

APPENDIX J:
Original Public Comment Letters

LAKE PONTCHARTRAIN BASIN FOUNDATION
SAVE OUR COAST SAVE OUR LAKE

January 9, 2012

Diane Smith
Environmental Protection Specialist
Water Quality Protection Division
U.S. Environmental Protection Agency, Region 6
1445 Ross Ave., Dallas, TX 75202-2733

RE: DRAFT TMDLs for Fecal Coliform Bacteria in Selected Subsegments in the Lake Pontchartrain Basin, Louisiana (040102, 040103, 040201, 040302, 040304, 040305, 040503, 040504, 040505, 040603, 040703, 040909, 040910, 041302, 041401)

Dear Ms Smith,

The Lake Pontchartrain Basin Foundation (LPBF) has reviewed the above referenced document and would like to submit the following comments into the public record.

1) The Pontchartrain Basin Fecal Coliform TMDLs should be split into multiple documents

This single document presents the reader with fecal coliform TMDLs for fifteen subsegments in the Pontchartrain Basin. This is an overwhelming amount of information on many separate, disparate systems. Even though all waterways are in the Pontchartrain Basin, they represent vastly different land uses, contributing factors, and environments. LPBF recommends breaking this single document into at least three documents to separate the man-made stormwater conveyance systems, metropolitan waterways, and rivers draining rural and developing areas. Jefferson and Orleans Parishes and the W-14 Main Diversion Canal represent metropolitan area man-made stormwater drainage conveyances. The Amite River, Comite River, and Bayou Manchac drain the metropolitan Baton Rouge area and could be grouped together. The rest of the waterways are found in the developing region north of Lake Pontchartrain and could be grouped.

2) Percent reduction and current loads not given for waterways

The Executive Summary and body of the TMDL need a table that includes the current loads into the streams, the information in Table ES-3, and the percent load reduction in each waterway. While the current loads are given in the calculations for each waterway in Appendix E, this is rather hidden for this important information. The TMDL would be more user-friendly if the current loads were clearly given in the Executive Summary and body of the TMDL (as described above).

This TMDL also does not give the percent reductions for any waterway in either the body of the document or in the appendices. Giving the percent reductions is common practice and should be expected for TMDLs. It is also done on other TMDL's prepared by Tetra Tech- giving a summary column for percent reductions and giving the percent reduction in the individual calculations (see below for example). Without having the percent reduction explicitly stated, it makes review of the document (and eventual implementation of the document) difficult. Recommend adding the percent reduction to the executive summary, the main TMDL document, and Appendix E, the calculations.

Example (from TMDLs for Fecal Coliform Bacteria for Selected Subsegments in the Mississippi River Basin, LA)

From Body of TMDL document:

Table 4-3. Summary of fecal coliform bacteria TMDLs, WLAs, LAs, MOS, and FG for the Mississippi River Basin

Subsegment	Designated use	Season	TMDL (#/day)	WLA (#/day)	LA (#/day)	MOS (#/day)	FG (#/day)	Percent reduction
070203	PCR	Winter	1.96E+11	4.77E+10	1.09E+11	1.96E+10	1.96E+10	17%
		Summer	2.02E+11	4.77E+10	1.14E+11	2.02E+10	2.02E+10	59%
070401	SFP	Annual	1.82E+11	1.20E+07	1.46E+11	1.82E+10	1.82E+10	80%
070403	SFP	Annual	7.75E+10	0.00E+00	6.20E+10	7.75E+09	7.75E+09	83%
070404	SFP	Annual	1.28E+11	9.93E+07	1.03E+11	1.28E+10	1.28E+10	72%
070501	PCR	Winter	1.48E+13	4.11E+09	1.17E+13	1.46E+12	1.48E+12	0%
		Summer	1.28E+12	4.11E+09	1.02E+12	1.28E+11	1.28E+11	16%
070502	PCR	Winter	3.31E+13	4.17E+11	2.60E+13	3.31E+12	3.31E+12	89%
		Summer	2.91E+12	4.94E+10	2.28E+12	2.91E+11	2.91E+11	84%



Example cont., From Calculations appendix:

Table E-2. Fecal coliform bacteria TMDL summary table for subsegment 070401

Average water budget (mm/day)	2.402	
Subsegment area (acres)	96,042.9	
Criterion #1 (< 10% over cfu/100 mL)	43	
Criterion #1 as loading (< 10% over cfu/d)	4.01E+11	
Criterion #2 (median) (cfu/100 mL)	14	
Criterion #2 as loading (median) (cfu/d)	1.31E+11	
Wasteload allocation (cfu/d)	1.20E+07	
Point source flow (MGD)	0.01	
Percent reduction	80.5	
	Before reduction	After reduction
Average concentration (cfu/100 mL)	100	19
Average loading (cfu/d)	9.31E+11	1.82E+11
Median concentration (cfu/100 mL)	63	12
Median loading (cfu/d)	5.88E+11	1.15E+11



2) Summer vs. Winter reductions confusing

While it is stated once in the body of the TMDL that the summer reductions will be followed, this should also be stated clearly in the executive summary, near Table ES-3. Since the source of the fecal coliform inputs is wastewater treatment plants, any upgrades that will have to be done to the plants will result in year-round reductions.

3) Large percentage of undocumented wastewater treatment plants in watersheds

The draft TMDLs fail to address an important source of fecal coliform in the waterways- undocumented wastewater treatment plants. In Louisiana, there was an historic disconnect in the

permitting process. Small commercial wastewater treatment plants were permitted to be built according to the Louisiana Department of Health and Hospitals (LDHH) Sanitary Code but were never permitted to discharge through the Louisiana Department of Environmental Quality (LDEQ). The plants were then not known to LDEQ, never having their effluent sampled or the plant examined.

The LPBF has worked with LDEQ and LDHH on this issue since 2002. Within watersheds north of Lake Pontchartrain (not on metropolitan or regional wastewater treatment systems), we have found that a very large percentage (60 to over 80 percent) of small commercial wastewater treatment plants fall in this category. The plants' effluents are never tested and, on average, about half of the plants do not even have the capacity to disinfect their effluent. Through working on this issue with LDEQ and LDHH, we have been able to have three basin rivers removed from the Impaired Waterbodies List for fecal coliform. LDEQ's TMDLs for oxygen-demanding substances acknowledge these undocumented sources. These TMDLs should do that as well.

Also, the contribution of a large number of not-inspected and assumed failed home systems needs to be considered as well. Much of the soil in southeast Louisiana is high in clay so percolation beds do not exist and the home systems discharge into local ditches which lead to basin waterways. EPA estimations average a 50% failure rate for home systems. With tens of thousands of these home systems occurring outside of municipal and regional wastewater systems, they must be included as a major fecal source.

4) Appendix E calculation values and use in TMDLs

Appendix E shows before reduction and after reduction values in the tables. My understanding is that these were calculated to determine reductions that were needed to reach the water quality criteria and were not actually used in the TMDL calculations. Please clarify. If that is the case, LPBF recommends amending the tables in Appendix E to represent actual TMDL calculations.

5) Monthly water yield used instead of actual stream flow

The TMDLs use a monthly water yield (divided into a daily water yield) as a surrogate for flow for several waterways. The monthly water yield is a function of overland flow and does not seem to account for groundwater or other water inputs into these streams. This substitution of monthly/daily water yield for actual flow has the potential to introduce a large source of error into the TMDL calculations. There are concerns as to the validity of this approach and it begs a few questions: Where is the monthly discharge data found? Is it known to be accurate? Is there an established relationship between monthly/daily discharge and flow? Finally, has this relationship been tested on streams of known flow? If it has, recommend showing the chart/relationship in an appendix.

6) Representative of monitoring sites in waterways/ translation to valid model

These draft fecal coliform TMDLs are trying to address many streams at once. They are utilizing a variety of available data, with varying amounts of data available for each waterway. The data may or may not actually be representative of the entire watershed. For example, the parishes of Jefferson and Orleans utilize one sampling location each for their vast stormwater drainage canal systems. LPBF recommends more comprehensive water quality testing and

Careful modeling of each waterway to assess its individual flow patterns, actual inputs, and in-stream processes (including interaction with adjacent wetlands) to produce the most accurate TMDLs on each stream.

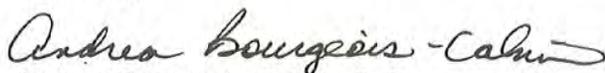
7) Stormwater drainage canals listed as primary contact recreation

The Orleans and Jefferson parishes' stormwater drainage canals have primary contact recreation listed as a designated use. These canals are 100% man-made features whose sole purpose is to drain water from the below-sea-level metropolitan New Orleans area. There has never been any intention of swimming in them. LPBF would like to understand why these drainage canals carry the primary contact designated use as compared to the seemingly more appropriate secondary contact designated use. Is a man-made stormwater conveyance system expected to be swimmable?

The Lake Pontchartrain Basin Foundation is strongly in favor of the TMDL program as a means to clean our waterways. However, the TMDLs must be based on good science and a statistically viable data set actually collected from the streams and sources in question. The TMDLs must also be written to directly address the sources of the impairment. As the watershed environmental group of the Pontchartrain Basin, we would support fecal coliform TMDLs that adequately do all of the above. We ask that EPA and Tetra Tech perform more data collection for these TMDLs and produce three distinct TMDL documents to directly address the sources.

The LPBF thanks EPA for the opportunity to comment on this draft TMDL and look forward to our continued cooperation in cleaning the Pontchartrain Basin's waterways.

Sincerely,



Andrea Bourgeois-Calvin, PhD
Water Quality Program Director



PARISH OF JEFFERSON
OFFICE OF THE PRESIDENT

JOHN F. YOUNG, JR.
PARISH PRESIDENT

January 13, 2012

Ms. Diane Smith, Environmental Protection Specialist
Water Quality Protection Division
U. S. Environmental Protection Agency, Region 6
1445 Ross Ave.
Dallas, TX 75202-2733

Re: Jefferson Parish, Louisiana Comments
DRAFT TMDLs for Fecal Coliform Bacteria for Selected Subsegments in the Lake
Pontchartrain Basin, Louisiana
Subsegment 041302

Dear Ms. Smith:

Jefferson Parish appreciates the opportunity to provide comments on the DRAFT TMDLs for Fecal Coliform Bacteria for Selected Subsegments in the Lake Pontchartrain Basin, Louisiana. Although the TMDL document establishes TMDLs for many waterbodies, our comments pertain specifically to Subsegment Number 041302 in the Lake Pontchartrain Basin, Drainage Canals, Jefferson and Orleans Parishes. Jefferson Parish has reviewed the referenced draft TMDL report and offers the following comments.

Jefferson Parish opposes the Draft TMDL for fecal coliform bacteria for the referenced drainage canals in Jefferson Parish, as they are inappropriately designated as primary contact recreation. These canals were created specifically and used principally for drainage or conveyance of storm water. As such, they should be designated as Water Body Exception Classification or should be specifically exempted. Were these canals properly classified and/or exempted from classification, they would not be included on the Louisiana Department of Environmental Quality's (LDEQ) list of impaired waterbodies, and TMDLs would not be warranted. These drainage canals are improperly classified by LDEQ as Primary Contact Recreation, Secondary Contact Recreation and Fish and Wildlife Propagation.

The sole purpose of these man-made canals is to convey storm water to pumping stations, thereby preventing flooding. Most of the land surface in Jefferson Parish is at or below mean sea level (MSL), resulting in a "saucer" effect in the drainage basin. Jefferson Parish has, over the years, designed and constructed a system of drainage canals and several high capacity pumping stations to convey collected storm water runoff within the storm water drainage basin. Due to land surface at or below MSL, the Parish is surrounded by hurricane protection levees. There is no gravity drainage discharge outlet, and all rainfall occurring within the area is removed entirely by a system of conveyance canals and pumps. High volume, low-lift pumps are used at the pumping stations to lift the water from the canals to the higher water surface elevation of either

Lake Ponchartrain or to the lakes, bayous and canals of the Barataria Basin. There are over 300 miles of open canals and ditches, approximately 1,465 miles of subsurface drain lines, and 53 pumping stations in Jefferson Parish, with a combined capacity to pump storm water at a rate of approximately 30 billion gallons of rainfall per day. Jefferson Parish's 17 pumping stations in Subsegment 041302 have a total capacity of 20,535 cubic feet per second (CFS) serving an area of 31,734 acres. Thus, the canal system is designed to efficiently carry storm water runoff to the major pumping stations which discharge into Lake Pontchartrain on the east side of the Mississippi River, and to lakes, bayous and canals on the west side of the Mississippi River.

The canals have steep banks, are inaccessible by boat, and pumps are turned on without notice in response to rainfall, making them unsuitable for recreational uses such as swimming and fishing. These canals are clearly not designed or intended for primary contact recreational activities (swimming, skiing, diving), and as such activities do not occur in the canals, it is inappropriate to develop primary contact criteria for these waterbodies.

Although Jefferson Parish drainage canals are fully supporting Secondary Contact Recreation, the canals are not designed or intended for fishing, thus classification of these waterbodies for this designated use is also inappropriate.

Jefferson Parish drainage canals are also improperly classified for Fish and Wildlife Propagation. Again, the canals are man-made channels designed to efficiently move rainfall via pumping stations, thus are not natural waterbodies, and as such should be classified as Excepted Use and/or specifically exempted. Although construction of these man-made canals has produced new aquatic habitat that has subsequently been populated by aquatic species (fish, turtles, snakes, ducks, wading birds, nutria, etc.), the canals are not designed or intended to provide such habitat, and, due to inherent hydrologic modifications, variable flows and other variable environmental conditions, are not conducive to the establishment of a balanced population of aquatic biota or to the full support of recreational activities. If not re-classified as Water Body Exception Classification or specifically exempted from this designated use, the Limited Aquatic Life and Wildlife use would be a more appropriate classification, as aquatic life in the canals include species tolerant of severe or variable environmental conditions. Although inappropriately designated as Fish and Wildlife Propagation, it is unclear what scientific data was used to determine that the canals do not fully support this use.

It is Jefferson Parish's intent, within the first quarter of 2012, to petition LDEQ for a water body exception classification and/or a specific exemption for the Jefferson Parish drainage canals in accordance with LAC 33:IX.1109.C, which allows exceptions for man-made water bodies specifically and primarily used for the drainage or conveyance of water.

Jefferson Parish questions the methodology used to develop the draft TMDL under the Data Quality Act and its guidelines. The TMDL is based on a total of only thirty-seven (37) samples collected at a single drainage pumping station location in Jefferson Parish in 2001, 2007, 2009, and 2010. Data from only one sample point inadequately represents the more than 300 miles of Jefferson Parish drainage canals. Use of such a small data set to develop the TMDL is not sound science. It is noteworthy that the area of the canal from which all samples were collected was under construction for drainage improvements between 2003 and 2010, with construction

having been interrupted only for a limited time after Hurricane Katrina. This construction activity raises the question as to whether samples collected in years 2007 – 2010 are truly representative of that particular canal's water quality, much less water quality in all other canals.

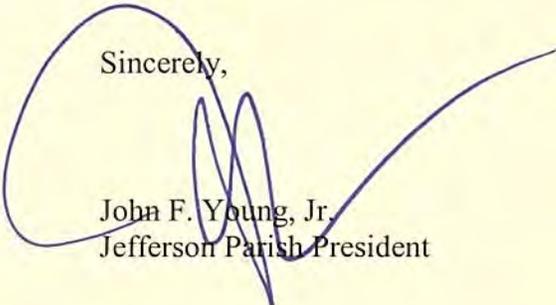
Furthermore, using monthly water yield data obtained from the Louisiana Office of State Climatology from the period of 1980 to 2003 in lieu of stream flow in this segment (drainage canals) is inappropriate, as flow rates in the canals are dependent on rainfall as well as which pumping stations are operational at a given point in time. The Jefferson Parish Department of Drainage maintains pump run logs which provide more appropriate data for determining flow. It appears that the MS4 (acres) data in Table 4.4 is incorrect. Our data indicates the correct acreages to be approximately: Jefferson Parish (unincorporated east bank): 20,787; City of Harahan: 1,266; and City of Kenner: 9,681. The north-south canals are inter-connected by a system of east-west canals, any of which can flow to a pumping station to the east or west of where rainfall occurs depending on which pumping station is activated. Jefferson Parish owns, operates and maintains the canals and drainage pumping stations that serve unincorporated Jefferson Parish and the cities of Harahan and Kenner; therefore; it seems more appropriate to calculate a single waste load allocation for the entire east bank of the Parish, using correct acreages.

Jefferson Parish wants assurance that the proposed TMDL was based on sound science and reliable data that stands up to standard quality assurance/quality control. The proposed TMDL could have significant impacts on Jefferson Parish and its municipalities. Our Pump Stations are needed to protect lives and property from flooding. Jefferson Parish has a Phase I Municipal Separate Storm Sewer (MS4) Permit, and as required by that permit, we have implemented many programs and best management practices to improve storm water quality from our drainage pump stations.

Should you have any questions or wish to discuss any of the comments herein, please contact Ms. Marnie Winter, Director, Jefferson Parish Department of Environmental Affairs at (504) 736-6440 or mwinter@jeffparish.net.

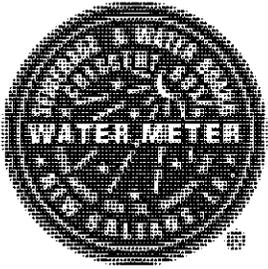
Thank you for this opportunity to provide comments and for your consideration of the comments provided herein.

Sincerely,



John F. Young, Jr.
Jefferson Parish President

cc: Marnie Winter
Kazem Alikhani



"RE-BUILDING THE CITY'S WATER SYSTEMS FOR THE 21ST CENTURY"

Sewerage & Water Board of NEW ORLEANS

MITCHELL J. LANDRIEU, *President*
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January 9, 2012

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Ref: Comments on TMDLs for Fecal Coliform Bacteria for Subsegments 041302 and 041401 in the Lake Pontchartrain Basin, Orleans Parish (East Bank of Orleans Parish bounded by Jefferson Parish and Hwy 11)

Dear Ms. Smith:

The Sewerage and Water Board of New Orleans wishes to object to the proposed Total Maximum Daily Load (TMDL) criteria of 400 colonies/100mL (5/01-10/31) and 2000 colonies/100mL (11/01-4/30) for the above referenced subsegments.

Following are the reasons for our objection:

- Most of the water bodies included in these segments (with the exception of the Bayou Sauvage National Wildlife Refuge wetlands) are man-made drainage canals. The 90 miles of canals are exempt from TMDL regulation pursuant to LAC § 1109, Title 33, Part IX, which exempts Man-made water bodies from TMDL review. Man-made water bodies are defined in this section as "a ditch, canal or channelized stream created specifically and used primarily for drainage or conveyance of water". The drainage canals that would be subject to TMDLs clearly meet this definition.
- Since primary contact recreation (swimming) is clearly not encouraged, intended or appropriate in the drainage canals, it is incorrect to develop primary contact criteria for these canals. If TMDLs are to be based on recreational use of Orleans Parish water bodies, they should be limited to secondary contact recreation in Orleans Parish, although no drainage canals are designated or appropriate for fishing either.
- We also question the sampling procedure used to set the Fecal Coliform limits in Orleans Parish. Data from only one sample point inadequately represents the 90 miles of canals that comprise segment 041401. Furthermore, wet weather flow rates in these canals are largely dependent on pumping stations at the mouths of the canals; this has not been factored into determination of flow rates.

Page 2
December 9, 2012 letter
USEPA

The Sewerage and Water Board of New Orleans is committed to retaining good water quality in the canals under its jurisdiction; however, for the reasons stated above, we cannot support the proposed TMDLs for fecal coliform and request a reassessment of proposed standards.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marcia St. Martin".

Marcia St. Martin
Executive Director

CC: Robert Miller, Deputy Director