STATEMENT OF BASIS

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0110663
to discharge to waters of the State of Louisiana.
AI No.: 4090 / Activity No.: PER20080001

THE APPLICANT IS: H&S Construction Company, Inc.
P.O. Box 510
Broussard, LA 70518

THE FACILITY IS: H&S Construction Company, Inc.
222 Beau Pre Road
Lafayette, Lafayette Parish

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Bonnie Wascom

DATE PREPARED: May 20, 2009

1. PERMIT STATUS

A. LPDES permit – LA0110663
LPDES permit effective date: May 1, 2003
LPDES permit expiration date: April 30, 2008

B. LWDPS permit – NA
LWDPS permit effective date: NA
LWDPS permit expiration date: NA

C. Date Application Received: December 4, 2008

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY – Construction Equipment Yard

This is an existing construction equipment yard. Construction equipment is repaired, washed, and stored on site. The exterior equipment wash wastewater is routed through an oil/water separator before it is discharged to Coulee des Poches via an unnamed ditch. All sanitary wastewater is collected and treated by the city sewage plant.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: I
3. Wastewater Type: III
4. SIC codes: 1611

C. LOCATION - 222 Beau Pre Road
Lafayette, Lafayette Parish
Latitude +30° 10' 06", Longitude -91° 59' 42"

3. OUTFALL INFORMATION

RLP 1 Outfall 001 – the treated sanitary wastewater has been routed to the local POTW; therefore, this outfall will be discontinued in this permit reissuance.

RLP 2 Outfall 002

Discharge Type: Exterior Equipment Wash Water
Treatment: oil/water separator
Location: at the point of discharge from the oil/water separator prior to mixing with other waters
Flow: 400 GPD
Discharge Route: by pipe to an unnamed ditch, thence to Coulee des Poches

RLP 3 Outfall 003

Discharge Type: Storm water runoff from the eastern side of the property
Treatment: None
Location: at the point of discharge to the southeast ditch prior to mixing with other waters
Flow: intermittent
Discharge Route: by pipe to an unnamed ditch, thence to Coulee des Poches

RLP 6 Outfall 006

Discharge Type: Storm water runoff from the western side of the property
Treatment: None
Location: at the point of discharge to the northwest ditch prior to mixing with other waters
Flow: intermittent
Discharge Route: by pipe to the Beau Pre Road roadside ditch, thence to Coulee des Poches

Due to compliance problems, this facility will remain permitted under an individual permit instead of receiving coverage under the LPDES General Permit for Discharges of Exterior Vehicle Wash Wastewater LAG750000.

Facilities that are classified under SIC Code 1611 are not required to permit the discharge of stormwater in accordance with LAC 33:IX.2341.B.14; however, due to this facility's history of noncompliance, the storm water outfalls will remain permitted.

4. RECEIVING WATERS

STREAM – Outfall 001, 003, 006 – by pipe to an unnamed ditch, thence to Coulee des Poches

BASIN AND SEGMENT – Lake Pontchartrain Basin – Subsegment 060801

DESIGNATED USES -

a. Primary contact recreation
b. Secondary contact recreation
c. Propagation of fish and wildlife
d. Agriculture

5. EXISTING EFFLUENT LIMITS

Outfall 001 – treated sanitary wastewater

Parameter	Limitation Mo. Avg.: Daily Max.	Monitoring Frequency
Flow	Report : Report (GPD)	Monthly
Fecal Coliform	---: 400 col./100 mL	Monthly
BOD	---: 45 mg/L	Monthly
TSS	---: 45 mg/L	Monthly
pH	6.0 – 9.0 s.u.	Monthly

Outfall 003 – storm water runoff

Parameter	Limitation Mo. Avg.: Daily Max.	Monitoring Frequency
Flow	Report : Report (GPD)	Semi-monthly
Oil & Grease	---: 15 mg/l	Semi-monthly
TOC	---: 50 mg/l	Semi-monthly
pH	6.0 – 9.0 s.u.	Semi-monthly

Outfall 006 – storm water runoff

Parameter	Limitation Mo. Avg.: Daily Max.	Monitoring Frequency
Flow	Report : Report (GPD)	Semi-monthly
Oil & Grease	---: 15 mg/l	Semi-monthly
TOC	---: 50 mg/l	Semi-monthly
pH	6.0 – 9.0 s.u.	Semi-monthly

6. PROPOSED EFFLUENT LIMITS

BASIS – See rationale below.

7. COMPLIANCE HISTORY/COMMENTS

A. Compliance History

A compliance history was reviewed for January 2006 to April 2009. There are no inspections on file as of **May 20, 2009**. Warning Letter WE-L-06-0089 was issued on March 31, 2009 for failure to properly submit DMRs. There is no EPA enforcement history on file as of **May 20, 2009**.

B. DMR Review/Excursions

A DMR Review was conducted for January 2006 to April 2009. The review revealed no DMRs on file.

8. ENDANGERED SPECIES

The receiving waterbodies and proposed discharge 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 November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, 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.

9. 303 (d) LISTED WATERBODIES

Subsegment 060801, Vermilion River - From Headwaters to LA 3073 Bridge, is not listed on LDEQ's Final 2006 303(d) list as impaired. However, subsegment 060801 was previously listed as impaired for phosphorus, nitrogen, organic enrichment/low DO, pathogen indicators, suspended solids/turbidity/siltation, and carbofuran for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and /or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to establish TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

Total Maximum Daily Loads (TMDLs) completed:

Carbofuran
The TMDL for Carbofuran in the Mermentau and Vermilion Teche River Basins was final on March 21, 2002. No allocation was given to point source discharges in the Vermilion Teche River Basin. According to the TMDL, there is only one point source in the Vermilion Teche (FMC Corp. LA0064360) but it no longer discharges Carbofuran. In addition, this facility has no potential to discharge Carbofuran. Therefore, requirements for Carbofuran will not be placed in this permit.

Phosphorus
As per the February 29, 2000 Delist (Federal Register Notice: Vol. 65, Num. 173, pages 54032-54034, 9/6/2000), assessment of new data and information shows this segment is meeting water quality standards for Phosphorus. Therefore, requirements for Total Phosphorus will not be placed in this permit.

Suspended solids/turbidity/siltation
Suspended solids/turbidity/siltation are among the effluent characteristics listed for discharges from this facility; however, as per the EPA's TMDL *Siltation for the 15 Subsegments in the Vermilion River Basin*, point source loads are so small as to be insignificant, and because effective policies are in place to limit TSS discharges, no specific reductions from point sources are required. Standard TSS limitations are included in this permit.

Organic Enrichment/Low DO and Nitrogen
Organic enrichment/low DO and Nitrate + Nitrite (as N) are among the effluent characteristics for discharges from this facility, however as per the EPA's *Vermilion River Dissolved Oxygen and Nitrogen TMDL*, the limits apply to sanitary discharges, and process outfalls of food processors and seafood processors. This facility does not discharge sanitary wastewater or food processing wastewater. Therefore, no limits are established by the TMDLs.

Pathogen Indicators
Pathogen Indicators are among the effluent characteristics for discharges of treated sanitary wastewater, however as per *The Vermilion River Fecal Coliform TMDL*, there will be no change in the permit requirements based upon a wasteload allocation resulting from this TMDL. This facility does not discharge sanitary wastewater, therefore no limitations are included for the fecal coliform parameter.

10. 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.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. 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 statement of basis. 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

Rationale for H&S Construction Company, Inc.

1. **RLP 2 Outfall 002** – Exterior Equipment Wash Water

Parameter	Limitation* Mo. Avg.: Daily Max.	Reference
Flow (GPD)	Report: Report	LAC 33:IX.2361.I.1.b
Oil & Grease	---: 15 mg/L	Similar discharges (BPJ)
COD	---: 300 mg/L	Similar discharges (BPJ)
TSS	---: 45 mg/L	Similar discharges (BPJ)
pH	6.0 - 9.0 s.u.	Similar discharges (BPJ)
Oil & Grease, Visual (Visual Sheen)	---: No Presence	Similar discharges (BPJ)

Treatment: oil/water separator

Monitoring Frequency: Once per week for oil and grease, visual (visual sheen) and once per three months for all other parameters at the point of discharge from the oil/water separator prior to mixing with other waters. Soaps and/or Detergents: document quarterly in an inventory record the quantity and type of any Soap and/or Detergent used.

***Limits Justification:** For all parameters, limits and monitoring frequencies are based on the general permit for exterior vehicle and equipment wash wastewater (LAG750000) effective on March 15, 2009 and similar discharges.

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2. **RLP 3 Outfall 003** – Storm water runoff from the eastern side of the property

Parameter	Limitation* Mo. Avg.: Daily Max.	Reference
Flow (GPD)	Report: Report	LAC 33:IX.2361.I.1.b
Oil & Grease	---: 15 mg/L	Similar discharges (BPJ)
TOC	---: 50 mg/L	Similar discharges (BPJ)
pH	6.0 - 9.0 s.u.	Similar discharges (BPJ)

Treatment: None

Monitoring Frequency: Twice per month for all parameters at the point of discharge to the southeast ditch prior to mixing with other waters.

***Limits Justification:** For all parameters, limits and monitoring frequencies are based on the prior permit and similar discharges.

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3. **RLP 6 Outfall 006** – Storm water runoff from the western side of the property

Parameter	Limitation* Mo. Avg.: Daily Max.	Reference
Flow (GPD)	Report: Report	LAC 33:IX.2361.I.1.b
Oil & Grease	---: 15 mg/L	Similar discharges (BPJ)
TOC	---: 50 mg/L	Similar discharges (BPJ)
pH	6.0 - 9.0 s.u.	Similar discharges (BPJ)

Treatment: None

Monitoring Frequency: Twice per month for all parameters at the point of discharge to the northwest ditch prior to mixing with other waters.

***Limits Justification:** For all parameters, limits and monitoring frequencies are based on the prior permit and similar discharges.

BPJ Best Professional Judgment
GPD Gallons per Day
s.u. Standard Units

NOTE:
For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

Monitoring Frequency

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 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. If the Department can be of any assistance in this area, please do not hesitate to contact us. As a reminder, the Department will also consider an increase in monitoring frequency upon permit reissuance when the permittee demonstrates continued non-compliance.