

Message

From: Shreyas Vasudevan [shreyas@labucketbrigade.org]
Sent: 12/15/2022 10:06:52 PM
To: Jason Meyers [Jason.Meyers@LA.GOV]
CC: Chuck Brown [Chuck.Brown@la.gov]; Denise.Bennett@la.gov; roger.gingles [roger.gingles@la.gov]; Gregory Langley [Gregory.Langley@la.gov]; Bijan Sharafkhani [Bijan.Sharafkhani@la.gov]; Garcia, David [Garcia.David@epa.gov]; Gonzalez, Iris [Gonzalez.Iris@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Nance, Earthea [Nance.Earthea@epa.gov]; Tejada, Matthew [Tejada.Matthew@epa.gov]; t.watkins@inclusivelouisiana.org; Terrell, Kimberly A [kterrell1@tulane.edu]; Gail Leboeuf [gleboeuf Ex. 6 Personal Privacy (PP)]; Myrtle Felton [ladiefelton Ex. 6 Personal Privacy (PP)]; Barbara Washington [bobbybee Ex. 6 Personal Privacy (PP)]; anne@labucketbrigade.org
Subject: Re: Request to meet with LDEQ regarding St. James Ambient Air Monitoring Project

Hi Jason,

Thank you for your response.

Does DEQ have a list of potential sites for the TLC ambient air monitoring program that can be made available to us? Are there any plans for community engagement with DEQ prior to finalizing the site location(s)? We want to ensure that residential areas facing the highest levels of pollution are being represented, and for that reason we would like the opportunity to provide input before a location is selected. Similarly, we believe it is important for there to be community engagement opportunities prior to finalizing the list of target air pollutants. Meaningful public involvement in these two aspects of the program will be vital in ensuring that the disproportional impacts of air pollution in St. James are not overlooked. Please let us know if this is possible.

Sincerely,
Shreyas Vasudevan

On Wed, Dec 14, 2022 at 9:36 AM Jason Meyers <Jason.Meyers@la.gov> wrote:

Good morning Shreyas, Tiffany, and all,

As you are aware, LDEQ's grant request to operate a Temporary Located Community (TLC) ambient air monitoring site in St. James Parish has been selected by EPA for funding. LDEQ also recognizes that the grant application eluded that the TLC site will be located on the West Bank of the river. However, LDEQ has not yet identified the potential location for the site and does not believe the referenced statement prohibits the placement of the site on the East Bank.

LDEQ staff is currently evaluating potential locations and will select one that will give the best representation of ambient air for the entire area, while considering factors such as utilities, obstructions, security, etc.

Thanks,
Jason Meyers, P.E.
Administrator
Air Planning & Assessment Division

On Dec 14, 2022, at 8:30 AM, Shreyas Vasudevan <shreyas@labucketbrigade.org> wrote:

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Dear Dr. Brown and LDEQ staff,

I am reaching out to you on behalf of Inclusive Louisiana. We are requesting a meeting with your office, Peter Cazeaux, and other relevant staff assigned to the Ambient Air Monitoring Project in St. James Parish. We are especially concerned seeing that the air monitoring program is planned only for the west bank in St. James, excluding communities in Convent and Romeville on the east bank living near particularly concerning sources of industrial pollution, such as Nucor Steel.

We believe it is extremely important that community input is received for this project from the planning process. We would like to obtain more details on how this project will be carried out, have any concerns addressed, and develop ways to further work with LDEQ to provide St. James residents engagement opportunities throughout the project's course.

Please let us know of your availability to meet, we look forward to hearing from you.

Sincerely,

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Shreyas Vasudevan
Campaign Researcher
Louisiana Bucket Brigade
Cell: Ex. 6 Personal Privacy (PP)
Work: (504) 484-3433

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Message

From: Jordan, Lisa W [lwjordan@tulane.edu]
Sent: 10/27/2022 3:51:03 PM
To: Title VI Complaints [Title_VI_Complaints@epa.gov]
CC: O'Lone, Mary [OLone.Mary@epa.gov]; Khan, Zahra [Khan.Zahra@epa.gov]; Isales, Daniel [Isales.Daniel@epa.gov]; Hoang, Anhthu [Hoang.Anhthu@epa.gov]; Nance, Earthea [Nance.Earthea@epa.gov]; Anne Rolfes [anne@labucketbrigade.org]; Shreyas Vasudevan [shreyas@labucketbrigade.org]; Inclusive Louisiana [inclusive.louisiana@gmail.com]; joy@thedescentantsproject.org; Jo Banner [jo@thedescentantsproject.org]; Sharon Lavigne [redacted]; [redacted]; [redacted]; M Felt [redacted]; Gail Leboeuf [redacted]; Terrell, Kimberly A [kterrell1@tulane.edu]; Cowan, Elizabeth L [ecowan2@tulane.edu]; Vogel, Zoe C [zvogel@tulane.edu]; Lowell, Devin A [dlowell@tulane.edu]
Subject: 04R-22-R6 Complainants' Requests for Title VI resolution
Attachments: 10-27-22 Complainants' followup to EPA Letter of Concern-signed.pdf

Dear Ms. Dorka and EPA attorneys and officials:

Please receive the attached requests from the complainants on 04R-22-R6 (the "Industrial Corridor" complaint) for provisions we would like to see EPA include in an agreement or other resolution of our Title VI complaint.

We appreciate the very short timeline EPA is on and the tremendous work you put into the Letter of Concern. Given the critical nature of the issues we've raised and the limited opportunity this short timeline has provided us thus far, we hope you can seriously consider our requests.

Thank you.

Lisa Jordan
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TULANE LAW SCHOOL

TULANE ENVIRONMENTAL LAW CLINIC

October 27, 2022

Via email to: Title_VI_Complaints@epa.gov

Lilian Dorka, Deputy Assistant Administrator for External Civil Rights
Office of Environmental Justice and External Civil Rights
U.S. Environmental Protection Agency

RE: Supplemental information regarding EPA Complaint Nos. 01R-22-R6, 02R-22-R6, and 04R-22-R6 against the Louisiana Department of Environmental Quality for Lack of Environmental Justice Procedures in its Air Permitting Program and Resulting Discriminatory Decisions

Dear Ms. Dorka:

Stop the Wallace Grain Terminal, Inclusive Louisiana, RISE St. James, and the Louisiana Bucket Brigade (collectively, "Complainants"), through undersigned counsel, offer the following information to supplement their Title VI complaint (04R-22-R6) and offer additional recommendations in response to EPA's October 12, 2022, Letter of Concern to the Louisiana Department of Environmental Quality (LDEQ) and Louisiana Department of Health (LDH).

We appreciate the October 20 meeting EPA arranged with us to explain the Informal Resolution Agreement (IRA) process and next steps. In accordance with EPA's short timeline as described to us, and with the goal of including the complainants' perspective to inform the IRA process and beyond, we offer additional information and requests for specific provisions to be included in an EPA-LDEQ agreement and/or EPA findings beyond what was included in your Letter of Concern.

In addition to corridor-wide systemic issues, as discussed on our October 20, 2022, call and as raised in our complaint, the LDEQ's recent and pending permitting decisions for the Greenfield Grain Terminal (St. John the Baptist Parish) and the Nucor Steel facility (St. James Parish), respectively, reflect discriminatory practices that have disparate adverse effects on Black communities in Louisiana's Industrial Corridor. Below we include recommendations to address systemic and project-specific issues related to environmental justice.

We request that the following be included in an Informal Resolution Agreement (IRA) or voluntary compliance agreement with LDEQ:

- A. Regarding all air permits for facilities affecting residents of the Industrial Corridor, including St. James and St. John the Baptist parishes, LDEQ must condition any decision to issue or renew a permit on avoiding or mitigating adverse impacts from the facility's

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emissions, consistent with Title VI of the Civil Rights Act. This requirement is above and beyond LDEQ's responsibilities under the Clean Air Act.

- i. For existing facilities, if there are no mitigation measures LDEQ can take, whether within or outside the permitting program, that can eliminate the disparate impacts, and there is no legally sufficient justification for the disparate impacts or less discriminatory alternatives available, LDEQ will deny the permit. Mitigation measures include air sampling and/or monitoring conducted in conjunction with efforts to reduce residential exposures; more detailed/timely public reporting of emissions, upsets, and accidental releases; additional enforcement; and other measures that EPA has identified.¹
 - ii. For new facilities, if there are no measures LDEQ can take, whether within or outside the permitting program, that can eliminate the disparate impacts, and there is no legally sufficient justification for the disparate impacts, LDEQ will deny the permit.
- B. LDEQ will reopen the Minor Source air permit for Greenfield's proposed 56-silo Grain Terminal to:
- i. Conduct robust air dispersion modelling (i.e. accounting for all industrial sources) to predict ambient concentrations of Coarse and Fine Particulate Matter (PM₁₀ and PM_{2.5}, respectively) from the proposed Greenfield facility and nearby industrial sources, including Noranda Alumina, Rain CII Carbon, and Louisiana Sugar Refining, and
 - ii. Allow for an opportunity for public hearing and public comment.
- C. LDEQ will conduct a targeted assessment of acidic and other corrosive pollutants from all industrial sources impacting communities around the Nucor facility in St. James Parish, including but not limited to the permitted emissions from Nucor and the Mosaic Uncle Sam facility.²
- D. LDEQ will postpone any permitting decision, including the pending Nucor draft permit, that could increase emissions of corrosive/acidic pollutants near Romeville until the targeted assessment is completed and publicly available.
- E. LDEQ will update its Ambient Air Standards (AAS) to ensure that they protect against adverse health outcomes from chronic exposure and do not exceed the corresponding

¹ See EPA, Interim Environmental Justice and Civil Rights in Permitting Frequently Asked Questions 14-15 (Aug. 2022), <https://www.epa.gov/system/files/documents/2022-08/EJ%20and%20CR%20in%20PERMITTING%20FAQs%20508%20compliant.pdf>.

² LDEQ AI #170062. Complainants note that this requested analysis is not to be substituted for any cumulative impacts analysis recommended by EPA in its Letter of Concern, but instead is in addition to those, nor is it intended to limit EPA's suggestions of additional cumulative impacts analyses.

EPA Reference Concentrations (RfC). LDEQ will begin this process with hydrogen sulfide and mercury because these pollutants have AAS that substantially exceed the corresponding RfC, and both pollutants impact historic Black communities in St. James and St. John the Baptist parishes.

- F. LDEQ will update its AAS whenever EPA updates a corresponding RfC or creates a new RfC.
- G. LDEQ will develop and implement a policy that provides for public notice for all minor sources emitting pollutants that exceed significance thresholds.
- H. LDEQ will develop and implement a standardized, written Environmental Justice policy to direct all air permitting decisions that ensures residents are not exposed to cumulative cancer risk over one-in-one million and a respiratory hazard above 1.0. This policy will be subject to approval by EPA's OEJCR.
- I. All LDEQ staff who interact with media and/or community advocacy groups shall undergo training as recommended by EPA to improve the degree to which its public statements are accurate and supported by the best available science. These trainings must be designed to help LDEQ avoid making statements that downplay risks, create confusion or misunderstanding, or come across as indifferent or antagonistic towards communities.

Below is additional information regarding certain of the above requests:

- B. LDEQ will reopen the minor source air permit for Greenfield's proposed grain terminal in Wallace (St. John the Baptist Parish) to:**
 - i. Conduct robust air dispersion modelling (accounting for all industrial sources) to predict ambient concentrations of Coarse and Fine Particulate Matter (PM₁₀ and PM_{2.5}, respectively) from the proposed Greenfield facility and nearby industrial sources, including Noranda Alumina, Rain CII Carbon, and Louisiana Sugar Refining.³**
 - ii. Allow for an opportunity for public hearing and public comment.**

We request that the minor source permit (AI#222696) previously granted by LDEQ for the Greenfield Grain Terminal be immediately⁴ reopened to allow for an opportunity for public notice and public comment. This action is justified given the lack of prior public notice, the existing impacts from three major sources of PM located within two miles of the proposed site,⁵ and the proximity of historic Black communities and important cultural resources.

³ LDEQ AI #170062.

⁴ To ensure maximum public participation, LDEQ must not schedule this meeting within 7 days of a major holiday.

⁵ Atlantic Alumina (formerly Noranda Alumina; AI# 1388), Rain CII Carbon (AI# 32804), and Louisiana Sugar Refining (AI #165286).

Residents of these communities proactively sought to participate in environmental decision-making for Greenfield's proposed terminal, but were prevented from doing so by LDEQ procedures, as described below.

LDEQ classified this proposed 56-silo grain terminal as a minor source, and therefore chose not to require public notice.⁶ Neighboring communities had no opportunity to comment on the project. Indeed, the neighboring communities did not learn about the project details until *after* LDEQ had granted the Greenfield Grain Terminal's permit. Some residents had heard rumors about a proposed grain terminal and had proactively sought information about it,⁷ but, without knowing the name of the permit applicant, there was no way for residents to obtain a copy of Greenfield's permit application, let alone submit public comments about it. After receiving a call from a Wallace resident on July 29, 2020, Dr. Kimberly Terrell of Tulane's Environmental Law Clinic searched LDEQ's database for permit applications for grain terminals in St. John Parish. At that time, Greenfield's permit application was pending (it was determined administratively complete by LDEQ in May 2020), *but the permit had not yet been issued*. However, Dr. Terrell was unable to locate the permit application because the name of the applicant did not include "grain," which she used as the search term since the corporate name for the facility remained unknown. Rather, Greenfield is listed in LDEQ's database as "Greenfield Louisiana LLC - Greenfield Louisiana Terminal." Additionally, after first finding out about the project, residents of Wallace attempted – unsuccessfully – to get information and communicate concerns with a parish councilmember. Thus, residents made multiple proactive attempts to influence the LDEQ decision to permit Greenfield to construct one of the world's largest grain terminals adjacent to an historic Black community housing important cultural resources.

The site of Greenfield's proposed terminal is located within St. John the Baptist Parish, where, as stated in the Letter of Concern, Black residents are facing disparate adverse air pollutant impacts.⁸ As well as being located in the broadly overburdened Industrial Corridor/Cancer Alley, the local community is an environmental justice community. The neighborhoods closest to the site are 93% People of Color (predominantly Black).⁹ The proposed site is located less than one mile from the Whitney Plantation, the only former plantation in Louisiana focused primarily on telling the stories of enslaved people. Evidence

⁶ With limited exceptions, LDEQ regulations do not mandate public notice and comment period for facilities it classifies as "minor."

⁷ Phone call from Wallace Resident to Kimberly Terrell (Tulane Environmental Law Clinic) seeking information about a proposed grain elevator in Wallace (July 29, 2020).

⁸ Environmental Protection Agency, Letter of Concern regarding EPA Title VI Complaint Nos. 01R-22-R6, 02R-22-R6, and 04R-22-R6 (Oct. 12, 2022), *available at* <https://www.epa.gov/system/files/documents/2022-10/2022%2010%2012%20Final%20Letter%20LDEQ%20LDH%2001R-22-R6%2C%2002R-22-R6%2C%2004R-22-R6.pdf>.

⁹ Census blocks 1027, 1028, 1029, 1030, 1031, 1032, and 1033, representing the neighborhoods immediately surrounding the proposed Greenfield grain terminal, from the Veteran's bridge to Whitney Plantation Road, including the Whitney Plantation. 2020 Decennial Census. Accessed Oct 24, 2022, from data.census.gov.

presented to the U.S. Army Corps of Engineers indicates that the Whitney and other, nearby historic sites would suffer a degraded viewshed, noise disruptions, and light pollution, in addition to the impacts of particulate emissions. Yet, LDEQ included no consideration of environmental justice or racial demographics in its permitting decision, and did not conduct an environmental justice analysis.¹⁰

There are already five industrial sources of particulate pollution located within two miles of Greenfield's proposed site, including three major sources.¹¹ Collectively, these sources reported emitting over 500 tons of PM₁₀ in 2021.¹² The largest of these PM sources is Atlantic Alumina (formerly Noranda Alumina, AI# 1388), which sits directly across the river from Greenfield's proposed site and also emits significant amounts of mercury, a persistent, bioaccumulative, toxic pollutant.¹³ Homes and businesses in Wallace regularly have layers of "red dust" from operations at the alumina plant. The permit granted by LDEQ allows the Greenfield facility to add to the existing pollution burden in this historic Black community by emitting 81 tons per year (tpy) of PM₁₀, along with smaller amounts of other pollutants. Exposure to particulate pollution (PM₁₀ and/or PM_{2.5}) is known to cause lung cancer, respiratory disease, and cardiovascular disease.¹⁴ More recently, particulate pollution has been shown to impact the central nervous system and cause cognitive impairment.¹⁵

C. LDEQ will conduct a targeted assessment of acidic and other corrosive pollutants from all industrial sources impacting communities around the Nucor facility in St. James Parish, including but not limited to the permitted emissions from Nucor Steel and the Mosaic Uncle Sam facility.

Nucor (AI# 157847) constructed its facility in 2013 next to Romeville, a predominantly Black community, with no buffer zone.¹⁶ Since Nucor began operating, residents of this fence-line community have begun reporting respiratory problems, skin irritation, and corrosion of their recently-purchased metal property (e.g., roofs, cars, structures, and lawn ornaments). These reports are consistent with adverse impacts from acidic/corrosive pollutants. In 2021,

¹⁰ Greenfield Minor Source Final Permit, available at <https://cdms.deq.louisiana.gov/app/doc/view?doc=12298166> (Document 12298166).

¹¹ Atlantic Alumina (formerly Noranda Alumina; AI# 1388), Rain CII Carbon (AI# 32804), and Louisiana Sugar Refining (AI #165286).

¹² Based on 2021 Emissions Reported to LDEQ for a 2-mile (3,219 m) radius around Greenfield's proposed site (30.043797 -90.663127), accessed using LDEQ's Emissions Reporting and Inventory Center (ERIC) radius search tool, Oct 26, 2022 at <https://business.deq.louisiana.gov/Eric/EricReports/RadiusReportSelector?>. Most of these emissions come from Atlantic Alumina (formerly Noranda), Rain CII Carbon, and Louisiana Sugar Refining.

¹³ EPA RSEI Database. Accessed Oct 27, 2022.

¹⁴ Reviewed in Dockery, et al. Effects of Inhalable Particles on Respiratory Health of Children. *Am Rev Respir Dis.* 139, 587–594 (1989); see also Hamanaka and Mutlu, Particulate Matter Air Pollution: Effects on the Cardiovascular System. *Front. Endocrinol.* 9 (2018), doi:10.3389/fendo.2018.00680.

¹⁵ Reviewed in Yang, et al., Short-term and long-term exposures to fine particulate matter constituents and health: A systematic review and meta-analysis. *Environ. Pollut.* 247, 874–882 (2019).

¹⁶ Nucor is located on the site that was proposed for the Shintech PVC plant.

industrial facilities located within 3 miles of Romeville reported emitting a combined total of 97 tons of sulfuric acid mist (i.e. battery acid).¹⁷ Given the unusual reports of metal corrosion and corresponding health impacts, along with the obvious sources of corrosive pollutants, we request that EPA require LDEQ to conduct targeted impacts analysis for corrosive and/or acidic pollutants affecting Romeville residents.¹⁸ This analysis should include both health and non-health effects, such as corrosion to metal property.

D. LDEQ will postpone any permitting decision, including the pending Nucor draft permit, that could increase emissions of corrosive/acidic pollutants near Romeville until the targeted assessment is completed and publicly available.

In 2020, after five years of emitting unpermitted sulfuric acid, Nucor was allowed to add sulfuric acid to its air permit *without any public notice or comment opportunity*, only to subsequently exceed that permit limit.¹⁹ Now, Nucor is proposing to massively increase that limit from 5 tons per year to nearly 35 tons per year. Rather than addressing the reported adverse impacts and holding Nucor accountable for its consistent track record of non-compliance, LDEQ has proposed to grant Nucor's permit application (public hearing Oct 27, 2022; comment deadline Nov 21, 2022). Nucor is an egregious example of LDEQ "resolving" issues of non-compliance by modifying permits to achieve compliance through raising permit limits, with no consideration of adverse impacts, let alone disparate impacts. Nucor's proposed permit contains major technical inconsistencies with respect to criteria pollutants²⁰ and would increase allowable emissions of 17 pollutants that are known to be toxic to human health.²¹

E. LDEQ will update its Ambient Air Standards (AAS) to ensure that they protect against adverse health outcomes from chronic exposure and do not exceed the corresponding EPA Reference Concentrations (RfC). LDEQ will begin this process with hydrogen sulfide and mercury because these pollutants have AAS that substantially exceed the corresponding RfC, and both pollutants impact historic Black communities in St. James and St. John the Baptist Parishes, and

F. LDEQ will update its AAS whenever EPA updates a corresponding RfC or creates a new RfC.

¹⁷ Including Mosaic Uncle Sam (93 tons, AI #2532), Nucor Steel (4 tons, AI# 157847), and Occidental (< 1 ton, AI# 3544).

¹⁸ This analysis is in addition to, and not a substitute for, any cumulative impacts analysis recommended by EPA in its Letter of Concern, nor is it intended to limit EPA's suggestions of additional cumulative impacts analyses.

¹⁹ Nucor Steel Air Permit 3086-V7, Jan 2020. EDMS #12050197. Available at <https://edms.deq.louisiana.gov/app/doc/view?doc=12050197>

²⁰ Nucor's permit application avoids air dispersion modeling for PM_{2.5} and NO_x (pollutants for which Nucor's previous modeling predicted substantial exceedances of the NAAQS) by comparing baseline emissions to projected actual emissions, rather than the potential to emit. This approach is inconsistent with how other criteria pollutants are treated in the permit application.

²¹ Xylene, lead, sulfuric acid, acetaldehyde, naphthalene, acrolein, hydrogen sulfide, arsenic, dichlorobenzene, cobalt, manganese, beryllium, selenium, toluene, benzene, mercury, and copper.

In its permitting decisions, LDEQ improperly relies on compliance with Ambient Air Standards (AAS) to ensure compliance with Title VI and its public trustee duty under the Louisiana constitution. This approach is not supported by the best available science because many of the Louisiana AAS (which limit toxic air pollutants) far exceed the corresponding EPA Reference Concentration (RfC).²² It is unclear whether LDEQ has *ever* updated the Louisiana AAS since they were established in the early 1990s. In addition, many of the Louisiana AAS are based solely on an 8-hr average, and LDEQ has indicated that these 8-hr AAS are meant to protect against acute exposures only.²³ Thus, for many toxic air pollutants, there are no standards in place to protect against chronic exposure. It is therefore impossible for LDEQ to fully protect against adverse health effects by relying on compliance with AAS.

We request that LDEQ update its standards to protect against chronic exposure, beginning with hydrogen sulfide and mercury. These pollutants impact communities of Color throughout the Industrial Corridor, including in St. James Parish, where Nucor is proposing to increase emissions of both pollutants. While EPA Reference Concentrations exist for hydrogen sulfide and mercury, the current Louisiana AAS vastly exceed these values. The Louisiana AAS for hydrogen sulfide is 330 $\mu\text{g}/\text{m}^3$, based on an 8-hr average concentration, while the EPA RfC (which accounts for chronic exposure) is only 2 $\mu\text{g}/\text{m}^3$. Similarly, the Louisiana AAS for mercury is 1.19 $\mu\text{g}/\text{m}^3$ and is based on an 8-hr average, while the corresponding RfC is only 0.3 $\mu\text{g}/\text{m}^3$. While LDEQ contends that 8-hr AAS are based on acute exposures cannot be compared with RfCs, LDEQ does not provide an additional AAS to protect against chronic exposures.

G. LDEQ will develop and implement a policy that provides for public notice for all minor sources emitting pollutants that exceed significance thresholds.²⁴

We request that EPA require LDEQ to develop and implement a policy that provides for public notice for all minor sources over a de minimus threshold. Currently, with a few limited exceptions, Louisiana requires public notice only for major sources and conducts this notice through a webpage with a link to sign up to receive notice. However, we request that notice for both major and minor sources be specifically designed as an opt-out mailer, rather than an opt-in online system, to ensure that notice reaches all residents regardless of computer access or technical proficiency.

H. LDEQ will develop and implement a standardized, written Environmental Justice policy to direct all air permitting decisions that ensures residents are not exposed to cumulative cancer risk over one-in one million and a respiratory hazard above 1.0. This policy will be subject to approval by EPA's OEJCER.

²² Louisiana's ambient air standards can be found in Louisiana Administrative Code, Title 33:III, Chapter 51, Subchapter A, §5112. Table 51.2.

²³ LDEQ Response to Public Comment Summary RE Chalmette Refinery Permit 3177-V0. PDF pages 35-36. EDMS Doc # 13054200. Available at <https://edms.deq.louisiana.gov/app/doc/view?doc=13054200>

²⁴ Significance is defined at LAC 33:III.504.K, *available at* <https://deg.louisiana.gov/assets/docs/Air/Asbestos/AsbestosRegulations.pdf> (pgs. 55-56).

EPA's Letter of Concern recommends that LDEQ "develop and implement a process to identify and address potential adverse health and non-health effects (*e.g.*, traffic, odors, noise) of proposed air permitting decisions and the distribution of those effects based on race and/or national origin."²⁵ It is crucial that this recommendation is developed into an actionable framework to be applied for all air permitting actions to protect against future disparate harm resulting from LDEQ's air permitting program. This policy should include – but not be limited to – LDEQ's responsibility to conduct an environmental justice analysis in accordance with its state law duty under the public trust doctrine. We request that this policy have the following components:

- For any major permit action, applicants will conduct (and LDEQ will review) an analysis of the demographics and current pollution burden of the surrounding communities to determine whether the proposed project is located in or will affect an environmental justice community.
- If the project is located in an environmental justice community, then the applicant will conduct a risk assessment for health and non-health impacts, including the cumulative impacts from other nearby plants.
- Strengthened opportunity for public engagement for environmental justice communities.
 - Public hearings should be held at community centers in environmental justice communities and be held during multiple time periods so that working does not preclude the community from attending.
 - The community should receive ample notice of all public hearings and opportunities to comment.
- Buffer zones that require distance between the facility and the property line, creating additional space between the emissions source and the residents nearby.
- Where there is a fence-line community, the permit must require monitoring for all pollutants that EPA has determined are drivers of respiratory hazard and cancer risk.

I. All LDEQ staff who interact with media and/or community advocacy groups shall undergo training as recommended by EPA to improve the degree to which their public statements are accurate and supported by the best available science. These trainings must be designed to help LDEQ avoid making statements that downplay risks, create confusion or misunderstanding, or come across as indifferent or antagonistic towards communities.

In situations of grave concern to Complainants, LDEQ's spokespersons have issued statements that reflect inaccurate or misleading positions about public health and science. For example, in July 2022, Deputy Secretary Denise Bennett made misleading statements to suggest that sulfuric acid mist was not a pollutant of concern for Romeville residents. These

²⁵ Environmental Protection Agency, Letter of Concern regarding EPA Title VI Complaint Nos. 01R-22-R6, 02R-22-R6, and 04R-22-R6 (Oct. 12, 2022), *available at* <https://www.epa.gov/system/files/documents/2022-10/2022%2010%2012%20Final%20Letter%20LDEQ%20LDH%2001R-22-R6%2C%2002R-22-R6%2C%2004R-22-R6.pdf>.

statements came during the sole public information session that LDEQ held in conjunction with a short-term air monitoring project in Romeville Park using its Mobile Air Monitoring Laboratory. Deputy Secretary Bennett indicated that sulfuric acid was unlikely to occur in significant quantities around Romeville, a statement that is directly contradicted by LDEQ's Emissions Inventory, which includes 97 tons of reported sulfuric acid emissions from facilities near Romeville in 2021. Deputy Secretary Bennett also deflected concerns about sulfuric acid emissions from the Nucor facility by saying this would be addressed in the pending permitting proceedings but, as noted, LDEQ's draft permit for Nucor would massively increase the sulfuric acid limit from 5 tons per year to nearly 35 tons per year. After the 5-day Romeville monitoring project, LDEQ staff announced that no exceedances of air standards were detected from the monitoring project, but failed to disclose that it is virtually impossible to detect an exceedance from a 5-day monitoring project. LDEQ staff have made analogous statements in response to other air monitoring projects in Louisiana.

In response to critical situations, LDEQ spokespersons consistently issue boilerplate statements about compliance with, and purported concern for, the agency's responsibilities that inspire no confidence among the public. Given that LDEQ rarely meets with community members, often the only way LDEQ communicates to residents is through these public statements. LDEQ spokespersons should be trained in effective communication, particularly with members of overburdened communities, and should be required to develop all public statements with guidance from the risk coordinator recommended by EPA in its Letter of Concern.

We appreciate EPA's willingness to engage with LDEQ on these issues that have resulted in decades of environmental injustice for Black communities in Louisiana's Cancer Alley. In addition to correcting the wrongs of current permitting decisions with the proposed Formosa and Greenfield facilities, and the existing Nucor and Denka facilities, it is our hope that updated air standards and an updated environmental justice policy will prevent future adverse harm and disparate impact in these long-suffering communities.

Substantially prepared by:

Liza Cowan, Law Student
Zoe Vogel, Law Student
Kimberly Terrell, Ph.D., Staff Scientist

Respectfully submitted by:



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Message

From: Thompson, Steve [thompson.steve@epa.gov]
Sent: 10/26/2022 1:18:55 PM
To: Terrell, Kimberly A [kterrell1@tulane.edu]; Robinson, Jeffrey [Robinson.Jeffrey@epa.gov]
CC: Jordan, Lisa W [lwjordan@tulane.edu]; Nance, Earthea [Nance.Earthea@epa.gov]; [REDACTED]
[REDACTED] Wayne Frank [REDACTED]
Subject: RE: FLIR Report

Thank you Dr. Terrell,
We had not previously received this report. I have asked my team to review.

Steve

From: Terrell, Kimberly A <kterrell1@tulane.edu>
Sent: Tuesday, October 25, 2022 4:17 PM
To: Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; Thompson, Steve <thompson.steve@epa.gov>
Cc: Jordan, Lisa W <lwjordan@tulane.edu>; Nance, Earthea <Nance.Earthea@epa.gov>;
[REDACTED]; [REDACTED]; Wayne Frank <[REDACTED]>
Subject: FLIR Report

Dear Mr. Thompson and Mr. Robinson,

Attached is the report from Mr. Doty on issues identified in southwest LA using FLIR imaging. Please see pages 5-6 for the relevant information for Sasol. Also please see Mr. Doty's email to LDEQ below. As far as we know, LDEQ still has not responded or taken any follow up action.

As Mr. Robinson indicated, EPA's request to Sasol for testing and information was related to rulemaking (see [here](#)). Can Region 6 send us the documents received from Sasol in response to this request, or do we need to submit a FOIA?

Thank you for your time.

Warmly,

Kim

Kimberly Terrell, Ph.D.
Director of Community Engagement
Staff Scientist
Tulane Environmental Law Clinic
6329 Freret St, Suite 130
New Orleans, LA 70118
504-865-5787
she/hers

From: James Doty <tchdconsultingllc@gmail.com>
Sent: Tuesday, October 4, 2022 2:04 PM
To: Chrissie Gubancsik <Chrissie.Gubancsik@la.gov>
Cc: Ethan Buckner <ebuckner@earthworksaction.org>; Rebekah Staub <rstaub@earthworksaction.org>; Chrystal Beasley <cbeasley@earthworksaction.org>; Kaitlyn Joshua <kjoshua@earthworksaction.org>; Roddy Hughes <roddy.hughes@sierraclub.org>; Courtney Naquin <courtney.naquin@sierraclub.org>; Naomi Yoder <naomi@healthygulf.org>; dustin@healthygulf.org; roishetta@healthygulf.org; James Hiatt

<james@labucketbrigade.org>; Oren Jacoby <oren@storyville.org>; jon@oceans8films.com; nance.earthea@epa.gov; deqoec@la.gov; BRIAN.TUSA@la.gov; angela.marse@la.gov; officesec@la.gov; [REDACTED] Sam Jinishian <sam@storyville.org>; [REDACTED]; Terrell, Kimberly A <kterrell1@tulane.edu>

Subject: Re: Fwd:

External Sender. Be aware of links, attachments and requests.

Ms. Gubancsik -

I hope that you are well.

It has now been more than 6-weeks since the LDEQ received optical gas imaging monitoring data described in the *Lake Charles, Louisiana and Port Arthur, Texas Area OGI Monitoring Project, Observations and Findings, June 20 - 23, 2022*, document provided on August 15. All relevant documentation was provided via email and in the hardcopy narratives and electric files that were received by you via USPS.

You were contacted and then responded to me on August 16 at 9:04 AM stating that you were "..... currently working with our various stakeholders to formulate a response for you. If you have any questions in the meantime, please feel free to contact me at your convenience."

I have not heard from you and/or the LDEQ since you sent me that August 16 communication. This is a bit troubling considering the real-time field assessments documented significant industrial and hydrocarbon emissions being continuously released in the Lake Charles area without regard to human health, climate change, site operations and maintenance, and permit representations.

In the meantime, as the documented findings have been more thoroughly processed and studied, it has been noted that the observations previously attributed to Commonwealth LNG were actually emitted by the Venture Global - Calcasieu Pass LNG facility. Consequently, the *Lake Charles, Louisiana and Port Arthur, Texas Area OGI Monitoring Project, Observations and Findings, June 20 - 23, 2022*, document was revised on September 29 to reflect this update. Please refer to the enclosed document.

In the meantime, affected parties are anxious to hear about LDEQ activities and responses related to the June 2022 findings including but not limited to those in close proximity to environmental justice areas, thus I am contacting you again as previously suggested.

I look forward to coordinating with you on these important matters in the near future.

Thanks!

On Tue, Aug 16, 2022 at 9:04 AM Chrissie Gubancsik <Chrissie.Gubancsik@la.gov> wrote:

Mr. Doty-

Thank you for sending this information. I am currently working with our various stakeholders to formulate a response for you. If you have any questions in the meantime, please feel free to contact me at your convenience.

Chrissie Gubancsik

CHRISSIE GUBANCSIK

Regional Manager, Southwest Regional Office
Louisiana Department of Environmental Quality
Phone: 337.491.2756
Fax: 337.491.2682



From: James Doty <tchdconsultingllc@gmail.com>
Sent: Monday, August 15, 2022 11:25 PM
To: _DEQ-SWROAdmin <_DEQ-SWROAdmin@LA.GOV>
Cc: Ethan Buckner <ebuckner@earthworksaction.org>; Rebekah Staub <rstaub@earthworksaction.org>; Chrystal Beasley <cbeasley@earthworksaction.org>; Kaitlyn Joshua <kjoshua@earthworksaction.org>; Roddy Hughes <roddy.hughes@sierraclub.org>; Courtney Naquin <courtney.naquin@sierraclub.org>; naomi@healthygulf.org; dustin@healthygulf.org; roishetta@healthygulf.org; james@labucketbrigade.org; Oren Jacoby <oren@storyville.org>; jon@oceans8films.com; nance.earthea@epa.gov; _DEQ-Office of Env Compliance <DEQOEC@LA.GOV>; Brian Tusa <Brian.Tusa@LA.GOV>; Angela Marse <Angela.Marse@LA.GOV>; _DEQ-Office of the Secretary <OFFICESEC@LA.GOV>; [REDACTED]; Sam Jinishian <sam@storyville.org>; [REDACTED]
Subject: Fwd:

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Ms. Gubancsik –

I hope that this communication finds you well.

I am writing to you on behalf of my client, Earthworks, regarding findings and observations documented on the recent Lake Charles, Louisiana and Port Arthur, Texas Area Optical Gas Imaging (OGI) Monitoring Project that was in part conducted in the Lake Charles, Louisiana area from June 20 – 21, 2022. As you may know, Earthworks is a non-profit organization that stands for clean air, water, and land, healthy communities, and corporate accountability. They work for solutions that protect both the Earth's resources and its communities.

Earthworks is a non-governmental organization (NGO) that works to expose the health, environmental, economic, social, and cultural impacts of energy extraction through work informed by sound science, thus they reached out to me,

Tim Doty, President of TCHD Consulting LLC (TCHD) in Driftwood, Texas. TCHD is a company that specializes in technical, environmental, safety, and thermography solutions for a variety of clients in the United States, Canada, and Europe.

Emissions that are invisible to the human eye were made visible by using a Teledyne FLIR GF320 OGI camera that detects hydrocarbon in the 3.2 – 3.4 micrometer range, and thus Lake Charles area air emission sources were visually identified on this most recent ambient air environmental project. Obviously, the LDEQ finds comfortable with using this remote-sensing technology, as it is approved and currently used by the EPA and other regulatory agencies around the country and because the LDEQ itself currently owns multiple OGI cameras equivalent to the one used during this project. OGI surveys were conducted on land and focused on identifying emissions sources and characterizing potential impacts for communities that are near and adjacent to these industrial sites including some potential environmental justice areas.

I visited many sites in Cameron Parish and Calcasieu Parish and documented excessive emissions from ten different facilities in the Lake Charles area including but not limited to Cheniere – Sabine Pass LNG, Venture Global – Calcasieu Pass LNG, Sempa – Cameron LNG, Commonwealth LNG, Louisiana Pigment Company, Westlake Chemical – Lake Charles Polymer Plant, Sasol – Lake Charles Chemical Complex, Citgo – Lake Charles Manufacturing Complex, Firestone Polymers, and Phillips 66 – Lake Charles Manufacturing Complex. Physical locations of these complaints are included on the embedded global positioning coordinates in the videos and/or on the location descriptors on the entry slides on each provided video.

Emission sources were varied and included but were not limited to flares, vent pipes, exhaust stacks, and storage tanks. Observations and findings were documented in 21 OGI videos that are being provided to the LDEQ so that investigations can be conducted. Emissions were excessive in the Lake Charles area, as described in the *Lake Charles, Louisiana and Port Arthur, Texas Area OGI Monitoring Project, Observations and Findings, June 20 - 23, 2022*, document that is also being provided. And finally, I am certifying that I personally collected the documentation associated with these air complaints.

Emissions were plentiful and were not difficult to detect even adjacent to residential areas. It is interesting to note that after a bit of research on nearby ambient air monitoring stations in the Lake Charles area only two are in close vicinity of the heavy industrial areas. The LDEQ Westlake, Louisiana site that is located at 2646 John Stine Road was established on September 28, 1992, and characterizes sulfur dioxide, particulate matter equal to or less than 2.5 microns, oxides of nitrogen, and volatile organic compounds by triggered canister. This monitoring station seems to be in an ineffective location for monitoring many nearby industries particularly considering the predominant southerly wind flow path is physically blocked by trees per the online picture. Moreover, the Lake Charles – Lighthouse Lane air monitoring site that was established on July 10, 2002, and collects event-triggered canister samples is even located in a worse spot as the online pictures show that the wind flow is blocked from the north, east, and south. How does the LDEQ conclude that it is collecting representative downwind industrial samples when wind flow is physically blocked per its own documentation?

Among the big emitters in the Lake Charles area were four liquid natural gas (LNG) processing facilities led by the Cheniere – Sabine Pass LNG who was emitting a tremendous quantity of emissions from at least 30 exhaust stacks that were actively filling the horizon with uncombusted hydrocarbon. Excessive exhaust stack emissions were a common theme on this project and included the Louisiana Pigment Company's long streaming plume that was visual to the bare eye. Its magnitude was made even more visible in the OGI high-sensitivity mode as it was heading toward nearby residential areas. Excessive exhaust stack emissions were also documented at the Firestone Polymers and Westlake Chemical – Lake Charles Polymer Plant facilities.

The Lake Charles area also had several poorly combusting flares that were documented by this project. One of the three Westlake Chemical – Lake Charles Polymer Plant's flares was not combusting efficiently per its OGI profile that

was documented on the morning of June 21. It was releasing excess emissions from a flare tip that did not appear to have a hot combustion zone which is indicative of a poorly functioning combustion device that does not meet permit representations and manufacturer design expectations. Another poorly combusting flare was also identified at the Sasol – Lake Charles Complex early on the morning of June 21.

And finally, the Citgo – Lake Charles Manufacturing Complex was also a consistent source of excessive emissions, as it had several vent and exhaust stacks that were steadily releasing significant hydrocarbon, along with a poorly combusting steam-assisted vertical flare stack that was on-site. Additional excess hydrocarbon emissions were also documented being released from multiple Citgo storage tanks and from some five storage tanks at the Phillips 66 – Lake Charles Manufacturing Complex. Emissions from these sources were not typical of the source types and likely exceeded permit representations and are indicative of poorly maintained infrastructure.

As a result of documented findings, it is recommended that the LDEQ conduct mobile monitoring activities to characterize and measure downwind and airshed pollutants in an effort to minimize emissions and to characterize impacts to local communities. I look forward to collaborating with you and the LDEQ in resolving these significant industrial and hydrocarbon emissions that are being continuously released in the Lake Charles area without regard to human health, climate change, site operations and maintenance, and permit representations. In the meantime, please help these local communities out by providing environmental assistance to areas that currently need support.

Hardcopies of the enclosed documents and an SD card with unedited OGI videos, digital photos, and YouTube-posted edited videos have been mailed to you.

Please feel free to contact me directly regarding these matters and any questions that you may have, as I am requesting follow-up on inspector findings.

Technical Background

TCHD Consulting LLC is located in Driftwood, Texas and provides technical, environmental, safety, and thermography consulting services to a variety of customers in the United States, Canada, and Europe. Mr. Tim Doty worked for the Texas Commission on Environmental Quality (TCEQ) for +28 years and served as the Agency's mobile air monitoring manager and technical expert that included management of up to 20 staff members for 17 years. He performed and managed ambient air monitoring and environmental assessments that were conducted both inside and outside of many hundreds of industrial facilities, oil and natural gas sites, and landfills that included EPA interaction and expert witness testimony. He also managed the TCEQ's Mobile Response Team and all the Agency's emergency response assets for two years and has planned/managed/participated on many manmade and natural disaster responses including but not limited to: Helotes Compost Fire, Corpus Christi Benzene Seep, Hurricane Katrina, Hurricane Rita, Hurricane Ike, Lubbock Dump Fire, 2011 Super Bowl, Bastrop Fires, Wimberley Floods, Magnablend Industrial Explosion, Hurricane Harvey, and the COVID-19 Pandemic.

Mr. Doty is a certified Infrared Training Center Level III thermographer that provided thermography and OGI instruction to some +150 TCEQ staff members after helping to establish OGI field uses and policies within the TCEQ from 2005 - 2018. He also served as a technical advisor to the TCEQ Director of Compliance and Enforcement. He now provides technical, air monitoring, environmental assessments, and OGI and general thermography consulting services, including instruction, to both students and relevant parties including but not limited to those associated with industry, oil and natural gas, environmental causes, safety, the public interest, and the media.

Sincerely,

Tim Doty

<https://youtu.be/ORpPV6JOQow>
<https://youtu.be/Zc5M30usXss>
<https://youtu.be/qSaMieGUn-U>
<https://youtu.be/PUmkS3LZWGE>
<https://youtu.be/ypS5y3IGVLM>
<https://youtu.be/qv2wXFV5ses>
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<https://youtu.be/Hyf8rETXwy4>
<https://youtu.be/9sC8Kz7Efqc>

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Available until Sep 14, 2022

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LC & PA OGI Project Observations & Findings (081522).pdf

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Tim Doty

TCHD Consulting, LLC

Owner/Manager

ITC Level III Thermographer

512-644-4830

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Tim Doty

TCHD Consulting, LLC

Owner/Manager

ITC Level III Thermographer

512-644-4830

Message

From: Cowan, Elizabeth L [ecowan2@tulane.edu]
Sent: 10/27/2022 9:01:24 PM
To: Title VI Complaints [Title_VI_Complaints@epa.gov]
CC: O'Lone, Mary [OLone.Mary@epa.gov]; Khan, Zahra [Khan.Zahra@epa.gov]; Isales, Daniel [Isales.Daniel@epa.gov]; Hoang, Anhthu [Hoang.Anhthu@epa.gov]; Nance, Earthea [Nance.Earthea@epa.gov]; Anne Rolfes [anne@labucketbrigade.org]; joy@thedesendantsproject.org; Jo Banner [jo@thedesendantsproject.org]; Terrell, Kimberly A [kterrell1@tulane.edu]; Vogel, Zoe C [zvogel@tulane.edu]; Lowell, Devin A [dlowell@tulane.edu]; Jordan, Lisa W [lwjordan@tulane.edu]
Subject: National Urban League letter relating to EPA Complaint No. 04R-22-06
Attachments: Michael S Regan - EPA RE Greenfield Grain Elevator Terminal - REVISED.pdf

Dear Ms. Dorka and EPA attorneys and officials:

We just became aware that the attached letter regarding the Greenfield Grain Terminal was sent by National Urban League President Marc Morial to Administrator Regan last week. The letter requests that EPA investigate "the actions surrounding those who are promoting the development of the Greenfield Grain Elevator Terminal" for civil rights violations.

As we wrote to you this morning, the Greenfield Terminal is yet another example of LDEQ's discriminatory air permitting practices in Louisiana's Industrial Corridor. Like Formosa, the permit has been granted but the facility has not yet been constructed. LDEQ considers the terminal a Minor Source and therefore granted the permit to its operators *without public notice or comment*. The proposed Greenfield facility is within 2 miles of five other industrial sources of particulate pollution.

We reiterate our request that the Informal Resolution agreement with LDEQ include a provision to reopen the air permit to i) conduct a robust air dispersion modelling (accounting for all industrial sources) to predict ambient concentrations of Coarse and Fine Particulate Matter (PM₁₀ and PM_{2.5}, respectively) from the Greenfield facility and nearby industrial sources, including Noranda Alumina, Rain CII Carbon, and Louisiana Sugar Refining; and ii) to allow for an opportunity for public hearing and conduct.

Thank you,

Liza Cowan (*She, Her, Hers*)

J.D. Candidate 2023 | Tulane University Law School
Student Attorney | Tulane Environmental Law Clinic
ecowan2@tulane.edu | (415) 867-0903

Zoe Vogel (*She, Her, Hers*)

J.D. Candidate 2023 | Tulane University Law School
Student Attorney | Tulane Environmental Law Clinic
zvogel@tulane.edu | (952) 378-7422

From: Jordan, Lisa W <lwjordan@tulane.edu>
Sent: Thursday, October 27, 2022 10:51 AM
To: Title_VI_Complaints@epa.gov <Title_VI_Complaints@epa.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Hoang, Anhthu <Hoang.Anhthu@epa.gov>; Nance, Earthea <Nance.Earthea@epa.gov>; Anne Rolfes <anne@labucketbrigade.org>; Shreyas Vasudevan <shreyas@labucketbrigade.org>; Inclusive Louisiana

<inclusive.louisiana@gmail.com>; joy@thedescendantsproject.org <joy@thedescendantsproject.org>; Jo Banner
<jo@thedescendantsproject.org>; Sharon Lavigne <[REDACTED]>; [REDACTED]
<[REDACTED]>; [REDACTED] <[REDACTED]>; M Felt
<[REDACTED]>; Gail Leboeuf <[REDACTED]>; Terrell, Kimberly A <kterrell1@tulane.edu>; Cowan,
Elizabeth L <ecowan2@tulane.edu>; Vogel, Zoe C <zvogel@tulane.edu>; Lowell, Devin A <dlowell@tulane.edu>
Subject: 04R-22-R6 Complainants' Requests for Title VI resolution

Dear Ms. Dorka and EPA attorneys and officials:

Please receive the attached requests from the complainants on 04R-22-R6 (the "Industrial Corridor" complaint) for provisions we would like to see EPA include in an agreement or other resolution of our Title VI complaint.

We appreciate the very short timeline EPA is on and the tremendous work you put into the Letter of Concern. Given the critical nature of the issues we've raised and the limited opportunity this short timeline has provided us thus far, we hope you can seriously consider our requests.

Thank you.

Lisa Jordan
Director, Tulane Environmental Law Clinic
Clinical Professor of Law
6329 Freret Street
New Orleans, LA 70118
Direct: (504) 314-2481
Office: (504) 865-5789
Fax: (504) 862-8721
Email: lwjordan@tulane.edu

Message

From: Russel Honore' (b) (6)
Sent: 12/21/2022 9:46:37 PM
To: (b) (6); darryl.malek-wiley@sierraclub.org; Jack Reno Sweeney [jack@labucketbrigade.org]; Jacques Morial (b) (6); Kim Coates [kcoates@momscleanairforce.org]; Terrell, Kimberly A [kterrell1@tulane.edu]
Subject: Fwd: Comments on Air Products/Lake Maurepas scheme
Attachments: MigratoryClock2021.pdf

----- Forwarded message -----

From: Michael Tritico <michaeltritico@ (b) (6)>
Date: Wed, Dec 21, 2022 at 12:08 PM
Subject: Fw: Comments on Air Products/Lake Maurepas scheme
To:

----- Forwarded Message -----

From: Michael Tritico <(b) (6)>
To: info@la.gov <info@la.gov>; Lindsay Cooper <lindsay.cooper@la.gov>; stephen.lee@la.gov <stephen.lee@la.gov>
Sent: Wednesday, December 21, 2022 at 11:56:14 AM CST
Subject: Comments on Air Products/Lake Maurepas scheme

RESTORE
P.O. Box 233
Longville, LA 70652
(337)-725-3690
michaeltritico@ (b) (6)

December 21, 2022

Stephen H. Lee
Louisiana Office of Conservation
Injection and Mining Division
617 N. 3rd Street
Baton Rouge, LA 70802

Re: Air Products Blue Energy, LLC
Application Number 43366 for a Class V Well Permit
Docket Number IMD 2022-03

Dear Mr. Lee,

I think it is time for LDNR to suspend all proceedings in this matter and require a comprehensive Environmental Impact Study and Statement for the Air Products proposal, not just for the Class V well but for the entire concept they are proposing since it is within the Coastal Zone boundary and should require a Coastal Use Permit, since it directly-relates to the practical implementation of the goals set forth by the Governor's Climate Change Task Force and therefore should prove its premises and assumptions, since it may impact aquatic biota migrations as well as the Maurepas Swamp Wildlife Management Area, and since it may interfere with public utilization of natural resources.

As for the current application, it has some odd things that must be explained in that comprehensive Environmental Impact Study and Statement:

- 1) If CO₂ is prohibited as a Class V test material (PDF Page 2) then why did the applicant notify LDNR that it plans to use materials designed to withstand corrosion from carbon dioxide in this well?
- 2) How can the applicant assume that it will not encounter pressure anomalies at any depth during the drilling of the well, based upon their presumption that there are no hydrocarbon-bearing layers under Lake Maurepas (PDF Page 14) – despite the reality that the entire State has hydrocarbon-bearing layers under it at various depths?
- 3) There is no discussion in the application of what will happen to the drilling fluids and produced brine. How and where will those disposals take place?

I am going to attach to these comments a Migratory Clock Diagram I prepared many years ago using data from the Louisiana Wildlife and Fisheries to show, for the Calcasieu Estuary Ecosystem, that there are times of great sensitivity of fish, shrimp, crabs, from eggs to larvae to adult forms - to any man-made actions. LDNR should not allow any disruptive influences during those times. It should not be difficult for the applicant or your staff to prepare a Migratory Clock for the Lake Maurepas area so that you can impose permit constraints when and if the project is allowed to move forward.

Thank you for the opportunity to submit comments.

Sincerely,
Michael Tritico, Biologist and President of RESTORE
Restore Explicit Symmetry To Our Ravaged Earth

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Best Regards, LT General Russel Honore (Ret) www.generalthonore.com (404) 227-1527 See/Smell Something,
Say Something, Do Something. Take a picture Call 911