - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
  - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and
  - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
2. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Clean Water Act, including any requirements established under LAC 33:IX.Subpart 2.Chapter 61.
3. The permittee shall provide adequate notice of the following:
  - a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Clean Water Act if it were directly discharging those pollutants; and
  - b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
  - c. Any notice shall include information on (1) the quality and quantity of effluent to be introduced into the treatment works, and (2) any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

**OTHER REQUIREMENTS (cont.)**

**SECTION E. WHOLE EFFLUENT TOXICITY TESTING (7-DAY CHRONIC NOEC: MARINE)**

**1. SCOPE AND METHODOLOGY**

- a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO OUTFALL(S):	001
REPORTED ON DMR AS OUTFALL:	TX1Q
CRITICAL DILUTION:	2.4%
EFFLUENT DILUTION SERIES:	1.0%, 1.4%, 1.8%, 2.4%, and 3.3%
COMPOSITE SAMPLE TYPE:	Defined at PART I
TEST SPECIES/METHODS:	40 CFR PART 136

Mysidopsis bahia (Mysid shrimp) chronic static renewal 7-day survival and growth test using Method 1007.0, EPA-821-R-02-014, or the most recent update thereof. A minimum of five (5) replicates with ten (10) organisms per replicate must be used in the control and in each effluent dilution of this test.

Menidia beryllina (Inland Silverside minnow) chronic static renewal 7-day larval survival and growth test, Method 1006.0, EPA-821-R-02-014, or the most recent update thereof. A minimum of five (5) replicates with ten (10) organisms per replicate must be used in the control and in each effluent dilution of this test.

- b. The NOEC (No Observed Effect Concentration) is defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur.
- c. This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.
- d. Test failure is defined as a demonstration of statistically significant sub-lethal or lethal effects to a test species at or below the effluent critical dilution.

**2. PERSISTENT LETHALITY**

The requirements of this section apply only when a toxicity test demonstrates significant lethal effects at or below the critical dilution. Significant lethal effects will be demonstrated if there is a statistically significant difference at the 95% confidence level between the survival of the appropriate test organism in a specified effluent dilution and the control (0% effluent).

- a. The permittee shall conduct a total of two (2) additional tests for any species that demonstrates significant lethal effects at or below the critical dilution. The two additional tests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two additional tests in lieu of routine toxicity testing, unless the specified testing frequency for the species demonstrating significant lethal effects is monthly. The full report shall be prepared for each test required by this section in accordance with

### OTHER REQUIREMENTS (cont.)

procedures outlined in item 4 of this section and submitted with the period discharge monitoring report (DMR) to the permitting authority for review.

- b. If one or both of the two additional tests demonstrates significant lethal effects at or below the critical dilution, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in item 6 of this section. The permittee shall notify the Department of Environmental Quality, Office of Environmental Services in writing within 5 days of the failure of any retest, and the TRE initiation date will be the test completion date of the first failed retest. A TRE may also be required due to a demonstration of persistent significant sub-lethal effects or intermittent lethal effects at or below the critical dilution, or for failure to perform the required retests.
- c. If one or both of the two additional tests demonstrates significant lethal effects at or below the critical dilution, the permittee shall henceforth increase the frequency of testing for this species to once per quarter for the life of the permit.
- d. The provisions of item 2.a are suspended upon completion of the two additional tests and submittal of the **TRE Action Plan**.

### 3. REQUIRED TOXICITY TESTING CONDITIONS

#### a. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

- i. The toxicity test control (0% effluent) must have survival equal to or greater than 80%.
- ii. The mean dry weight of surviving Mysid shrimp at the end of the 7 days in the control (0% effluent) must be 0.20 mg per Mysid or greater. Should the mean dry weight in the control be less than 0.20 mg per Mysid, the toxicity test, including the control and all effluent dilutions shall be repeated.
- iii. The mean dry weight of surviving unpreserved Inland Silverside minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.50 mg per larva or greater. The mean dry weight of surviving preserved Inland Silverside minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.43 mg per larva or greater.
- iv. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: the growth and survival endpoints in the Mysid shrimp test; and the growth and survival endpoints of the Inland Silverside minnow test.
- v. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or nonlethal effects are exhibited for: the growth and survival endpoints in the Mysid shrimp test; and the growth and survival endpoints of the Inland Silverside minnow test.

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

**OTHER REQUIREMENTS (cont.)**

b. Statistical Interpretation

For the Mysid shrimp and the Inland Silverside minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA-821-R-02-014, or the most recent update thereof.

If the conditions of Test Acceptability are met in Item 3.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report an NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 4 below.

c. Dilution Water

- i. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness and salinity to the closest downstream perennial water for;
  - A. toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and
  - B. toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.
- ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of item 3), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:
  - A. a synthetic dilution water control which fulfills the test acceptance requirements of item 3.a was run concurrently with the receiving water control;
  - B. the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);
  - C. the permittee includes all test results indicating receiving water toxicity with the full report and information required by item 4 below; and
  - D. the synthetic dilution water shall have a pH, hardness and salinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

**OTHER REQUIREMENTS (cont.)**

d. Samples and Composites

- i. The permittee shall collect a minimum of three flow-weighted 24-hour composite samples from the outfall(s) listed at item 1.a above. A 24-hour composite sample consists of a minimum of 4 effluent portions collected at equal time intervals representative of a 24-hour operating day and combined proportional to flow or a sample continuously collected proportional to flow over a 24-hour operating day.
- ii. The permittee shall collect second and third 24-hour composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the 24-hour composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.
- iii. The permittee must collect the 24-hour composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first 24-hour composite sample. Samples shall be chilled to 0-6 degrees Centigrade during collection, shipping and/or storage.
- iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in item 4 of this section.

4. REPORTING

- a. A valid test must be submitted during each reporting period. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA-821-R-02-014, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of Part III.C of this permit. For any test which fails, is considered invalid, or which is terminated early for any reason, the full report must be submitted for agency review. The permittee shall submit the first full report to the following address:

Department of Environmental Quality  
Office of Environmental Compliance  
P.O. Box 4312  
Baton Rouge, Louisiana 70821-4312  
Attn: Permit Compliance Unit

**OTHER REQUIREMENTS (cont.)**

In addition, if enforcement authority has been retained by EPA, a copy of the report must also be submitted to the following address:

U.S. Environmental Protection Agency, Region 6  
Water Enforcement Branch, 6 EN-WC  
1445 Ross Ave.  
Dallas, Texas 75202

- b. The permittee shall submit the results of each valid toxicity test on the subsequent monthly DMR for that reporting period in accordance with Part III. D of this permit, as follows below. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR. The permittee shall submit the Table 1 Summary Sheet with each valid test.
- i. Menidia beryllina (Inland Silverside minnow)
- A. If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0". Parameter No. TLP6B.
  - B. Report the NOEC value for survival, Parameter No. TOP6B.
  - C. Report the NOEC value for growth, Parameter No. TPP6B.
  - D. If the No Observed Effect Concentration (NOEC) for growth is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP6B.
  - E. Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQP6B.
- ii. Mysidopsis bahia (Mysid shrimp)
- A. If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0". Parameter No. TLP3E.
  - B. Report the NOEC value for survival, Parameter No. TOP3E.
  - C. Report the NOEC value for growth, Parameter No. TPP3E.
  - D. If the No Observed Effect Concentration (NOEC) for growth is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP3E.
  - E. Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQP3E.
- iii. The permittee shall report the following results for all VALID toxicity retests on the DMR for that reporting period.
- A. Retest #1 (STORET 22415): If the first monthly retest following failure of a routine test for either test species results in an NOEC for survival less than the critical dilution, report a "1";

**OTHER REQUIREMENTS (cont.)**

otherwise, report a "0."

- B. Retest #2 (STORET 22416): If the second monthly retest following failure of a routine test for either test species results in an NOEC for survival less than the critical dilution, report a "1"; otherwise, report a "0."

If, for any reason, a retest cannot be performed during the reporting period in which the triggering routine test failure is experienced, the permittee shall report it on the following reporting period's DMR, and the comments section of both DMRs shall be annotated to that effect. If retesting is not required during a given reporting period, the permittee shall leave these DMR fields blank.

The permittee shall submit the toxicity testing information contained in Table 1 of this permit with the DMR subsequent to each and every toxicity test reporting period. The DMR and the summary table should be sent to the address indicated in 4.a. The permittee is not required to send the first complete report nor summary tables to EPA.

**5. MONITORING FREQUENCY REDUCTION**

- a. The permittee may apply for a testing frequency reduction upon the completion of the first four consecutive quarters of testing for one or both test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the Inland Silverside minnow) and not less than twice per year for the more sensitive test species (usually the Mysid shrimp).
- b. CERTIFICATION - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in item 3.a above. In addition, the permittee must provide a list with each test performed including test initiation date, species, NOECs for lethal and sub-lethal effects, and the maximum coefficient of variation for the controls. Upon review and acceptance of this information, the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's Permit Compliance Unit to update the permit reporting requirements.
- c. SUB-LETHAL FAILURES - If, during the first four quarters of testing, sub-lethal effects are demonstrated to a test species, two monthly retests are required. In addition, quarterly testing is required for that species until the effluent passes both the lethal and sub-lethal test endpoints for the affected species for four consecutive quarters. Monthly retesting is not required if the permittee is performing a TRE.
- d. SURVIVAL FAILURES - If any test fails the survival endpoint at any time during the life of this permit, two monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is re-issued. Monthly retesting is not required if the permittee is performing a TRE.
- e. This monitoring frequency reduction applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

**OTHER REQUIREMENTS (cont.)**

**6. TOXICITY REDUCTION EVALUATION (TRE)**

a. Within ninety (90) days of confirming lethality in any retest, the permittee shall submit a **Toxicity Reduction Evaluation (TRE) Action Plan and Schedule** for conducting a TRE. The **TRE Action Plan** shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The **TRE Action Plan** shall lead to the successful elimination of effluent toxicity at the critical dilution and include the following:

- i. **Specific Activities.** The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the documents "**Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures**" (EPA-600/6-91/003) and "**Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I**" (EPA-600/6-91/005), or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents "**Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity**" (EPA/600/R-92/080) and "**Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity**" (EPA/600/R-92/081), as appropriate;

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at 1-800-553-6847, or by writing:

U.S. Department of Commerce  
National Technical Information Service  
5285 Port Royal Road  
Springfield, VA 22161

- ii. **Sampling Plan** (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;

Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 48 hours of test initiation, each 24-hour composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual 24-hour composite samples, for the chemical specific analysis;

- iii. **Quality Assurance Plan** (e.g., QA/QC implementation, corrective actions, etc.); and

**OTHER REQUIREMENTS (cont.)**

- iv. Project Organization (e.g., project staff, project manager, consulting services, etc.).
- b. The permittee shall initiate the **TRE Action Plan** within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.
- c. The permittee shall submit a quarterly **TRE Activities Report**, with the Discharge Monitoring Report in the months of January, April, July, and October, containing information on toxicity reduction evaluation activities including:
  - i. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
  - ii. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and
  - iii. any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution.

The **TRE Activities Report** shall be submitted to the following addresses:

Department of Environmental Quality  
Office of Environmental Compliance  
P.O. Box 4312  
Baton Rouge, Louisiana 70821-4312  
Attn: Permit Compliance Unit

U.S. Environmental Protection Agency, Region 6  
Water Enforcement Branch  
1445 Ross Avenue  
Dallas, Texas 75202

- d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming lethality in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant lethality at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the above addresses.

- e. Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 CFR 122.44(d)(1)(v).

**OTHER REQUIREMENTS (cont.)**

**TABLE 1  
 SUMMARY SHEET  
Mysidopsis bahia SURVIVAL AND GROWTH RESULTS**

PERMITTEE: \_\_\_\_\_  
 FACILITY SITE: \_\_\_\_\_  
 NPDES PERMIT NUMBER: \_\_\_\_\_ WP PERMIT NUMBER: \_\_\_\_\_  
 OUTFALL IDENTIFICATION: \_\_\_\_\_  
 OUTFALL SAMPLE IS FROM \_\_\_\_\_ SINGLE \_\_\_\_\_ MULTIPLE DISCHARGE  
 BIOMONITORING LABORATORY: \_\_\_\_\_  
 DILUTION WATER USED: \_\_\_\_\_ RECEIVING WATER \_\_\_\_\_ LAB WATER  
 CRITICAL DILUTION \_\_\_\_\_ % DATE TEST INITIATED \_\_\_\_\_

**1. LOW-FLOW LETHALITY:**

Is the mean survival at 7 days significantly less ( $p=0.05$ ) than the control survival at the low-flow or critical dilution?

\_\_\_\_\_ Yes \_\_\_\_\_ No

**PERCENT SURVIVAL - Mysidopsis**

TIME OF READING	PERCENT EFFLUENT					
	0 %	1.0 %	1.4 %	1.8 %	2.4 %	3.3 %
24-HOUR						
48-HOUR						
7-DAY						

**2. LOW-FLOW NON-LETHALITY:**

Is the mean dry weight (growth) at 7 days significantly less ( $p=0.05$ ) than the control's dry weight (growth) for the low-flow or critical dilution? \_\_\_\_\_ Yes \_\_\_\_\_ No

**DATA TABLE FOR GROWTH - Mysidopsis**

PERCENT EFFLUENT	AVERAGE DRY WEIGHT IN MILLIGRAMS IN REPLICATE CHAMBERS					MEAN DRY WEIGHT	CV%*
	A	B	C	D	E		
0%							
1.0 %							
1.4 %							
1.8 %							
2.4 %							
3.3 %							

\* Coefficient of variation – standard deviation x 100/mean

**OTHER REQUIREMENTS (cont.)**

3. Are the test results to be considered valid?  
 Yes  No

If X no (test invalid) , what reasons for invalidity?

4. Is this a retest of a previous invalid test?  
 Yes  No

Is this a retest of a previous test failure?  
 Yes  No

5. Enter percent effluent corresponding to each NOEC (No Observed Effect Concentration) for Mysidopsis:

a. NOEC SURVIVAL = \_\_\_\_\_ % effluent

b. NOEC GROWTH = \_\_\_\_\_ % effluent

**OTHER REQUIREMENTS (cont.)**

**TABLE 1  
 SUMMARY SHEET  
Menidia beryllina SURVIVAL AND GROWTH RESULTS**

PERMITTEE: \_\_\_\_\_  
 FACILITY SITE: \_\_\_\_\_  
 NPDES PERMIT NUMBER: \_\_\_\_\_ WP PERMIT NUMBER: \_\_\_\_\_  
 OUTFALL IDENTIFICATION: \_\_\_\_\_  
 OUTFALL SAMPLE IS FROM \_\_\_\_\_ SINGLE \_\_\_\_\_ MULTIPLE DISCHARGE  
 BIOMONITORING LABORATORY: \_\_\_\_\_  
 DILUTION WATER USED: \_\_\_\_\_ RECEIVING WATER \_\_\_\_\_ LAB WATER  
 CRITICAL DILUTION \_\_\_\_\_ % DATE TEST INITIATED \_\_\_\_\_

**1. LOW-FLOW LETHALITY:**

Is the mean survival at 7 days significantly less ( $p=0.05$ ) than the control survival at the low-flow or critical dilution?  
 \_\_\_\_\_ Yes \_\_\_\_\_ No

**PERCENT SURVIVAL - Menidia**

PERCENT EFFLUENT	% SURVIVAL / REPLICATES				MEAN % SURVIVAL			CV %
	A	B	C	D	24-HR	48-HR	7 DAY	
0 %								
1.0 %								
1.4 %								
1.8 %								
2.4 %								
3.3 %								

**2. LOW-FLOW NON-LETHALITY:**

Is the mean dry weight (growth) at 7 days significantly less ( $p=0.05$ ) than the control's dry weight (growth) for the low-flow or critical dilution? \_\_\_\_\_ Yes \_\_\_\_\_ No

OTHER REQUIREMENTS (cont.)

DATA TABLE FOR GROWTH – *Menidia*

PERCENT EFFLUENT	AVERAGE DRY WEIGHT IN MILLIGRAMS IN REPLICATE CHAMBERS					MEAN DRY WEIGHT	CV%*
	A	B	C	D	E		
0 %							
1.0 %							
1.4 %							
1.8 %							
2.4 %							
3.3 %							

\* Coefficient of variation – standard deviation x 100/mean

3. Are the test results to be considered valid?  Yes  No  
 If X no (test invalid), what reasons for invalidity?
4. Is this a retest of a previous invalid test?  Yes  No  
 Is this a retest of a previous test failure?  Yes  No
5. Enter percent effluent corresponding to each NOEC (No Observed Effect Concentration) for *Menidia*:
- a. NOEC SURVIVAL = \_\_\_\_\_ % effluent
- b. NOEC GROWTH = \_\_\_\_\_ effluent

PART III  
STANDARD CONDITIONS FOR LPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Introduction

In accordance with the provisions of LAC 33:IX.2701, et seq., this permit incorporates either expressly or by reference ALL conditions and requirements applicable to Louisiana Pollutant Discharge Elimination System Permits (LPDES) set forth in the Louisiana Environmental Quality Act (LEQA), as amended, as well as ALL applicable regulations.

2. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Louisiana Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. Penalties for Violation of Permit Conditions

a. LA. R. S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R. S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details).

b. Any person may be assessed an administrative penalty by the State Administrative Authority under LA. R. S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

4. Toxic Pollutants

a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

5. Duty to Reapply

a. Individual Permits. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.

- b. **General Permits.** General permits expire five years after the effective date. The 180-day reapplication period as defined above is not applicable to general permit authorizations. Reissued general permits may provide automatic coverage for permittees authorized under the previous version of the permit, and no new application is required. Requirements for obtaining authorization under the reissued general permit will be outlined in Part I of the new permit. Permittees authorized to discharge under an expiring general permit should follow the requirements for obtaining coverage under the new general permit to maintain discharge authorization.

6. Permit Action

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2903, 2905, 2907, 3105 and 6509. The causes may include, but are not limited to, the following:

- a. Noncompliance by the permittee with any condition of the permit;
- b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
- c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
- d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge; or
- e. Failure to pay applicable fees under the provisions of LAC 33: IX. Chapter 13;
- f. Change of ownership or operational control;

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to Provide Information

The permittee shall furnish to the state administrative authority, within a reasonable time, any information which the state administrative authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the state administrative authority, upon request, copies of records required to be kept by this permit.

9. Criminal and Civil Liability

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to La. R.S. 30:2025.

10. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

12. Severability

If any provision of these rules and regulations, or the application thereof, is held to be invalid, the remaining provisions of these rules and regulations shall not be affected, so long as they can be given effect without the invalid provision. To this end, the provisions of these rules and regulations are declared to be severable.

13. Dilution

A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality.

SECTION B. PROPER OPERATION AND MAINTENANCE

1. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

3. Proper Operation and Maintenance

a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.

4. Bypass of Treatment Facilities

a. Bypass. The intentional diversion of waste streams from any portion of a treatment facility.

b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B.4.c. and 4.d of these standard conditions.

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Water and Waste Permits Division, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2701.L.6, (24-hour notice) and Section D.6.e. of these standard conditions.

d. Prohibition of bypass

- (1) Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:
  - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
  - (c) The permittee submitted notices as required by Section B.4.c of these standard conditions.
- (2) The state administrative authority may approve an anticipated bypass after considering its adverse effects, if the state administrative authority determines that it will meet the three conditions listed in Section B.4.d(1) of these standard conditions.

5. Upset Conditions

- a. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section B.5.c. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated; and
  - (3) The permittee submitted notice of the upset as required by LAC 33:IX.2701.L.6.b.ii. and Section D.6.e.(2) of these standard conditions; and
  - (4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.
- d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state and in accordance with environmental regulations.

## 7. Percent Removal

For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.5905.A.3. and B.3.

## SECTION C. MONITORING AND RECORDS

### 1. Inspection and Entry

The permittee shall allow the state administrative authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by the law to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than thirty (30) minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of thirty (30) minutes shall constitute a violation of this permit. However, additional time can be granted if the inspector or the Administrative Authority determines that the circumstances warrant such action; and

- b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of this permit. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.

- e. Sample Collection

- (1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.

- (2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a. above) and the inspector shall supply the permittee with a duplicate sample.

- f. It shall be the responsibility of the permittee to ensure that a facility representative familiar with provisions of its wastewater discharge permit, including any other conditions or limitations, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in Section C.1.b. of these standard conditions. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.

- g. Upon written request copies of field notes, drawings, etc., taken by department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

2. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All samples shall be taken at the outfall location(s) indicated in the permit. The state administrative authority shall be notified prior to any changes in the outfall location(s). Any changes in the outfall location(s) may be subject to modification, revocation and reissuance in accordance with LAC 33:IX.2903.

3. Retention of Records

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the state administrative authority at any time.

4. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The time(s) analyses were begun and ended
- e. The individual(s) who performed the analyses;
- f. The analytical techniques or methods used;
- g. The results of such analyses; and
- h. The results of all quality control procedures.

5. Monitoring Procedures

- a. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 (See LAC 33:IX.4901) or, in the case of sludge use or disposal, approved under 40 CFR part 136 (See LAC 33:IX.4901) unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in this permit. This includes procedures contained in the latest EPA approved edition of the following publications:

- (1) "Standard Methods for the Examination of Water and Waste Water". This publication is available from the American Public Health Association, Publication Sales, P. O. Box 753, Waldorf, MD 20604-0573, Phone number (301) 893-1894, Fax number (301) 843-0159.
- (2) "Annual Book of Standards, Vols 1101-1103, Water I, Water II, and Atmospheric Analysis". This publication is available from the American Society for Testing Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Phone number (610) 832-9500.
- (3) "Methods for Chemical Analysis of Water and Wastes, Revised, March 1983," U.S. Environmental Protection Agency, Analytical Quality Control Laboratory, Cincinnati, Ohio. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-84-128677.

- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.

- c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. General sampling protocol shall follow guidelines established in the "Handbook for Sampling and Sample Preservation of Water and Wastewater, 1982" U.S. Environmental Protection Agency. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-83-124503. General laboratory procedures including glassware cleaning, etc. can be found in the "Handbook for Analytical Quality Control in Water and Wastewater Laboratories, 1979," U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory. This publication is available from the Environmental Protection Agency, Phone number (513) 569-7562. Order by EPA publication number EPA-600/4-79-019.

#### 6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- a. "A Guide to Methods and Standards for the Measurement of Water Flow, 1975," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number COM-75-10683.
- b. "Flow Measurement in Open Channels and Closed Conduits, Volumes 1 and 2," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Service (NTIS), Springfield, VA, 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-273 535.
- c. "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

#### 7. Prohibition for Tampering: Penalties

- a. LA R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.
- b. LA R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non compliance.

#### 8. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (See LAC 33:IX.4901) or, in the case of sludge use and disposal, approved under 40 CFR Part 136 (See LAC 33:IX.4901) unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.

#### 9. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

## 10. Laboratory Accreditation

- a. LAC 33:1.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:
- (1) Submitted on behalf of any facility, as defined in R.S.30:2004;
  - (2) Required as part of any permit application;
  - (3) Required by order of the department;
  - (4) Required to be included on any monitoring reports submitted to the department;
  - (5) Required to be submitted by contractor
  - (6) Otherwise required by department regulations.
- b. The department laboratory accreditation program is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not accredited under these regulations will not be accepted by the department. Retesting of analysis will be required by an accredited commercial laboratory.

Where retesting of effluent is not possible (i.e. data reported on DMRs for prior month's sampling), the data generated will be considered invalid and in violation of the LPDES permit.

- c. Regulations on the Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation are available on the department website located at:

**<http://www.deq.state.la.us/laboratory/index.htm>**

Questions concerning the program may be directed to (225) 765-0582.

## SECTION D. REPORTING REQUIREMENTS

### 1. Facility Changes

The permittee shall give notice to the state administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under LAC 33:IX.2703.A.1.
- c. For Municipal Permits. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301, or 306 of the CWA if it were directly discharging those pollutants; and any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

### 2. Anticipated Noncompliance

The permittee shall give advance notice to the state administrative authority of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

### 3. Transfers

This permit is not transferable to any person except after notice to the state administrative authority. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act or the Louisiana Environmental Quality Act. (See LAC 33:IX.2901; in some cases, modification or revocation and reissuance is mandatory.)

A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under LAC 33:IX.2903. A.2.b), or a minor modification made (under LAC 33:IX.2905) to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act and the Louisiana Environmental Quality Act.

### 4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part I or Part II of this permit.

The permittee shall submit properly completed Discharge Monitoring Reports (DMRs) on the form specified in the permit. Preprinted DMRs are provided to majors/92-500's and other designated facilities. Please contact the Permit Compliance Unit concerning preprints. Self-generated DMRs must be pre-approved by the Permit Compliance Unit prior to submittal. Self-generated DMRs are approved on an individual basis. Requests for approval of self-generated DMRs should be submitted to:

Supervisor, Permit Compliance Unit  
Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, LA 70821-4312

Copies of blank DMR templates, plus instructions for completing them, and EPA's LPDES Reporting Handbook are available at the department website located at:

<http://www.deq.louisiana.gov/portal/Default.aspx?tabid=2276>

### 5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

### 6. Requirements for Notification

#### a. Emergency Notification

As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Prompt Notification Procedures are listed in Section D.6.c. of these standard conditions.

A written report shall be provided within seven calendar days after the notification. The report shall contain the information listed in Section D.6.d. of these standard conditions and any additional information in LAC 33:I.3925.B.

b. Prompt Notification

As required by LAC 33:I.3917, in the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Subchapter E, but does not cause an emergency condition, the discharger shall promptly notify the department within 24 hours after learning of the discharge. Notification should be made to the Office of Environmental Compliance, Surveillance Division Single Point of Contact (SPOC) in accordance with LAC 33:I.3923.

In accordance with LAC 33:I.3923, prompt notification shall be provided within a time frame not to exceed 24 hours and shall be given to the Office of Environmental Compliance, Surveillance Division Single Point of Contact (SPOC) as follows:

- (1) by the Online Incident Reporting screens found at <http://www3.deq.louisiana.gov/surveillance/irf/forms/>; or
- (2) by e-mail utilizing the Incident Report Form and instructions found at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=279>; or
- (3) by telephone at (225) 219-3640 during office hours, or (225) 342-1234 after hours and on weekends and holidays.

c. Content of Prompt Notifications. The following guidelines will be utilized as appropriate, based on the conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge:

- (1) the name of the person making the notification and the telephone number where any return calls from response agencies can be placed;
- (2) the name and location of the facility or site where the unauthorized discharge is imminent or has occurred, using common landmarks. In the event of an incident involving transport, include the name and address of the transporter and generator;
- (3) the date and time the incident began and ended, or the estimated time of continuation if the discharge is continuing;
- (4) the extent of any injuries and identification of any known personnel hazards that response agencies may face;
- (5) the common or scientific chemical name, the U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all discharged pollutants;
- (6) a brief description of the incident sufficient to allow response agencies to formulate their level and extent of response activity.

d. Written Notification Procedures. Written reports for any unauthorized discharge that requires notification under Section D.6.a. or 6.b., or shall be submitted by the discharger to the Office of Environmental Compliance, Surveillance Division SPOC in accordance with LAC 33:IX.3925 within seven calendar days after the notification required by D.6.a. or 6.b., unless otherwise provided for in a valid permit or other department regulation. Written notification reports shall include, but not be limited to, the following information:

- (1) the name, address, telephone number, Agency Interest (AI) number (number assigned by the department) if applicable, and any other applicable identification numbers of the person, company, or other party who is filing the written report, and specific identification that the report is the written follow-up report required by this section;
- (2) the time and date of prompt notification, the state official contacted when reporting, the name of person making that notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;

- (3) date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;
- (4) details of the circumstances (unauthorized discharge description and root cause) and events leading to any unauthorized discharge, including incidents of loss of sources of radiation, and if the release point is subject to a permit:
  - (a) the current permitted limit for the pollutant(s) released; and
  - (b) the permitted release point/outfall ID.
- (5) the common or scientific chemical name of each specific pollutant that was released as the result of an unauthorized discharge, including the CAS number and U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all released pollutants (total amount of each compound expressed in pounds, including calculations);
- (6) a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted;
- (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.
- (8) Written notification reports shall be submitted to the Office of Environmental Compliance, Surveillance Division SPOC by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked "**UNAUTHORIZED DISCHARGE NOTIFICATION REPORT.**"

Please see LAC 33:1.3925.B for additional written notification procedures.

- e. Twenty-four Hour Reporting. The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and; steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2701.M.3.b.);
- (2) Any upset which exceeds any effluent limitation in the permit;
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Part II of the permit to be reported within 24 hours (LAC 33:IX.2707.G.).

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain the information listed in Section D.6.e.

8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

#### 9. Discharges of Toxic Substances

In addition to the reporting requirements under Section D.1-8, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Water and Waste Permits Division as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant:
  - i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    - (1) One hundred micrograms per liter (100 µg/L);
    - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4 -dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
    - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC33:IX.2501.G.7; or
    - (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or
  - ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant:
  - i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (1) Five hundred micrograms per liter (500 µg/L);
    - (2) One milligram per liter (1 mg/L) for antimony;
    - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2501.G.7; or
    - (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or
  - ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

#### 10. Signatory Requirements

All applications, reports, or information submitted to the state administrative authority shall be signed and certified.

- a. All permit applications shall be signed as follows:
  - (1) For a corporation - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
    - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,
    - (b) The manager of one or more manufacturing, production, or operating facilities, provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and

accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

**NOTE:** DEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Section D.10.a.(1)(a). The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the state administrative authority to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Section D.10.a.(1)(b) rather than to specific individuals.

- (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or
  - (3) For a municipality, state, federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:
    - (a) The chief executive officer of the agency, or
    - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits and other information requested by the state administrative authority shall be signed by a person described in Section D.10.a., or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in Section D.10.a. of these standard conditions;
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
  - (3) The written authorization is submitted to the state administrative authority.
- c. Changes to authorization. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under Section D.10. a. or b. above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### 11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.6503) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

Claims of confidentiality for the following will be denied:

- a. The name and address of any permit applicant or permittee;
- b. Permit applications, permits, and effluent data.
- c. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2501 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

## SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION

### 1. Criminal

#### a. Negligent Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$50,000 per day of violation, or imprisonment of not more than two years, or both.

#### b. Knowing Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.

#### c. Knowing Endangerment

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any of such provisions in a permit issued under the LPDES by the secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this Paragraph, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this Paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

#### d. False Statements

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the LPDES, shall, upon conviction, be subject to a fine of not more than \$10,000, or imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than \$20,000 per day of violation, or imprisonment of not more than 4 years, or both.

## 2. Civil Penalties

The Louisiana Revised Statutes LA. R. S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the secretary, an assistant secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than \$32,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

(PLEASE NOTE: These penalties are listed in their entirety in Subtitle II of Title 30 of the Louisiana Revised Statutes.)

## SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. Clean Water Act (CWA) means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972) Pub.L.92-500, as amended by Pub.L. 95-217, Pub.L. 95-576, Pub.L. 96-483 and Pub.L. 97-117, 33 U.S.C. 1251 et. seq.).
2. Accreditation means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.
3. Administrator means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.
4. Applicable Standards and Limitations means all state, interstate and federal standards and limitations to which a discharge is subject under the Clean Water Act, including, effluent limitations, water quality standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308 and 403.
5. Applicable water quality standards means all water quality standards to which a discharge is subject under the Clean Water Act.
6. Commercial Laboratory means any laboratory, wherever located, that performs analyses or tests for third parties for a fee or other compensation and provides chemical analyses, analytical results, or other test data to the department. The term commercial laboratory does not include laboratories accredited by the Louisiana Department of Health and Hospitals in accordance with R.S.49:1001 et seq.
7. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample.
8. Daily Maximum discharge limitation means the highest allowable "daily discharge".
9. Director means the U.S. Environmental Protection Agency Regional Administrator, or the state administrative authority, or an authorized representative.

10. Domestic septage means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from grease trap at a restaurant.
11. Domestic sewage means waste and wastewater from humans, or household operations that is discharged to or otherwise enters a treatment works.
12. Environmental Protection Agency or (EPA) means the U.S. Environmental Protection Agency.
13. Grab sample means an individual sample collected over a period of time not exceeding 15 minutes, unless more time is needed to collect an adequate sample, and is representative of the discharge.
14. Industrial user means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
15. LEQA means the Louisiana Environmental Quality Act.
16. Louisiana Pollutant Discharge Elimination System (LPDES) means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.
17. Monthly Average (also known as Daily Average), other than for fecal coliform bacteria, discharge limitations are calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes monthly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the monthly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily discharge concentration, F = daily flow and n = number of daily samples; monthly average discharge =

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

When the permit establishes monthly average concentration effluent limitations or conditions, and the flow is not measured as a continuous record, then the monthly average concentration means the arithmetic average of all "daily discharge(s)" of concentration determined during the calendar month.

The monthly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.

18. National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.
19. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

20. Sewage sludge means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; portable toilet pumpings, type III marine sanitation device pumpings (33 CFR part 159); and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.
21. Treatment works means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Clean Water Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof. (See Part 212 of the Clean Water Act)
22. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
23. The term MGD shall mean million gallons per day.
24. The term mg/L shall mean milligrams per liter or parts per million (ppm).
25. The term ug/L shall mean micrograms per liter or parts per billion (ppb).
26. The term ng/L shall mean nanograms per liter or parts per trillion (ppt).
27. Weekly average, (also known as 7-day average), other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all "daily discharge(s)" measured during a calendar week divided by the number of "daily discharge(s)" measured during that week. When the permit establishes weekly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the weekly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar week where C = daily discharge concentration, F = daily flow and n = number of daily samples; weekly average discharge =

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

When the permit establishes weekly average concentration effluent limitations or conditions, and the flow is not measured as a continuous record, then the weekly average concentration means the arithmetic average of all "daily discharge(s)" of concentration determined during the calendar week.

The weekly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

28. Sanitary Wastewater Term(s):

- a. 3-hour composite sample consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 3-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 3-hour period.
- b. 6-hour composite sample consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 6-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 6-hour period.

- c. 12-hour composite sample consists of 12 effluent portions collected no closer together than one hour over the 12-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 12-hour period. The daily sampling intervals shall include the highest flow periods.
- d. 24-hour composite sample consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample continuously collected in proportion to flow over the 24-hour period.

# LOUISIANA

## MUNICIPAL WATER POLLUTION PREVENTION

### MWPP



*Facility Name:*

Sulphur Regional Wastewater  
Treatment Facility

*LPDES Permit Number:*

LA0067083

*Agency Interest (AI) Number:*

19201

*Address:*

P. O. Box 1309

Sulphur, LA 70664

*Parish:*

Calcasieu

*(Person Completing Form) Name:*

*Title:*

*Date Completed:*

# INSTRUCTIONS

1. Complete only the sections of the Environmental Audit which apply to your wastewater treatment system. Leave sections that do not apply blank and enter a "0" for the point value.
2. Parts 1 through 7 contain questions for which points may be generated. These points are intended to communicate to the department and the governing body or owner what actions will be necessary to prevent effluent violations. Place the point totals from parts 1 through 7 on the Point Calculation page.
3. Add up the point totals.
4. Submit the Environmental Audit to the governing body or owner for review and approval.
5. The governing body must pass a resolution which contains the following items:
  - a. The resolution or letter must acknowledge the governing body or owner has reviewed the Environmental Audit.
  - b. This resolution must indicate specific actions, if any, will be taken to maintain compliance and prevent effluent violations. Proposed actions should address the parts where maximum or close to maximum points were generated in the Environmental Audit.
  - c. The resolution should provide any other information the governing body deems appropriate.

**PART 1: INFLUENT FLOW/LOADINGS (all plants)**

A. List the average monthly volumetric flows and BOD loadings received at your facility during the last reporting year.

<b>Column 1</b> Average Monthly Flow (million gallons per day, MGD)	x x x x x x x x x x x x x x	<b>Column 2</b> Average Monthly BOD5 Concentration (mg/l)	x 8.34 = x 8.34 =	<b>Column 3</b> Average Monthly BOD5 Loading (pounds per day, lb/day)

BOD loading = Average Monthly Flow (in MGD) x Average Monthly BOD concentration (in mg/l) x 8.34

B. List the design flow and design BOD loading for your facility in the blanks below. If you are not aware of these design quantities, refer to your Operation and Maintenance (O&M) Manual or contact your consulting engineer.

Design Flow, MGD:  x 0.90 =

Design BOD, lb/day:  x 0.90 =

C. How many months did the monthly flow (Column 1) to the wastewater treatment facility (WWTF) exceed 90% of design flow? Circle the number of months and the corresponding point total. Write the point total in the box below at the right.

<i>months</i>	0	1	2	3	4	5	6	7	8	9	10	11	12
<i>points</i>	0	0	0	0	0	5	5	5	5	5	5	5	5

Write 0 or 5 in the C point total box  C Point Total

D. How many months did the monthly flow (Column 1) to the WWTF exceed the design flow? Circle the number of months and corresponding point total. Write the point total in the box below at the right.

<i>months</i>	0	1	2	3	4	5	6	7	8	9	10	11	12
<i>points</i>	0	5	5	10	10	15	15	15	15	15	15	15	15

Write 0, 5, 10 or 15 in the D point total box  D Point Total

E. How many months did the monthly BOD loading (Column 3) to the WWTF exceed 90% of the design loading? Circle the number of months and corresponding point total. Write the point total in the box below at the right.

<i>months</i>	0	1	2	3	4	5	6	7	8	9	10	11	12
<i>points</i>	0	0	5	5	5	10	10	10	10	10	10	10	10

Write 0, 5, or 10 in the E point total box  E Point Total

F. How many months did the monthly BOD loading (Column 3) to the WWTF exceed the design loading? Circle the number of months and corresponding point total. Write the point total in the box below at the right.

<i>months</i>	0	1	2	3	4	5	6	7	8	9	10	11	12
<i>points</i>	0	10	20	30	40	50	50	50	50	50	50	50	50

Write 0, 10, 20, 30, 40 or 50 in the F point total box  F Point Total

G. Add together each point total for C through F and place this sum in the box below at the right.

**TOTAL POINT VALUE FOR PART 1:**  (max = 80)

Also enter this value or 80, whichever is less, on the point calculation table on page 16.



**C. Continuous Discharge to Surface Water.**

**i. How many months did the effluent BOD (Column 1) exceed 90% of the permit limits? Circle the number of months and the corresponding point total. Write the point total in the box below at the right.**

<i>months</i>	0	1	2	3	4	5	6	7	8	9	10	11	12
<i>points</i>	0	0	10	20	30	40	40	40	40	40	40	40	40

Write 0, 10, 20, 30 or 40 in the i point total box  i Point Total

**ii. How many months did the effluent BOD (Column 1) exceed permit limits? Circle the number of months and corresponding point total. Write the point total in the box below at the right.**

<i>months</i>	0	1	2	3	4	5	6	7	8	9	10	11	12
<i>points</i>	0	5	5	10	10	10	10	10	10	10	10	10	10

Write 0, 5, or 10 in the ii point total box  ii Point Total

**iii. How many months did the effluent TSS (Column 2) exceed 90% of the permit limits? Circle the number of months and the corresponding point total. Write the point total in the box below at the right.**

<i>months</i>	0	1	2	3	4	5	6	7	8	9	10	11	12
<i>points</i>	0	0	10	20	30	40	40	40	40	40	40	40	40

Write 0, 10, 20, 30 or 40 in the iii point total box  iii Point Total

**iv. How many months did the effluent TSS (Column 2) exceed permit limits? Circle the number of months and corresponding point total. Write the point total in the box below at the right.**

<i>months</i>	0	1	2	3	4	5	6	7	8	9	10	11	12
<i>points</i>	0	5	5	10	10	10	10	10	10	10	10	10	10

Write 0, 5, or 10 in the iv point total box  iv Point Total

**v. Add together each point total for i through iv and place this sum in the box below at the right.**

**TOTAL POINT VALUE FOR PART 2:**  (max = 100)

Also enter this value or 100, whichever is less, on the point calculation table on page 16.

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**D. Other Monitoring and Limitations**

**i. At any time in the past year was there an exceedance of a permit limit for other pollutants such as: ammonia-nitrogen, phosphorus, pH, total residual chlorine, or fecal coliform?**

√ Check one box.       Yes       No      *If Yes, Please describe:*

**ii. At any time in the past year was there a "failure" of a Biomonitoring (Whole Effluent Toxicity) test of the effluent?**

√ Check one box.       Yes       No      *If Yes, Please describe:*

**iii. At any time in the past year was there an exceedance of a permit limit for a toxic substance?**

√ Check one box.       Yes       No      *If Yes, Please describe:*

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**PART 3: AGE OF THE WASTEWATER TREATMENT FACILITY**

- A. What year was the wastewater treatment facility constructed or last major expansion/improvements completed?

\_\_\_\_\_ *Current Year* - \_\_\_\_\_ *Answer to A* = \_\_\_\_\_ *Age in years*

Enter Age in Part C below.

- B. ✓ Check the type of treatment facility that is employed.

**FACTOR:**

_____	Mechanical Treatment Plant (trickling filter, activated sludge, etc...) Specify Type: _____	2.5
_____	Aerated Lagoon	2.0
_____	Stabilization Pond	1.5
_____	Other Specify Type: _____	1.0

- C. Multiply the factor listed next to the type of facility your community employs by the age of your facility to determine the total point value for Part 3.

**TOTAL POINT VALUE FOR PART 3 =**

$$\frac{\text{_____}}{\text{Factor}} \times \frac{\text{_____}}{\text{Age}} = \boxed{\text{_____}} \text{ (max = 50)}$$

Also enter this value or 50, whichever is less, on the point calculation table on page 16.

- D. Please attach a schematic of the treatment plant.

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**PART 4: OVERFLOWS AND BYPASSES**

**A.**

- i. List the number of times in the last year there was an overflow, bypass or unpermitted discharge of untreated or incompletely treated wastewater due to heavy rain:

\_\_\_\_\_ √ Check one box.  0 = 0 points       3 = 15 points  
 1 = 5 points       4 = 30 points  
 2 = 10 points       5 or more = 50 points

- ii. List the number of bypasses, overflows or unpermitted discharges shown in A (i) that were withing the collection system and the number at the treatment plant

Collection System: \_\_\_\_\_ Treatment Plant: \_\_\_\_\_

**B.**

- i. List the number of times in the last year there was an overflow, bypass or unpermitted discharge of untreated or incompletely treated wastewater due to equipment failure, either at the treatment plant or due to pumping problems in the collection system:

\_\_\_\_\_ √ Check one box.  0 = 0 points       3 = 15 points  
 1 = 5 points       4 = 30 points  
 2 = 10 points       5 or more = 50 points

- ii. List the number of bypasses, overflows or unpermitted discharges shown in B (i) that were withing the collection system and the number at the treatment plant

Collection System: \_\_\_\_\_ Treatment Plant: \_\_\_\_\_

- C. Specify whether the bypasses came from the city/village/town sewer system or from contract or tributary communities/sanitary districts, etc...

- D. Add the point values checked for A and B and place the total in the box below.

TOTAL POINT VALUE FOR PART 4:  (max = 100)

Also enter this value or 100, whichever is less, on the point calculation table on page 16.

- E. List the person responsible (name and title) for reporting overflows, bypasses or unpermitted discharges to State and Federal authorities:

Describe the procedure for gathering, compiling and reporting:

**PART 5: SLUDGE STORAGE AND DISPOSAL SITES**

**A. Sludge Storage**

How many months of sludge storage capacity does your facility have available, either on-site or off-site?

Circle the number of months and the corresponding point total. Write the point total in the box below at the right.

<i>months</i>	<2	2	3	4-5	>6
<i>points</i>	50	30	20	10	0

Write 0, 10, 20, 30 or 40 in the A point total box  A Point Total

**B. For how many months does your facility have access to (and approval for) sufficient land disposal sites to provide proper land disposal?**

Circle the number of months and the corresponding point total. Write the point total in the box below at the right.

<i>months</i>	<2	6-11	12-23	24-35	>36
<i>points</i>	50	30	20	10	0

Write 0, 10, 20, 30 or 40 in the B point total box  B Point Total

**C. Add together the A and B point values and place the sum in the box below at the right:**

**TOTAL POINT VALUE FOR PART 5:**  (max = 100)

Also enter this value or 100, whichever is less, on the point calculation table on page 16.

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**PART 6: NEW DEVELOPMENT**

A. Please provide the following information for the total of all sewer line extensions which were installed during the last year.

Design Population: \_\_\_\_\_

Design Flow: \_\_\_\_\_ MGD

Design BOD: \_\_\_\_\_ mg/l

B. Has an industry (or other development) moved into the community or expanded production in the past year, such that either flow or pollutant loadings to the sewerage system were significantly increased (5% or greater)?

✓ Check one box.       Yes = 15 points       No = 0 points

*If Yes, Please describe:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List any new pollutants:

\_\_\_\_\_  
\_\_\_\_\_

C. Is there any development (industrial, commercial or residential) anticipated in the next 2-3 years, such that either flow or pollutant loadings to the sewerage system could significantly increase?

✓ Check one box.       Yes = 15 points       No = 0 points

*If Yes, Please describe:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List any new pollutants you anticipate:

\_\_\_\_\_  
\_\_\_\_\_

D. Add together the point value checked in B and C and place the sum in the box below.

**TOTAL POINT VALUE FOR PART 6:**  (max = 30)

Also enter this value or 30, whichever is less, on the point calculation table on page 16.

**PART 7: OPERATOR CERTIFICATION AND EDUCATION**

- A. What was the name of the operator-in-charge for the reporting year?  
*Name:* \_\_\_\_\_
- B. What is his or her certification number:  
*Cert. #:* \_\_\_\_\_
- C. What level of certification is the operator-in-charge required to have to operate the wastewater treatment facility?  
*Level Required:* \_\_\_\_\_
- D. What is the level of certification of the operator-in-charge?  
*Level Certified:* \_\_\_\_\_
- E. Was the operator-in-charge of the report year certified at least at the grade level required in order to operate this plant?  
√ Check one box.       Yes = 0 points       No = 50 points  
Write 0 or 50 in the E point total box       E Point Total
- F. Has the operator-in-charge maintained recertification requirements during the reporting year?  
√ Check one box.       Yes       No
- G. How many hours of continuing education has the operator-in-charge completed over the last two calendar years?  
√ Check one box.       > 12 hours = 0 points       < 12 hours = 50 points  
Write 0 or 50 in the G point total box       G Point Total
- H. Is there a written policy regarding continuing education an training for wastewater treatment plant employees?  
√ Check one box.       Yes       No  
*Explain:* \_\_\_\_\_
- I. What percentage of the continuing education expenses of the operator-in-charge were paid for:  
*By the permittee?* \_\_\_\_\_ *By the operator?* \_\_\_\_\_
- J. Add together the E and G point vaules and place the sum in the box below at the right.

**TOTAL POINT VALUE FOR PART 7:**  (max = 100)

Also enter this value or 100, whichever is less, on the point calculation table on page 16.

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**PART 8: FINANCIAL STATUS**

A. Are User-Charge Revenues sufficient to cover operation and maintenance expenses?

√ Check one box.       Yes       No      *If No, How are O&M costs financed?*

B. What financial resources do you have available to pay for your wastewater improvements and reconstruction needs?

**PART 9: SUBJECTIVE EVALUATION**

**A. Collection System Maintenance**

i. Describe what sewer system maintenance work has been done in the last year.

ii. Describe what lift station work has been done in the last year.

iii. What collection system improvements does the community have under construction for the next 5 years?

**B. If you have ponds please answer the following questions:**

√ Check one box.

- |   |   |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |
|---|---|--------------------------|-----|--------------------------|----|--------------------------|-----|--------------------------|----|--------------------------|-----|--------------------------|----|--------------------------|-----|--------------------------|----|--------------------------|-----|--------------------------|----|--------------------------|-----|--------------------------|----|--------------------------|-----|--------------------------|----|
| <p>i. <i>Do you have duckweed buildup in the ponds?</i></p> <p>ii. <i>Do you mow the dikes regularly (at least monthly), to the waters edge?</i></p> <p>iii. <i>Do you have bushes or trees growing on the dikes or in the ponds?</i></p> <p>iv. <i>Do you have excess sludge buildup (&gt; 1foot) on the bottom of any of your ponds?</i></p> <p>v. <i>Do you excersise all of your valves?</i></p> <p>vi. <i>Are your control manholes in good structural shape?</i></p> <p>vii. <i>Do you maintain at least 3 feet of freeboard in all of your ponds?</i></p> <p>viii. <i>Do you visit your pond system at least weekly?</i></p> | <table border="0"> <tr> <td><input type="checkbox"/></td> <td>Yes</td> <td><input type="checkbox"/></td> <td>No</td> </tr> </table> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| <input type="checkbox"/>  | Yes   | <input type="checkbox"/> | No  |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |
| <input type="checkbox"/>  | Yes   | <input type="checkbox"/> | No  |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |
| <input type="checkbox"/>  | Yes   | <input type="checkbox"/> | No  |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |
| <input type="checkbox"/>  | Yes   | <input type="checkbox"/> | No  |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |
| <input type="checkbox"/>  | Yes   | <input type="checkbox"/> | No  |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |
| <input type="checkbox"/>  | Yes   | <input type="checkbox"/> | No  |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |
| <input type="checkbox"/>  | Yes   | <input type="checkbox"/> | No  |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |                          |     |                          |    |

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C. Treatment Plants

i. Have the influent and effluent flow meters been calibrated in the last year?

Yes  No (✓ Check one box.)

Influent flow meter calibration date(s)

Effluent flow meter calibration date(s)

ii. What problems, if any, have been experienced over the last year that have threatened treatment?

iii. Is your community presently involved in formal planning for treatment facility upgrade?

✓ Check one box.

Yes

No

*If Yes, Please describe:*

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LA0067083

**D. Preventive Maintenance**

- i. Does your plant have a written plan for preventive maintenance on major equipment items?

√ Check one box.

Yes

No

*If Yes, Please describe:*

- ii. Does this preventive maintenance program depict frequency of intervals, types of lubrication and other preventive maintenance tasks necessary for each piece of equipment?

Yes

No

- iii. Are these preventive maintenance tasks, as well as equipment problems, being recorded and filed so future maintenance problems can be assured properly?

Yes

No

**E. Sewer Use Ordinance**

- i. Does your community have a sewer use ordinance that limits or prohibits the discharge of excessive conventional pollutants (BOD, TSS or pH) or toxic substances to the sewer system from industries, commercial users and residences?

√ Check one box.

Yes

No

*If Yes, Please describe:*

- ii. Has it been necessary to enforce?

√ Check one box.

Yes

No

*If Yes, Please describe:*

- iii. Any additional comments about your treatment plant or collection system? (Attach additional sheets if necessary.)

Permit #:

LA0067083

### POINT CALCULATION TABLE

	<b>Actual Values</b>	<b>Maximum</b>
Part 1: <i>Influent Flow/Loadings</i>	_____	80 points
Part 2: <i>Effluent Quality / Plant Performance</i>	_____	100 points
Part 3: <i>Age of WWTF</i>	_____	50 points
Part 4: <i>Overflows and Bypasses</i>	_____	100 points
Part 5: <i>Ultimate Disposition of Sludge</i>	_____	100 points
Part 6: <i>New Development</i>	_____	30 points
Part 7: <i>Operator Certification Training</i>	_____	100 points

TOTAL POINTS:

--

# ATTACHMENT 3

## SAMPLE MWPP RESOLUTION

Resolved that the village/town/city of \_\_\_\_\_ informs the Louisiana Department of Environmental Quality that the following actions were taken by \_\_\_\_\_ (governing body).

1. Resolved the Municipal Water Pollution Prevention Environmental Audit Report which is attached to this resolution.
2. Set forth the following actions necessary to maintain permit requirements contained in the Louisiana Pollution Discharge Elimination System (LPDES) permit, number LA \_\_\_\_\_.

(Please be specific in listing the actions that will be taken to address the problems identified in the audit report.)

a.

b.

c.

d.

etc..

Passed by a majority/unanimous (circle one) vote of the \_\_\_\_\_  
on \_\_\_\_\_ (date).

\_\_\_\_\_  
\_\_\_\_\_  
CLERK

7003 1010 0101 2000 1422 6836

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**OFFICIAL USE**

Honorable Ron LeLeux, Mayor  
City of Sulphur  
Sulphur Regional Wastewater Treatment Facility  
P.O. Box 1309  
Sulphur, LA 70664

<i>Sent To</i>
..... <i>Street, Apt. No., or PO Box No.</i>
..... <i>City, State, ZIP+4</i>



FEMA

U.S. Department of Homeland Security  
Federal Emergency Management Agency  
FEMA-1603/1607/1786/1792/4015 -DR-LA  
Louisiana Recovery Office  
Environmental/Historic Preservation  
1 Seine Court  
New Orleans, LA 70114

October 6, 2011

Pam Breaux  
State Historic Preservation Officer  
Department of Culture, Recreation & Tourism  
P.O. Box 44247  
Baton Rouge LA 70804

No known historic properties will be affected by this undertaking. This effect determination could change should new information come to our attention.

*Pam Breaux* 11-2-11  
Pam Breaux Date  
State Historic Preservation Officer

**RE: Section 106 Review Consultation, 1786-DR-LA Hurricane Gustav**

**Applicant:** Calcasieu Parish  
**Undertaking:** Flood Protection Berm at Westlake Wastewater Treatment Facility, 2000  
Carlins Drive, Westlake, LA 70669 (HMGP NEMIS # 1786-0027)  
**Determination:** No Historic Properties Affected

Dear Ms. Breaux:

The Federal Emergency Management Agency (FEMA) will be providing funds authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to the following major Disaster Declarations:

FEMA-1786-DR-LA, dated September 2, 2008.

FEMA, through its 404 Hazard Mitigation Grant Program (HMGP), proposes to fund the construction of a Flood Protection Berm at Westlake Wastewater Treatment Facility in Westlake, LA (NEMIS # 1786-0027) (Undertaking) as requested by the Calcasieu Parish government (Applicant). FEMA is initiating Section 106 review for the above referenced properties in accordance with the Louisiana State-Specific Programmatic Agreement among FEMA, the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), the Louisiana State Historic Preservation Officer of the Department of Culture Recreation and Tourism (SHPO), the Alabama-Coushatta Tribe of Texas (ACTT), the Chitimacha Tribe of Louisiana (CTL), the Choctaw Nation of Oklahoma (CNO), the Jena Band of Choctaw Indians (JBCI), the Mississippi Band of Choctaw Indians (MBCI), the Seminole Tribe of Florida (STF), and the Advisory Council on Historic Preservation (ACHP) regarding FEMA's Hazard Mitigation Grant Program (LA HMGP PA) dated January 31st, 2011 and providing the State Historic Preservation Office with the opportunity to consult on the proposed Undertaking. Documentation in this letter is consistent with the requirements in 36 CFR §800.11(d).

**Description of the Undertaking**

FEMA, through its 404 Hazard Mitigation Grant Program, proposes to fund the construction of a flood protection berm around the Westlake Wastewater Treatment Facility located at 2000 Carlins Drive, Westlake, Calcasieu Parish, LA (Figures 1 & 2). The project involves the construction of an earthen flood protection berm within the existing site perimeter lines; the berm will have a two (2)

foot crown with 2:1 sideslopes and shall be fully sodded for erosion control. A concrete entrance ramp will be installed over the berm for vehicle access. The interior of the berm will be served by an area drain pump station that will be excavated to a depth of no more than 9ft. to handle all rainfall events. This pump will be located on the southwestern corner of the berm.

#### **Area of Potential Effects (APE)**

FEMA, through its 404 Hazard Mitigation Grant Program, proposes to fund the construction of a flood protection berm around the Westlake Wastewater Treatment Facility located at 2000 Carlin Drive, Westlake, Calcasieu Parish, LA (Figures 1 & 2). The project involves the construction of an earthen flood protection berm within the existing site perimeter lines; the berm will have a two (2) foot crown with 2:1 sideslopes and shall be fully sodded for erosion control. A concrete entrance ramp will be installed over the berm for vehicle access. The interior of the berm will be served by an area drain pump station that will be excavated to a depth of no more than 9ft. to handle all rainfall events. This pump will be located on the southwestern corner of the berm.

#### **Identification and Evaluation**

On April 22, 2011, a review of data provided by the SHPO was conducted, and indicated there are no archaeological sites located within .5 miles of the project area. The area has not been previously surveyed and is located .10 miles from an unnamed tributary of the Calcasieu River which created a higher probability for archaeological resources. FEMA archaeologists conducted a site visit on May 5, 2011. Six soil probes were excavated to determine subsurface conditions (Figure 3). Soil probes #1 and #2 were located along the southern boundary of the project area. No cultural material was observed in either probe. Soil probe #3 encountered a gravel layer at 25 cm. Soil probe #4 encountered resistance at 10-15cms. Additional probes were placed at 2.5 m in the cardinal directions and all encountered resistance within 10-20cms. Soil probes #5 and #6 were placed on the east side of the project area outside of an existing fence enclosing the Treatment Facility (Figures 4-7). Again, neither of these probes yielded any cultural material. Upon conclusion of this site visit, it was evident that there was a subsurface disturbance located within the middle of the proposed project area. A Request for Information (RFI) sent to the Parish after the site visit to determine the nature of the subsurface obstruction was not satisfactorily answered to complete review. Another site visit was conducted on September 9, 2011. FEMA archaeologists met with the facility manager who verified the obstruction was the remnants of an earlier pump station that was demolished approximately 20 years ago. A guided tour and explanation of the pump stations operation verified the subsurface disturbance throughout the project area as a result of the facilities underground sewage lines. Based on the information provided by the facility manager and the data from the soil probes it is clear that the construction of the berm and area pump drain will occur in previously disturbed soils.

On September 29, 2011, FEMA conducted a review of the Louisiana National Register of Historic Places (NRHP) database and the Louisiana Cultural Resources Map, which revealed that there are no listed or eligible districts or properties located within the standing structures APE. The APE includes a one and a half-story rectangular building, constructed of Concrete Masonry Unit (CMU) likely in the late 1980s or early 1990s and a three-walled, open-bay shed, likely contemporaneous with the pumphouse. In addition to being under 50 years of age, both are also ineligible under Criterion Consideration G; photographs of the structures are attached.

**Assessment of Effects**

Based on the Identification and Evaluation efforts as described above, FEMA has determined a finding of **No Historic Properties Affected** for this Undertaking and is submitting this Undertaking to you for your review and comment. FEMA requests your comments within 15 days.

We look forward to your concurrence with this determination. Should you have any questions or need additional information regarding this Undertaking, please contact Jeramé Cramer, Deputy Environmental Liaison Officer, at (504) 762-2917 or [jerame.cramer@dhs.gov](mailto:jerame.cramer@dhs.gov), FEMA Archaeologist (CTR) Mark Martinkovic at [mark.martinkovic@associates.dhs.gov](mailto:mark.martinkovic@associates.dhs.gov) or FEMA Historic Preservation Specialist (CTR) Michael Verderosa at [michael.verderosa@dhs.gov](mailto:michael.verderosa@dhs.gov).

Sincerely,



Katherine Zeringue  
Environmental Liaison Officer  
FEMA-DR-1603-LA, FEMA-DR-1607-LA,  
FEMA-DR-1786-LA, FEMA-DR-1792-LA,  
FEMA-DR-4015-LA

CC: File  
Bryan Guevin, Division of Archaeology Reviewer  
David Livingstone, Division of Historic Preservation Reviewer  
State Historic Preservation Office

**Enclosures**

Figure 1- Buhler/Moss Bluff/Lake Charles/Westlake Quad Topographic Map  
Figure 2- Aerial view location maps  
Figure 3- Soil probe location map  
Figures 4-9 Site Photography

The Division of Archaeology Reviewer concurs with the finding that there will be **No Historic Properties Affected** as a result of this Undertaking.



Bryan L. Guevin  
2011.10.17 14:07:31 -05'00'

---

Division of Archaeology Reviewer

---

Date

The Division of Historic Preservation Reviewer concurs with the finding that there will be **No Historic Properties Affected** as a result of this Undertaking.



David M. Livingstone  
2011.10.12 15:56:01 -05'00'

---

Division of Historic Preservation Reviewer

---

Date

**U.S. Department of Homeland Security  
Federal Emergency Management Agency  
Section 106 Review: USGS Quad Location Map and Historic Maps**

Map Name: **Buhler/Moss Bluff/Lake Charles/Westlake (LA), USGS 7.5' Topo Map**

NEMIS #: 1786-0027

Address: 2000 Carlin Drive, Westlake, LA 70669

Coordinates: 30.257203/-93.253322

**Figure 1**



**U.S. Department of Homeland Security  
Federal Emergency Management Agency  
Section 106 Review: Aerial View and Location Map**

Resource Name: **Westlake Wastewater Treatment Facility**

Resource Address: **2000 Carlin Drive, Westlake, Calcasieu Parish**

**Figure 2**

APE for  
Archaeology and  
Structures



Flood Protection  
Berm Location

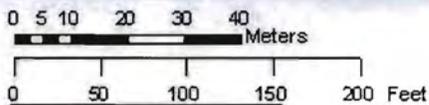
2000 Carlin Dr. Westlake, LA 70669

U.S. Department of Homeland Security  
Federal Emergency Management Agency  
Section 106 Review: Soil Probe Location Map

Resource Name: Westlake Wastewater Treatment Facility

Resource Address: 2000 Carlin Drive, Westlake, Calcasieu Parish

Figure 3



**Legend**

-  SHPO Archaeological Site Polygon
-  World Imagery
-  APE
-  Soil Probe



**Westlake Wastewater Treatment Facility  
2000 Carlin Drive, Westlake, Calcasieu Parish**

Figure 4

View facing NE within the project area



Figure 5

View facing S within the project area



**Westlake Wastewater Treatment Facility  
2000 Carlin Drive, Westlake, Calcasieu Parish**

Figure 6

View facing SW within the project area



Figure 7

View facing SE within the project area



Figure 8

Subject  
Property:  
Pump  
Station



Figure 9

Subject  
Property:  
Shed



**APPENDIX C**  
**8-STEP DECISION MAKING PROCESS &**  
**HYDRAULIC AND HYDROLOGY INFORMATION**

# **EIGHT-STEP DECISION MAKING PROCESS**

**CALCASIEU PARISH FLOOD PROTECTION BERM PROJECT,  
WESTLAKE, LOUISIANA  
EXECUTIVE ORDER 11988 – FLOODPLAIN MANAGEMENT  
EIGHT-STEP DECISION MAKING PROCESS**

Executive Order 11988 (Floodplain Management) requires federal agencies “to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of the floodplain and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” FEMA’s implementing regulations are at 24 CFR Part 9, which includes an eight step decision making process for compliance with this part.

This eight step process has been applied to the proposed Calcasieu Parish Flood Protection Berm Project. The proposed project area lies within the 100-year floodplain of Calcasieu Parish. The steps in the decision making process are as follows:

***Step 1 Determine if the proposed action is located in the Base Floodplain.***

The parish of Calcasieu enrolled in the National Flood Insurance Program (NFIP) on September 29, 1978. The city of Westlake enrolled in the National Flood Insurance Program on (NFIP) on February 3, 1982. According to effective Digital Flood Insurance Rate Map (DFIRM) 22019C 0294F, dated February 18, 2011, the site is located within zone AE (EL 9).

Advisory Base Flood Elevation maps, or ABFE maps, were created for many of Louisiana’s parishes, including Calcasieu Parish, after Hurricanes Katrina and Rita to provide homeowners and public officials with assistance in elevating, reconstructing, retrofitting, or repairing their structures after these events. However, an ABFE map was not printed for the proposed project area.

***Step 2 Early public notice (Preliminary Notice)***

A cumulative public notice concerning the Hazard Mitigation Grant Program (HMGP) Assistance in floodplain and wetland areas will be or has been published in the New Orleans Times-Picayune, Baton Rouge Advocate, Lafayette Daily Advertiser, Lake Charles American Press, Hammond Star, Monroe News-Star, Shreveport Times, and the Alexandria Daily Town Talk.

***Step 3 Identify and evaluate alternatives to locating in the base floodplain***

There are no practical alternatives located outside of the floodplain for this project.

**ALTERNATIVE 1: NO ACTION:** Under this alternative, Calcasieu Parish would not construct the proposed earthen berm. Consequently, the Westlake Wastewater Treatment Facility (WWTF) would continue to be subject to flood damage and the corresponding shutdowns. These shutdowns result in negative water quality impacts and public health concerns for the community.

**ALTERNATIVE 2: CONSTRUCTION OF EARTHEN BERM AROUND THE WESTLAKE WASTEWATER TREATMENT FACILITY (PROPOSED ALTERNATIVE):** The proposed alternative would significantly reduce the WWTF’s vulnerability to flooding. Furthermore, the proposed action is not expected to: 1) have any adverse upstream or downstream effects on adjacent Bayou Marino 2) affect flood elevations for the surrounding properties or 3) interfere with existing localized drainage paths.

ALTERNATIVE 3: ELEVATION OF THE WESTLAKE WASTEWATER TREATMENT FACILITY (DISMISSED): The applicant considered an alternative consisting of elevating the WWTF above the 100-year (i.e. 1% chance) flood elevation. This alternative was dismissed because it was deemed not practical or cost-effective.

ALTERNATIVE 4: CONSTRUCTION OF A CONCRETE FLOOD WALL AROUND THE WESTLAKE TREATMENT FACILITY (DISMISSED): The applicant considered an alternative consisting of constructing a concrete flood wall around the WWTF to protect it from the base flood. This alternative was dismissed because it would cost approximately \$200,000 more than the proposed action while providing the same level of protection.

#### ***Step 4 Identify impacts of the proposed action associated with occupancy or modification of the floodplain***

##### Impact of natural function of the floodplain

The construction of the proposed earthen berm would result in added fill within the floodplain; however, the amount of fill relative to the area of the floodplain is minimal. Flood flows would be minimally impeded and redirected by construction of the proposed flood control structure, which would occupy approximately .6 AC. In addition, during a flood event, water that would normally occupy the area within the flood control structure would be pumped outside of, and away from, the proposed berm. However, according to the Applicant's hydrology and hydraulic studies, the construction of the earthen berm will have minimal potential to impact the area immediately surrounding the WWTF and the floodplain in general.

Implementing the proposed action is not likely to encourage further development near or adjacent to the WWTF as the flood protection would only be provided to the proposed project site.

The construction of the proposed earthen berm would be coordinated and comply with the local floodplain administration. All required permits will be obtained and kept for permanent documentation.

By implementing the proposed activity, flood hazards at the WWTF would be significantly reduced. There are no wetlands in the immediate proposed project area that would be affected by the proposed action.

##### Impact of flood water on the proposed facility

If the Applicant does not implement the proposed action the WWTF would continue to be especially vulnerable to flood damage during future storm events. This flood damage could lead to shutdowns which would result in negative water quality impacts and public health and safety concerns.

#### ***Step 5 Design or modify the proposed action to minimize threats to life and property and preserve its natural and beneficial floodplain values***

The proposed project is designed to minimize floodplain impacts while providing flood protection for the WWTF. The total area that would be occupied by the proposed berm is insignificant when compared to the total flood hazard area. Therefore, the proposed action would have a minimal effect on the natural and beneficial values of the floodplain.

### ***Step 6 Re-evaluate the proposed action***

According to DFIRM panel 22019C0294F, the Westlake Wastewater Treatment Facility lies within the 100-year floodplain, with the 500-year floodplain located less than 100 feet to the north. See attached Figure for view of the effective DFIRM panel discussed above. Legend – All light gray areas are located in the 500-year floodplain. All dark gray areas are located in the 100-year floodplain. There are no other practicable alternate locations outside the floodplain that are cost-effective.

The proposed alternative would be expected to provide protection to 13 feet above msl, approximately 4 feet above the current established base flood elevation (BFE) for the proposed project location.

The proposed action will reduce or eliminate possible flood hazards at the Westlake Wastewater Treatment Facility, with minimal increase of flood elevations at nearby and adjacent areas. There are no wetlands in the immediate proposed project area that would be affected by the proposed action.

Alternatives consisting of elevating the WWTF, constructing a concrete flood wall around the WWTF, or taking “no action” are not practicable.

### ***Step 7 Findings and Public Explanation (Final Notification)***

The EA went out for public review from March 1, 2012 to March 19, 2012.

After evaluating alternatives, including impacts to the floodplain, Calcasieu Parish decided that the proposed project is the most practical alternative.

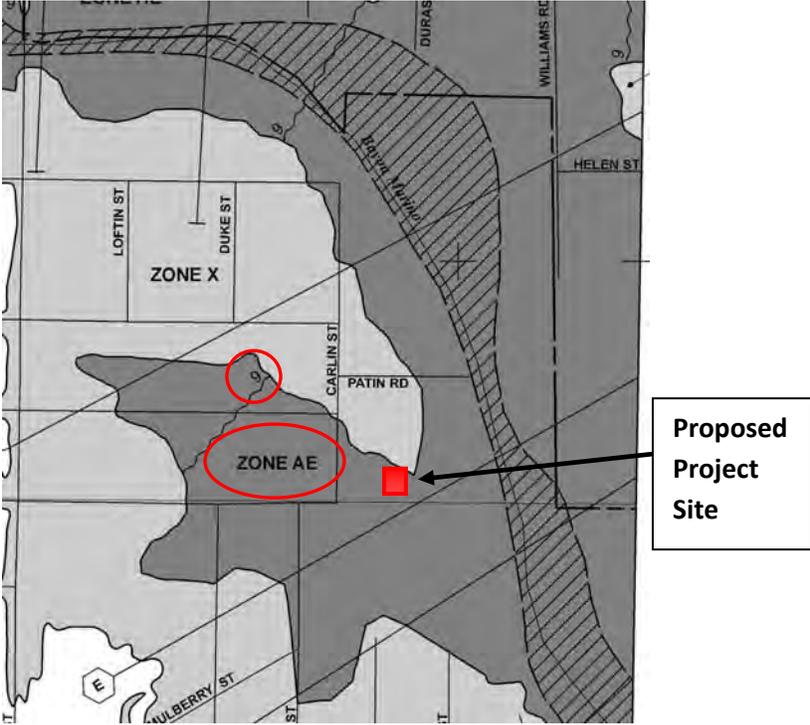
It was determined that there are no practicable alternatives to constructing the earthen berm within the 100-year floodplain because:

1. The proposed project site lies completely within the 100-year floodplain. Physically relocating the facility to a location outside of the floodplain would not be a cost-effective or feasible alternative.
2. The alternatives consisting of elevating the WWTF or constructing a concrete flood wall were determined to be not practical or cost-effective.
3. A “no action” plan would not provide a feasible solution to the flooding problems.

### ***Step 8 Implement the Action***

The proposed flood protection project consisting of the construction of an earthen berm would be constructed in accordance with all applicable floodplain requirements.

**Effective DFIRM Panel 22019C 0294F (Proposed Project Site)**





**Meyer & Associates, Inc.**  
Consulting Engineers

Vernon F. Meyer, P.E.  
President

Richard T. Meyer, P.E.  
Vice President

**MEMORANDUM**

**To:** Laurie Cormier  
**From:** Vernon Meyer  
**Cc:** Terri Hawes  
**Date:** June 29, 2011  
**Re:** Westlake Berm

The berm proposed to protect the City of Westlake Carlin Dr. lift station is not located within a flood way and will have no adverse upstream or downstream effects on the adjacent Bayou Marino. The total area taken up/protected by the berm is only 0.6 AC, which is insignificant compared to the overall area of the flood hazard area within which the station is located. As a result, flood elevations of the surrounding properties are not expected to be affected. The berm will also not interfere with existing localized drainage paths.

7-1-2011

DRAFT

**APPENDIX D**  
**PUBLIC NOTICE**

**PUBLIC NOTICE  
FEMA NOTICE OF AVAILABILITY  
DRAFT ENVIRONMENTAL ASSESSMENT  
DRAFT FINDING OF NO SIGNIFICANT IMPACT  
FLOOD PROTECTION BERM PROJECT  
WESTLAKE, CALCASIEU PARISH, LOUISIANA**

Interested parties are hereby notified that the Federal Emergency Management Agency (FEMA) has prepared a draft Environmental Assessment (EA) and draft Finding of No Significant Impact (FONSI) in compliance with the National Environmental Policy Act (NEPA). The purpose of the EA and FONSI is to assess the effects on the human and natural environment from the proposed earthen berm to be constructed around the Westlake Wastewater Treatment Facility, a proposed action for which FEMA is considering providing funding assistance.

The draft EA evaluates a No Action Alternative and the Proposed Action stated above. The FONSI will be FEMA's finding that the proposed action will not have a significant effect on the human and natural environment, if no additional substantive information is discovered during the public review and comment period.

The location of the site is at the Westlake Wastewater Treatment Facility in Calcasieu Parish, Louisiana. The proposed action consists of constructing an earthen berm around the Westlake Wastewater Treatment Facility and installing a pumping station to service the area inside of the berm during storm events. The proposed action is aimed at reducing shutdowns of the facility caused by flooding. These shutdowns have led to negative water quality impacts and public health and safety concerns.

A draft EA evaluates the proposed action's potential impacts on the human and natural environment. It summarizes the purpose and need, affected environment, and potential environmental consequences associated with the proposed action and alternatives.

The draft EA and draft FONSI are available for review at the Westlake Branch Library, located at 937 Mulberry, Westlake, LA, from March 1, 2012 through March 19, 2012 from 9:00 a.m. to 6:00 p.m., Monday thru Friday. Additionally, a legal notice regarding the proposed action will be published in the Baton Rouge Advocate from March 1, 2012 to March 5, 2012. The documents can also be downloaded from FEMA's website at [www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm](http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm). The comment period will end on 3/19/2012 at 6:00 pm. Comments may be mailed to: DEPARTMENT OF HOMELAND SECURITY--FEMA E/HP—Calcasieu Parish Flood Protection Berm Project 1 Seine Court, 4<sup>th</sup> Floor New Orleans, LA 70114. Comments may be emailed to: FEMA-NOMA@dhs.gov or faxed to: 504-762-2353. Verbal comments will be accepted or recorded at 504-762-2361. If no substantive comments are received, the draft EA and associated Finding of No Significant Impact (FONSI) will become final and this initial Public Notice will also serve as the final Public Notice for work in the floodplain in accordance with 44 CFR Part 9.12.