STATEMENT OF BASIS

as required by LAC 33:IX.3109 for LPDES facilities where a fact sheet is not required under LAC 33:IX.3311, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0123595; AI 133512; PER20080001** to discharge to waters of the **State of Louisiana** as per LAC 33:IX.2311.

The **permitting authority** for the Louisiana Pollutant Discharge Elimination System (LPDES) is:

Louisiana Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

I. **THE APPLICANT IS:** J.A.T.K.Y., A Limited Partnership
J.A.T.K.Y. C&D Landfill
102 East Highway 90
Iowa, LA 70647

II. **PREPARED BY:** Eura DeHart

DATE PREPARED: February 22, 2008

III. **PERMIT ACTION:** Issue LPDES permit LA0123595, AI 133512; PER20080001

LPDES application received: September 25, 2007

No previous permits.

IV. **FACILITY INFORMATION:**

A. The application is for the discharge of contact stormwater and treated sanitary wastewater from the J.A.T.K.Y. C&D Landfill. J.A.T.K.Y., A Limited Partnership will operate a Type III Landfill which will accept construction/demolition debris and wood wastes. The wastewater discharge is accumulated stormwater that collects in the active landfill excavation area and treated sanitary wastewater.

B. The permit application does not indicate the receipt of industrial wastewater.

C. The facility is located approximately 1600 feet east of the intersection of Highway 397 and Tower Road in Lake Charles, Calcasieu Parish.

D. The applicant does not anticipate the need for treatment of stormwater at the facility. Sanitary wastewater will be treated by an extended aeration sewage treatment plant.

E. Outfall 001

Discharge Location:	Latitude 30° 10' 47" North Longitude 93° 07' 24" West
Description:	contact stormwater
Flow:	intermittent (varies with rainfall)

F. Outfall 002

Discharge Location: Latitude 30° 10' 37" North
Longitude 93° 07' 25" West

Description: treated sanitary wastewater

Flow: Less than 2,500 GPD

Treatment: extended aeration sewage treatment plant

V. RECEIVING WATERS:

The discharge is by ditch, into a parish drainage ditch, thence into Black Bayou, thence into the Intracoastal Waterway in subsegment 030702 of the Calcasieu River Basin.

Subsegment 030702, English Bayou – Headwaters to Calcasieu River, is not listed on LDEQ's Final 2004 303(d) list as impaired. However, subsegment 030702 was previously listed as impaired for suspended solids/turbidity, 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 established 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.

The following TMDL has been established for subsegment 030702:

TMDL for Suspended Solids and Turbidity for English Bayou (Subsegment 030702) in the Calcasieu River Basin
Per the TMDL, point sources do not represent a source of TSS as defined in this TMDL. Wastewater treatment facilities discharge primarily organic TSS, which does not contribute to extensive habitat impairment resulting from sedimentation. The organic TSS is a non-conservative constituent that would only be detected as a component in proximity to the discharge point. Municipal permits contain a TSS limitation and a specific narrative requirement to prevent organic solids accumulation. Because an enforceable mechanism is in place to protect from discharges of organic suspended solids no TMDL is required for these materials.

The designated uses and degree of support for Segment 030702 of the Calcasieu River Basin are as indicated in the table below[1/]:

Overall Degree of Support for Segment 030702	**Degree of Support of Each Use**						
Partial	Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
	Full	Full	Not Supported	N/A	N/A	N/A	Full

[1/]The designated uses and degree of support for Segment 030702 of the Calcasieu River Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2004 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

VI. ENDANGERED SPECIES:

The receiving waterbody, Subsegment 030702 of the Calcasieu River Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish & Wildlife Service (FWS). This strategy was submitted with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered species or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

VII. HISTORIC SITES:

The discharge is from an existing facility location, which does not include an expansion beyond the existing perimeter. Therefore, there should be no potential effect to sites or properties on or eligible to 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.

VIII. PUBLIC NOTICE:

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 modification 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

For additional information, contact:

Mr. Eura DeHart
Permits Division
Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

IX. PROPOSED PERMIT LIMITS:

Final Effluent Limits:

J.A.T.K.Y, A Limited Partnership will operate a Type III Landfill. The type of waste that will be accepted by the facility is limited to construction/demolition debris and wood waste. These wastes will be collected, transported to the site, and inspected prior to disposal.

The area in which active landfill activities will occur at any given time is about 2.0 acres. The maximum area drained to the outfall is estimated to be about 4.0 acres. The entire disposal site is approximately 23 acres, and the landfill area is approximately 18 acres.

The site was operated previously as a dirt pit and an emergency hurricane debris disposal site. This is an initial permit for the facility.

Outfall 001:

The limitations for the permit are based on effluent parameters found at 40 CFR. Part 445, Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category and the LPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activities, Sector L (LAR050000).

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

Effluent Characteristic	Monthly Avg.	Daily Max.	Basis
BOD_5	37 mg/l	140 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category
TSS	27 mg/l	88 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category
TOC	---	50 mg/l	BPJ based on the Multi-Sector General Permit, Sector L. (May 2006)
Oil and Grease	---	15 mg/l	BPJ based on the Multi-Sector General Permit, Sector L. (May 2006)
Total Recoverable Iron	---	1.0 mg/l	BPJ based on the Multi-Sector General Permit, Sector L. (May 2006)
Ammonia – Nitrogen	4.9 mg/l	10 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category
a-Terpineol	0.016 mg/l	0.033 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category

Effluent Characteristic	Monthly Avg.	Daily Max.	Basis
Benzoic Acid	0.071 mg/l	0.12 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category
p-Cresol	0.014 mg/l	0.025 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category
Phenol	0.015 mg/l	0.026 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category
Zinc	0.11 mg/l	0.2 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category

*Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which expresses BOD_5 and TSS in terms of concentration.

Other Effluent Limitations:

1) **pH**

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time in accordance with LAC 33:IX.5905.C.

2) **Solids and Foam**

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

Outfall 002:

The limitations for Outfall 002 are based on effluent parameters found in LPDES Class I Sanitary Discharge General Permit (LAG530000), December 2007.

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

Effluent Characteristic	Monthly Avg.	Daily Max.	Basis
BOD_5	30 mg/l	45 mg/l	LPDES Class I Sanitary Discharge General Permit (December 2007)
TSS	30 mg/l	45 mg/l	LPDES Class I Sanitary Discharge General Permit (December 2007)

*Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which expresses BOD_5 and TSS in terms of concentration.

Other Effluent Limitations:

1) Fecal Coliform

The discharge from this facility is into a waterbody which has a designated use of Primary Contact Recreation. According to LAC 33:IX.1113.C.5.a., the fecal coliform standards for this waterbody are 200/100ml and 400/ml. Therefore, the limits of 200/100 ml (Monthly Average) and 400/100 ml (Weekly Average) are proposed as Fecal Coliform limits in the permit. These limits are being proposed through Best Professional Judgement in order to ensure that the waterbody standards are not exceeded, and due to the fact that existing facilities have demonstrated an ability to comply with theses limitations using present available technology.

2) pH

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time in accordance with LAC 33:IX.5905.C.

3) Solids and Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

X. PREVIOUS PERMITS:

No previous permits issued.

XI. ENFORCEMENT AND SURVEILLANCE ACTIONS:

A) Inspections

A review of the files indicates there have been no inspections.

B) Compliance and/or Administrative Orders

A review of the files indicates there have been no enforcement actions administered against J.A.T.K.Y., A Limited Partnership.

C) DMR Review

A review of the files indicates no discharge monitoring reports have been submitted.

XII. ADDITIONAL INFORMATION:

The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDL's. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as requested by the permittee and/or as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

The requirements of Part II, Section B apply to stormwater discharges associated with industrial activity as defined in LAC 33:IX.2511.B.14.i and Sector L of the LPDES Multi-Sector Stormwater Permit LAR5000. These apply to point source stormwater discharges associated landfills. Therefore, J.A.T.K.Y. C&D Landfill will be required to develop a Stormwater Pollution Prevention Plan to be effective six months from the effective date of the permit.

XIII. 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 this Statement of Basis.

XIV. REFERENCES:

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 8, "Wasteload Allocations / Total Maximum Daily Loads and Effluent Limitations Policy," Louisiana Department of Environmental Quality, 2005.

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 5, "Water Quality Inventory Section 305(b) Report," Louisiana Department of Environmental Quality, 1998.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, J.A.T.K.Y., A Limited Partnership, J.A.T.K.Y. C&D Landfill, September 27, 2007.