



October 8, 2014

Via Electronic Mail

Louisiana Department of Environmental Quality (LDEQ)
Public Participation Group
P.O. Box 4313
Baton Rouge, LA 70821-4313
DEQ.PUBLICNOTICES@LA.GOV

RE: Comments on Raven Energy, LLC of Louisiana/Convent Marine Terminal, AI Number 30490, Permit Number LA0104345, and Activity Number PER20130003, Permit Number LA0104345, and Activity Number PER20130003

Dear Public Participation Group:

The Gulf Restoration Network (GRN), Sierra Club, and the Louisiana Environmental Action Network (LEAN) respectfully submit the following comments on the Draft Water Discharge Permit for Raven Energy, LLC of Louisiana/Convent Marine Terminal, AI Number 30490, Permit Number LA0104345, and Activity Number PER20130003, Permit Number LA0104345, and Activity Number PER20130003. We reserve the right to rely on all public comments submitted, request a written response to our comments, and request written notification when any action is taken on this Draft Permit (issuance, denial, remand, etc.). If the permit is amended or altered in response to comments, we request an opportunity to review and comment on any amended permit.

The Louisiana/Convent Marine Terminal, operated by Raven Energy (“Convent Marine Terminal”) ships up to 8 million tons of coal, petcoke, and/or assorted other bulk materials per year. These bulk commodities will be transported to the Convent Marine Terminal by rail or barge, stored in large open piles, and loaded onto barges and/or vessels moored at the Convent Marine Terminal’s dock in the Mississippi River. GRN, Sierra Club, and LEAN all have members in Louisiana who are concerned about the significant environmental and public health impacts of coal and petroleum coke terminals on the Mississippi River, and appreciate the opportunity to comment on this Draft Permit.

The Draft Water Discharge Permit does not comply with the applicable legal and regulatory standards, and is insufficient to protect public health or the local watershed as: (1) the Draft Permit fails to properly limit and monitor all of the pollutants that will be discharged from the facility; (2) the Draft Permit fails to limit discharges from the loading of barges from the facility's overwater structures; and (3) pH limitations in the Draft Permit do not match applicable water quality standards.

GRN, Sierra Club and LEAN ask that the agency deny the application for the permit or modify the permits for the reasons described below.

1. *Not all pollutants are properly limited or monitored.*

The proposed facility would house coal and petcoke in large storage piles and generate significant contaminated storm water runoff; but the permit only places limits on Total Suspended Solids and mercury. Coal piles have many other pollutants not included in the permit requirements. According to EPA documents, coal pile runoff may contain high concentrations of iron, nickel and other constituents.¹ Pollutants contained in coal pile runoff should be monitored and have appropriate limits if they are directly or indirectly toxic (such as nickel). The permit should not be issued without (1) requirements to monitor and report effluent from coal pile runoff; and (2) limits on directly and indirectly toxic constituents. As neither of these requirements is in the proposed permit, we request that LDEQ withdraw the permit and redraft it.

Outfall 001 consists of utility washwater and stormwater runoff from the coal, bauxite and petcoke storage areas. The monitoring requirements for wastewater and stormwater runoff that will be discharged through Outfall 001 consist of quarterly monitoring for TSS and mercury, and monthly monitoring for TOC, copper, ammonia nitrogen, COD, Oil and Grease and pH.

The requirement for monitoring to evaluate stormwater runoff from the uncovered piles of coal and petcoke, as well as bauxite, is inadequate. Additional parameters must be added to the monitoring requirements and effluent limits must be established for the following chemicals: Aluminum, Antimony, Barium, Beryllium, Boron, Cadmium, Chromium, Cobalt, Iron, Lead, Nickel, Selenium, Silver, and Vanadium.

2. *The Draft Permit fails to account for or limit discharges from the loading of vessels from the facility's overwater structures.*

The Draft Permit fails to limit direct discharges of coal dust, coal chunks, and petcoke into the Mississippi River from conveying and loading the coal from the Convent Marine Terminal's overwater structures into receiving barges and vessels. The permit does not

¹ EPA. Steam Electric Power Generating Point Source Category: Final Detailed Study Report. EPA 821-R-09-008. pp. 3-22 – 3-23. Attached as Exhibit 1.

contain any description of the facility's best management practices to prevent spillage of coal and petcoke during loading and unloading operations. Instead, there is a vague and unenforceable requirement that the facility draft a storm water prevention plan that includes "mechanisms to eliminate or reduce shipping and handling losses associated with their solids handling equipment."² The Draft Permit further requires the facility to employ Best Management Practices designed to "eliminate the discharge of coal, coke, or other dry commodity into the Mississippi River."

While we are glad to see that the Draft Permit recognizes the potential for spillage of coal and coke during the facility's operations, we believe that the proposed permit conditions are inadequate to address these issues. Barge loading facilities of this type typically discharge significant amounts of dust and chunks of coal and petcoke into the waterbody during the loading process.³ Furthermore, it is clear that the current best management practices employed at the facility are inadequate to eliminate direct discharges of coal from the facility into the Mississippi River, as aerial photos of the facility clearly show plumes of coal and/or petcoke being discharged from the docks into the river, build-up of significant amounts of coal and petcoke on the docks in the river, and coal and/or petcoke that has been spilled outside of the vessels holds on ships and is likely to be discharged into the river.⁴

The direct discharge of coal dust into waterbodies threatens to cause adverse impacts to fish. A 1997 study noted that coal dust can enter the aquatic environment as a result of "storm water discharge, coal pile drainage run-off, and when coal dust from storage piles, transfer conveyor belts and rail cars becomes airborne and is deposited in the surrounding environment (i.e. fugitive coal dust) (Xuan and Robins, 1994)."⁵ The study noted that the "practice of using additives, such as surfactants, in the water being used for surface wetting of coal piles can increase the solubility of hydrophobic compounds and thus their mobility in the aquatic environment (Enzminger and Ahlert, 1987)."⁶ These discharges can have negative direct impacts on aquatic species, including fish. In addition to the direct threat to fish, there is also a secondary threat to the species that prey on the fish.

This permit contains no actual limits on these discharges or specific technological requirements to control discharges during the loading, unloading or transportation process. Similarly, there are no effluent limitations or monitoring requirements that apply to this part of the facility, and so, under the Draft Permit, the public will not be informed of the quantity or content of discharges from the conveyors or loading machinery located on the overwater structures. The terms that are included in the permit are so vague as to be unenforceable. Without these restrictions, limitations, and monitoring requirements, the

² See Draft Permit at 7, N-21.

³ See, e.g., http://peninsulaclarion.com/stories/012411/new_775559217.shtml.

⁴ See Exhibits 3, 4, and 5, attached.

⁵ P.M. Campbell, R.H. Devlin, *Increased CYP1A1 and ribosomal protein L5 gene expression in a teleost: The response of juvenile Chinook salmon to coal dust exposure*, *Aquatic Toxicology* 38 (1997) 1-15. Attached as Exhibit 2.

⁶ *Id.*

Draft Permit is legally inadequate. We request that the permit be withdrawn and, if reissued, amended to control, monitor, and limit discharges of coal and petcoke during the barge loading process.

The facility should also be required to employ specific technological improvements to eliminate these discharges, which should include, at a minimum, fully enclosed conveyors. All conveyors and transfer points at the facility should be enclosed on all four sides. The facility should be required to clean up all spills of material on the same day that the spill occurs, and report the quantity to LDEQ and the public. The facility should also be required to install material shutes or sleeves on the end of any ship loaders to minimize dust creation during ship loading, and utilize dust suppression systems to eliminate or minimize fugitive dust creation during material handling.

Without limits on discharges from the facility's overwater structures, it is obvious that this facility will experience illegal, unpermitted discharges of pollutants into the Mississippi River.

3. pH requirements should match Louisiana's water quality standards.

The numeric water quality criteria for pH in the receiving waters, subsegment 040403 of the Lake Pontchartrain Basin is 6.0-8.5, however the permit allows 6.0-9.0. La. Admin. Code tit. 33, §1123, Table 3. *We request that the permit be withdrawn and redrafted to agree with the water quality criteria.*

GRN, LEAN, and Sierra Club would appreciate being notified of the final permit decision, and request an opportunity to comment on any changes to the Draft Permit. Thank you for the opportunity to review the Draft Permit and submit comments.

Sincerely,



Matt Rota
Director of Science and Water Policy
Gulf Restoration Network



Brianna Fairbanks
Associate Attorney
Sierra Club



Marylee Orr
Director
LEAN

Exhibits:

1. EPA. Steam Electric Power Generating Point Source Category: Final Detailed Study Report. EPA 821-R-09-008.
2. P.M. Campbell, R.H. Devlin, Increased CYP1A1 and ribosomal protein L5 gene expression in a teleost: The response of juvenile Chinook salmon to coal dust exposure, *Aquatic Toxicology* 38 (1997)
3. Aerial photographs of the Convent Marine Terminal, courtesy of Louisiana Environmental Action Network and the Lower Mississippi Riverkeeper.