NPDES PERMIT NO. LA0050971
FACT SHEET

FOR THE DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

APPLICANT

Chitimacha Tribe of Louisiana WWTP No. 1
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ISSUING OFFICE

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DATE PREPARED

October 12, 2021

PERMIT ACTION

Proposed reissuance of the current NPDES permit issued February 21, 2017, with an effective date of March 1, 2017 and an expiration date of February 28, 2022.

RECEIVING WATER – BASIN

Unnamed ditch, thence Bayou Teche in Louisiana subsegment No. 060401 of the Vermillion-Teche River Basin.

DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

4Q3	Lowest four-day average flow rate expected to occur once every three-years
BAT	Best available technology economically achievable
BCT	Best conventional pollutant control technology
BPT	Best practicable control technology currently available
BMP	Best management plan
BOD	Biochemical oxygen demand (five-day unless noted otherwise)
BPJ	Best professional judgment
CBOD	Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)
CD	Critical dilution
CFR	Code of Federal Regulations
cfs	Cubic feet per second
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
DO	Dissolved Oxygen
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
E. coli	Escherichia coli
FCB	Fecal coliform bacteria
FWS	United States Fish and Wildlife Service
LAIP	Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards
LDEQ	Louisiana Department of Environmental Quality
LWQS	Louisiana Water Quality Standards: Title 33 Environmental Quality, Part IX Water Quality
µg/l	Micrograms per liter (one part per billion)
mg/l	Milligrams per liter (one part per million)
MGD	Million gallons per day
ng/l	Nanograms per liter (one part per trillion)
NPDES	National Pollutant Discharge Elimination System
MQL	Minimum quantification level
O&G	Oil and grease
POTW	Publically owned treatment works
RP	Reasonable potential
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
TDS	Total dissolved solids
TKN	Total Kjeldahl Nitrogen
TMDL	Total maximum daily load
TRC	Total residual chlorine
TSS	Total suspended solids
UAA	Use attainability analysis
USGS	United States Geological Service
WET	Whole effluent toxicity
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

In this document, references to State WQS and/or rules shall be that of the State of Louisiana and the Chitimacha Tribe of Lousiana.

I. CHANGES FROM THE PREVIOUS PERMIT

a. Total Chlorine Residue limit has been changed from 19µg/L is changed to a limit of 11µg/L for chronic protection with a 100% effluent.
b. EPA reassessed monitoring frequencies and determined that reducing temperature monitoring frequency to two (2) times per month would be sufficient to track compliance with permit limits and provide data for use in future permitting actions.

II. APPLICANT LOCATION and ACTIVITY

As described in the application, the facility is located at 832 Martin Luther King Drive, Charenton, St. Mary Parish, Louisiana.

Under the Standard Industrial Classification Code 4952, the applicant will operate a POTW with a design flow capacity of 0.22 MGD serving a population of approximately 681.

The influent passes through a bar screen followed by a sequential batch reactor basin. The batch reactor is followed by a chlorination chamber is then followed by a weir box and thence to the outfall. The discharge from the POTW is through Outfall 001 at Latitude 29° 52' 42" North and Longitude 91° 32' 07" West

III. EFFLUENT CHARACTERISTICS

A quantitative description of the discharge(s) described in the EPA Permit Application Form 2A received October 6, 2021, are presented below:

Table 1: Discharge characteristics

Parameter	**Max.**	**Avg.**

Parameter	**Max.**	**Avg.**
	(mg/l unless noted)	
Flow, million gallons/day (MGD)	0.151	0.096
Temperature, winter	72.0° F	62.8° F
Temperature, summer	83.0° F	74.8° F
pH, minimum, standard units (su)	6.90 su	N/A
pH, maximum, standard units (su)	7.20 su	N/A
Biochemical Oxygen Demand, (BOD5)	6.00	3.20
Fecal Coliform (cfu/100 ml)	1.00	1.00
Total Suspended Solids (TSS)	4.00	3.10
Ammonia	0.4	0.284
Chlorine	0	0
Dissolved Oxygen	6.3	6.22
Nitrate	8.22	7.5
Kjeldahl Nitrogen	1.18	1.06
Oil and Grease	1.6	1.6
Phosphorous	3.43	2.71
Total Dissolved Solids	320	256

From the last 3-years there were no violations to the previous NPDES permit.

IV. REGULATORY AUTHORITY/PERMIT ACTION

In November 1972, Congress passed the Federal Water Pollution Control Act establishing the NPDES permit program to control water pollution. These amendments established technology-based or end-of-pipe control mechanisms and an interim goal to achieve "water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water"; more commonly known as the "swimmable, fishable" goal. Further amendments in 1977 of the CWA gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry and established the basic structure for regulating pollutants discharges into the waters of the United States. In addition, it made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. Regulations governing the EPA administered NPDES permit program are generally found at 40 CFR §122 (program requirements & permit conditions), §124 (procedures for decision making), §125 (technology-based standards) and §136 (analytical procedures). Other parts of 40 CFR provide guidance for specific activities and may be used in this document as required.

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discharges into the waters of the United States. In addition, it made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless

It is proposed that the permit be issued for a 5-year term following regulations promulgated at 40 CFR §122.46(a).

V. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

A. OVERVIEW OF TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Regulations contained in 40 CFR §122.44 NPDES permit limits are developed that meet the more stringent of either technology-based effluent limitation guidelines, numerical and/or narrative water quality standard-based effluent limits.

Technology-based effluent limitations are not established in the proposed draft permit. Water quality-based effluent limitations are established in the proposed draft permit for Fecal Coliform Bacteria, TRC, BOD5, TSS, and pH.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

Regulations promulgated at 40 CFR §122.44 (a) require technology-based effluent limitations to be placed in NPDES permits based on ELGs where applicable, on BPJ in the absence of guidelines, or on a combination of the two. In the absence of promulgated guidelines for the discharge, permit conditions may be established using BPJ procedures. EPA establishes limitations based on the following technology-based controls: BPT, BCT, and BAT. These levels of treatment are:

BPT - The first level of technology-based standards generally based on the average of the best existing performance facilities within an industrial category or subcategory.
BCT - Technology-based standard for the discharge from existing industrial point sources of conventional pollutants including BOD, TSS, FCB, pH, and O&G.
BAT - The most appropriate means available on a national basis for controlling the direct discharge of toxic and non-conventional pollutants to navigable waters. BAT effluent limits represent the best existing performance of treatment technologies that are economically achievable within an industrial point source category or subcategory.

The Chitimacha Tribe of Louisiana facility is a POTW treating sanitary wastewater. POTW's have technology based ELG's established at 40 CFR Part 133, Secondary Treatment Regulation. Pollutants with ELG's established in this Chapter are BOD, TSS and pH. BOD limits of 30 mg/L for the 30-day average and 45 mg/L for the 7-day average and 85% percent (minimum) removal are found at 40 CFR §133.102(a). TSS limits; also 30 mg/L for the 30-day average and 45 mg/L for the 7-day average and 85% percent (minimum) removal are found at 40 CFR §133.102(b). ELG's for pH are between 6-9 s.u. and are found at 40 CFR §133.102(c). Regulations at 40 CFR §122.45(f)(1) require all pollutants limited in permits to have limits

expressed in terms of mass such as pounds per day. When determining mass limits for POTW's, the plant's design flow is used to establish the mass load.

Loading in lbs/day = pollutant concentration in mg/l * 8.345 lbs/gal * design flow in MGD

The BOD and TSS percent removal efficiencies are the only technology-based limitations established in this permit. Water quality-based limitations will be used for all other parameters in lieu of technology based limitations because they will be more stringent.

C. WATER QUALITY BASED LIMITATIONS

1. General Comments

Water quality based requirements are necessary where effluent limits more stringent than technology-based limits are necessary to maintain or achieve federal or state water quality limits. Under Section 301(b)(1)(C) of the CWA, discharges are subject to effluent limitations based on federal or state WQS. Effluent limitations and/or conditions established in the draft permit are in compliance with applicable Tribal/State WQS and applicable Tribal/State water quality management plans to assure that surface WQS of the receiving waters are protected and maintained or attained. Since the Chitimacha Tribe of Louisiana does not have Tribal WQS and the discharge flows into the downstream state of Louisiana whose WQS must be protected in accordance with 40 CFR 122.4(d) and 122.44(d)(4), Louisiana WQS will be used to develop permit conditions.

Table 2: Final Effluent Limits – 0.22 MGD

EFFLUENT CHARACTERISTICS	**DISCHARGE LIMITATIONS**						**MONITORING REQUIREMENTS**	
	lbs/day, unless noted			**mg/L, unless noted (*1)**				
POLLUTANT	30-DAY AVG	DAILY MAX	7-DAY AVG	30-DAY AVG	DAILY MAX	7-DAY AVG	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD	Report MGD	N/A	N/A	N/A	Daily	Totalizing Meter
Biochemical Oxygen Demand, 5-day (BOD_5)	18	N/A	27	10	N/A	15	Twice/Month (*3)	3-Hour Composite
Biochemical Oxygen Demand, 5-day % removal	≥85%	N/A	N/A	N/A	N/A	N/A	Twice/Month (*3)	Calculation (*2)
Total Suspended Solids (TSS)	27	N/A	42	15	N/A	23	Twice/Month (*3)	3-Hour Composite
Total Suspended Solids % removal	≥85%	N/A	N/A	N/A	N/A	N/A	Twice/Month (*3)	Calculation (*2)
Temperature	N/A	N/A	N/A	Report	Report	N/A	Twice/Month	Grab
Ammonia-Total, as N (NH_3)	N/A	N/A	N/A	Report	Report	N/A	Once/Week (*1)	3-Hour Composite

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
	lbs/day, unless noted			mg/L, unless noted (*1)				
Fecal Coliform Bacteria	N/A	N/A	N/A	200 (*4)	N/A	400 (*4)	Twice/Month (*3)	Grab
Total Residual Chlorine (*5)	N/A	N/A	N/A	N/A	11µg/l	N/A	Daily	Instantaneous Grab
Oil and Grease	N/A	N/A	N/A	15	N/A	N/A	Twice/Month (*3)	Grab
Dissolved Oxygen	N/A	N/A	N/A	Report	Report	N/A	Three/Term (*5)	Grab
Total Dissolved Solids (TDS)	N/A	N/A	N/A	Report	Report	N/A	Three/Term (*5)	Grab
Total Kjeldahl Nitrogen	N/A	N/A	N/A	Report	Report	N/A	Three/Term (*5)	Grab
Nitrate plus Nitrite Nitrogen	N/A	N/A	N/A	Report	Report	N/A	Three/Term (*5)	Grab
Phosphorus (total)	N/A	N/A	N/A	Report	Report	N/A	Three/Term (*5)	Grab

Table 3

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
		Standard Units			
POLLUTANT	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	00400	6.0	8.5	Daily	Instantaneous Grab

Footnotes:

*1 See Part II. Section A. Minimum Quantification Level (MQL) of permit.

*2 Percent removal is calculated using the following equation: (average monthly influent concentration – average monthly effluent concentration) / average monthly influent concentration.

*3 Sampling at least two weeks apart.

*4 Colony forming units (cfu) per 100 mL

*5 Sampling is to be performed in years 2, 3, and 4 of the permit lifetime.

*6 Record the daily maxima and minima associated with Outfall 001.

*7 Instantaneous grab is a field measurement that is the analysis of a sample less than 15 minutes from the time of collection.

2. Implementation

The NPDES permits contain technology-based effluent limitations reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based effluent limitations and/or conditions are included in the NPDEs permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality based controls.

3. Water Quality Numerical Standards

a. GENERAL COMMENTS

As stated in the Louisiana administrative code: "Numerical criteria identified in LAC 33: IX.1123, Table 3, apply to specified water bodies, and their tributaries, distributaries, and interconnected streams and water bodies contained in the water management segment if they are not specifically named therein, unless unique chemical, physical, and/or biological conditions preclude attainment of the criteria." (LAC 33: IX.1113.C.)

b. RECEIVING WATER STANDARDS and DESIGNATED USES

The facility is located on Tribal land and the discharge from Outfall 001 enters an unnamed ditch on Tribal land and in Tribal waters thence to the Bayou Teche. The state portion of the Bayou Teche is designated as segment 060401 in the Vermilion-Teche Basin. For the State of Louisiana, the Bayou Teche has designated uses of primary contact recreation, secondary contact recreation, and fish and wildlife propagation.

c. WATER QUALITY STANDARDS

i. Water Quality Standards

The Chitimacha Tribe does not have approved Tribal Water Quality Standards. The Louisiana State Standards are found at Title 33 Environmental Quality Part IX Water Quality Subpart 1 Water Pollution Control, amended through October 2021. Applying the Louisiana Standards for the development of the permit will protect the water quality of Chitimacha Tribe of Louisiana water s and the downstream state waters as required by 40CFR 122.4(d).

4. Permit Action - Water Quality-Based Limits

Regulations promulgated at 40 CFR §122.44(d) require limits in addition to, or more stringent than effluent limitation guidelines (technology based). For the purposes of this permit, EPA believes the specific characteristics of this effluent and this permit's effluent limitations will prohibit measureable instream degradation and will have the effect of maintaining water quality at current levels in both direct receiving water and downstream waterbodies. WQS that are more stringent than effluent limitation guidelines are as follows:

a. pH

State of Louisiana stream segment 060401 WQS require pH to be between 6.0 and 8.5 s.u. These criteria are more restrictive than the technology-based limits. This limit will be continued in the draft permit.

b. Oil and Grease

The facility's 30-day Oil and Grease limit of 15 mg/L from the previous permit will be continued in the draft permit.

c. Fecal Coliform Bacteria

The facility's 30-day and weekly average FCB limits which are 20 cfu/100 mL and 400 cfu/100 mL respectively from the previous permit will be continued in the draft permit.

d. BOD_5

The facility's 30-day and weekly average BOD_5 limits which are 10 mg/L and 15 mg/L respectively, from the previous permit will be continued in the draft permit.

e. TSS

The facility's 30-day and weekly average TSS limits which are 15 mg/L and 23 mg/L respectively, from the previous permit will be continued in the draft permit.

The loading limits for TSS and BOD_5 are determined as follows:

30-Day Avg.: BOD_5 loading (lbs/day) = 10 mg/L * 8.345 lbs/gal * 0.22 MGD = 18 lbs/day

30-Day Avg.: TSS loading (lbs/day) = 15 mg/L * 8.345 lbs/gal * 0.22 MGD = 27 lbs/day

7-Day Avg.: BOD_5 loading (lbs/day) = 15 mg/L * 8.345 lbs/gal * 0.22 MGD = 27 lbs/day

7-Day Avg.: TSS loading (lbs/day) = 23 mg/L * 8.345 lbs/gal * 0.22 MGD = 42 lbs/day

f. TOXICS

i. General Comments

The CWA in Section 301 (b) requires that effluent limitations for point sources include any limitations necessary to meet water quality standards. Federal regulations found at 40 CFR §122.44 (d) state that if a discharge poses the reasonable potential to cause an in-stream excursion above a water quality criteria, the permit must contain an effluent limit for that pollutant.

All applicable facilities are required to fill out appropriate sections of the Form 2A to apply for an NPDES permit or reissuance of an NPDES permit. The form is applicable not only to POTWs, but also to facilities that are similar to POTWs, but which do not meet the regulatory definition of "publicly owned treatment works" (like private domestics, or similar facilities on Federal property). The forms were designed and promulgated to "make it easier for permit applicants to provide the necessary information with their applications and minimize the need for additional follow-up requests from permitting authorities," per the summary statement in the preamble to the Rule. These forms became effective December 1, 1999, after publication of the final rule on August 4, 1999, Volume 64, Number 149, pages 42433 through 42527 of the FRL.

The facility is designated as a minor and does not need to fill out the expanded pollutant testing section Part D of Form 2A.

ii. Critical Conditions

Critical conditions are used to establish certain permit limitations and conditions. The effluent will enter the Bayou Teche ~ 0.5 miles from the point of discharge. Since upstream flow is not known but is expected to be minimal, for permitting purposes a zero low flow is assumed and the discharges must meet State WQS with chronic protection at 100% effluent to protect both tribal water quality and State WQS.

For permitting purposes of certain parameters such as WET, the critical dilution of the effluent to the receiving stream will be 100%.

iii. TRC

In instances where a facility uses chlorine for disinfection as the application indicates, TRC must be limited in the permit. TRC limitations will be added to this permit consistent with the State WQS for the protection of freshwater aquatic organisms. The critical dilution determined in the above section labeled ii. Critical Conditions used in conjunction with the chronic criteria with a zero low flow and no dilution is 11 µg/L. This TRC limitation will be in the draft permit.

5. 303(d) List Impacts

The Bayou Teche, stream segment 060401, is listed as impaired on the "Final 2014 Louisiana Water Quality Integrated Report." The waterbody is assessed as Integrated Report Category 4a with primary contact recreation (swimming), secondary contact recreation (boating) and fish and wildlife propagation as not being supported with approved TMDLs. Probable causes of impairments are listed as carbofuran from irrigated and non-irrigated crop production and fecal coliform impairment from municipal point source discharges. Carbofuran is not expected to be in the facility's discharge. Further, fecal coliform limits are established in this permit per the TMDL. Nitrate/nitrite, phosphorus and DO impairments are suspected to be caused by municipal point source discharges as well as irrigated/non-irrigated crop production. Due to the impairments listed, the facility is required to conduct three per permit term monitoring for Nitrate/nitrite, phosphorus and DO.

The standard reopener language in the permit allows additional permit conditions if warranted by the additional data based on these requirements and/or new or revised TMDLs.

D. MONITORING FREQUENCY FOR LIMITED PARAMETERS

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity, 40 CFR §122.48(b), and to assure compliance with permit limitations, 40 CFR §122.44(i)(1). Flow is proposed to be monitored continuously.

Water quality-based pollutant monitoring frequency for Fecal Coliform bacteria shall be two (2) times per month using grab samples. The pollutants pH and TRC shall be monitored daily by instantaneous grab sample. BOD_5 and TSS shall be monitored two (2) times per month using 3-hour composite samples. Regulations at 40 CFR Part 136 define instantaneous grab as being analyzed within 15-minutes of collection.

E. WHOLE EFFLUENT TOXICITY (WET)

As per the LDEQ Implementation Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, WET requirements are required for all major and significant minor facilities, or on a case-by-case basis. This facility has a design flow of 0.22 MGD which is not close to 1.0 MGD threshold for major status. nor, is the facility considered to be a significant minor. The numeric limitation for chloride addresses the potential for chlorine toxicity. Therefore, WET is not required to ensure that the effluent will not be toxic to the downstream tribal water quality and State WQS.

VI. FACILITY OPERATIONAL PRACTICES

A. SEWAGE SLUDGE

The permittee shall use only those sewage sludge disposal or reuse practices that comply with the federal regulations established in 40 CFR Part 503 "Standards for the Use or Disposal of Sewage Sludge". The specific requirements in the permit apply as a result of the design flow of the facility, the type of waste discharged to the collection system, and the sewage sludge disposal or reuse practice utilized by the treatment works. EPA may at a later date issue a sludge-only permit. Until such future issuance of a sludge-only permit, sludge management and disposal at the facility will be subject to Part 503 sewage sludge requirements. Part 503 regulations are self-implementing, which means that facilities must comply with them whether or not a sludge-only permit has been issued. Part IV of the draft permit contains sewage sludge permit requirements. The permittee shall submit an Annual Sludge Status report in accordance with NPDES permit LA0050971, Parts I and IV.

B. WASTE WATER POLLUTION PREVENTION REQUIREMENTS

The permittee shall institute programs directed towards pollution prevention. The permittee will institute programs to improve the operating efficiency and extend the useful life of the treatment system.

C. INDUSTRIAL WASTEWATER CONTRIBUTIONS

The treatment plant has no non-categorical Significant Industrial User's (SIU) and no Categorical Industrial User's (CIU). The EPA has tentatively determined that the permittee will not be required to develop a full pretreatment program. However, general pretreatment provisions have been required. The facility is required to report to EPA, in terms of character and volume of pollutants any significant indirect dischargers into the POTW/WWTP subject to pretreatment standards under Section307(b) of the CWA and 40 CFR Part 403.

D. OPERATION AND E-REPORTING

The applicant is required to operate the treatment facility at maximum efficiency at all times; to monitor the facility's discharge on a regular basis; and report the results quarterly. The monitoring results will be available to the public.
Monitoring results shall be reported to EPA on either the electronic or paper Discharge Monitoring Report (DMR) approved formats. Monitoring results can be submitted electronically in lieu of the paper DMR Form. All DMRs shall be electronically reported effective December 21, 2016 per 40 CFR 127.16. To submit electronically, access the NetDMR website at www.epa.gov/netdmr and contact the R6NetDMR@epa.gov in-box for further instructions. Until you are approved for Net DMR, you must report on the Discharge Monitoring Report (DMR) Form EPA. No. 3320-1 in accordance with the "General Instructions" provided on the form. No additional copies are needed if reporting electronically, however when submitting paper form EPA No. 3320-1, the permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA and copies to LDEQ as required (See Part III.D.IV of the permit). Reports shall be submitted quarterly

VII. ANTIDEGRADATION

The permit is for existing facility and does not include an increase in authorized discharges. LAC 33:IX.1123.Table 3 lists the designated uses through implementation of the State water quality standards. The limitations and monitoring requirements set forth in the proposed permit are developed from the State water quality standards and are protective of those designated uses. Furthermore, the policy sets forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use. The permit requirements and the limits are protective of the assimilative capacity of the receiving waters, which is protective of the designated uses of that water.

VIII. ANTIBACKSLIDING

The proposed permit is consistent with the requirements to meet antibacksliding provisions of the Clean Water Act, Section 402(o) and 40 CFR §122.44(l)(i)(A), which state in part that interim or final effluent limitations must be as stringent as those in the previous permit, unless material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation. The proposed permit maintains the mass loading requirements of the previous permit for BOD_5, TSS, pH and TRC.

IX. ENDANGERED SPECIES CONSIDERATIONS

In accordance with requirements under section 7(a)(2) of the Endangered Species Act, EPA has reviewed this permit for its effect on listed threatened and endangered species and designated critical habitat. After review, EPA has determined that the issuance of this permit will have "no effect" on listed threatened and endangered species nor will adversely modify designated critical habitat.

According to the most recent county listing on November 6, 2020 available at US Fish and Wildlife Service (USFWS), Southeast Region 4 website, http://www.fws.gov/southeast/, (https://www.fws.gov/southeast/pdf/fact-sheet/louisiana-ecological-services-field-office-t-and-especies.pdf), four species in ST. Mary Parish are listed as endangered (E) Sturgeon, Pallid (*Scaphirhynchus albus*), Turtle, Hawksbill Sea, (*Eretmochelys imbricata*), Turtle, Kemp's Ridley Sea (*Lepidochelys kempii*), and Turtle, Leatherback Sea (*Dermochelys coriacea).*

PALLID STURGEON *(Scaphirphynchus albus)*

Pallid sturgeon are a bottom-oriented, large river obligate fish inhabiting the Missouri and Mississippi rivers and some tributaries from Montana to Louisiana. Pallid sturgeon evolved in the diverse environments of the Missouri and Mississippi river systems. Floodplains, bakcwaters, chutes, sloughs, islands, sandbars, and main channel waters formed the large-river fishes. Substrate Pallid sturgeon have been documented over a variety of a vailable substrates, but are often associated with sandy and fine bottom materials. Despite the wide range of depths associated with capture locations, one commonality is apparent: this species is typically found in areas where relative depths exceed 75%. Bottom water velocities associated with collection locations are generally <1.5 m/s with reported averages ranging from 0.58 m/s to 0.88 m/s. Reissuance of this permit is found to have no impact on the habitat of this species, since the discharge is not expected to lead to the destruction of habitat.

HAWKSBILL SEA TURTLE *(Eretmochelys imbricata)*

One of seven species of sea turtles found throughout the world. One of the smaller sea turtles, it has overlappin scutes (plates) that are thicker than those of other sea turtles. This protects them from being battered against sharp coral and rocks during storm events. Adults range in size from 30 to 36 inches carapace length, and weigh 100 to 200 pounds. Its carapace is an attractive dark brown with faint yellow streaks and blotches and a yellow plastron. The name "hawksbill" refers to the turtle's prominent hooked beak. Based on this information and that no pollutants are identified by the permittee-submitted application at levels which might affect species habitat or prey species. Reissuance of this permit is found to have no impact on the habitats of hawksbill sea turtle.

KEMP'S RIDLEY SEA TURTLE *(Lepidochelys kempii)*

The Kemp's ridley turtle is the smalles of the sea turtles, with adults reaching about 2 feet in length and weighing up to 100 pounds. The adult Kemp's ridley has an oval carapace that is

almost as wide as it is long and is usually olive-gray in color. The carapace has five pairs of costal scutes. In each bridge adjoining the plastron to the carapace, there are four inframarginal scutes, each of which is perforated by a por. The head has two pairs of prefrontal scales. Hatchling are black on both sides. The Kemp's ridley has a triangular-shaped head with a somewhat hooked beak with large crushing surfaces. This turtle is a shallow benthic feeder with a diet consisting primarily of crabs. Kemp's ridley sea turtles occur in the Atlantic Ocean and the Gulf of Mexico. The females come ashore only to lay eggs. Based on information described above, EPA Region 6 has determined that discharges proposed to be authorized by the proposed permit will have no effect on Kemp's ridley sea turtle.

LEATHERBACK SEA TURTLE (Dermochelys coriacea)

The leatherback is the largest living turtle and is so distinctive as to be placed in a separate taxonomic family, Dermochelyidae. The carapace is distinguished by a rubber-like texture, about 4 cm thick, and made primarily of tough, oil-saturated connective tissue. No sharp angle is formed between the carapace and the plastron, resulting in the animal being somewhat barrel-shaped. The front flippers are proportionally longer than in any other sea turtle. Nesting occurs from February - July with sites located from Georgia to the U.S. Virgin Islands. During the summer, leatherbacks tend to be found along the east coast of the U.S. from the Gulf of Maine south to the middle of Florida.

Leatherbacks become entangled in longlines, fish traps, buoy anchor lines and other ropes and cables. This can lead to serious injuries and/or death by drowning. Leatherback turtles eat a wide variety of marine debris such as plastic bags, plastic and styrofoam pieces, tar balls, balloons and plastic pellets. Effects of consumption include interference in metabolism or gut function, even at low levels of ingestion, as well as absorption of toxic byproducts. Leatherbacks are vulnerable to boat collisions and strikes, particularly when in waters near shore. Marine turtles are at risk when encountering an oil spill. Respiration, skin, blood chemistry and salt gland functions are affected. Based upon this information and upon the fact that the major threats to this species concern habitat destruction and there is no new construction associated with reissuance of this draft permit, EPA has determined that will have no effect on the Leatherback sea turtle.

In accordance with requirements under section 7(a)(2) of the Endangered Species Act, EPA has reviewed this permit for its effect on listed threatened and endangered species and designated critical habitat. After review, EPA has determined that the reissuance of this permit will have "*no effect*" on listed threatened and endangered species nor will adversely modify designated critical habitat. EPA makes this determination based on the following:

1. The draft permit has been made more restrictive from the previous permit with 11ug/l for chronic protection which is more stringent with a 100% effluent.
2. EPA has received no additional information since the previous permit issuance which would lead to revision of its determinations.

The standard reopener clause in the permit will allow EPA to reopen the permit and impose additional limitations if it is determined that changes in species or knowledge of the discharge would require different permit conditions.

X. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The reissuance of the permit should have no impact on historical and/or archeological sites since no construction activities are planned in the reissuance.

XI. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of LDEQ's WQS are revised or remanded or if the Chitimacha Tribe develops WQS that must be implemented. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing the States Water Quality Standards are either revised or promulgated. Should either State adopt a new WQS, and/or develop or amend a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standard and/or water quality management plan, in accordance with 40 CFR §122.44(d). Modification of the permit is subject to the provisions of 40 CFR §124.5.

XII. VARIANCE REQUESTS: No variance requests have been received.

XIII. CWA & 401 CERTIFICATION

The Environmental Protection Agency has made a tentative determination to issue the permit for the discharge described in the application. Permit requirements are based on NPDES regulations (40 CFR §§122 and 124). Since the discharge is from a facility located within the boundaries of the Chitimacha Reservation, EPA Region 6 is the CWA §401 certifying agency for this permit and certifies that the discharge will comply with applicable provisions of sections 208(e), 301. 302, 303, 306 and 307 of the Clean Water Act.

XIV. FINAL DETERMINATION

The public notice describes the procedures for the formulation of final determinations.

XV. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION(s)

EPA Application Form 2A received October 4, 2021.

B. 40 CFR CITATIONS

Citations to 40 CFR are as of October 2021.
Sections 122, 124, 125, 133, 136

C. TRIBAL (Permittee)/STATE WATER QUALITY REFERENCES

Louisiana Environmental Regulatory Code, October 2021.

Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards Water Quality Management Plan.

FINAL 2020 Louisiana Water Quality Integrated Report. January 2021.