STATEMENT OF BASIS

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0107107
to discharge to waters of the State of Louisiana.
AI #6016/Activity #PER20050001

THE APPLICANT IS: New Orleans Tours, Inc.
344 Camp Street
New Orleans, LA 70130

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

PREPARED BY: Darlene Bernard

DATE PREPARED: June 8, 2006

1. PERMIT STATUS

A. Reason for Permit Action:

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term. Based upon previous Facility Inspections, the facility has problems with oil stains and housekeeping. Since the permitted discharge is predominately contaminated stormwater with minimal vehicle wash wastewater, it was determined that issuance of an individual permit with regular monitoring requirements for stormwater would be better than having the facility covered under a general permit where the monitoring requirements are not required as often.

B. LPDES permit - LPDES permit effective date: October 1, 1999
LPDES permit expiration date: September 30, 2004

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

C. Date Application Received: February 21, 2005

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY – Transportation Maintenance Facility

Existing vehicle maintenance and storage facility with vehicle wash.

B. FEE RATE
1. Fee Rating Facility Type: Minor
2. Complexity Type: I
3. Wastewater Type: II
4. SIC code: 4111 and 4141

C. LOCATION - 4220 Howard Avenue, New Orleans, Orleans Parish
Latitude 29°57'35" , Longitude 90°05'54"

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: Stormwater and vehicle/equipment wash wastewater
Treatment: Oil-water separator
Location: at the point of discharge from the oil-water separator at the Southeast side of facility prior to combining with other waters.
Flow: 1000 GPD
Discharge Route: municipal drainage system, thence to Lake Pontchartrain

Outfall 002

Discharge Type: Stormwater and vehicle/equipment wash wastewater
Treatment: Oil-water separator
Location: at the point of discharge from the oil-water separator at the Southwest side of facility prior to combining with other waters.
Flow: 1000 GPD
Discharge Route: municipal drainage system, thence to Lake Pontchartrain

4. RECEIVING WATERS

STREAM – Lake Pontchartrain via municipal drainage system

BASIN AND SEGMENT – Lake Pontchartrain Basin – Subsegment 041302

DESIGNATED USES -
a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife

5. EXISTING EFFLUENT LIMITS

Pollutant	Limitation Mo. Avg.	Daily Max	Monitoring Requirements
Flow	Report	Report	1/3 months
TOC		50 mg/l	1/3 months
Oil & Grease		15 mg/l	1/3 months
pH	6.0 (Min)	9.0 (Max)	1/3 months

6. PROPOSED EFFLUENT LIMITS

BASIS – See rationale below.

6. COMPLIANCE HISTORY/COMMENTS

A. Compliance History

10-10-00 – Facility inspection as a result of a complaint. Inspection revealed no DMR's being submitted as required by permit, and SWP3 not prepared as required by permit. Operation and Maintenance unsatisfactory – Heavy Oil contamination by oil-water

separator, drain valve on secondary containment wall open and discharging water sheen on water inside containment. Need to have better housekeeping.

10-11-00 – Recommendation for Enforcement action based upon 10-10-00

09-28-01 – Routine inspection – Unpermitted discharges (washwater discharges). Facility has problems with oil stains. No DMR's to review. No SWP3 as required by permit. No spill prevention plan.

12-31-01 – Warning letter in reference to 09-28-01 inspection.

01-12-05 – Routine Facility Inspection - Pools of hydraulic oil, motor oil, and anti-freeze were observed in the maintenance facility parking lot. Oil covered diesel engines were observed being stored uncovered and exposed to the elements. DMR's not submitted in a timely manner.

10-01-05 – Inspection after Hurricane Katrina – No flooding observed and presumed to have no electricity, not in operation.

01-31-06 – Warning letter in reference to 01-12-05 inspection.

04-06-06 – Warning letter in reference to 01-12-05 inspection.

B. DMR Review/Excursions

There were 8 DMR's found for Outfall 001 and 10 DMR's found for Outfall 002 from October, 2000 to June, 2005. There were no excursions noted on any of the DMR's

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 (FWS). This strategy was submitted with a letter dated October 21, 2005 from Watson (FWS) to Gautreaux (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. It was 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. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

9. 303 (d) LISTED WATERBODIES

Subsegment 041302, Lake Pontchartrain Drainage Canals, Jefferson and Orleans Parishes, is listed on LDEQ's 2004 303(d) List as impaired for Total Fecal Coliform. To date no TMDLs have been completed for this waterbody. 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. Until completion of TMDLs for the Lake Pontchartrian Basin, those suspected causes for impairment which are not directly attributed to the vehicle washing point source category have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated.

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

NOTE: The wastewater discharge from the previous permit was for stormwater. The discharge for the proposed reissuance consist of exterior vehicle wash wastewater and stormwater runoff.

Rationale for New Orleans Tours, Inc.

1. **Outfall 001** – Stormwater and vehicle wash wastewater
(estimated flow is 1000 GPD)

Pollutant	Limitation Mo. Avg. : Daily Max (Mg/l)	Reference
Flow (GPD)	Report Report	
COD	------: 125	Similar discharges * (BPJ)
Oil & Grease	------: 15	Similar discharges * (BPJ)
TSS	------: 45	Similar discharges * (BPJ)
pH	6.0 - 9.0 su	Similar discharges * (BPJ)
Soaps and/or Detergents	Report	Similar discharges * (BPJ)
Visible Sheen	No Presence	Similar discharges * (BPJ)

Treatment: Oil/Water separator

Monitoring Frequency: Flow, COD, Oil & Grease, TSS, pH, and Soaps and/or Detergents – 1/3 months. Visible Sheen shall be reported daily. The sample will be at the point of discharge from the Oil-Water separator at the Southeast portion of facility prior to mixing with other waters.

***Limits Justification:** BPJ based on previous LPDES permit, and existing permits for similar outfalls.

Outfall 002 – Stormwater and vehicle wash wastewater
(estimated flow is 1000 GPD)

Pollutant	Limitation Mo. Avg.	: Daily Max (Mg/l)	Reference
Flow (GPD)	Report	Report	
COD	------:	125	Similar discharges * (BPJ)
Oil & Grease	------:	15	Similar discharges * (BPJ)
TSS	------:	45	Similar discharges * (BPJ)
pH	6.0 - 9.0 su		Similar discharges * (BPJ)
Soaps and/or Detergents	Report		Similar discharges * (BPJ)
Visible Sheen		No Presence	Similar discharges * (BPJ)

Treatment: Oil/Water separator

Monitoring Frequency: Flow, COD, Oil & Grease, TSS, pH, and Soaps and/or Detergents – 1/3 months. Visible Sheen shall be reported daily. The sample will be at the point of discharge from the Oil-Water separator at the Southwest portion of facility prior to mixing with other waters.

***Limits Justification:** BPJ based on previous LPDES permit, and existing permits for similar outfalls.

BPJ Best Professional Judgment
GPD Gallons per Day
su 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.