STATEMENT OF BASIS (AI No. 23782)

for draft Louisiana Pollutant Discharge Elimination System permit No. **LA0064131** to discharge to waters of the State of Louisiana.

THE APPLICANT IS: ConocoPhillips Company
Lake Charles Coke Handling Terminal
3351 Bayou D'Inde Road
Westlake, LA 70669

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

PREPARED BY: Lisa Kemp

DATE PREPARED: April 24, 2008; updated June 6, 2008

1. PERMIT STATUS

A. Reason For Permit Action:

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

B. LPDES permit - LA0064131
LPDES permit effective date: September 1, 2003
LPDES permit expiration date: August 31, 2008
EPA has not retained enforcement authority.

C. LPDES permit – LAG679013 (ConocoPhillips Company statewide hydrostatic test permit)
LPDES permit effective date: 05/01/2003
LPDES permit expiration date: 04/30/2008

D. Date Application Received: February 27, 2008; additional information received via emails on April 16, 2008 and May 30, 2008.

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY - wholesale petroleum coke and petroleum coke by-product storage and distribution facility

This is an existing storage and distribution facility for petroleum coke that is brought in by contract trucks and stored at the terminal. The coke is loaded onto barges and ships by port conveyors which carry the coke to the port's dock and shiploader.

B. FEE RATE
1. Fee Rating Facility Type: minor
2. Complexity Type: II as per LAC33:IX.1319 Table I and SIC 4463*.
3. Wastewater Type: II
4. SIC code: 4491

* 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

C. LOCATION - at 3351 Bayou D'Inde Road, Westlake, Calcasieu Parish
Latitude 30° 11' 53", Longitude 93° 18' 12"

3. OUTFALL INFORMATION

Outfall 001

Discharge Type:	stormwater runoff, truck and equipment spraying wastewater, and coke pile/surge pad dust suppression water
Treatment:	settling basin
Location:	at the point of discharge from the catch basin on the southwest corner of the property
Flow:	intermittent
Discharge Route:	by pipe to the Calcasieu River and Ship Channel

Sanitary wastewater is connected to a publically owned treatment works (Sulphur POTW).

4. RECEIVING WATERS

STREAM - Calcasieu River and Ship Channel

BASIN AND SEGMENT - Calcasieu River Basin, Segment 030301

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

5. TMDL STATUS

Subsegment 030301, Calcasieu River and Ship Channel - From saltwater barrier to Moss Lake; includes Ship Channel, Coon Island Loop and Clooney Island Loop (Estuarine) - is not listed on LDEQ's Final 2006 303(d) list as impaired. However, subsegment 030301 was previously listed as impaired for PCB's and PAH's, for which the below TMDL has 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 TMDLs 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 TMDLs 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 TMDLs have been established for subsegment 030301:

Total Maximum Daily Load for Toxics for the Calcasieu Estuary was finalized on June 13, 2002. The TMDL applies to major and significant minor discharges and provides site-specific loading limits for copper, mercury, and two priority organics (two polycyclic aromatic hydrocarbon indicator compounds - Benzo(a)Anthracene and Pyrene). The TMDLs did not assign any wasteload allocations to the ConocoPhillips Company Lake Charles Coke Handling Terminal. Therefore, no permit limits are included in the draft permit for copper, mercury, or priority organics. However, priority metals (including copper and mercury) will continue to be monitored

in accordance with the previous LPDES permit. This Office will evaluate any changes to the *Total Maximum Daily Load for Toxics for the Calcasieu Estuary* upon subsequent permit reissuance. At this time, the requirement to monitor priority metals will be re-examined.

6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale, Page 5

Changes from the previous permit:

1. Monitoring concluded in 2002 for the dioxin/furan cogener study. Modifications to the water quality standards were not promulgated as a result of this study. Therefore, the Dioxin/Furan Reopener Provisions have been removed from the permit.

7. COMPLIANCE HISTORY/COMMENTS

A. OEC – There are no open, appealed, or pending OEC enforcement actions as of April 24, 2008.

B. DMR Review/Excursions – DMR reports on file were reviewed for the period January, 2006 through December, 2007. The following excursion was noted:

Date	Parameter	Outfall	Reported Value	Permit Limits
06/19/08*	TSS	001	55 mg/L	50 mg/L

*emergency overflow

C. Inspection – A compliance inspection performed on July 14, 2004 showed no areas of concern.

8. EXISTING EFFLUENT LIMITS

Outfall 001 – stormwater runoff and wastewater, including truck spraying, equipment spraying, and coke pile/surge pad dust suppression

Effluent Parameter	Daily Average	Daily Maximum	Measurement Frequency
Flow - GPD	Report	Report	1/ 2 weeks
TSS	----	50 mg/L	1/ 2 weeks
TOC	----	50 mg/L	1/ 2 weeks
Oil and Grease	----	15 mg/L	1/ 2 weeks
Priority Metals	----	Report mg/L	2/year *
pH Minimum/Maximum (Standard Units)	6.0 Min.	9.0 Max.	1/ 2 weeks

* One sample per year to represent a discharge from a rainfall runoff event and one sample per year to represent a discharge not associated with a rainfall event. Results for the two types of discharges shall be reported separately.

9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 030301 of the Calcasieu River Basin is 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 October 24, 2007 from Boggs (FWS) to Brown (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.

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 ConocoPhillips Company

1. **Outfall 001** - stormwater runoff, truck and equipment spraying wastewater, and coke pile/surge pad dust suppression water (intermittent flow).

Pollutant	Limitation Mo. Avg:Daily Max (mg/l)	Reference
Flow (MGD)	Report:Report	LAC 33:IX.2707.I.1.b; previous permit
TSS	---:50	CFR 423.12 (b)(9); previous permit
TOC	---:50	LDEQ stormwater guidance*; previous permit
Oil & Grease	---:15	LDEQ stormwater guidance*; previous permit
Priority metals	---:Report	BPJ; previous permit
pH	6.0 – 9.0 su	LDEQ stormwater guidance*; previous permit

Treatment: settling pond

Monitoring Frequency: 1/2 weeks for Flow, TSS, TOC, Oil & Grease, and pH. 2/year for priority metals (one sample to be obtained during a storm event and one sample to be obtained during discharge not associated with a rain event). Monitoring frequency has been retained from the previous permit.

Limits Justification: Flow reporting is based on LAC 33:IX.2707.I.1.b and the previous permit; TOC, Oil & Grease, and pH effluent limits are based on LDEQ stormwater guidance* and the previous permit; TSS effluent limits are based on CFR 423.12 (b) (9) and the previous permit; and priority metals reporting is based on BPJ and the previous permit..

* LDEQ's guidance on stormwater, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6)

BPJ Best Professional Judgement
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.

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.h, facilities classified as SIC code 4491 are not considered to have storm water discharges associated with industrial activity unless they have "vehicle maintenance shops, equipment cleaning operations, or airport deicing operations." This facility does spray off trucks and equipment. In addition, there is potential for stormwater contamination from coke pile/surge pad dust suppression and loading/unloading activities.

The SWP3 shall be prepared, 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, Paragraph K of the permit).