



**State of Louisiana**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**ENVIRONMENTAL SERVICES**

**DEC 12 2017**

Mr. Marshall Olson  
Perennial Environmental Services, LLC  
13100 Northwest Freeway, Suite 150  
Houston, Texas 77040

AI No.: 203160  
Activity No.: CER20160001

RE: Bayou Bridge Pipeline, LLC - Bayou Bridge Pipeline Project  
Water Quality Certification WQC 160921-03  
Corps of Engineers Permit MVN-2015-02295  
Coastal Use Permit P20160166  
Calcasieu, Jefferson Davis, Acadia, Vermilion, Lafayette, Iberia, St. Martin, Iberville,  
Ascension, Assumption and St. James Parishes

Dear Mr. Olson:

The Louisiana Department of Environmental Quality, Water Permits Division (LDEQ), has reviewed the Water Quality Certification application to clear, grade, excavate and place fill, and directionally drill to install 162.52 miles of new 24-inch diameter crude oil pipeline that will commence south of Lake Charles in Calcasieu Parish and transverse through Jefferson Davis, Acadia, Vermilion, Lafayette, Iberia, St. Martin, Iberville, Ascension, and Assumption Parishes, then terminating near St. James in St. James Parish. The proposed pipeline includes a 1.12-mile lateral, a pump station near milepost (MP) 42.80 in Jefferson Davis Parish and a pump station at MP 99.40 in St. Martin Parish.

The information provided in the application and the additional information received has been reviewed in terms of compliance with State Water Quality Standards, the approved Water Quality Management Plan and applicable state water laws, rules and regulations. LDEQ determined that the requirements for a Water Quality Certification have been met. LDEQ concludes that the Bayou Bridge Pipeline Project, as proposed, is not expected to cause or contribute to violation of the water quality standards as provided for in LAC 33:IX.Chapter 11. Therefore, LDEQ hereby issues Bayou Bridge Pipeline, LLC – Bayou Bridge Pipeline Project Water Quality Certification, WQC 160921-03. The Rationale for Decision and comment response summary are attached which address significant comments received regarding the water quality certification.

Bayou Bridge Pipeline, LLC - Bayou Bridge Pipeline Project  
AI 203160  
WQC 160921-03  
MVN-2015-02295  
P20160166  
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Should you have any questions concerning any part of this certification, please contact Elizabeth Hill at (225) 219-3225, or by email at [elizabeth.hill@la.gov](mailto:elizabeth.hill@la.gov). To ensure all correspondence regarding this certification is properly filed into the Department's Electronic Document Management System (EDMS), you must reference Agency Interest (AI) number 203160 and Water Quality Certification 160921-03 on all future correspondence pertaining to this project.

Sincerely,

A black rectangular redaction box covering the signature of Elliott B. Vega.

Elliott B. Vega  
Assistant Secretary

c: IO-W  
Corps of Engineers – New Orleans District  
Coastal Management Division

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**RATIONALE FOR DECISION**

**BAYOU BRIDGE PIPELINE, LLC  
BAYOU BRIDGE PIPELINE  
AGENCY INTEREST (AI) 203160**

**WATER QUALITY CERTIFICATION 160921-03  
CORPS OF ENGINEERS PERMIT MVN-2015-02295-WII  
COASTAL MANAGEMENT DIVISION PERMIT P20160166**

**CALCASIEU, JEFFERSON DAVIS, ACADIA, VERMILION, LAFAYETTE, IBERIA, ST.  
MARTIN, IBERVILLE, ASCENSION, ASSUMPTION, AND ST. JAMES PARISHES**

The Louisiana Department of Environmental Quality, Office of Environmental Services (LDEQ), through this decision, issues a water quality certification to Bayou Bridge Pipeline, LLC (BBP). BBP proposes to clear, directional drill, and place fill material to construct 162.52-miles of new 24-inch diameter crude oil pipeline that will commence south of Lake Charles in Calcasieu Parish and transverse through Jefferson Davis, Acadia, Vermilion, Lafayette, Iberia, St. Martin, Iberville, Ascension, and Assumption parishes terminating near St. James in St. James Parish. The proposed pipeline includes a 1.12-mile lateral, a pump station near milepost (MP) 42.80 in Jefferson Davis Parish, and a pump station at MP 99.40 in St. Martin Parish.

In accordance with the Clean Water Act, 33 U.S.C. §1341 *et. seq.*, any applicant for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into “navigable waters,”<sup>1</sup> shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate. To conduct an activity that may lead to a discharge into “navigable waters,” an applicant must receive authorization via a permit issued by the U.S. Army Corps of Engineers as per the Clean Water Act, 33 U.S.C. §1344 *et. seq.* The activity proposed by BBP will result in a discharge into “navigable waters,” specifically wetlands. Therefore, BBP is required to obtain a federal permit from the U.S. Army Corps of Engineers and a water quality certification from LDEQ.

LDEQ's issuance of a water quality certification is a determination that the project as proposed to the U.S. Army Corps of Engineers, New Orleans District (Corps) will not violate Louisiana's Water Quality Standards and is in accordance with Louisiana's Water Quality Management Plan and all applicable state water laws, rules, and regulations. Official records referenced in this document are located in the LDEQ's Electronic Document Management System (EDMS).<sup>2</sup>

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<sup>1</sup> “navigable waters” is defined in 33 U.S.C. § 1362.

<sup>2</sup> EDMS is the LDEQ's electronic repository of official records. Documents can be searched for and retrieved from EDMS via LDEQ's website at <http://edms.deq.louisiana.gov/app/doc/querydef.aspx>.



## FINDINGS OF FACT

### I. BACKGROUND

#### A. Description of the Project Site

The proposed project is located in Calcasieu, Jefferson Davis, Acadia, Vermilion, Lafayette, Iberia, St. Martin, Iberville, Ascension, Assumption, and St. James parishes. BBP proposes to construct approximately 162.52 miles of new 24-inch diameter crude oil pipeline that will commence south of Lake Charles in Calcasieu Parish and will terminate near St. James in St. James Parish. The 162.52 miles of pipe will consist of a 161.40-mile mainline and a 1.12-mile lateral. The lateral will commence at the terminus of the mainline and will terminate approximately 1.12 miles north.<sup>3</sup> The proposed project also involves the construction of two pump stations and other ancillary facilities along the proposed pipeline. The pump stations will be located near milepost (MP) 42.80 and MP 99.40 in Jefferson Davis and St. Martin parishes, respectively.<sup>4</sup>

Of the 162.42 miles of newly proposed pipeline, approximately 16.50 miles of the mainline and the entirety of 1.12-mile lateral are located within the Louisiana Coastal Zone (CZ). The proposed project will traverse approximately 0.02 mile of Ascension Parish within the CZ, approximately 9.19 miles of Assumption Parish within the CZ, and approximately 8.41 miles of St. James Parish within the CZ.

A majority of the proposed project will be constructed across open land primarily consisting of actively cultivated agriculture and pastureland. Additional land uses along the project route consist of developed areas, (*i.e.*, industrial and residential areas), bottomland hardwood forests, swamps, and open water.

The proposed western terminus of the mainline will commence south of Lake Charles in Calcasieu Parish at Latitude 30.15906 North, Longitude 93.331129 West; proceed in an easterly direction for approximately 162.52 miles and terminate at Latitude 30.002833 North, Longitude 90.858495 West in St. James, St. James Parish.

Construction of both the mainline and the lateral pipeline will require a typical corridor width of 100 feet in uplands and 75 feet in wetlands. Additional temporary workspace (ATWS) may be required where site-specific conditions warrant the use of specialized construction procedures.

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<sup>3</sup> EDMS document 10382333, page 182-183

<sup>4</sup> EDMS document 10382333



## **B. Description of the Project**

The pipeline facilities associated with the proposed project will involve the construction and operation of a new 24-inch diameter crude oil pipeline. The pipeline is designed to safely carry an initial capacity of 280,000 barrels per day (bpd) of light or heavy crude with an ultimate design capacity of 480,000 bpd. From the terminals in St. James, the crude oil will be transported by other pipelines to refineries located along the Gulf Coast where 80 percent of the U.S. refining capabilities exist today.

Aboveground facilities associated with the proposed pipeline include two pump stations and other ancillary facilities along the proposed pipeline. Aboveground facilities located within the CZ include two mainline valves (MLV) and a meter and regulator (M&R) station. All MLVs located within wetlands or waterbodies will be installed on elevated platforms to avoid the placement of permanent fill.<sup>5</sup>

BBP will utilize existing public and private roads to access the pipeline right-of-way (ROW) and aboveground facilities to the extent practicable. Existing roads utilized will include paved, gravel, or pasture roads, and other conveyances. A total of 69 temporary and 21 permanent access roads will be utilized to construct the proposed pipeline. Some temporary access roads may require modification or improvement to facilitate safe access for construction equipment and personnel. Any temporary access road requiring modification will be restored to pre-existing conditions following completion of the project.

The proposed pipeline will cross 95 actively cultivated rice fields resulting in 378.94 acres of temporary disturbance. These temporarily disturbed areas will be restored back to pre-existing conditions.

The proposed project will cross 673 streams resulting in 28.4886 acres of temporary impacts. Where possible, horizontal directional drilling (HDD) crossing techniques will be utilized to minimize or avoid impacts to waterbodies during construction. The HDD method allows for construction at a specialized crossing without the excavation of a trench by drilling a hole significantly below conventional pipeline depth and pulling the pipeline through the pre-drilled hole. All waterbodies temporarily impacted will be restored to pre-construction contours following construction activities; therefore, permanent impacts on these waterbodies are not anticipated.

In certain areas, BBP must clear forested wetlands located between HDD entry and exit locations to allow the offloading and transportation of equipment and personnel from barges to the construction ROW. BBP will avoid clearing activities within the 60-foot-riparian buffer adjacent to streams, creeks, or river crossings as much as possible to avoid impacts on these waterbodies.<sup>6</sup> Once construction is complete, the area will be allowed to revegetate naturally. A 15-foot-wide corridor will be maintained over HDD at five locations to allow

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<sup>5</sup> EDMS document 10382333

<sup>6</sup> EDMS document 10382043, page 17

BBP to gain access to isolated section of trench installed pipe to allow emergency response access and facilitate pipeline monitoring.<sup>7</sup>

Drilling mud to be used for the proposed project will generally consist primarily of fresh water, with a high yield bentonite added to achieve the necessary properties, such as viscosity. Bentonite is composed of clay minerals and is not considered hazardous. BBP will implement spill monitoring and corrective action plans for any releases that may occur during drilling activity.<sup>8</sup>

BBP proposes to construct eight permanent access roads and install culverts to allow access to the MLVs and the M&R station that will permanently impact eleven waterbodies. The fill material will be comprised of clean fill material and new culverts. The permanent impact will total 0.0325 acres.

BBP will implement erosion and siltation control measures to insure no sediment or other activity-related debris is allowed to enter waters of the state. Accepted measures include the proper use of silt fences, straw bales, or other Environmental Protection Agency (EPA) construction site stormwater runoff control best management practices. These measures will be installed prior to commencement of construction activities and maintained until the site is fully developed. Upon completion of construction activities or if at any time construction activities cease for more than 14 days, all disturbed soils will be re-vegetated by sod, seed, or another acceptable method to restore cover and prevent erosion.<sup>9</sup>

During construction, the proposed project will temporarily impact 453.9548 acres of wetlands. After clearing, board mats will be placed in the wetlands to prevent rutting, where possible. Upon completion of construction, the board mats will be removed and pre-construction contours will be restored. All temporarily impacted wetlands will be allowed to revert back to pre-construction conditions following construction and restoration.

Conventional open-cut techniques will be used in uplands and across minor streams and drainages. Trench spoil will be deposited adjacent to each trench within the approved construction work area. All excavated material placed in temporary spoil piles in the work space will be restored to preconstruction contours to minimize impacts on hydrology. The open-cut trench will be excavated to a depth sufficient to provide the minimum cover as required by the US Department of Transportation (USDOT) specifications.<sup>10</sup>

Prior to construction completion, excavated areas would be backfilled using excavated spoils from the trench. Disturbed areas will be allowed to return to pre-construction conditions. Wetlands and waterbodies crossed by the pipeline will be returned to pre-construction conditions. Agricultural lands will be restored to pre-construction contours and top soil will

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<sup>7</sup> EDMS document 10690951

<sup>8</sup> EDMS document 10376786

<sup>9</sup> EDMS document 10376792

<sup>10</sup> EDMS document 10382043, page 15



be placed back in its original location. Permanent erosions and sediment control measures will be installed.<sup>11</sup>

Following backfilling of the trench, the pipeline will be cleaned and hydrostatically tested to ensure it is capable of operating at the design pressure. Any leaks detected will be repaired and the segments that are repaired will be retested. All hydrostatic test water will be discharged in compliance with LPDES Permit LAG670000; Hydrostatic Test and Vessel Testing Wastewater. BBP will apply for and obtain coverage under LPDES Permit LAG670000 prior to commencement of construction.

Along the length of the entire project, BBP proposes to permanently maintain its pipeline easement to facilitate operational access. BBP proposes to maintain a 50-foot-wide permanent easement in uplands and a 30-foot-wide permanently maintained corridor through wetlands. BBP proposes to permanently maintain the pipeline easement to facilitate operational access by regularly mowing and cutting woody vegetation by other mechanical means in inundated areas. All forested and scrub-shrub wetlands permanently converted to emergent wetlands will continue to function as wetlands upon completion of construction.

## **II. PUBLIC NOTICE AND COMMENT PERIOD**

On October 3, 2016, the Corps and LDEQ jointly published the public notice on the Corps public web page<sup>12</sup> that a permit application had been received by the Corps pursuant to Section 404 of the Clean Water Act and an application had been received by LDEQ for water quality certification in accordance with Section 401 of the Clean Water Act. The proposed project requested authorization to construct approximately 162.52 miles of new 24-inch diameter crude oil pipeline that will commence south of Lake Charles in Calcasieu Parish and will terminate in St. James in St. James Parish. The joint public notice informed the public that the proposed project will temporarily impact approximately 453.96 acres of jurisdictional wetlands and 42.14 acres of other waters of the U.S. In addition, approximately 158.80 acres of jurisdictional wetlands will be permanently converted to non-forested wetlands within the pipeline right-of-way. The project will result in the loss of 0.03 acres of wetlands and 0.03 acres of other waters of the U.S. as the result of the installation of culverts along permanent access roads. The comment period ended October 23, 2016.

In response to numerous requests, the Corps extended the public comment period until November 2, 2016.

In response to numerous requests, a joint Public Hearing with LDEQ and the Corps was held in Baton Rouge on January 12, 2017. LDEQ sent written notification of the Public Hearing to BBP's agent of record on December 5, 2016.<sup>13</sup>

The comment period for the water quality certification was extended until February 13, 2017.

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<sup>11</sup> EDMS document 10382043, page 15-16

<sup>12</sup> <http://www.mvn.usace.army.mil/Missions/Regulatory/Public-Notices/Article/958266/mvn-2015-02295-wii/>

<sup>13</sup> EDMS document 10423716



### **III. PUBLIC COMMENT RESPONSE SUMMARY**

A “Response to Comments Summary” has been prepared and is attached to and made a part of this Rationale for Decision.

### **IV. ANTIDEGRADATION**

Each state must enforce a statewide antidegradation policy aimed at maintaining and protecting instream uses and existing high-quality waters. LDEQ shall not certify any activity for federal permit that would impair water quality or use of state waters. The LDEQ’s Antidegradation Policy found at LAC 33:IX.1109 and Implementation Plan found at LAC 33:IX.1119 is LDEQ’s implementation of the federal Antidegradation Policy found at 40 CFR 131.12. The goal of the antidegradation policy and implementation plan is to protect designated instream water uses and the water quality necessary to support these uses. Water bodies are evaluated based upon the water quality at the time the designated use is adopted.

#### **A. Water Quality Use and Criteria**

Surface water quality standards are described in LAC 33:IX.Chapter 11. There are seven water use designations for surface water in Louisiana: agriculture, drinking water supply, fish and wildlife propagation, outstanding natural resource waters, oyster propagation, primary contact recreation and secondary contact recreation. Designated water uses assigned to a subsegment apply to all water bodies (listed water body and tributaries/distributaries of the listed water body) contained in that subsegment. Subsegments are hydrologic units used to define the borders of a watershed or drainage basin. Each subsegment has water quality standards unique to its location and designated uses.

Criteria are elements of the water quality which set general and numerical limitations on the permissible amount of a substance or other characteristics of state water. General and numerical criteria are established to promote restoration, maintenance, and protection of state water. Water quality criteria describe stream uses. A criterion for a substance represents the permissible levels for that substance at which water quality will remain sufficient to support a designated use. General criteria specifically apply to human activities; they do not apply to naturally occurring conditions.

General criteria shall apply at all times to the surface waters of the state, including wetlands, whether they are identified in the standards or not. General water quality criteria include: aesthetic consideration; color; floating, suspended or settleable solids; taste and odor, toxic substances; oil and grease; foaming or frothing materials; balance of the nitrogen-phosphorus nutrient ratio; turbidity; alteration of flow characteristics; radioactive materials; and the maintenance and protection of the biological and aquatic community integrity.

The proposed Bayou Bridge Pipeline is located in nineteen subsegments. Table 1 lists each subsegment and respective numerical water quality criteria as listed in LAC 33:IX.1123, Table 3.

**TABLE 1**  
**Numerical Criteria**

Subsegment	Name and Description	Chloride mg/L	Sulfate mg/L	pH Standard Units	BAC <sup>14</sup>	Temp °C	TDS <sup>15</sup>	DO <sup>16</sup>
010501	Lower Atchafalaya Basin Floodway–From Whiskey Bay Pilot Channel at mile 54 to US-90 bridge in Morgan City; includes Grand Lake and Six-Mile Lake	65	70	6.5-8.5	<400 per 100 mL	33	440	5.0 mg/L
010502	Intracoastal Waterway (ICWW)–Morgan City-Port Allen Route from Bayou Sorrel Lock to Morgan City	65	70	6.5-8.5	<400 per 100 mL	33	440	5.0 mg/L
020101	Bayou Verret, Bayou Chevreuil, Bayou Citamon, and Grand Bayou	65	50	6.0-8.5	<400 per 100 mL	32	430	2.3 mg/L Mar.-Nov.; 5.0 mg/L Dec.-Feb.
020401	Bayou Lafourche–From Donaldsonville to ICWW at Larose	70	55	6.0-8.5	<400 per 100 mL	32	500	2.3 mg/L Mar.-Nov.; 5.0 mg/L Dec.-Feb.
030301	Calcasieu River and Ship Channel–From saltwater barrier to Moss Lake; includes Ship Channel, Coon Island Loop, and Clooney Island Loop (Estuarine)	N/A	N/A	6.0-8.5	<400 per 100 mL	35	N/A	4.0 mg/L
031101	Intracoastal Waterway–From Calcasieu Lock to East Calcasieu River Basin boundary	250	75	6.5-9.0	<400 per 100 mL	32	500	5.0 mg/L
050201	Bayou Plaquemine Brule–From headwaters to Bayou Des Cannes	90	30	6.0-8.5	<400 per 100 mL	32	260	3.0 mg/L Mar.-Nov.; 5.0 mg/L Dec.-Feb.
050401	Mermentau River–From headwaters to Lake Arthur	90	30	6.0-8.5	<400 per 100 mL	32	260	3.0 mg/L Mar.-Nov.; 5.0 mg/L Dec.-Feb.

<sup>14</sup> “BAC” - Bacteria is defined in LAC 33:IX.1113.C.5

<sup>15</sup> “TDS” - Total Dissolved Solids

<sup>16</sup> “DO” - Dissolved Oxygen

Table 1: Numerical Criteria (con't)

Subsegment	Name and Description	Chloride mg/L	Sulfate mg/L	pH Standard Units	BAC <sup>17</sup>	Temp °C	TDS <sup>18</sup>	DO <sup>19</sup>
050501	Bayou Queue de Tortue - From headwaters to Mermentau River	90	30	6.0-8.5	<400 per 100 mL	32	260	3.0 mg/L Mar.-Nov.; 5.0 mg/L Dec.-Feb.
050601	Lacassine Bayou - From headwaters to Grand Lake	90	10	6.0-8.5	<400 per 100 mL	32	400	3.0 mg/L Mar.-Nov.; 5.0 mg/L Dec.-Feb.
050603	Bayou Chene - From headwaters to Lacassine Bayou; includes Bayou Grand Marais	90	10	6.5-9.0	<400 per 100 mL	32	400	5.0 mg/L
060301	Bayou Teche - From headwaters at Bayou Courtableau to Keystone Locks and Dam	65	70	6.0-8.5	<400 per 100 mL	32	440	5.0 mg/L
060703	Bayou Du Portage	80	50	6.0-8.5	<400 per 100 mL	32	350	5.0 mg/L
060801	Vermilion River - From headwaters to LA-3073 bridge	230	70	6.0-8.5	<400 per 100 mL	32	440	5.0 mg/L
060802	Vermilion River - From LA-3073 bridge to ICWW	230	70	6.0-8.5	<400 per 100 mL	32	440	3.5 mg/L May-Dec.; 5.0 mg/L Jan.-Apr.
060901	Bayou Petite Anse-From headwaters to Bayou Carlin (Estuarine)	N/A	N/A	6.5-9.0	<400 per 100 mL	35	N/A	4.0 mg/L
060908	Spanish Lake	250	75	6.0-8.5	<400 per 100 mL	32	500	5.0 mg/L

<sup>17</sup> "BAC" - Bacteria is defined in LAC 33:IX.1113.C.5

<sup>18</sup> "TDS" - Total Dissolved Solids

<sup>19</sup> "DO" - Dissolved Oxygen



Table 1: Numerical Criteria (con't)

Subsegment	Name and Description	Chloride mg/L	Sulfate mg/L	pH Standard Units	BAC <sup>20</sup>	Temp °C	TDS <sup>21</sup>	DO <sup>22</sup>
120201	Lower Grand River and Belle River—From Bayou Sorrel Lock to Lake Palourde; includes Bay Natchez, Lake Natchez, Bayou Milhomme, and Bayou Long	60	40	6.0-8.5	<400 per 100 mL	32	300	2.3 mg/L Mar.-Nov.; 5.0 mg/L Dec.-Feb.
120206	Grand Bayou and Little Grand Bayou—From headwaters to Lake Verret	60	40	6.0-8.5	<400 per 100 mL	32	300	2.3 mg/L Mar.-Nov.; 5.0 mg/L Dec.-Feb.

## B. Water Quality Assessment

Each subsegment has designated uses unique to its location. Biannually, the LDEQ assesses whether or not water quality standards are being met for each subsegment's designated uses. The degree of support for each designated use is analyzed with respect to ambient water quality data, total maximum daily load (TMDL) surveys, and other information related to the subsegment. This data can be found in the Louisiana Water Quality Inventory: Integrated Report, which is also commonly known as the "305(b) report"<sup>23</sup>. The proposed Bayou Bridge Pipeline is located in nineteen (19) subsegments. LDEQ reviewed the water quality certification application with regard to each of the subsegment's designated uses, degree of support for the designated uses, causes and sources of impairment, and water quality standards. Table 2 lists each of the nineteen (19) subsegments where the proposed pipeline will be located, and states whether the subsegments are currently supporting their designated uses and the causes and source of any impairment according to the 2016 Louisiana Water Quality Inventory: Integrated Report.

<sup>20</sup> "BAC" - Bacteria is defined in LAC 33:IX.1113.C.5

<sup>21</sup> "TDS" - Total Dissolved Solids

<sup>22</sup> "DO" - Dissolved Oxygen

<sup>23</sup> 2016 report can be found at <http://deq.louisiana.gov/page/water-quality>

**TABLE 2**  
**Water Quality Assessment**

SS	Description	PCR	SCR	FWP	DWS	AGR	Impaired Use	Cause	Source	Potential Impact
010501	Lower Atchafalaya Basin Floodway - From Whiskey Bay Pilot Channel at mile 54 to US 90 bridge in Morgan City; includes Grand Lake and Six-Mile Lake	F	F	F	F					None
010502	Intracoastal Waterway (ICWW) - Morgan City-Port Allen Route from Bayou Sorrel Lock to Morgan City	F	F	N	F		FWP	Dissolved Oxygen, (DO)	Natural Sources; Runoff from Forest/Grassland /Parkland	Temporary
020101	Bayou Verret, Bayou Chevreuil, Bayou Citamon, and Grand Bayou	N	F	N		F	FWP	Nitrate/Nitrite (Nitrite + Nitrate as N)	Agriculture, Natural Sources	None
							FWP	Non-Native Aquatic Plants	Introduction of Non-native Organisms (Accidental or Intentional)	None
							FWP	DO; Phosphorus (Total)	Agriculture, Natural Sources	Temporary (DO)
							PCR	Fecal Coliform	Sewage Discharges in Unsewered Areas; Waterfowl; Wildlife other than Waterfowl	None

Table 2: Water Quality Assessment (con't)

SS	Description	PCR	SCR	FWP	DWS	AGR	Impaired Use	Cause	Source	Potential Impact
020401	Bayou Lafourche - From Donaldsonville to ICWW at Larose	N	F	N	F		FWP	Non-Native Aquatic Plants	Introduction of Non-native Organisms (Accidental or Intentional)	None
							PCR	Fecal Coliform	On-site Treatment Systems (Septic Systems and Similar Decentralized Systems); Package Plant or Other Permitted Small Flows Discharges	None
030301	Calcasieu River and Ship Channel - From saltwater barrier to Moss Lake; includes Ship Channel, Coon Island Loop, and Clooney Island Loop (Estuarine)	F	F	N			FWP	Polychlorinated biphenyls (PCBs); Polycyclic Aromatic Hydrocarbons (PAHs) (Aquatic Ecosystems)	Industrial Point Source Discharge	None
								Dissolved Oxygen, (DO)	Sanitary Sewer Overflows (Collection System Failures); Wet Weather Discharges (Non-Point Source); Wildlife Other than Waterfowl	Temporary



Table 2: Water Quality Assessment (con't)

SS	Description	PCR	SCR	FWP	DWS	AGR	Impaired Use	Cause	Source	Potential Impact
031101	Intracoastal Waterway - From Calcasieu Lock to East Calcasieu River Basin boundary	N	F	N			FWP	Chloride, Sulfates, Total Dissolved Solids (TDS)	Natural Sources	None
							PCR	Temperature, water	Drought-related Impacts; Natural Sources	Temporary (T°)
050201	Bayou Plaquemine Brule - From headwaters to Bayou Des Cannes	F	F	N		F	FWP	Turbidity	Agriculture	Temporary
								Mercury in Fish Tissue	Atmospheric Deposition – Toxics; Unknown Source	None
								Nitrate/Nitrite (Nitrite + Nitrate as N); DO; Phosphorus (Total)	Municipal Point Source Discharges	Temporary (DO)
050401	Mermentau River - From headwaters to Lake Arthur	N	F	N		F	FWP	Nitrate/Nitrite (Nitrite + Nitrate as N); Dissolved Oxygen (DO); Phosphorus (Total)	Agriculture	Temporary (DO)
							PCR	Fecal Coliform	Municipal Point Source Discharges; On-site Treatment Systems (Septic Systems and Similar Decentralized Systems)	None

Table 2: Water Quality Assessment (con't)

SS	Description	PCR	SCR	FWP	DWS	AGR	Impaired Use	Cause	Source	Potential Impact
050501	Bayou Queue de Tortue - From headwaters to Mermentau River	F	F	N		F	FWP	Turbidity	Agriculture; Flow, Alterations from Water Diversions	Temporary
								Mercury in Fish Tissue	Atmospheric Deposition – Toxics; Unknown Sources	None
								Nitrate/Nitrite (Nitrite + Nitrate as N); Dissolved Oxygen (DO); Phosphorus (Total)	Agriculture, Natural Sources	Temporary (DO)
050601	Lacassine Bayou - From headwaters to Grand Lake	F	F	N		F	FWP	Chloride	Natural Sources	None
							FWP	Mercury in Fish Tissue	Atmospheric Deposition – Toxics; Unknown Source	None
							FWP	Dissolved Oxygen (DO)	Agriculture; Livestock (Grazing or Feeding Operations); Natural Sources	Temporary
050603	Bayou Chene - From headwaters to Lacassine Bayou; includes Bayou Grand Marais	N	F	N		F	FWP	Mercury in Fish Tissue	Atmospheric Deposition – Toxics; Unknown Source	None
							FWP	Dissolved Oxygen (DO)	Agriculture	Temporary
							PCR	Fecal Coliform	Drought-related Impacts; Runoff from Forest/Grassland /	None

Table 2: Water Quality Assessment (con't)

SS	Description	PCR	SCR	FWP	DWS	AGR	Impaired Use	Cause	Source	Potential Impact
050603	Bayou Chene - From headwaters to Lacassine Bayou; includes Bayou Grand Marais	N	F	N		F	FWP	Mercury in Fish Tissue	Atmospheric Deposition – Toxics; Unknown Source	None
							FWP	Dissolved Oxygen (DO)	Agriculture	Temporary
							PCR	Fecal Coliform	Drought-related Impacts; Runoff from Forest/Grassland / Parkland; Rural (Residential Areas)	None
060301	Bayou Teche - From headwaters at Bayou Courtableau to Keystone Locks and Dam	N	F	N			FWP	Dissolved Oxygen (DO)	Unknown Source	Temporary
							PCR	Fecal Coliform	On-site Treatment Systems (Septic Systems and Similar Decentralized Systems); Package Plant or Other Permitted Small Flows Discharges	None



Table 2: Water Quality Assessment (con't)

SS	Description	PCR	SCR	FWP	DWS	AGR	Impaired Use	Cause	Source	Potential Impact
060703	Bayou Du Portage	N	N	N			FWP	DO	Natural Sources	Temporary
							FWP	Turbidity	Agriculture	Temporary
							PCR, SCR	Fecal Coliform	On-site Treatment Systems (Septic Systems and Similar Decentralized Systems); Package Plant or Other Permitted Small Flows Discharges	None
060801	Vermilion River - From headwaters to LA-3073 bridge	N	F	N		F	FWP	Dissolved Oxygen (DO)	Agriculture; Natural sources	Temporary
							FWP	Nitrate/Nitrite (Nitrite + Nitrate as N)	Unknown Source	None
							PCR	Fecal Coliform	Agriculture; On-site Treatment Systems (Septic Systems and Similar Decentralized Systems); Package Plant or Other Permitted Small Flows Discharges	None

Table 2: Water Quality Assessment (con't)

SS	Description	PCR	SCR	FWP	DWS	AGR	Impaired Use	Cause	Source	Potential Impact
060802	Vermilion River - From LA-3073 bridge to ICWW	N	F	N		F	FWP	Nitrate/Nitrite (Nitrite + Nitrate as N); Dissolved Oxygen (DO)	Agriculture; Municipal Point Source Discharges	Temporary (DO)
							PCR	Fecal Coliform	Agriculture; On-site Treatment Systems (Septic Systems and Similar Decentralized Systems); Package Plant or Other Permitted Small Flows Discharges	None
060901	Bayou Petite Anse - From headwaters to Bayou Carlin (Estuarine)	N	F	N			FWP	Nitrate/Nitrite (Nitrite + Nitrate as N); Dissolved Oxygen (DO); Phosphorus (Total)	Agriculture; Natural Sources; Municipal Point Source Discharges; On-site Treatment Systems (Septic Systems and Similar Decentralized Systems)	Temporary (DO)
							FWP	Turbidity	Agriculture	Temporary
							PCR	Fecal Coliform	On-site Treatment Systems (Septic Systems and Similar Decentralized Systems)	None

Table 2: Water Quality Assessment (con't)

SS	Description	PCR	SCR	FWP	DWS	AGR	Impaired Use	Cause	Source	Potential Impact
060908	Spanish Lake	F	F	N			FWP	pH, High	Algae Bloom	None
							FWP	Turbidity	Sediment Resuspension (Clean Sediment); Unknown Source	Temporary
120201	Lower Grand River and Belle River-From Bayou Sorrel Lock to Lake Palourde; includes Bay Natchez, Lake Natchez, Bayou Milhomme, and Bayou Long	F	F	N			FWP	Sulfates	Drought-related Impacts, Natural Sources	None
120206	Grand Bayou and Little Grand Bayou-From headwaters to Lake Verret	F	F	N			FWP	Dissolved Oxygen (DO)	Municipal Point Source Discharges; Natural Sources; On-site Treatment Systems (Septic Systems and Similar Decentralized Systems)	Temporary
							FWP	Turbidity	Agriculture	Temporary

F = Fully supporting designated use  
 N = Not supporting designated use



As defined in LAC 33:IX.1111.A:

- A – Primary Contact Recreation (PCR): any recreational or other water contact activity involving prolonged or regular full-body contact with the water and in which the probability of ingesting appreciable amounts of water is considerable
- B – Secondary Contact Recreation (SCR): any recreational or other water contact activity involving prolonged or regular full-body contact with the water and in which the probability of ingesting appreciable amounts of water is minimal
- C – Fish and Wildlife Propagation (FWP): the use of water for aquatic habitat, food, resting, reproduction, cove and/or travel corridors for any indigenous wildlife and aquatic life species associated with the aquatic environment
- D – Drinking Water Supply (DWS): the use of water for human consumption and general household use. Surface waters designated as drinking water supplies are specifically so designated in LAC 33:IX.1123, Table 3; this designation does not apply to their tributaries or distributaries unless so specified
- F – Agriculture (AGR): the use of water for crop spraying, irrigation, livestock watering, poultry operations, and other farm purposes not related to human consumption
- G – Potential Impact: As provided for in LAC 33:IX.1113.B.9.c, the administrative authority may exempt for short periods certain activities certified under Section 401 of the Clean Water Act. The construction of the Bayou Bridge Pipeline may cause temporary impacts to water quality due to temporary increases in turbidity. A temporary increase in turbidity also has the potential to cause a temporary increase in DO and/or TSS. The United States Geological Service (USGS) defines turbidity as the measure of relative clarity of a liquid. Increased turbidity makes water cloudy.

## V. AVOIDANCE OF ADVERSE ENVIRONMENTAL EFFECTS

In order to avoid adverse impacts to adjacent water bodies, BBP will limit clearing, grading, dredging, and filling to those areas within the specified construction ROW. Timber and other woody vegetation associated with ROW construction will either be cut and hauled to a non-wetland location or, if not practicable, chipped and broadcast within the pipeline ROW to a height not to exceed 4 inches within jurisdictional wetlands. There will be no stacking of chips, stockpiling, windrowing, and/or burning of any woody vegetation within jurisdictional wetlands inside or outside of the permitted ROW.

To the greatest extent practicable, ongoing maintenance clearing of the authorized ROW will be done within a 0 to 5 year rotation and/or prior to emergent tree stratum exceeding an overall diameter at breast height of approximately 4 inches. BBP understands that failure to comply with this requirement may require the Corps to re-evaluate the need for BBP to obtain additional Department of the Army authorization for such work.

BBP will also implement erosion and siltation control measures to insure that no sediments or other activity-related debris is allowed to enter waters of the state. Accepted measures include the proper use of silt fences, straw bales, or other Environmental Protection Agency construction site stormwater runoff control best management practices. These measures will be installed before commencement of construction activities and maintained until the site is fully developed. Upon the completion of construction activities or at any time construction activities cease for more than 14 days, all disturbed soils will be re-vegetated by sod, seed, or another acceptable method to restore cover and prevent erosion.

Any damage to streams, streambanks, ditches, berms, ridges, levees, spoil banks, etc., will be repaired and restored to pre-project conditions. This includes the potential for hauling appropriate material in or out and stabilizing the damaged area. If any hydrologic connections are created or disrupted by equipment moving across shorelines or banklines, these areas will be immediately stabilized and restored to pre-project conditions by hauling in or out the appropriate fill material.<sup>24</sup>

BBP will not clear forested wetlands between HDD entry and exit locations except where necessary to facilitate construction of the proposed project. In certain areas, BBP must clear forested wetlands located between HDD entry and exit locations to allow the offloading and transportation of equipment and personnel from barges to the construction ROW. Upon completion of construction, BBP will restore the areas impacted between the HDD entry and exit locations to pre-construction contours and will allow the wetlands to revegetate naturally. Therefore, there will be no permanently maintained 30-foot ROW between HDD entry and exit locations, and mitigation is proposed for the temporary impacts to these forested wetland areas.

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<sup>24</sup> EDMS Document 10376792

Any equipment repair and management areas located in the construction zone will comply with the Spill Prevention and Control Countermeasures (SPCC) regulations in LAC 33:IX.Chapter 9. This water quality certification does not authorize the discharge of hazardous substances or oil resulting from an on-site spill. Spills resulting in an emergency condition will be reported to the LDEQ in accordance with LAC 33:I.3923.

BBP will restore all disturbed areas to pre-construction contours to minimize impacts on hydrology. All impacted wetlands, with the exception of a narrow permanent corridor in certain areas as necessary for safe operation and maintenance of the system, will be allowed to revegetate naturally

## VI. CONCLUSION

The project, as proposed, will result in no net loss of wetlands. The pipeline will be installed in a manner and to sufficient depth so as not to disrupt natural water flows. All disturbed areas will be restored to pre-construction contours to minimize impacts on hydrology and reduce the potential for sedimentation.

Turbidity other than that of natural origin shall not cause substantial visual contrast with the natural appearance of the water of the state or impair any designated water use. Because of the short-term duration and mobile nature of the project construction, the project, as proposed, is only expected to result in short term impacts to turbidity. As provided for in LAC 33:IX.1113.B.9.c, the administrative authority may exempt for short periods certain activities permitted under Section 404 of the Clean Water Act that the state determines are necessary to accommodate legitimate uses.

Any impacts to water quality that may occur as a result of this project have been deemed to be temporary and the project, as proposed, is not expected to cause any long-term impacts to water quality.

Therefore, based on review and evaluation of the administrative record, which includes the Corps permit application<sup>25</sup>, additional information from the applicant, and public comments, the Louisiana Department of Environmental Quality, Office of Environmental Services finds the Bayou Bridge Pipeline project, as proposed, is not expected to cause or contribute to violations of Louisiana's Water Quality Standards and is expected to comply with Louisiana's Water Management Plan and all applicable state water laws, rules and regulations.

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<sup>25</sup> EDMS Documents 10387937, 10382333, 10382329, 10382326, 10382323, 10382320, 10382317, 10382043, 10381154, 10381151, 10376793, 10376792, 10376788, and 10376786.



Water Quality Certification, **WQC 160921-03** is hereby issued to:

**BAYOU BRIDGE PIPELINE, LLC – BAYOU BRIDGE PIPELINE PROJECT**

Issued on 12/12/17



[Signature]

Elliott B. Vega  
Assistant Secretary

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**RESPONSE TO COMMENTS SUMMARY**

**BAYOU BRIDGE PIPELINE, LLC  
BAYOU BRIDGE PIPELINE  
AGENCY INTEREST (AI) 203160**

**WATER QUALITY CERTIFICATION 160921-03  
CORPS OF ENGINEERS PERMIT MVN-2015-02295-WII  
COASTAL MANAGEMENT DIVISION PERMIT P20160166**

**CALCASIEU, JEFFERSON DAVIS, ACADIA, VERMILION, LAFAYETTE, IBERIA,  
ST. MARTIN, IBERVILLE, ASCENSION, ASSUMPTION, AND ST. JAMES PARISHES**

The Louisiana Department of Environmental Quality, Office of Environmental Services, (LDEQ) through this decision, issues a water quality certification to Bayou Bridge Pipeline, LLC (BBP). LDEQ's issuance of a water quality certification is a determination made that the project, as proposed, will not violate Louisiana's Water Quality Standards and is in accordance with Louisiana's Water Quality Management Plan and all applicable state water laws, rules, and regulations. LDEQ's approval does not authorize the applicant to perform the proposed activity. It is not a permit.

LDEQ received comments during review of BBP's water quality certification application. These comments were submitted during the comment period from October 3, 2016 to February 13, 2017. The scope of this Response to Comments Summary is limited to those comments received during the public comment period, which pertain to the issuance of the water quality certification and relate to water quality issues. The commenters' complete statements are located in EDMS.<sup>1</sup> Because of the large number of comments, comments addressing the same topic have been grouped and summarized.

**ISSUE 1:**

LDEQ cannot lawfully certify BBP's proposed project without identifying applicable water quality standards and water use designations of the various streams and open waters, and then detailing how the project will impact those standards. BBP's proposed project would cross 673 streams, temporarily impact 102 streams in the Louisiana Coastal Zone (LCZ), and 17 areas classified as open waters. The eight permanent access roads will permanently fill 11 waterbodies, three of which are in the LCZ. BBP has failed to provide sufficient information for a water quality certification. LDEQ must deny the certification because of BBP's failure to determine the applicable standards for the various waterbodies, including designated uses and criteria. DEQ must also ensure the affected water bodies maintain their recreational uses and support the preservation and propagation of desired species of aquatic biota and indigenous species of wildlife.

**RESPONSE 1:**

The project, as proposed, will cross 19 subsegments: 2 in the Atchafalaya Basin, 2 in the Barataria Basin, 2 in the Calcasieu Basin, 5 in the Mermentau River Basin, 6 in the Vermilion-Tech River Basin, and 2 in the Terrebonne Basin. LDEQ completed a review of all expected impacts from the proposed project to

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<sup>1</sup> EDMS is the LDEQ's electronic repository of official records that have been created or received by LDEQ. Employees and members of the public can search and retrieve documents stored in the EDMS via the LDEQ's website.

these subsegments to ensure that general and numerical water quality criteria as defined in LAC 33:IX.1113 and water use designations<sup>2</sup> for each impacted subsegment will be maintained.

The permanent fill proposed to the 11 waterbodies was evaluated. This permanent fill is the placement of culverts to ensure that the natural flow of state waters is not altered. According to LAC 33:IX.1113.B.10.Flow, "The natural flow of state waters shall not be altered to such an extent that the basic character and water quality of the ecosystem are adversely affected except in situations where alterations are necessary to protect human life or property." Additionally, the pipeline will be installed in a manner and to sufficient depth so as not to disrupt natural water flows. All disturbed areas will be restored to pre-construction contours to minimize impacts on hydrology and reduce the potential for sedimentation.

Turbidity other than that of natural origin shall not cause substantial visual contrast with the natural appearance of the water of the state or impair any designated water use.<sup>3</sup> Because of the short-term duration and mobile nature of the project construction, the project, as proposed, is only expected to result in short term impacts to turbidity. As provided for in LAC 33:IX.1113.B.9.c, the administrative authority may exempt for short periods certain activities permitted under Section 404 of the Clean Water Act that the state determines are necessary to accommodate legitimate uses.

Any impacts to water quality that may occur as a result of this project have been deemed to be temporary and the project, as proposed, is not expected to cause any long-term impacts to water quality. It was determined that the project, as proposed, will not violate water quality standards as provided for in LAC 33:IX.Chapter 11. BBP will apply for permit coverage in the event the operator has a discharge of stormwater resulting in a discharge of a reportable quantity for which notification is required pursuant to 40 CFR 117.21 or 40 CFR 302.6 or has a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is required pursuant to 40 CFR 110.6 or contributes to a violation of water quality.

## **ISSUE 2:**

The officials at the Department of Environmental Quality, we believe, have a responsibility as the lead agency on the environment to do more than just certify that the work on the proposed pipeline will not adversely impact water quality during the construction of the pipeline.

## **RESPONSE 2:**

Under both U.S.C. § 1341 and the Louisiana Water Quality Regulations, LDEQ is only authorized to review a water quality certification application for compliance with applicable water quality standards, rules, and regulations. It was determined that the project, as proposed, will not violate water quality standards as provided for in LAC 33:IX.Chapter 11.

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<sup>2</sup> LAC 33:IX.1123.Table 3.Numerical Criteria and Designated Uses

<sup>3</sup> LAC 33:IX.1113.B.9.a



### **ISSUE 3:**

By altering north-south flow within the Atchafalaya, Bayou Bridge would even degrade fertile swamps vital to wildlife and harvest. The proposal is inconsistent with the Atchafalaya Basin Plan, Louisiana's Comprehensive Master Plan for a Sustainable Coast, and Executive Order No. JBE 2016-09. Louisiana state agencies must do all in their power to prevent further degradation of our remaining swamps. LDEQ cannot issue a 401 certification and follow the executive order. Additionally, there are concerns with excavated materials and spoil banks negatively impacting aquatic species by disrupting the flow of the Atchafalaya Basin.

### **RESPONSE 3:**

The proposed project was evaluated to determine compliance with LAC 33:IX.1113.B.10.Flow. The proposed pipeline will be installed in a manner and to sufficient depth in the Atchafalaya Basin so as not to disrupt natural flow of state waters to such an extent that the basic character and water quality of the ecosystem are adversely affected. The proposed project will not include placement of excavated material on existing spoil banks which parallel the pipeline right-of-way (ROW). All excavated materials placed in temporary spoil piles in the workspace will be restored to pre-construction contours to minimize impacts on hydrology. All temporarily impacted wetlands will be allowed to revegetate naturally. Construction methods to be utilized are designed to minimize impacts to aquatic resources, including natural water flows in the basin, navigational, commercial, and recreational activities. Furthermore, the project will not prohibit any ongoing or future hydrology restoration activities along the ROW.

### **ISSUE 4:**

We believe that officials associated with the applicant, Bayou Bridge, the U.S. Army Corps of Engineers, and the Louisiana Department of Environmental Quality have failed to adhere to Article 9, Section 1 of the Louisiana Constitution of 1974 which states, "the natural resources of the state, including air and water, and the healthful, scenic, historic, and aesthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people. The legislature shall enact laws to implement this policy."

### **RESPONSE 4:**

Although LDEQ does not retain legislative authority to enact laws to implement the policy required to adhere to Article 9, Section 1 of the Louisiana Constitution of 1974, any impacts to water quality that may occur as a result of this project have been deemed to be temporary and the project, as proposed, is not expected to cause any long-term impacts to water quality. Under both U.S.C. § 1341 and the Louisiana Water Quality Regulations, LDEQ is only authorized to review a water quality certification application for compliance with applicable water quality standards, rules, and regulations. It was determined that the project, as proposed, will not violate water quality standards as provided for in LAC 33:IX.Chapter 11.

#### **ISSUE 5:**

The proposed pipeline will increase the prospect of more hazardous waste being leaked into the Basin. Bayou Bridge officials have failed to provide adequate information about how their pipelines will be protected from the introduction of other materials into the oil being transported like hazardous waste. There are many instances of the introduction of hazardous waste into oil pipelines in the past.

#### **RESPONSE 5:**

The pipeline is designed to carry a range of crude oil products; products not meeting the specifications for which the system is designed and operated for will not be allowed to be introduced into the system. The pipeline will also be cleaned and hydrostatically tested to ensure it is capable of operating at the design pressure. Any leaks detected will be repaired and the segments that are repaired will be retested. All hydrostatic test water will be discharged in compliance with Louisiana Pollutant Discharge Elimination System (LPDES) Permit LAG670000; Hydrostatic Test and Vessel Testing Wastewater. BBP will apply for and obtain coverage under LPDES Permit LAG670000 prior to commencement of construction.

#### **ISSUE 6:**

The joint public notice and materials provided to the public by the Corps and LDEQ fail to describe the project in detail and neither analyzes all the relevant details and potential cumulative impacts of the project nor provides detailed and complete mitigation plan concerning impacts of the project on Louisiana wetlands and waterways held in the public trust. For this reason and because of the deficiencies with the public notice and the materials provided to the public thus far, LDEQ does not have the evidence to defensibly support the issuance of a 401 Water Quality Certification for the project.

#### **RESPONSE 6:**

Under both U.S.C. § 1341 and the Louisiana Water Quality Regulations, LDEQ is only authorized to review a water quality certification application for compliance with applicable water quality standards, rules, and regulations. LDEQ is not responsible for the receipt, review or processing of mitigation plans. The application was received by LDEQ and was available for public review on September 21, 2016.<sup>4</sup> A joint public notice was published on the Corps' public web page on October 3, 2016, notifying the public that LDEQ had received the application for Section 401 water quality certification.<sup>5</sup> LDEQ completed a review of all expected impacts from the proposed project to ensure that general and numerical water quality criteria as defined in LAC 33:IX.1113 and water use designations for each impacted subsegment will be maintained. Therefore, based on review and evaluation of the administrative record, which includes the Corps permit application<sup>6</sup>, additional information from the applicant, and public comments, LDEQ has determined that the project, as proposed, will not violate water quality standards as provided for in LAC 33:IX.Chapter 11.

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<sup>4</sup> EDMS Documents 10387937, 10382333, 10382329, 10382326, 10382323, 10382320, 10382317, 10382043, 10381154, 10381151, 10376793, 10376792, 10376788, 10376786

<sup>5</sup> <http://www.mvn.usace.army.mil/Missions/Regulatory/Public-Notices/Article/958266/mvn-2015-02295-wii/>

<sup>6</sup> EDMS Documents 10387937, 10382333, 10382329, 10382326, 10382323, 10382320, 10382317, 10382043, 10381154, 10381151, 10376793, 10376792, 10376788, 10376786



## **ISSUE 7:**

Because the pipeline will travel under Bayou Lafourche, a drinking water source for over 300,000 residents in Louisiana, the applicant must be required to obtain a permit from the Bayou Lafourche Fresh Water District before approval of the water quality certification and 404 permit. The project will travel under Bayou Lafourche, a drinking water source for over 300,000 residents in Louisiana, and a source of water for agriculture and industry. A proper risk assessment of how this project will impact this critical drinking water supply is needed before certifying the project.

## **RESPONSE 7:**

According to the 2016 Louisiana Water Quality Inventory: Integrated Report,<sup>7</sup> Subsegment 020401: Bayou Lafourche – from Donaldsonville to ICWW at Larose is currently meeting its designated use of drinking water supply. BBP has obtained a permit<sup>8</sup> from the Bayou Lafourche Fresh Water District for the proposed Bayou Lafourche crossing. The project, as proposed, is not expected to impact any critical drinking water supplies.

## **ISSUE 8:**

As the pipeline is buried below ground as a result of trenching and horizontal directional drilling operations under the water bodies and the materials stockpiles along the pipeline route, the contaminated soils and sediments associated with each watershed will be disrupted, tracked into surrounding areas and contaminate stormwater and shallow ground water resources. The contaminated stormwater and groundwater will be allowed to be discharged unregulated along the right-of-way and into the surrounding environment and distribute contaminants into the surrounding area outside of the pipeline corridor and right-of-way and contaminate other water bodies.

Lower Calcasieu – The Lower Calcasieu River watershed is contaminated with priority organic compounds, hexachlorobenzene, hexachlorobutadiene, PCBs, dioxins, furans, and Mercury. These very toxic chemicals contaminate the soils, sediments, surface, and ground water resources in the area where the Bayou Bridge Pipeline is being proposed to cross the Calcasieu Watershed.

Mermentau – The Mermentau River watershed is contaminated with fertilizer-associated chemicals such as ammonia, nitrates, nitrites and phosphorus, pesticides, mercury, and oil and gas associated organic and heavy metal chemicals. These chemicals contaminate the soils, sediments, surface water resources as well as groundwater resources.

Vermillion – The Vermillion River watershed is contaminated with untreated sewage, fertilizer associated chemicals, pesticides, arsenic and mercury.

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<sup>7</sup> Biannually, the LDEQ assesses whether or not water quality standards are being met for each subsegment's designated uses. The Louisiana Water Quality Inventory Integrated Report, is also commonly known as the "305(b) report" can be found at <http://deq.louisiana.gov/page/water-quality>

<sup>8</sup> EDMS Document 10561919



Atchafalaya – The Atchafalaya Basin watershed is contaminated extensively with mercury as well as oil and gas associated organics and heavy metal chemicals, naturally occurring radioactive material as well as agriculture associated nutrients and pesticides.

By DEQ granting this water quality certification, it would indicate a lack of need to monitor water that is discharged during the pipeline construction process. Based on the contaminants associated with each watershed, DEQ should deny the water quality certification and prohibit the discharge of contaminated stormwater and shallow ground water containing contaminated soil and sediment particles into the environment. As an alternative, DEQ should be required to establish discharge monitoring requirements for the contaminants in each watershed and require treatment of the water to remove the contaminants before allowing the water to be discharged into the environment along the pipeline corridor.

#### **RESPONSE 8:**

BBP will implement erosion and siltation control measures as appropriate to avoid and minimize impacts to adjacent waters. Accepted measures include the proper use of silt fences, straw bales, or other construction site stormwater runoff control best management practices. These measures will be installed, maintained, and enhanced throughout construction as necessary. In the event there is a discharge of stormwater that contributes to a violation of a water quality standard, BBP will be required to apply for all applicable LPDES permits and comply with all discharge monitoring requirements. Additionally, BBP has assured to the best of their knowledge any excavated and fill material will be free of contaminants or will be disposed of in an approved landfill as necessary.<sup>9</sup>

#### **ISSUE 9:**

The citizens of Louisiana adopted the Constitution in 1974 which included Article 9 that that says the important natural resources of the state including air, and water, and the helpful scenic, aesthetic, and historic qualities of the environment shall be protected, replenished, and restored as much as possible, consistent with the health, safety, and welfare of the people. Then in 1984, the Louisiana Supreme Court gave us a 9-0 decision in a case called, Save Ourselves versus the Louisiana Environmental Control Commission. The judges said that what Article 9, Section 1, of the Louisiana Constitution means is that all officials in the State of Louisiana who are making decisions which may adversely impact human health or the environment must make sure that the applicant has considered alternative sites, alternative projects, alternative projects, and alternative processes, and that the site selected is the most protective of all sites, projects and processes considered. The U.S. Army Corps of Engineers and the Louisiana Department of Environmental Quality, all other state agencies, officials in those agencies, have failed to follow this requirement of the Louisiana constitution.

We think that the Louisiana Department of Environmental Quality needs to do an I.T. analysis on possible alternatives, possible different locations.

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<sup>9</sup> EDMS Document 10458028

## **RESPONSE 9:**

Under the federal permitting process, before the Corps issues a 404 permit, it is required to review the permit application under several layers of federal law: EPA's 404(b)(1) guidelines, general Corps guidelines for evaluating permit applications, and requirements under the National Environmental Policy Act (NEPA). The Corps must comply with EPA's 404(b)(1) guideline. Under these regulations, the Corps must not issue a 404 permit, "if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." If the permitted project would violate any applicable State water quality standards or would "cause or contribute to significant degradation of the waters of the United States," the Corps cannot issue a 404 permit. The Corps shall not issue a 404 permit unless, "practicable steps have been taken which will minimize potential adverse impacts of the discharge on the aquatic ecosystem."

In evaluating a 404 permit, the Corps must comply with its own general guidelines for evaluating permit applications. The Corps takes into account such factors as: the public interest; effect on wetlands; water quality; historic, cultural, scenic, and recreational values; consideration of property ownership; other federal, state, or local requirements; floodplain management; environmental benefits; and economics, when conducting its 404 permit review.

The Corps must comply with the procedural requirements of NEPA to prepare a detailed statement, an environmental impact statement (EIS), for "major Federal actions significantly affecting the quality of the human environment," which can include the granting of a 404 permit. If it is not clear whether an EIS is required, the Corps must conduct an environmental assessment (EA) to determine whether the project will have significant effects on the environment and require an EIS. The environmental assessment, "shall include brief discussion of the need for the proposal, of alternatives as required by section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted." If the EA demonstrates that the project will have no significant impacts, the Corps will prepare a Finding of No Significant Impact (FONSI), and may continue with the action. In either case, preparing an EIS or an EA, the Corps is engaged in an extensive review of the permitting action.

Under both U.S.C. § 1341 and the Louisiana Water Quality Regulations, LDEQ is only authorized to review a water quality certification application for compliance with applicable water quality standards, rules, and regulations. Under the federal 404 permitting process outlined above, these matters lie strictly within the purview of the Corps.