LPDES/NPDES PERMIT NO. LA0049492, AI No. 4634

LPDES/NPDES FACT SHEET and RATIONALE
FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (LPDES)/NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF LOUISIANA AND WATERS OF THE UNITED STATES

I. Company/Facility Name: LOOP LLC
Deepwater Port Complex
137 Northpark Boulevard
Covington, Louisiana 70433-5071

II. Issuing Office: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

United States Environmental Protection Agency, Region 6 (USEPA)
Water Quality Protection Division (6WQ-PP)
1445 Ross Avenue
Dallas, Texas 75202

III. Prepared By: Sonja Loyd
Municipal, Biosolids, & Industrial Permits Section
Water Permits Division
Phone #: 225-219-3232
E-mail: sonja.loyd@la.gov

Kay Schwab
Water Quality Protection Division (6WQ-PP)
Phone #: (214) 665-6635
E-mail: schwab.kay@epa.gov

Date Prepared: July 9, 2013

IV. Permit Action/Status:

A. Reason For Permit Action:

Proposed reissuance of an existing Louisiana Pollutant Discharge Elimination System (LPDES)/National Pollutant Discharge Elimination System (NPDES) permit for a 5-year term following regulations promulgated at LAC 33:IX.2711/40 CFR 122.46.

The LDEQ and the USEPA propose to reissue LPDES/NPDES permit LA0049492 jointly. Outfalls 001, 002, and 015 discharge into federal waters which fall within the regulatory jurisdiction of the USEPA. Outfalls 004, 005, 006, 007, 008, 012, 018, 020, 021, 023, 024, 025, 026, 027, and 028 discharge into state waters which fall within the regulatory jurisdiction of the LDEQ.

LAC 33:IX Citations: Unless otherwise stated, citations to LAC 33:IX refer to promulgated regulations listed at Louisiana Administrative Code, Title 33, Part IX.

40 CFR Citations: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations in accordance with the dates specified at LAC 33:IX.2301, 4901, and 4903.

B. LPDES/NPDES permit - Individual Permit
Effective date: October 1, 2008
Modification date: May 1, 2012
Expiration date: September 30, 2013

State-wide Coverage (LAG679021, AI 42330)
Effective date - February 1, 2013
Expiration date - January 31, 2018

LAR10J572
Effective date: October 1, 2009
Issuance date: July 30, 2013
Expiration date: September 30, 2014

C. Application received on March 27, 2013 with additional information received by email on August 29, 2013.

V. Facility Information:

A. Location - 224 East 101st Place in Cutoff, Lafourche Parish (Latitude 29°27'45", Longitude -90°18'20")

Outfalls 001, 002, and 015 - Grand Isle Block 59 in the Gulf of Mexico; Outfall 004 - 2.5 miles south of the beach at Fourchon (Gulf of Mexico); Outfalls 005 and 006 - Small Boat Harbor, 439 A.J. Estay Road in Port Fourchon; Outfalls 007 and 020 - between the LOOP Operations Center and Warehouse located at 224 East 101st Place in Galliano; Outfalls 008 and 012 - LOOP Clovelly Dome

Storage Terminal Facility located on LOOP Access Road in Galliano; Outfalls 018 and 023 - LOOP Fourchon Booster Station in Port Fourchon; Outfalls 021, 024, 025, 026, 027, and 028 - Clovelly Tank Facility located on Airport Road in Galliano.

B. Applicant Activity - According to the application, LOOP LLC, Deepwater Port Complex, operates an offshore petroleum offloading terminal located in federal waters (Gulf of Mexico) and onshore pipeline and storage facilities (located in Lafourche Parish) for the transportation of crude oil. Crude oil is offloaded from supertankers at the port and transported via pipeline to the Clovelly Dome Storage Terminal Facility (CDSTF) and the Clovelly Tank Facility (CTF). These storage facilities provide interim storage for crude oil before it is delivered via pipelines to refineries. The CDSTF uses brine, stored in a 280-acre Brine Storage Reservoir, to displace crude oil from the caverns for injection into the pipelines. LOOP also operates the Small Boat Harbor facility, the Fourchon Booster Station, and the Operations Center and Warehouse in support of the activities at the facility.

C. Technology Basis - (40 CFR Chapter 1, Subchapter N/Parts 401 and 405-471 have been adopted by reference at LAC 33:IX.4903)

		Guideline	Reference
_____	_____	Not Applicable	Not Applicable

_____ _____ Other sources of technology based limits:
Current LPDES/NPDES Permit (effective October 1, 2008, and modified May 1, 2012)
LDEQ Stormwater Guidance, letter dated June 17, 1987, from J. Dale Givens (LDEQ) to Myron Knudson (USEPA Region 6)
Light Commercial Facilities General Permit (RLP5)
Class I Sanitary General Permit (Schedule B)
Best Professional Judgement

D. Fee Rate -
1. Fee Rating Facility Type: Major
2. Complexity Type: II
3. Wastewater Type: II
4. SIC Codes: 4612, 4491, and 5171

VI. Receiving Waters:

A. Gulf of Mexico (Outfalls 001, 002, 004, and 015); Bayou Lafourche (Outfalls 005 and 006); Breton Canal (Outfalls 007 and 020); Little Lake (Outfalls 008 and 012); Bayou Moreau (Outfalls 018 and 023); LL&E Canal (Outfalls 021, 024, 025, and 028); and the Reservoir Canal (Outfalls 026 and 027)

B. River Basin: Barataria, Subsegments 020403, 020801, 020905, and 021102

C. Designated Uses:

_____ _____ Subsegments 020403, 020905, and 021102

The designated uses are primary contact recreation, secondary contact recreation, fish and wildlife propagation, and oyster propagation

_____ _____ Subsegment 020801

The designated uses are primary contact recreation, secondary contact recreation, and fish and wildlife propagation.

VII. Outfall Information:

_____ Outfall 001

A. Type of wastewater - the intermittent discharge of stormwater from the oily water system

B. Location - at the point of discharge through the sea sump 45 feet below the surface of the water adjacent to the pumping platform at the Marine Terminal, prior to combining with any other waters (Latitude 28°53'06", Longitude -90°01'30")

C. Treatment - treatment of this wastewater consists of:
- oil/water separator

D. Flow - intermittent

E. Receiving waters - Gulf of Mexico

F. Basin and subsegment - federal waters

_____ Outfalls 002, 006, 007, 008, 023, and 024

A. Type of wastewater - the intermittent discharge of treated sanitary wastewater

B. Location - at the point of discharge from the sanitary treatment system at the following locations, prior to combining with any other waters:

Outfall 002 - Control Platform at the Marine Terminal (Latitude 28°53'06", Longitude -90°01'30")

_____ _____ Outfall 006 - Small Boat Harbor (Latitude 29°07'02", Longitude -90°12'35")

Outfall 007 - Between the Operations Center and Warehouse (Latitude 29°27'46", Longitude -90°18'14")

Outfall 008 - Beneath the Control Building at the Clovelly Dome Storage Terminal Facility (Latitude 29°28'25", Longitude -90°15'12")

Outfall 023 - Fourchon Booster Station in Port Fourchon (Latitude 29°09'22", Longitude -90°10'30")

Outfall 024 - Adjacent to the Clovelly Tank Facility expansion (Latitude 29°27'14", Longitude -90°15'59")

C. Treatment - treatment of this wastewater consists of:
- extended aeration/activated sludge
- chlorination (Outfalls 023 and 024 only)

D. Flow - intermittent

Outfall 002 - 0.011 MGD (30-Day Maximum)
Outfall 023 - 0.0001 MGD (30-Day Maximum)
Outfall 024 - 0.0001 MGD (30-Day Maximum)

[NOTE: No flows were provided in the application for Outfalls 006, 007, and 008. The sanitary wastewater discharges from these outfalls are routed to a sanitary drain field after treatment. According to information provided in the application, a discharge would only occur during maintenance or an emergency.]

E. Receiving waters - Gulf of Mexico (Outfall 002), Bayou Lafourche (Outfall 006), Breton Canal (Outfall 007), Little Lake (Outfall 008), Bayou Moreau (Outfall 023), and the LL&E Canal (Outfall 024)

F. Basin and subsegment - federal waters (Outfall 002); Subsegment 020403 (Outfall 006); Subsegment 020801 (Outfalls 007, 008, and 024); and Subsegment 020905 (Outfall 023)

_____ Outfall 004

A. Type of wastewater - the intermittent discharge of brine (from the Brine Storage Reservoir)

B. Location - at the point of discharge from the brine multi-port diffuser located 2.5 miles southeast of the mouth of Bayou Lafourche approximately 30 to 35 feet below the surface of the water, prior to combining with any other waters (Latitude 29°06'16", Longitude -90°06'47")

C. Treatment - treatment of this wastewater consists of:
- none

D. Flow - intermittent, 11.33 MGD (30-Day Maximum)

E. Receiving waters - Gulf of Mexico

F. Basin and subsegment - Barataria, Subsegment 021102

_____ Outfall 005

A. Type of wastewater - the intermittent discharge of marine cargo hose testing water, washwater from the oil spill equipment cleaning activities, and stormwater runoff

B. Location - at the point of discharge from the pipe exiting the secondary containment area around the Oil/Water Separator tank located at the Small Boat Harbor, prior to combining with any other waters (Latitude 29°07'06", Longitude -90°12'38")

C. Treatment - treatment of this wastewater consists of:
- oil/water separator

D. Flow - intermittent, 0.0524 MGD (30-Day Maximum)

E. Receiving waters - Bayou Lafourche

F. Basin and Subsegment - Barataria, Subsegment 020403

_____ Outfalls 012, 018, 020, 021, 025, 026, 027, and 028

A. Type of Wastewater - the intermittent discharge of stormwater runoff

B. Location - at the point of discharge from the following

locations, prior to combining with any other waters:

Outfall 012, from the pipe exiting the secondary containment area around the Auxiliary Tank (east side of LOOP Access Road) at the Clovelly Dome Storage Facility (Latitude 29°28'19", Longitude -90° 15'12")

_____ _____ Outfall 018, from the pipe exiting the secondary containment area around the Fourchon Booster Station in Port Fourchon (Latitude 29°09'25", Longitude -90°10'37")

_____ _____ Outfall 020, from the pump at the secondary containment area around the gasoline tanks located adjacent to the Warehouse in Galliano (Latitude 29°27'47", Longitude -90°18'13")

_____ _____ Outfall 021, from the pipe exiting the secondary containment area located on the northeast side of the Clovelly Tank Facility (Latitude 29°27'03", Longitude -90°16'03)

_____ _____ Outfall 025, from the pipe exiting the secondary containment area located on the northwest side of the Clovelly Tank Facility (Latitude 29°27'03", Longitude -90°16'13")

_____ _____ Outfall 026, from the pipe exiting the secondary containment area located on the east side of the Clovelly Tank Facility (Latitude 29°26'52", Longitude -90°16'03")

_____ _____ Outfall 027, from the pipe exiting the secondary containment area located on the southeast side of the Clovelly Tank Facility (Latitude 29°26'41", Longitude -90°16'03")

_____ _____ Outfall 028, from the pipe exiting the secondary containment area located on the southeast side of the new tank expansion at the Clovelly Tank Facility (Latitude 29°27'05", Longitude -90°16'12")

C. Treatment - treatment of this wastewater consists of:
- none

D. Flow - intermittent

E. Receiving waters - Little Lake (Outfall 012); Breton Canal (Outfall 020); Bayou Moreau (Outfall 018); LL&E Canal (Outfalls 021, 025, and 028); and the Reservoir Canal (Outfalls 026 and 027)

F. Basin and subsegment - Barataria, Subsegment 020801 (Outfalls 012, 020, 021, 025, 026, 027, and 028) and Subsegement 020905 (Outfall 018)

Outfall 015

A. Type of wastewater - the continuous discharge of non-contact cooling water

B. Location - at the point of discharge from the Pumping Platform at the Marine Terminal, prior to combining with any other waters (Latitude 28°53'06", Longitude -90°01'30")

C. Treatment - treatment of this wastewater consists of:
- chlorination

D. Flow - continuous, 4.32 MGD (30-Day Maximum)

E. Receiving waters - Gulf of Mexico

F. Basin and subsegment - federal waters

VIII. Proposed Permit Limits:

Summary of Proposed Changes From the Current LPDES Permit:

A. The secondary Standard Industrial Classification (SIC) Code has been changed from 4463 to 4491 based on information provided in the application since the new SIC Code is applicable to the facilities marine cargo handling operations.

B. Outfall 004

This facility is required to monitor for Total Dissolved Solids (TDS) at this outfall. The facility requested a monitoring frequency reduction for TDS from once per week to once per month to be consistent with the monitoring frequency established for Chloride. Based on DMR sample data retrieved from the Integrated Compliance Information System (ICIS) for the period of January 2012 through December 2013, this facility discharges from this outfall on an intermittent basis. Therefore, the monitoring frequency for this parameter will be changed to reflect once per month.

C. Outfall 005

The monitoring frequencies for flow, Total Organic Carbon (TOC), Oil and Grease, and pH will be changed to reflect once per quarter instead once per month based on DMR data demonstrating compliance with the limits established for these parameters.

D. Outfall 015

The monitoring frequency for Total Residual Chlorine (TRC) will be changed to reflect once per month instead of once per week based on DMR data demonstrating compliance with the limit for this parameter.

E. The representative outfall condition authorized under the current permit will not be continued in the draft permit. The facility will be required to monitor the discharges from all of its stormwater outfalls and report the sample data on DMRs in accordance with the permit.

F. Incidental and minor changes reflective of current Office guidance will not be detailed in this section.

IX. Permit Limit Rationale:

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. Also set forth are any calculations or other explanations of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard provisions as required under LAC 33:IX.2707/40 CFR Part 122.44 and reasons why they are applicable or an explanation of how the alternate effluent limitations were developed.

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

Following regulations promulgated at LAC 33:IX.2707/40 CFR Part 122.44, the draft permit limits are based on either technology-based effluent limits pursuant to LAC 33:IX.2707.A/40 CFR Part 122.44(a) or on State water quality standards and requirements pursuant to LAC 33:IX.2707.D/40 CFR Part 122.44(d), whichever are more stringent.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS, CONDITIONS, AND MONITORING REQUIREMENTS

Regulations promulgated at LAC 33:IX.2707.A/40 CFR Part 122.44(a) require technology-based effluent limitations to be placed in LPDES permits based on effluent limitations guidelines where applicable, on BPJ (best professional judgement) in the absence of guidelines, or on a combination of the two. Regulations also require permits to establish monitoring requirements to yield data representative of the monitored activity [LAC 33:IX.2715/40 CFR 122.48(b)] and to assure compliance with permit limitations [LAC 33:IX.2707.I./40 CFR 122.44(I)]. The following is a summary of the effluent limitations for each outfall and rationale for the limitations.

1. Outfall 001 - the intermittent discharge of stormwater from the oily water system

Stormwater is discharged from the oily water system located on the Pumping Platform at the Marine Terminal in the Gulf of Mexico, Grand Isle Block 59. The discharge is through the sea sump 45 feet below the surface of the water adjacent to the pumping platform and will receive a BPJ limit and monitoring requirement consistent with the previous permits as follows:

No discharge of free oil. Monitoring shall be performed once per day when discharging during conditions when an observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge and the facility is manned.

2. Outfalls 002 (*2), 007, 008, and 024 - the intermittent discharge of treated sanitary wastewater

PARAMETER(S)	MASS, LBS/DAY unless otherwise stated		CONCENTRATION, MG/L unless otherwise stated		MEASUREMENT FREQUENCY (*1)
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	
Flow, MGD	Report	Report	---	---	1/6 months
BOD_5	---	---	30	45	1/6 months
TSS	---	---	30	45	1/6 months
Fecal Coliform	---	---	200	400	1/6 months
pH (Standard Units)	---	---	6.0 (Min)	9.0 (Max)	1/6 months

(*1) When discharging.

(*2) The discharges from Outfall 002 shall only be monitored for Flow, BOD_5, TSS, and pH.

Site-Specific Consideration(s)

Flow - monitoring requirements are established in accordance with LAC 33:IX.2707.I.1.b and the previous permits. The monitoring frequency and sample type are consistent with the previous permits.

Biological Oxygen Demand - 5 day (BOD_5), Total Suspended Solids (TSS), and Fecal Coliform - limits are established by BPJ using the Class I Sanitary Discharge General Permit (Schedule B) and the previous permits. The monitoring frequency and sample type for these parameters are consistent with the previous permits.

pH - limits are established in accordance with the Class I Sanitary Discharge General Permit (Schedule B) and the previous permits. The monitoring frequency and sample type are consistent with the previous permits.

3. Outfalls 006 and 023 - the intermittent discharge of treated sanitary wastewater

PARAMETER(S)	MASS, LBS/DAY unless otherwise stated		CONCENTRATION, MG/L unless otherwise stated		MEASUREMENT FREQUENCY (*1)
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	
Flow, MGD	Report	Report	---	---	1/6 months
BOD_5	---	---	30	45	1/6 months
TSS	---	---	30	45	1/6 months
Fecal Coliform	---	---	14	43	1/6 months
pH (Standard Units)	---	---	6.0 (Min)	9.0 (Max)	1/6 months

(*1) When discharging.

Site-Specific Consideration(s)

Flow - monitoring requirements are established in accordance with LAC 33:IX.2707.I.1.b and the previous permits. The monitoring frequency and sample type are consistent with the previous permits.

BOD_5, TSS, and Fecal Coliform - limits are established by BPJ using the Class I Sanitary Discharge General Permit (Schedule B) and the previous permits. The monitoring frequency and sample type for these parameters are consistent with the previous permits.

pH - limits are established in accordance with the Class I Sanitary Discharge General Permit (Schedule B) and the previous permits. The monitoring frequency and sample type are consistent with the previous permits.

4. Outfall 004 - the intermittent discharge of brine (from the Brine Storage Reservoir)

PARAMETER(S)	MASS, LBS/DAY	CONCENTRATION, MG/L	MEASUREMEN

	unless otherwise stated		unless otherwise stated		T FREQUENCY (*1)
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	
Flow, MGD	Report	Report	---	---	1/day
Oil and Grease	---	---	10	15	1/day
TDS	---	---	Report	Report	1/month
Chloride	---	---	Report	Report	1/month
pH (Standard Units)	---	---	6.0 (Min)	9.0 (Max)	1/week

(*1) When discharging.

Site-Specific Consideration(s)

Flow - monitoring requirements are established in accordance with LAC 33:IX.2707.I.1.b and the previous permits. The monitoring frequency and sample type are consistent with the previous permits.

Oil and Grease - limits are established by BPJ using the previous permits. The monitoring frequency and sample type are consistent with the previous permits.

TDS and Chloride - monitoring requirements are established by BPJ using the previous permits. The monitoring frequency and sample type for TDS will be once per month using a grab sample. The monitoring frequency and sample type for Chloride are consistent with the previous permits.

pH - limits are established in accordance with the previous permits. The monitoring frequency and sample type are consistent with the previous permits.

Additional Site-Specific Considerations

The discharges from this outfall flow through a subsurface, multi-port diffuser located in the Gulf of Mexico. The following conditions shall be met:

A. The permittee shall operate the diffusion system for brine disposal to achieve a maximum rate of diffusion while minimizing the area which may be adversely affected.

B. If the permittee uses an oxygen scavenger, the concentration shall be no greater than 18 ppm K_2SO_3/ppm DO or 10 ppm NH_4HSO_3/ppm DO. The permittee shall maintain a detectable DO level in the pipeline at all times. A report of the mean DO level and the range of DO shall be provided to LDEQ on a monthly basis as an addendum to the DMRs due by the 15th day of each month.

C. After leaching operations are completed and during prolonged periods of static operations (i.e. no discharge) a corrosion

inhibitor may be used to protect the brine line from corrosion. The permittee will notify the LDEQ prior to the addition of an inhibitor, and also prior to the discharge of pipeline volume upon termination of static operations. Discharge concentration shall in no case exceed 100 mg/L.

5. Outfall 005 - the intermittent discharge of marine cargo hose testing water, washwater from the oil spill equipment cleaning activities, and stormwater runoff

PARAMETER(S)	MASS, LBS/DAY unless otherwise stated		CONCENTRATION, MG/L unless otherwise stated		MEASUREMENT FREQUENCY (*1)
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	
Flow, MGD	Report	Report	---	---	1/quarter
TOC	---	---	---	50	1/quarter
Oil and Grease	---	---	---	15	1/quarter
pH (Standard Units)	---	---	6.0 (Min)	9.0 (Max)	1/quarter

(*1) When discharging.

Site-Specific Consideration(s)

Flow - monitoring requirements are established in accordance with LAC 33:IX.2707.I.1.b and previous permits. The monitoring frequency will be once per quarter using an estimate.

TOC and Oil and Grease - limits are established by BPJ using LDEQ Stormwater Guidance and previous permits. The monitoring frequency will be once per quarter using a grab sample.

pH - limits are established in accordance with the previous permits. The monitoring frequency will be once per quarter using a grab sample.

6. Outfalls 012, 018, 020, 021, 025, 026, 027, and 028 - the intermittent discharge of stormwater runoff

PARAMETER(S)	MASS, LBS/DAY unless otherwise stated		CONCENTRATION, MG/L unless otherwise stated		MEASUREMENT FREQUENCY (*1)
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	
Flow, MGD	Report	Report	---	---	1/quarter
TOC	---	---	---	50	1/quarter
Oil and Grease	---	---	---	15	1/quarter
pH (Standard Units)	---	---	6.0 (Min)	9.0 (Max)	1/quarter

Site-Specific Consideration(s)

Flow - monitoring requirements are established in accordance with LAC 33:IX.2707.I.1.b and previous permits. The monitoring frequency and sample type are consistent with the previous permits.

TOC and Oil and Grease - limits are established by BPJ using LDEQ Stormwater Guidance and previous permits. The monitoring frequency and sample type are consistent with the previous permits.

pH - limits are established in accordance with the previous permits. The monitoring frequency and sample type are consistent with the previous permits.

7. Outfall 015 - the continuous discharge of non-contact cooling water

PARAMETER(S)	MASS, LBS/DAY unless otherwise stated		CONCENTRATION, MG/L unless otherwise stated		MEASUREMENT FREQUENCY
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	
Flow, MGD	4.32	5.4	---	---	1/month
TOC (net) (*1)	---	---	---	5	1/month
Oil and Grease	---	---	---	15	1/month
TRC (*2)	---	---	0.5	1.0	1/month
pH (Standard Units)	---	---	6.0 (Min)	9.0 (Max)	1/month
Biomonitoring (*3)	---	---	See Section C	See Section C	1/quarter

(*1) Simultaneous sampling of the effluent and influent shall be required to establish the net value. The influent, effluent, and net value shall be reported on the DMR.

(*2) TRC shall only be monitored during periods of chlorination or other biocide usage.

(*3) Biomonitoring shall only be required during periods of chlorination or other biocide usage. The permittee shall notify the LDEQ and USEPA no later than 30 days prior to commencement of its chlorination activities.

Site-Specific Consideration(s)

Flow - limits are established in accordance with LAC 33:IX.2707.I.1.b and the previous permits. The monitoring frequency and sample type are consistent with the previous permits.

TOC, Oil and Grease, and TRC - limits are established by BPJ using the Light Commercial Facilities General Permit (RLP5) and previous permits. The monitoring frequency and sample type for TRC will be once per month using a grab sample. The monitoring frequency and sample type for TOC and Oil and Grease are consistent with the previous permits.

pH - limits are established in accordance with the Light Commercial Facilities General Permit (RLP5) and the previous permits. The monitoring frequency and sample type are consistent with the previous permits.

STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENTS

In accordance with LAC 33:IX.2707.I.3 and 4 [40 CFR 122.44(I)(3) and (4)], a Part II condition is proposed for applicability to all storm water discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow. **For first time permit issuance**, the Part II condition requires a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. **For renewal permit issuance**, the Part II condition requires that the Storm Water Pollution Prevention Plan (SWP3) be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. If the permittee maintains other plans that contain duplicative information, those plans could be incorporated by reference to the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasures Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. The conditions will be found in the draft permit. Including Best Management Practice (BMP) controls in the form of a SWP3 is consistent with other LPDES and EPA permits regulating similar discharges of stormwater associated with industrial activity, as defined in LAC 33:IX.2511.B.14 [40 CFR 122.26(b)(14)].

TMDL Waterbodies

Section 303 (d) of the Clean Water Act, as amended by the Water Quality Act of 1987 and EPA's regulations at 40 CFR 130, requires that each state identify those waters within its boundaries for which controls are

not stringent enough to meet applicable water quality standards. Section 305(b) of the Clean Water Act requires states to prepare and submit a biennial report, describing the status of the water quality and support of the designated uses. The documents that address these two requirements are referred to as the "Integrated Report". The water body-pollutant combinations for which a Total Maximum Daily Load (TMDL) or other control strategy has not been developed constitutes LDEQ's 303(d) List. The Clean Water Act further requires states to implement plans to address listings. TMDLs or other appropriate management strategy(ies) will be developed and/or revised to address waterbodies not supporting standards.

Outfall 004

Subsegment 021102, Barataria Basin Coastal Bays and Gulf Waters to the State 3 mile limit, is listed in LDEQ's Final 2012 Integrated Report as not supporting one or more of its designated uses; the suspected cause is Mercury for which a TMDL was completed. The *TMDL for Mercury in Fish Tissue for Coastal Bays and Gulf Waters of Louisiana* was finalized on June 28, 2005. According to the TMDL, "the majority of mercury in the environment is from air emissions and most mercury reductions will be achieved through Clean Air Act regulations". The required load reductions are expected to come from nonpoint sources; therefore, no reductions from point sources are being required at this time. Based on an evaluation of the discharges from the outfalls identified above, this facility has no potential to discharge Mercury at a level that would cause a water quality concern. Therefore, no requirements for this parameter will be included in the draft permit.

This subsegment is also listed as not meeting the general standards due to the 2010 oil spill. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL, other water quality study or management strategy. Compliance with the limitations in the permit should not further cause or contribute to the waterbody not meeting its standards.

Outfall 005 and 006

Subsegment 020403, Bayou Lafourche - From Yankee Canal and saltwater barrier to the Gulf of Mexico, is listed in LDEQ's Final 2012 Integrated Report as not meeting the general standards due to the 2010 oil spill. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL, other water quality study or management strategy. Compliance with the limitations in the permit should not further cause or contribute to the waterbody not meeting its standards.

Outfalls 018 and 023

Subsegment 020905, Bayou Moreau, is listed in LDEQ's Final 2012

Integrated Report as not meeting the general standards due to the 2010 oil spill. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL, other water quality study or management strategy. Compliance with the limitations in the permit should not further cause or contribute to the waterbody not meeting its standards.

Outfalls 007, 008, 012, 020, 021,025, 024, 026, 027, and 028

Subsegment 020801, Intracoastal Waterway - From Larose to Bayou Villars and Bayou Barataria, is listed in LDEQ's Final 2012 Integrated Report as not supporting one or more of its designated uses; the suspected cause is Turbidity. The suspected source for the receiving stream not meeting the standard is due to sediment resuspension. However, the LDEQ will investigate revising the criteria for Turbidity due to the possibility that natural conditions may be the source of increased turbidity. No information was provided in the application that indicated that an expansion or site clearance activity would be performed at this facility. Therefore, this facility's discharges are not expected to contribute to the receiving stream not meeting the standard. Additionally, compliance with the TSS limitations in the permit should not further cause or contribute to the waterbody not meeting the TSS criteria.

This subsegment is also listed as not meeting the general standards due to the 2010 Oil Spill. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL, other water quality study or management strategy. Compliance with the limitations in the permit should not further cause or contribute to the waterbody not meeting its standards.

C. Biomonitoring Requirements

It has been determined that there may be pollutants present in the effluent which may have the potential to cause toxic conditions in the receiving stream. The State of Louisiana has established a narrative criteria which states, "toxic substances shall not be present in quantities that alone or in combination will be toxic to plant or animal life." The Office of Environmental Services requires the use of the most recent EPA biomonitoring protocols. See Appendix A for Biomonitoring Recommendation.

Whole effluent biomonitoring is the most direct measure of potential toxicity which incorporates both the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity. The biomonitoring procedures stipulated as a condition of this permit for Outfall 015 are as follows:

TOXICITY TESTS	FREQUENCY
Acute static renewal 48-hour definitive toxicity test using *Mysidopsis bahia*	1/quarter
Acute static renewal 48-hour definitive toxicity test	1/quarter

using inland silverside minnow
(Menidia beryllina)

Toxicity tests shall be performed in accordance with protocols described in the latest revision of the "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms." The stipulated test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the State water quality standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge in accordance with regulations promulgated at LAC 33:IX.2715/40 CFR Part 122.48.

Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen, conductivity, and salinity shall be documented in a full report according to the test method publication mentioned in the previous paragraph. The permittee shall submit a copy of the first full report to the Office of Environmental Compliance. However, the full report and subsequent reports are to be retained for three (3) years following the provisions of Part III.C.3 of this permit. The permit requires the submission of certain toxicity testing information as an attachment to the Discharge Monitoring Report. This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream or water body. Modification or revocation of the permit is subject to the provisions of LAC 33:IX.3105/40 CFR 124.5. Accelerated or intensified toxicity testing may be required in accordance with Section 308 of the Clean Water Act.

Dilution Series

The permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations shall be 1.2%, 1.6%, 2.1%, 2.8%, and 3.7%. The low-flow effluent concentration (biomonitoring critical dilution) is defined as 2.8% effluent.

X. Compliance History/DMR Review:

A. Inspections: The most recent compliance evaluation inspection (EDMS DOC ID 8440684) was performed on March 22, 2012. No areas of concern were noted in the report.

B. Enforcement Actions: LDEQ records were reviewed for the period of January 2012 through December 2013. Consolidated Compliance Order & Notice of Potential Penalty WE-CN-09-0160 (EDMS DOC ID 6054692) was issued on October 8, 2009 by the Water Enforcement Division. This enforcement action addressed permit and effluent violations caused or allowed by the facility. On or about May 28, 2013, a penalty

assessment (Penalty Assessment WE-P-13-00312/EDMS DOC ID 8863460) associated with the enforcement action mentioned above was issued to this facility which required a penalty payment of $13,499.00. There were no other open enforcement actions listed for this facility under any other media during this time period.

C. DMR Review:

_ ____ _____ Individual Permit

An ICIS retrieval of the Discharge Monitoring Reports for the period of January 2012 through December 2013 revealed that there were no effluent excursions.

_ ____ _____ General Permit (LAG679021)

A DMR review of the monitoring reports for the period of July 2011 through September 2013 revealed that there were no effluent excursions.

Please be aware that the Department has the authority to reduce monitoring frequencies when a permittee demonstrates two or more consecutive years of permit compliance. Monitoring frequencies established in LPDES permits are based on a number of different factors, including but not limited to, the size of the discharge, the type of wastewater being discharged, the specific operations at the facility, past compliance history, similar facilities and best professional judgment of the reviewer. We encourage and invite each permittee to institute positive measures to ensure continued compliance with the LPDES permit, thereby qualifying for reduced monitoring frequencies upon permit reissuance. As a reminder, the Department will also consider an increase in monitoring frequency upon permit reissuance when the permittee demonstrates continued non-compliance.

XI. "IT" Questions - Applicant's Responses:

The "IT" Questions along with the applicant's responses can be found in the Permit Application (dated March 27, 2013). See Appendix B.

XII. Endangered Species:

The receiving waterbodies, Subsegment 020403, 020801, 020905, and 021102 of the Barataria Basin are not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated April 1, 2013 from Weller (FWS) to Phillips (LDEQ).

EPA has reviewed this strategy and has determined that the reissuance of Permit No. LA0049492 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. No changes have been made to the U.S. Fish and Wildlife list of threatened and endangered species and critical habitat designation in the area of the discharge since prior issuance of the permit.

2. EPA concluded "no effect" during the issuance of the current permit on September 12, 2008, and has received no additional information since then which would lead to revision of that "no effect" determination.

3. EPA determines that Items 1 and 2 above result in no change to the environmental baseline established by the current permit, therefore, EPA concludes that reissuance of this permit will have "no effect" on listed species and designated critical habitat.

Based on this strategy, and in accordance with the Memorandum of Understanding between the LDEQ and the FWS, LDEQ also concludes that no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

XIII. Historic Sites:

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

XIV. Ocean Discharge Criteria Evaluation:

For discharges into waters of the territorial sea, contiguous zone, and the oceans, the Clean Water Act (CWA) section 403 requires USEPA to consider guidelines for determining potential degradation of the marine environment prior to the issuance of NPDES permits. These guidelines (Ocean Discharge Criteria - 40 CFR 125, Subpart M) are intended to "prevent unreasonable degradation of the marine environment and to authorize imposition of effluent limitations, including a prohibition of discharge, if necessary, to ensure this goal" (Preamble - 45 FR 65942, October 3, 1980). USEPA has previously determined that discharges in compliance with the Western Gulf of Mexico Outer Continental Shelf General Permit (GMG290000) will not cause unreasonable degradation of the marine environment (77 FR 61605, October 10, 2012). Based on information provided by email (dated August 29, 2013), the permittee confirmed that there have been no modifications to the existing offshore discharges since the issuance of the current permit. [NOTE: The permittee addressed each factor under 40 CFR 125.124 (Information Required to be Submitted by the Applicant) in a previous application (dated August 2, 2007).] Therefore, since the draft permit establishes limits which will protect water quality and reduce the discharge of toxic pollutants to the marine environment, the USEPA finds that the discharges proposed to be authorized by the draft permit will not cause unreasonable degradation of the marine environment.

Magnuson-Stevens Fisheries Conservation and Management Act. The Magnuson-Stevens Fisheries Conservation and Management Act requires federal agencies proposing to authorize actions that may adversely affect essential fish habitat to consult with National Marine Fisheries Service (NMFS). The entire Gulf of Mexico has been designated as Essential Fish Habitat. USEPA has determined that this permit issuance will not adversely affect essential fish habitat. The Agency will seek concurrence from NMFS before the final permit is issued.

Coastal Zone Management Act. USEPA has determined that the activities which are proposed to be authorized by this permit reissuance are consistent with the local and state Coastal Zone Management Plans. The proposed permit and consistency determination were jointly made by USEPA and the LDEQ.

XV. Tentative Determination:

On the basis of preliminary staff review, the Department of Environmental Quality and the United States Environmental Protection Agency, Region 6 have made a tentative determination to reissue a permit for the discharge described in the application.

XVI. Variances:

No requests for variances have been received by this Office.

XVII. Public Notices:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the fact sheet. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

Appendix A

Appendix B

Appendix C

Appendix D