CONTAINS CONFIDENTIAL BUSINESS INFORMATION NOT SUBJECT TO DISCLOSURE UNDER FOIA

February 5, 2021

By Electronic Mail

Thomas Carroll
Acting Director
Air Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Mail Code: 2201A
Washington, DC 20460

Re: February Update to Response to April 24, 2020 Letter from the U.S. Environmental Protection Agency

Dear Mr. Carroll:

Birla Carbon USA, Inc. ("Birla" or the "Company") submits this letter as the ninth update to its May 22, 2020 response to the April 24, 2020 letter it received from the U.S. Environmental Protection Agency ("EPA" or the "Agency") regarding force majeure notices the Company submitted on March 16 and 18, 2020 in anticipated noncompliance with obligations under the Consent Decree between the United States of America, the Louisiana Department of Environmental Quality ("LDEQ"), the Kansas Department of Health and Environment ("KDHE"), and Columbian Chemicals Company. Consent Decree, *United States et al. v. Columbian Chem. Co.*, No. 6:17-cv-01661-RGJ-CBW (W.D. La. June 11, 2018). We also use this opportunity to respond to questions from EPA's January 25, 2021, letter to us.

Please note that this letter and certain attachments to this letter include confidential business information ("CBI") and are marked as such. Documents marked for CBI are entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B, and are not subject to disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. We ask that LDEQ and KDHE similarly treat this as CBI under their analogous state laws.[1]

[1] Certain attachments to this letter include CBI, which Birla has designated as such with the stamp "CONFIDENTIAL BUSINESS INFORMATION NOT SUBJECT TO DISCLOSURE UNDER FOIA." Based on a review of relevant LDEQ

I. North Bend

Since our last update, construction was ongoing at North Bend for installation of equipment required under the Consent Decree. All subsurface work is complete, and foundations work is approximately 40% complete. The absorber basin is currently under construction. Delays continue to be estimated at just over seven weeks, with an estimated completion date of November 22, 2021. *See* Confidential Attachments 1 and 2. As noted in Birla's January 27, 2021 Semi-Annual Report, on January 26, 2021, Birla received a modified Section 408 Permit from the U.S. Army Corps of Engineers. On February 4, 2021, Birla received a modified Coastal Use Permit from the Louisiana Department of Natural Resources, which means that the Company can begin in-water work at the North Bend site. *See* Attachment 3.

Regarding Questions 1–4 from EPA's January 25, 2021, letter to the Company, we provide the following:

1. *Please provide a description of what parts of the plant will be shut down and specify the dates of proposed shutdown during each of the Plant Outage Period 2021 and Plant Outage – Summer 2021, as those terms are defined below.*

   There will be no summer 2021 outage. The summer 2021 outage was inadvertently left in the last construction schedule we shared. The [redacted] outage was moved to [redacted] due to COVID-19-related delays. During the [redacted] outage at North Bend, Incinerator #1 will be down from [redacted]. During this time, Birla will be removing existing duct work, installing new [redacted] The entire facility will be shut down from [redacted] During this time, Birla will demolish and replace the existing [redacted]

2. *Please explain why the work scheduled for the Plant Outage Period 2021 cannot be accelerated.*

   The North Bend construction plan is broken down into six activities, which can be performed individually but need to be completed to support the critical path for the currently scheduled date of November 22, 2021 for Continuous Operation. Listed below are the activities, with currently estimated completion dates and their associated impact on the critical path.

Area of Construction	Estimated Substantial Completion Date	Impact on Critical Path
Engineering	4/1/2021	Current schedule has no negative impact on critical path
[redacted]	8/1/2021	Current schedule has no negative impact on critical path
[redacted]	7/1/2021	Current schedule has no negative impact on critical path

regulations, La. Admin. Code tit. 33, pt. I, § 501(A), Birla understands that it must submit any CBI via mail or delivery to LDEQ and not electronically. At this time, Birla is providing the entire submittal to EPA and KDHE, and will separately submit the letter and its attachments to LDEQ.

Area of Construction	Estimated Substantial Completion Date	Impact on Critical Path
[redacted]	9/1/2021	This area becomes critical path after completion of the [redacted] (9/15/2021)
[redacted]	9/15/2021	Current critical path
[redacted]	8/01/2021	Current schedule has no negative impact on critical path

The above chart provides a high-level overview of the construction plan. Activities shown in the current construction plan cannot be accelerated due to the current delivery schedule of structural components and equipment that were delayed due to COVID-19-related issues. All construction activities were rescheduled to optimize efficiency of construction. Please note that as equipment vendors and material suppliers modify delivery dates, the North Bend construction schedule will be updated. Birla and its construction team are making every effort to complete all activities to achieve Continuous Operation and meet obligations set out in the Consent Decree.

The current critical path is shown below.

Activity	Estimated Completion Date	Factors Impacting Completion of Activity
[redacted]	2/5/21	None
[redacted]	3/19/21	None
[redacted]	5/14/21	None
[redacted]	5/14/21	Delivery of Materials
[redacted]	7/9/21	Delivery of Materials
[redacted]	7/30/21	Delivery of Materials
Equipment Installed [redacted]	8/15/21	Delivery of Materials
[redacted] Installed	8/15/21	None
[redacted]	9/3/21	None
[redacted]	9/24/21	None
[redacted] Area	9/24/21	None
[redacted] Installed	10/1/21	None
Commissioning of [redacted]	10/15/21	None
[redacted] Demolition	10/15/21	None

Activity	Estimated Completion Date	Factors Impacting Completion of Activity
Demolition of [redacted]	10/15/21	None
Installation of [redacted]	10/29/21	None
Construction Complete	10/29/21	None
Commissioning and Testing	11/22/21	None

The installation of the SCRs and the catalysts are not in the current critical path. [redacted] A key concern for timing of the catalyst installation is to ensure maximum activity of the catalyst at installation. [redacted]

3. *Please state which items were completed during the December 2020 outage referenced in the December 12, 2020 Response Letter, and which items remain for "the Summer 2021 construction schedule" as that term is used on page 2 of your December 12, 2020 Response Letter.*

The facility had to shut down in December 2020 for operational reasons not related to the compliance project. The project team used this opportunity to move several activities forward to reduce overall project impact. These activities included the installation of steam tie-in valves and electrical tie-in equipment. The Summer 2021 construction schedule, as that term is used in our December 12, 2020 Response Letter, refers to the [redacted] outage. The steam tie-ins will allow for tie-in and commissioning of the [redacted] prior to the [redacted] outage. Current commissioning of the [redacted] is scheduled to be completed before September 3, 2021. The electrical tie-ins will allow commissioning for the following equipment prior to the [redacted] outage: [redacted].

4. *Please elaborate on what is intended during this period [July 3–12, 2021]. Explain why each of the Activities scheduled to occur during the Plant Outage Period 2021 could not occur during this July 3 - 12, 2021 Plant Outage - Summer 2021, or an expanded outage period in July and August.*

As explained above, there will be no summer 2021 outage.

II. Hickok

Construction is ongoing at Hickok for installation of equipment required under the Consent Decree. As of February 4, 2021, RATA testing of the CEMS is complete. The Company is continuing with commissioning work on the new system, but Birla is still waiting on the KDHE permit modification that covers all new equipment. As noted in our January 27, 2021 Semi-Annual Report, Birla requested a permit

modification and responded to all inquiries from KDHE, but we have yet to receive the permit modification.

Birla continues to expect delivery of the reactor vent scrubbers in Denver, Colorado on February 22, 2021. The Company also continues to expect an overall delay to the completion date, which is still projected to be April 9, 2021. Please note that the schedules provided in Confidential Attachments 4 and 5 only apply to the part of the project managed by Worley; they do not included work related to the reactor vent scrubbers.

The project with Worley includes the incinerators, HRSG and new stack. It is designed to treat exhaust gases from continuous operations in accordance with the Consent Decree. This technology is being installed at the back end of the carbon black process. The main emission control technology contract is being addressed by Birla's EPC contractor due to the complex nature of the technology.

The reactor vent scrubber project was setup as a separate project from the main emission control technology since these would be installed on the site's existing carbon black production system. The reactor vent scrubber is a separate Consent Decree requirement that is responsible for stopping carbon black releases to the atmosphere during startup, shutdown and productions upsets. The reactor vent scrubbers are installed in middle of the carbon black production process, upstream of the air quality controls. They will ensure that there are no uncontrolled PM emissions from the reactors during start-up, shutdown and malfunctions during the manufacturing process.

We will update you with more details as they become available. Please contact David Buente at 202-255-8684 or dbuente@sidley.com if you have any questions in the meantime.

Sincerely,

Randy Waskul
Global Director, Health, Safety & Environmental

CC: Kellie Ortega, U.S. EPA (by email)
Patrick Foley, U.S. EPA (by email)
Chris Williams, U.S. EPA (by email)
Carlos Evans, U.S. EPA Region 6 (by email)
Emad Shahin, U.S. EPA Region 6 (by email)
Lisa Gotto, U.S. EPA Region 7 (by email)
Lisa Hanlon, U.S. EPA Region 7 (by email)
Amy Algoe-Eakin, U.S. EPA Region 7 (by email)
Alex Chen, U.S. EPA Region 7 (by email)
Thomas Mariani, U.S. DOJ (by email)

Eli Quinn, U.S. DOJ (by email)
Connie Ellis, KDHE (by email)
Kate Gleeson, KDHE (by email)
Dwana King, LDEQ (by FedEx)
Celena Cage, LDEQ (by FedEx)
David Buente, Sidley Austin LLP (by email)
Peter Whitfield, Sidley Austin LLP (by email)

Enclosures: Confidential Attachment 1 - 2021-01-27 - North Bend - SNC Project Summary Schedule

Confidential Attachment 2 - 2021-02-01 - North Bend - Letter from SNC

Attachment 3 - 2021-02-04 - North Bend - Coastal Use Permit

Confidential Attachment 4 - 2021-01-28 - Hickok - Worley Project Startup and Completions Schedule

Confidential Attachment 5 - 2021-02-01 - Hickok - Worley COVID-19 Impact Schedule Analysis

CONFIDENTIAL ATTACHMENT 1

2021-01-27 - North Bend -
SNC Project Summary Schedule

Birla Carbon - AQCU Project
Summary Schedule

Activity ID	Activity Name	Duration	Start	Finish

2020													2021												2022		
Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29

[redacted]

Remaining Level of Effort
Actual Level of Effort
Actual Work
Remaining Work
Critical Remaining Work
Milestone

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CONFIDENTIAL ATTACHMENT 2

2021-02-01 - North Bend - Letter from SNC

SNC·LAVALIN

SNC-Lavalin Constructors Inc.
11335 NE 122nd Way, Suite 200
Kirkland, WA USA 98034-6937

425.489.8000 425.489.8003

Attn: Mark B. Vannice, PE, Project Director
Birla Carbon USA, Inc.
Regional Office Marietta
1800 West Oak Commons Ct
Marietta, GA 30062

SNC Letter: BC-010

Re: Purchase Order No. 2300002188; Notice of Force Majeure Event Update – Status as of February 1st, 2021

Dear Mr. Vannice:

Reference is made the above Purchase Order and the Professional Services Terms and Conditions (Agreement) and Letters BC-001 dated May 13th, 2020 and BC-002 dated June 17th, 2020. Terms not otherwise defined herein shall have the meaning assigned to them in the Agreement.

In accordance with Article 12(a) of the Agreement Engineer is providing Owner an update to the Force Majeure Event notice of May 13th, 2020. The Force Majeure Event is primarily the domino effect of uncontrolled delays and disruption of the global supply chain the Owner is experiencing from its Vendors supplying material and equipment to the Facility project; and secondarily the potential delay caused by disruptions in the available services to, and mobility of, Engineers' staff. The delays and disruptions to the supply chain as we are informed by notices from the Vendors to you are caused by impacts of the COVID-19 epidemic on the manufacture of materials and equipment. These delays are outside the control and without the fault of Engineer. To the extent these delays experienced by the Vendors affects the timely delivery of our Work that depends on inputs of information and ultimately delivery to the Facility in accordance with the Schedule, we are, or likely will be, seeking extensions on the Schedule for a time reasonably necessary to overcome the effect of the delay and additional compensation as appropriate. We are to the extent possible undertaking reasonable measures to make up for time lost caused by the delay and assisting Owner, to the extent possible, mitigating Vendor impacts.

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As of February 1st , we are informed by Owner's Vendor [redacted] that they are incurring delays of anywhere from two (2) to four (4) months for various components of the AQCS due to the lack of access to manufacturing facilities in connection with the restrictions related to the COVID-19 virus.

In addition, Owner's Vendor [redacted] delayed their hydrotest dates until January 18th and 29th 2021, causing a delay of the delivery of the HRSG until February 17th – March 4th. This is over two months past the original delivery date.

Additionally, the entire North Bend plant was evacuated the week of August 24th, 2020 due to two named storms, Hurricane Laura and Tropical Storm Marco.

Also, the entire North Bend facility was evacuated again October 8th – 11th, 2020 for Hurricane Delta. This evacuation had initially delayed the piling contractor [redacted] and they had issued a Force Majeure notice for this event. The piling is now complete and this has been incorporated into the current schedule.

These potential delays by the Vendors and the evacuation of the site the week of August 24th and again in October translates to a corresponding delay affecting the Engineer's Schedule that is also outside the control and without fault of Engineer. Engineer is taking every effort to overcome or mitigate the potential delays and will keep you informed as further information becomes available, so that we can work together cooperatively to address any problems that may arise on your Facility project.

After incorporating all the known FM delays and impacts into the project schedule, the completion date for the project is currently November 22nd, 2021. This is a total delay of just over 7 weeks from the original schedule target date of October 1st, 2021.

We continue to monitor the situation and will keep the Owner apprised of additional delays when they are discovered.

Please feel free to contact me at (425) 985-4263 or scott.oblander@snclavalin.com if you have any questions.

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Sincerely,

Scott Oblander, PE
Project Manager
Power Grid Industrial Solutions
Infrastructure

Scott Oblander -- SNC-Lavalin

Digitally signed by Scott Oblander -- SNC-Lavalin
Date: 2021.02.01 14:33:38 -08'00'

cc: Randy Waskul, Birla
Nick Johnson, SLCI
David Lund, SLCI

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ATTACHMENT 3

2021-02-04 - North Bend - Coastal Use Permit

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

P.O. BOX 44487
BATON ROUGE, LOUISIANA 70804-4487
(225)342-7591
1-800-267-4019

COASTAL USE PERMIT/CONSISTENCY DETERMINATION

C.U.P. No.: **P20190030 (Revised, Revised)**

C.O.E. No.: **MVN- 2018- 01055- WQQ**

NAME: **BIRLA CARBON**
c/o RAMBOLL US CORPORATION
1615 POYDRAS ST. SUITE 930
NEW ORLEANS, LA 70112
Attn: Adam Goodine

LOCATION: **Saint Mary Parish, LA**
Lat 29-40-52.75 N / Long -91-27-22.87 W;

DESCRIPTION: Construction of a flue gas desulfurization (FGD) system to reduce the levels of emissions of NOx, SO2, and particulate matter to the air. Water will be pumped from the Gulf Intracoastal Waterway (GIWW) through the FGD process and discharge back to the GIWW. A total of approximately 5 acres (24,300 cubic yards of excavation/filling) of non-wetlands and waterbottoms may be impacted by this project.

REVISION 1: Revised design of the previously permitted seawater flue gas desulfurization unit that now includes construction of the water intake/discharge system pipes directly on the nearby levee and maintenance dredging an existing slip on the Intracoastal Waterway. A maximum of 29 acres of non-wetlands and 2 acres of waterbottoms may be impacted by excavating/filling a total of approximately 50,650 cubic yards for this permit revision.

REVISION 2: Revisions include removal of a work area, change the orientation/design of the intake channel, which will no longer utilize a sheet pile channel to protect the intake, re-grading the batture to provide positive drainage from toe of levee to barge inlet, adding crushed limestone beneath the pipe runs to facilitate ease of maintenance, Eliminate Sheet Pile Intake Channel, Deepen Intake Basin dredge depth by 9'-0" and change support structure near levee to water outfall transfer concrete box (see drawings, Figures 3, 6, 11 and 12). A maximum of 31 acres of non-wetlands and 1.3 acres of waterbottoms may be impacted by excavating/filling a total of approximately 58,650 cubic yards for this permit revision.

This revised, revised permit supersedes the original permit which was issued July 1, 2019.

In accordance with the rules and regulations of the Louisiana Coastal Resources Program and Louisiana R.S. 49, Sections 214.21 to 214.41, the State and Local Coastal Resources Management Act of 1978, as amended, the permittee agrees to:

1. Carry out, perform, and/or operate the use in accordance with the permit conditions, plans and specifications approved by the Department of Natural Resources.
2. Comply with any permit conditions imposed by the Department of Natural Resources.
3. Adjust, alter or remove any structure or other physical evidence of the permitted use if, in the opinion of the Department of Natural Resources, it proves to be beyond the scope of the use as approved or is abandoned.
4. Provide, if required by the Department of Natural Resources, an acceptable surety bond in an appropriate amount to ensure adjustment, alteration, or removal should the Department of Natural Resources determine it necessary.
5. Hold and save the State of Louisiana, the local government, the department, and their officers and employees harmless from any damage to persons or property which might result from the use, including the work, activity, or structure permitted.
6. Certify that the use has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by the Department of Natural Resources. The Department of Natural Resources may, when appropriate, require such certification to be given by a registered professional engineer.
7. All terms of the permit shall be subject to all applicable federal and state laws and regulations.
8. This revised, revised permit, or a copy thereof, shall be available for inspection at the site of work at all times during operations.
9. The applicant will notify the Office of Coastal Management of the date on which initiation of the permitted activity described under the "Coastal Use Description" began. The applicant shall notify the Office of Coastal Management by entering a commencement date through the online system, or by mailing said information to OCM.
10. Unless specified elsewhere in this revised, revised permit, this revised, revised permit authorizes the initiation of the coastal use described under "Coastal Use Description" for two (2) years from the date of the signature of the Secretary or his designee on the original permit which was July 1, 2019. If the coastal use is not initiated within this two (2) year period, then this revised, revised permit will expire and the applicant will be required to submit a new application. Initiation of the coastal use, for the

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purposes of this permit, means the actual physical beginning of the use of activity for which the permit is required. Initiation does not include preparatory activities, such as movement of equipment onto the coastal use site, expenditure of funds, contracting out of work, or performing activities which by themselves do not require a permit. In addition, the permittee must, in good faith, and with due diligence, reasonably progress toward completion of the project once the coastal use has been initiated.

11. The following special conditions must also be met in order for the use to meet the guidelines of the Coastal Resources Program:

a. This revised, revised permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.

b. Permittee shall, prior to commencement of the herein permitted activities, contact Billy Wall (phone: 225-342-9423, email: billy.wall@la.gov) to determine if a construction permit will be required from the local levee district.

c. That permittee shall insure that all sanitary sewage and/or related domestic wastes generated during the subject project activity and at the site, thereafter, as may become necessary shall receive the equivalent of secondary treatment (30 mg/l BOD5) with disinfection prior to discharge into any of the streams or adjacent waters of the area or, in the case of total containment, shall be disposed of in approved sewerage and sewage treatment facilities, as is required by the State Sanitary Code. Such opinion as may be served by those comments offered herein shall not be construed to suffice as any more formal approval(s) which may be required of possible sanitary details (i.e. provisions) scheduled to be associated with the subject activity. Such shall generally require that appropriate plans and specifications be submitted to the Department of Health and Hospitals for purpose of review and approval prior to any utilization of such provisions.

d. Permittee shall obtain a Water Quality Certification, should one be required, from the LA Department of Environmental Quality prior to initiation of any construction activities.

e. The area where the project is located is all part of the aboriginal homelands of the Chitimacha Tribe of Louisiana. As such, large villages, burial sites, and sacred sites were in place in that entire area. If at any time during the course of the work, any traditional cultural properties are discovered, Permittee shall immediately contact Kimberly S. Walden (Cultural Director) or Melanie Aymond (Research Coordinator) at (337) 923-9923 or (337) 923-4395. Office hours are Monday through Thursday from 7:30 A.M. - 5:00 P.M. and on Friday between 7:30 A.M. - 11:30 A.M. If traditional cultural properties are discovered on the weekend or after business hours, the notification shall be made the next business morning.

f. All structures built under the authorization and conditions of this permit shall be removed from the site within 120 days of abandonment of the facilities for the herein permitted use, or when these structures fall into a state of disrepair such that they can no longer function as intended. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required, for such removal activities.

g. Structures must be marked/lighted in accordance with U. S. Coast Guard regulations.

h. Permittee shall submit to OCM copies of the Stormwater Pollution Prevention Plan (SWPPP) when completed and Louisiana Pollutant Discharge Elimination System Permit Modification (LPDES - Mod) when authorized by LDEQ.

i. Pursuant to Louisiana's Revised Statutes 30:961-963, the State provides a mechanism for the use of surface waters of the State of Louisiana. Additional information, documentation and application for a Cooperative Endeavor Agreement can be found on the Department's website (http://dnr.louisiana.gov/). Interested parties may contact LDNR's hydrologist, Thomas Van Biersel, Ph.D., P.G. [email: thomas.vanbiersel@la.gov or (225) 342-1813] for more information regarding the surface water withdrawal agreement application process.

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j. All fill material shall be clean and free of contaminants and shall not contain hazardous materials such as asbestos or asbestos residue, shingles, tires, oil/grease residue, exposed rebar, protruding objects, etc.

k. All fill/spoil material to be hauled off-site shall be disposed of at a State approved facility.

l. Wildlife Diversity Program: No impacts to rare, threatened or endangered species or critical habitats are anticipated from the proposed project. No state or federal parks, wildlife refuges, wildlife management areas or scenic rivers are known at the specified site or within ¼ mile of the proposed project. The Wildlife Diversity Program (WDP) reports summarize the existing information known at the time of the request regarding the location in question. WDP reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. If at any time WPD tracked species are encountered within the project area, please contact our biologist at 225-765-2643.

m. Permittee is subject to all applicable state laws related to damages which are demonstrated to have been caused by this action.

n. Permittee shall allow representatives of the Office of Coastal Management or authorized agents to make periodic, unannounced inspections to assure the activity being performed is in accordance with the conditions of this permit.

o. Permittee shall comply with all applicable state laws regarding the need to contact the Louisiana One Call (LOC) system (1-800-272-3020) to locate any buried cables and pipelines.

p. This revised, revised permit authorizes the initiation of the Coastal Use described under "Coastal Use Description" for two (2) years from the date of the signature of the Secretary or his designee on the original permit which was July 1, 2019. Initiation of the Coastal Use, for purposes of this revised, revised permit, means the actual physical beginning of the use or activity for which the permit is required. Initiation does not include preparatory activities, such as movement of equipment onto the Coastal Use site, expenditure of funds, contracting out of work, or performing activities which by themselves do not require a permit. In addition, Permittee must, in good faith and with due diligence, reasonably progress toward completion of the project once the Coastal Use has been initiated. If the Coastal Use is not initiated within this two (2) year period, an extension may be granted pursuant to the requirements contained in the Rules and Procedures for Coastal Use Permits (Title 43:I.723.D.). Please note that a request for permit extension MUST be made no sooner than one hundred eighty (180) days and no later than sixty (60) days prior to the expiration of the permit.

The expiration date of this revised, revised permit is five (5) years from the date of the signature of the Secretary or his designee on the original permit which was July 1, 2019. If the Coastal Use is not completed within this five (5) year period, an extension may be granted pursuant to the requirements contained in the Rules and Procedures for Coastal Use Permits (LAC 43:I.723(D)).

Upon expiration of this revised, revised permit, a new Coastal Use Permit will be required for completion of any unfinished or uncommenced work items and for any maintenance activities involving dredging or fill that may become necessary. Other types of maintenance activities may also require a new Coastal Use Permit.

q. This determination does not eliminate the need to obtain a permit from the United States Army, Corps of Engineers or any other Federal, state or local approval that may be required by law. The drawings submitted with your referenced application are attached hereto and made a part of the record.

********** End of Conditions **********

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By accepting this revised, revised permit the applicant agrees to its terms and conditions.
I affix my signature and issue this revised, revised permit this 4th day of February, 2021.

THE DEPARTMENT OF NATURAL RESOURCES

_____

Karl L. Morgan, Administrator
Office of Coastal Management

This agreement becomes binding when signed by Administrator of
the Office of Coastal Management Permits/Mitigation Division, Department of Natural Resources.

Attachments

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Final Plats:

1) P20190030 Final Plats 12/17/2020
2) P20190030 Final Plats 07/10/2020

cc: Martin Mayer, COE w/attachments
Dave Butler, LDWF w/attachments
Jordan Cobbs, OCM w/attachments
Hannah Pitts, OCM/FI w/attachments

BIRLA CARBON w/attachments

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CONFIDENTIAL ATTACHMENT 4

2021-01-28 - Hickok -
Worley Project Startup and Completions Schedule

Birla Hickok Air Quality Upgrade Project StartUp and Completions Schedule

Project Layout II

Worley
energy | chemicals | resources

Activity ID	Activity Name	OD	% Comp	Start	Finish	Tota Float

[redacted]

Birla Hickok Air Quality Upgrade Project StartUp and Completions Schedule

Project Layout II

Worley
energy | chemicals | resources

Activity ID	Activity Name	OD	% Comp	Start	Finish	Tota Float	y 2020	J	July 2020	A	S	O	N	D	J	F	M
							0 1 2 3	0 1 2 2	0 1 1 2	0 0 1 2	2 0 1 1 2	0 1 1 2	3 0 1 2	2 0 1 1 2	0 0 1 2	3 0 1 2	2 0 1 2 2

Birla Hickok Air Quality Upgrade Project StartUp and Completions Schedule

Project Layout II

Worley
energy | chemicals | resources

Activity ID	Activity Name	OD	% Comp	Start	Finish	Tota Float

[redacted]

Birla Hickok Air Quality Upgrade Project StartUp and Completions Schedule

Project Layout II

Worley
energy | chemicals | resources

Activity ID	Activity Name	OD	% Comp	Start	Finish	Tota Float

y 2020 | J | July 2020 | A | S | O | N | D | J | F | M

0 1 2 3 0 1 2 2 0 1 1 2 0 0 1 2 2 0 1 1 2 0 1 1 2 3 0 1 2 2 0 1 1 2 0 0 1 2 3 0 1 2 2 0 1 2 2

[redacted]

CONFIDENTIAL ATTACHMENT 5

2021-02-01 - Hickok -
Worley COVID-19 Impact Schedule Analysis

Worley
energy | chemicals | resources

Hickok Air Quality Control Upgrade Project

COVID-19 Impact Schedule Analysis

Prepared for Birla Carbon USA
February 01, 2021

EcoNomics™

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Purpose: To identify the effects of the COVID-19 Global Pandemic Force Majeure event on the Birla Carbon Hickok Project.

- Project was initially planned to achieve the Compliance Date of 01/01/2021.
- COVID-19 Global Pandemic directly delayed delivery of equipment and material with a direct negative impact on schedule critical path.
- Subsequently the COVID-19 Global Pandemic caused other schedule delays on the project.
- There were no Covid-19 related schedule impacts experienced during January 2021.
- Emissions Performance testing will commence on February 01, 2021.
- The project is currently forecasting a target compliance date of 03/02/2021.

Project was logically sequenced to install:

- Perform earthworks/foundations
- Install Equipment
- Install Steel Racks
- Erect Piping
- Install Electrical
- Mechanical Completion
- Commissioning
- Compliance Date

- COVID-19 Global Pandemic directly delayed delivery of critical equipment/material during the equipment installation period and at the start of the bulk pipe installation period.
- Vendors began to notify Worley of known delays in March 2020
- The equipment and material delays caused a 45 day delay to the project construction schedule
- Worley and it subcontractor Alberici have been able to mitigate a portion of this equipment/material supply chain negative effect and some of the additional COVID-19 Global Pandemic effects to target a compliance date of 03/02/2021, 60 days after the originally planned compliance date.

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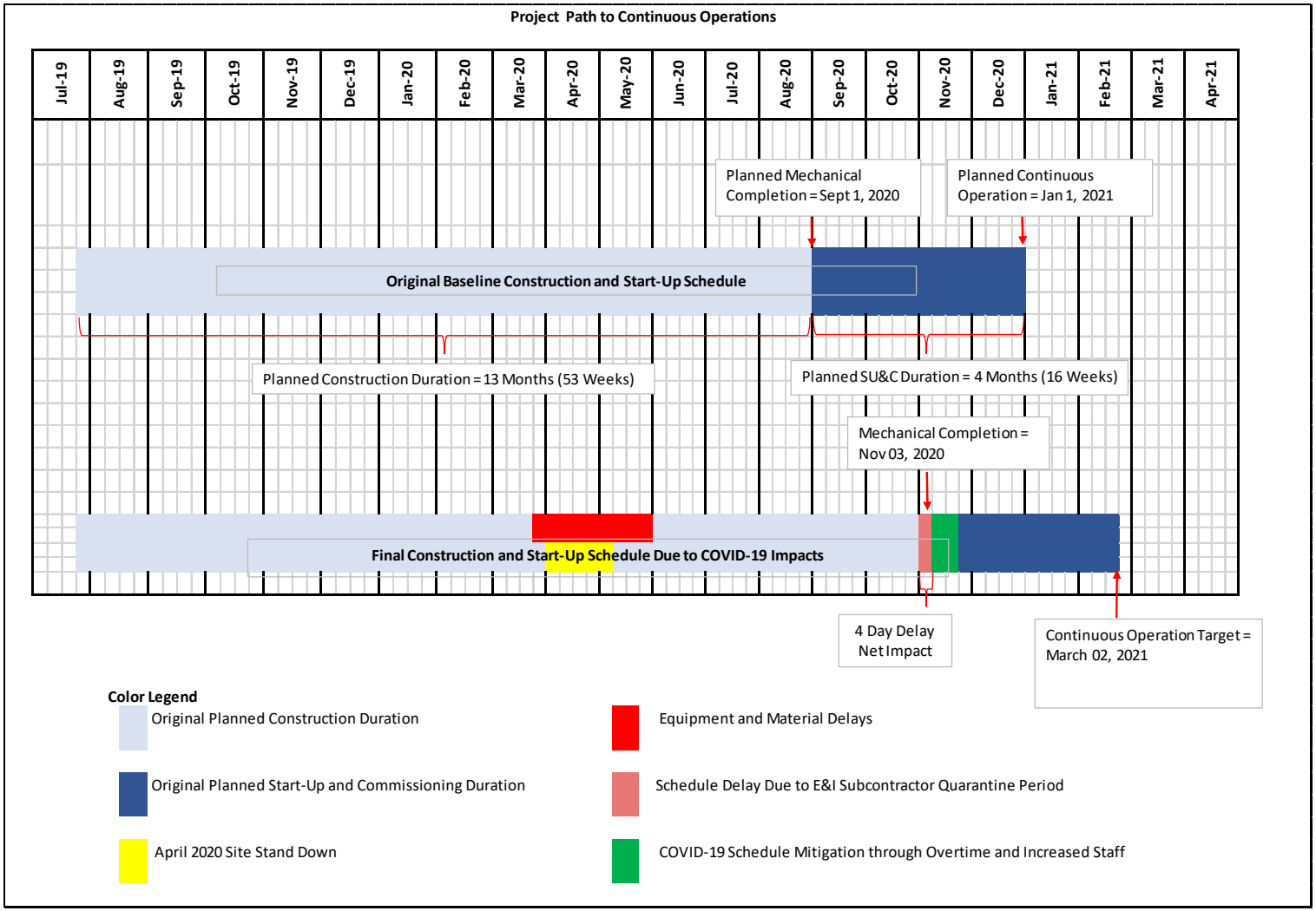
Schedule Impact Overview



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Material and Equipment Delays

Activity Name	Pre-Covid DD: March 27, 2020 Finish Date	Post-Covid DD: May 08, 2020 Finish Date	Actual Delivery DD: Nov 13, 2020 Finish Date	Variance from Baseline	Craft
[redacted] Ductwork (Combustion Air)	17-Apr-20	5-May-20	May 5, 2020	18	Boiler Makers
[redacted] Misc. Loose Ship Items	17-Apr-20	19-May-20	May 22, 2020	35	Boiler Makers
[redacted] Ductwork (Tail Gas)	17-Apr-20	21-May-20	May 26, 2020	39	Boiler Makers
[redacted] Pipe Skids	10-Apr-20	18-May-20	May 22, 2020	42	Boiler Makers
[redacted] Pilot Air Line	17-Apr-20	21-May-20	June 1, 2020	45	Boiler Makers
[redacted] Ductwork (Boiler)	17-Apr-20	21-May-20	June 1, 2020	45	Boiler Makers
[redacted] Ductwork	17-Apr-20	8-May-20	June 1, 2020	45	Boiler Makers
[redacted] Expansion Joints	17-Apr-20	27-May-20	June 4, 2020	48	Boiler Makers
DELIVERY: WORLEY - Pipe Supports (Atomizer Cooling Air Piping)	27-Apr-20	18-May-20	May 13, 2020	16	Piping
DELIVERY: WORLEY - Damper Valves	19-Jun-20	24-Jun-20	July 8, 2020	19	Piping
DELIVERY: WORLEY - PCV Valve	19-Jun-20	24-Jun-20	July 8, 2020	19	Piping
DELIVERY: WORLEY - Pipe Supports (Duct)	15-Apr-20	15-May-20	May 13, 2020	28	Piping
DELIVERY: WORLEY - Pipe Supports Del. Complete (Small & Large Bore Piping)	20-Apr-20	15-May-20	May 20, 2020	30	Piping

**Critical path activities (Less than 5 days Schedule Float) highlighted in yellow*

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Equipment Supplier Delay Notifications

Item	Supplier/Location	Supplier COVID-19 Impact Notification Date	Original Planned Delivery Date	COVID-19 Delayed Delivery Date (Actual)
Fuel Skids	[redacted]	March 20, 2020	April 10, 2020	Arrived at site on May 26, 2020
BMS Panels	[redacted]	March 20, 2020	March 23, 2020	Shipped to downstream integrator on April 23, 2020. Arrived at site with PDC in late June 2020.
36" Pressure Control Valve	[redacted]	March 18, 2020	June 16, 2020	Valves and air tanks arrived at site on July 08, 2020
36" On/Off Dampers	[redacted]	March 18, 2020	June 16, 2020	Valves and air tanks arrived at site on July 08, 2020
PCC Flow Elements / Dampers / Control Valves / Incinerator Mounted Instrumentation	[redacted]	March 20, 2020	April 17, 2020	Arrived at site on May 22, 2020

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Material Supplier Delay Notifications

Item	Supplier/Location	Supplier COVID-19 Impact Notification Date	Original Planned Delivery Date	COVID-19 Delayed Delivery Date (Actual)
Pipe Supports and Hangers	[redacted]	March 30, 2020	April 20, 2020	All supports received on site by May 20, 2020
Combustion Air Ductwork	[redacted]	March 20, 2020	April 17, 2020	All received on site May 4, 2020.
Tail Gas Ductwork	[redacted]	March 20, 2020	April 17, 2020	Delivered to site on June 01, 2020
WHRU (Boiler) Inlet Ductwork	[redacted]	March 20, 2020	April 17, 2020	Delivered to site on June 01, 2020

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Analysis of Construction Schedule Delay Due to COVID-19 HSE Work Restrictions

	Pre-Covid-19 Schedule			Actualized Schedule with Current Progress				
Activity Description	**Duration (Days)**	**Start Date**	**Finish Date**	**Duration (Days)**	**Duration (Days) Less Site Stand Down**	**Duration Variance from Baseline**	**Start Date**	**Finish Date**
	Schedule Data Date: March 27, 2020			Schedule Data Date: November 13, 2020				
Utility Bridge								
Ductwork	28	May 28, 2020	July 7, 2020	48	48	20	May 7, 2020	September 10, 2020
Electrical	33	May 26, 2020	July 10, 2020	70	70	37	June 25, 2020	October 8, 2020
Piping	26	April 21, 2020	May 27, 2020	45	45	19	May 4, 2020	July 2, 2020
Incinerator Train North								
Ductwork	40	March 18, 2020	May 21, 2020	80	55	15	March 18, 2020	August 26, 2020
Electrical	58	May 26, 2020	August 14, 2020	92	92	34	June 5, 2020	October 15, 2020
Piping	21	June 10, 2020	July 13, 2020	39	39	18	June 4, 2020	July 24, 2020
Incinerator Train South								
Ductwork	37	April 13, 2020	June 3, 2020	58	58	21	May 5, 2020	August 7, 2020
Electrical	58	May 26, 2020	August 14, 2020	90	90	32	June 5, 2020	October 7, 2020
Piping	20	June 25, 2020	July 23, 2020	20	20	0	July 10, 2020	August 3, 2020
ID Fan & Boiler Loop								
Ductwork	10	May 26, 2020	June 8, 2020	55	55	45	June 18, 2020	September 14, 2020
Electrical	60	May 26, 2020	August 18, 2020	75	75	15	August 5, 2020	November 17, 2020
Piping	32	June 5, 2020	July 22, 2020	58	58	26	June 8, 2020	August 27, 2020

Extended durations demonstrate inherent impact of COVID Compliant Work Restrictions

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Analysis of Construction Schedule Delay Due to COVID-19 HSE Work Restrictions (Cont)

Construction Subcontractor (Alberici) analysis of schedule duration impact due to new COVID-19 Compliant Work Rules

3.4 Impacted Schedule- Project Shutdown and Area Resource Leveling

Figure 3 represents the summary of impact to the March 27th data date schedule with the project shut down dates established in the schedule as well as resource leveling the schedule with maximum numbers of trades on the project site and area resource leveling. These two impact items result in a 10/30/2020 Mechanical Completion Date, an impact of (25) workdays due to project shut down and (18) workdays due to resource leveling and total of a (43) workday delay. Resource leveling now has a greater impact due to concurrent activities needing manpower in similar areas. With the limitations of manpower in these areas, activities had to be prioritized and some areas resulted in delays to the schedule.

This impact also represents the actual impact to the project and what had been presented since May 13th,2020 as the resource leveled schedule DD 08-May-20 post project shutdown. Mechanical Completion was represented as 10/30/2020. The project has continued since that point and was reestablished as the requested Mechanical Completion Date in Alberici Correspondence 19037-ACI-WP-007_Mechanical Completion Schedule Relief dated 08/04/2020. The attached Birla Carbon EPC_Leveled Schedule_DD 08-May-20 schedule layout represents the project's schedule upon return to work.

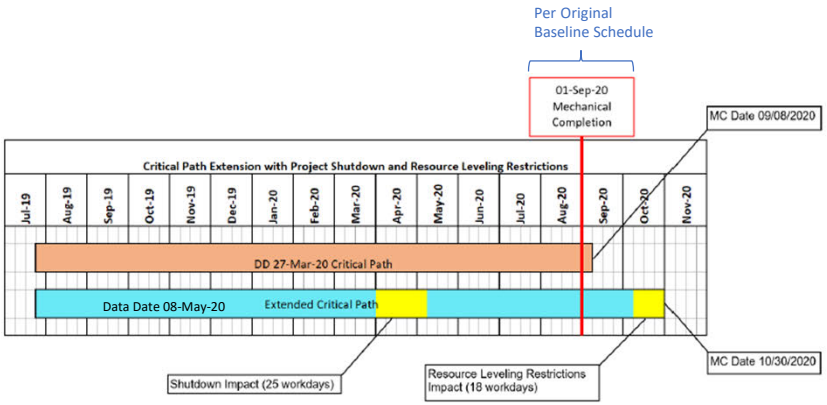

Figure 3 Summary Bar Chart Project Shutdown and Area Resource Leveling Restrictions

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COVID-19 Quarantine of E&I Subcontractor Delay Impact

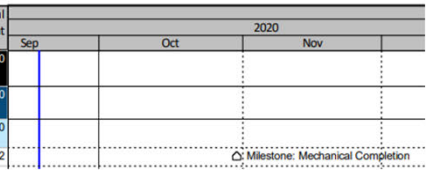
1

Expected Mechanical Completion <u>as of September 18, 2020</u> (prior to 14 day quarantine)

Layout: In Progress and Remaining
Filter: TASK filters: Master Layout, Not

19037_72 - Birla Carbon EPC Construction Schedule Update DD 18-Sep-20 - Resource Leveled

Activity ID	Activity Name	Original Duration	% Complete	Start	Finish	Total Float
Birla Carbon EPC Construction Schedule Update DD 18		144		21-May-20 A	16-Dec-20	0
Milestones		53		30-Sep-20	16-Dec-20	0
Contractual Milestones		31		30-Oct-20	16-Dec-20	0
M-3000	Milestone: Mechanical Completion	0	0%		30-Oct-20*	-42



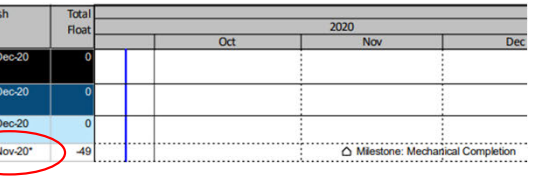
2

Expected Mechanical Completion <u>as of September 25, 2020</u> (Reflects planned additional manpower scheduled to help mitigate effect of 14 Day Quarantine of E&I Subcontractor)

Layout: In Progress and Remaining
Filter: TASK filters: Master Layout, Not

19037_73 - Birla Carbon EPC Construction Schedule Update DD 25-Sep-20 - Resource Leveled

Activity ID	Activity Name	Original Duration	% Complete	Start	Finish	Total Float
Birla Carbon EPC Construction Schedule Update DD 25		144		21-May-20 A	16-Dec-20	0
Milestones		62		18-Sep-20 A	16-Dec-20	0
Contractual Milestones		24		10-Nov-20	16-Dec-20	0
M-3000	Milestone: Mechanical Completion	0	0%		10-Nov-20*	-49



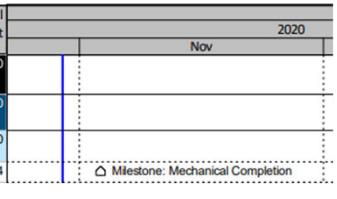
3

Expected Mechanical Completion <u>as of October 30, 2020</u> (Reflects additional Sunday Overtime scheduled to further help mitigate 14 Day Quarantine of E&I Subcontractor)

Layout: In Progress and Remaining
Filter: TASK filters: Master Layout, Not

19037_79 - Birla Carbon EPC Construction Schedule Update DD 30-Oct-20 - Resource Leveled

Activity ID	Activity Name	Original Duration	% Complete	Start	Finish	Total Float
Birla Carbon EPC Construction Schedule Update DD 30		66		25-Sep-20 A	30-Dec-20	0
Milestones		40		30-Oct-20	30-Dec-20	0
Contractual Milestones		38		03-Nov-20	30-Dec-20	0
M-3000	Milestone: Mechanical Completion	0	0%		03-Nov-20*	-44



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Summary

	Pre COVID-19 Baseline	COVID-19 Impact
Relative Data Date	27-Mar-20	27-Mar-20
March 27, 2020 Construction Duration to Complete (Days)	158	158
Material and Equipment Delay Impact	0	45
COVID-19 HSE Site Work Restrictions	0	18
COVID-19 Quarantine of E&I Subcontractor Delay Impact	0	14
Positive COVID-19 Mitigation Efforts	0	-14
Mechanical Completion	1-Sep-20	3-Nov-20
Commissioning Duration (Days)	122	122
Currently Foreseen Commissioning Duration Reduction (Days)	0	-3
Continuous Operation	1-Jan-21	02-Mar-21

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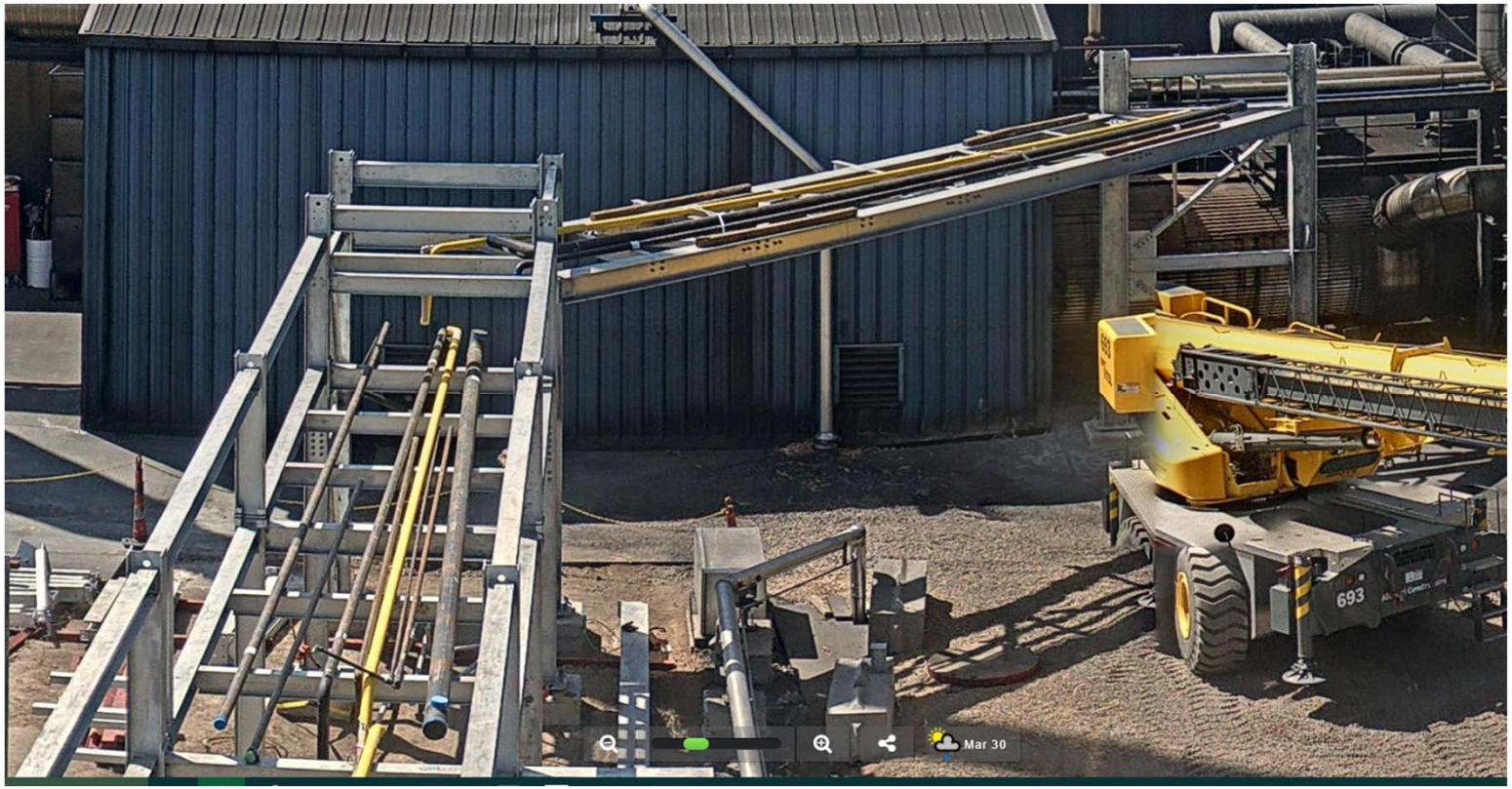
Piping Placed w/out Supports



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