STATEMENT OF BASIS (AI No. 42343)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0101885 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Luhr Bros., Inc.
Construction Aggregate Supply
P.O. Box 50
Columbia, IL 62236

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

PREPARED BY: Yvonne Baker

DATE PREPARED: August 19, 2008

1. PERMIT STATUS

A. Reason For Permit Action:

Permit reissuance of an Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. NPDES permit – NPDES permit effective date: N/A
NPDES permit expiration date: N/A
EPA has not retained enforcement authority.

C. LPDES permits – LA0101885
LPDES permit effective date: December 1, 2003
LPDES permit expiration date: November 30, 2008

D. Date Application Received: May 13, 2008

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY - aggregate machine barge operations

The facility operates four aggregate yards in addition to the statewide aggregate unloading and barge washing operations. Aggregate machine barges go to sites statewide to deliver aggregate. Aggregate is removed from barges for stock pile for sale or placed in revetments and dikes. Barges are cleaned using best management processes (e.g. sweeping). Barges are washed when best management practices are not adequate to clean the barges. River water is used to rinse barges. The facility discharge aggregate barge/ vessel washwater and ballast water to any navigable waterbody within the geographic boundaries of the State of Louisiana as defined in LAC33:IX.1123.

B. FEE RATE
1. Fee Rating Facility Type: minor
2. Complexity Type: II*; BPJ; LAC 33:IX.1315.A.4; points BPJ'd due to statewide discharges.
3. Wastewater Type: II
4. SIC codes: 4491, 1629, and 5032

* In Appendix A - Section IV (Relation of 1987 to 1977 Industries) of the Standard Industrial Classification Manual, the SIC code 4491 is equivalent to a previous SIC code of 4463. As per LAC33:IX.1319 Table I, SIC code 4463 is assigned Complexity Type II.

C. LOCATION - Four aggregate yards:

5311 Lower Third in Alexandria, Rapides Parish
1757 River Road in Baton Rouge, East Baton Rouge Parish
644 East Broussard Road in Lafayette, Lafayette Parish
5900 River Road in Harahan, Jefferson Parish

Aggregate machine barge operations:
Various sites statewide

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: aggregate barge / vessel washwater
Treatment: none
Location: at the point of discharge from the barge / vessel being washed
Flow: intermittent
Discharge Route: any navigable waterbody within the geographic boundaries of the State of Louisiana as defined in LAC33:IX.1123

Outfall 02A

Discharge Type: incoming ballast and void water from barges
Treatment: none
Location: at the point of discharge from the incoming barge wing/void tanks
Flow: intermittent
Discharge Route: any navigable waterbody within the geographic boundaries of the State of Louisiana as defined in LAC33:IX.1123

Outfall 02B

Discharge Type: maintenance ballast water and void water
Treatment: none
Location: at the point of discharge from the work barge wing/void tanks
Flow: intermittent
Discharge Route: any navigable waterbody within the geographic boundaries of the State of Louisiana as defined in LAC33:IX.1123

4. RECEIVING WATERS

STREAM - Any navigable waterbody within the geographic boundaries of the State of Louisiana as defined in LAC33:IX.1123.

BASIN AND SEGMENT - Any basin and subsegment within the geographic boundaries of the State of Louisiana as defined in LAC33:IX.1123.

DESIGNATED USES - Possible designated uses of receiving streams:

a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife
d. drinking water supply
e. oyster propagation
f. agriculture
g. outstanding natural resources
h. limited aquatic life and wildlife use

5. TMDL STATUS

These discharges are made into any waterbody within the geographic boundaries of the State of Louisiana as defined in LAC33:IX.1123.

Ballast water and aggregate barge / vessel washwater are of relatively small volumes and would not be suspected to contribute to any of the listed impairments. Compliance with the limitations as well as Best Management Practices established in this permit should not result in the discharge of pollutant concentrations which would cause or contribute to further impairment of water quality standards.

Please be aware that the Department is conducting TMDL Studies in waterbodies throughout the State. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions as a result of a TMDL. Completion of all TMDLs is scheduled for 2012. Prior to discharging, the permittee shall verify no TMDLs have been completed for the receiving waterbodies by reviewing final reports on the Total Maximum Daily Load Program webpage at LDEQ's website, www.deq.louisiana.gov and on the EPA Region 6 TMDL website at http://www.epa.gov/region6/water/npdes/tmdl/index.htm. Prior to discharging pollutants to a TMDL waterbody, the permittee shall contact the Department to determine if the discharge is allowable.

6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

Changes from previous permit:

1. Outfalls 002A and 002 B were renumbered to Outfall 02A and 02B.
2. SIC codes 1629 and 4491 were added.
3. Complexity was changed to II based on 4491 SIC code, similar discharges, and statewide discharges.
4. Paragraph T was added to Part II, Other Requirements.

7. COMPLIANCE HISTORY/COMMENTS

1. OEC – There are no open, appealed, or pending OEC enforcement actions as of August 6, 2008.

2. DMR Review/Excursions – A DMR review of years 2006, 2007, and 2008 noted no exceedances in permitted limits. All DMRs were marked "No Discharge."

8. EXISTING EFFLUENT LIMITS

Outfall 001: barge washdown water

Based on BPJ and on permits for similar facilities, no effluent limitations are established for washwaters from barges previously containing aggregate. Best Management Practices (BMPs) for barge operations are listed in Part II.

Outfall 002A: incoming ballast water from barges
Outfall 002B: maintenance ballast from work barges

Pollutant	Monthly Average	Daily Maximum	Frequency
Flow	Report	Report	1/week
COD	---	250 mg/L	1/week
Oil & Grease	---	15 mg/L	1/week
pH Min/Max Values	6.0 (min)	9.0 (max)	1/week

Sampling for Outfall 002B is only required if a visible oil sheen is present.

The measurement frequency for Outfall 002B for the discharge of maintenance ballast water shall be 1/month whenever sampling is required instead of 1/week as stated above.

9. ENDANGERED SPECIES

The receiving waterbodies, various subsegments, have the potential to have been identified by the U. S. Fish and Wildlife Service (FWS) as habitat for certain species, which are listed as endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. Effluent limitations and Best Management Practices are established in the permit to ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

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 Luhr Bros., Inc.

1. **Outfall 001:** aggregate barge / vessel washwater

Based on BPJ and on permits for similar facilities, no effluent limitations are established for washwaters from barges previously containing aggregate. Best Management Practices (BMPs) for barge operations are listed in Part II.

2. **Outfall 02A:** incoming ballast and void water from barges
Outfall 02B: maintenance ballast and void water

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow	Report	Report	
COD	---	250	Similar discharges (BPJ)
Oil & Grease	---	15	Similar discharges (BPJ)
pH, s.u.	6.0 (min)	9.0 (max)	Similar discharges (BPJ)

BPJ Best Professional Judgment
Treatment: none

Monitoring Frequency: Flow, COD, Oil & Grease and pH shall be observed once per week at the point of discharge from the incoming barge wing/void tanks.

*The measurement frequency for Outfall 02B for the discharge of maintenance ballast and void water shall be 1/month whenever sampling is required at the point of discharge from the work barge wing/void tanks.

Limits Justification: Limits and Monitoring Frequency are based on current guidance for similar discharges from other industrial facilities.

This facility is not subject to Effluent Limitations Guidelines for Transportation Equipment Cleaning, 40 CFR Part 442, because, in accordance with 40 CFR 442.1.a, "this part applies to discharges resulting from cleaning the interior of tanks used to transport chemical, petroleum or food grade cargos." This facility cleans barges and vessels containing dry commodities only. This facility does not clean barges and vessels containing chemical, petroleum or food grade cargos as defined in 40 CFR 442.

Storm Water Pollution Prevention Plan (SWP3) Requirement

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 1629, 4491, and 5032 are considered to have storm water discharges associated with industrial activity. Additionally, barge BMPs are comparable to the SWP3 requirements; therefore, the barge BMPs will be applied as well.

The SWP3 shall be updated, implemented, and maintained within six(6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility (see Part II of the permit).