Inclusive Louisiana
8191 Pleasant Hill St
Convent, LA 70723

Louisiana Bucket Brigade
3416B Canal Street
New Orleans, LA 70119

**Via Electronic Mail**
Dr. Earthea Nance
EPA Region 6 Main Office
1201 Elm Street, Suite 500
Dallas, Texas 75270

September 1, 2022

Dear Dr. Nance:

We would like to thank you and the EPA Region 6 staff for the productive conversation on Tuesday. We are pleased that this meeting concluded with a plan of action to address cumulative impacts of air pollution and the need for federally administered air monitoring in St. James Parish. We look forward to continuing working with the EPA Region 6 office toward a solution and propose that we meet again in one month, at your convenience, at the end of September.

We understand the action items to be as follows:

- The Office of the Regional Administrator will speak with the Louisiana Department of Environmental Quality (LDEQ), including LDEQ Secretary Dr. Chuck Carr Brown. The Region 6 Office will inquire about DEQ's protocols including:
    - LDEQ's failure to address NAAQS violations of PM2.5 and NO2 predicted by air dispersion modeling performed by Nucor Steel and Formosa Plastics (see Appendix A & B)
    - The questionable value of LDEQ's recent, 5-day air monitoring "mission" in Romeville, during which LDEQ failed to use the MAML's capability to sample PM10, NOx, NH3, and Hg. As part of that mission, the LDEQ Deputy Secretary inaccurately claimed that sulfuric acid mist is not a concern in Romeville, based on data from SO2 monitors located >25 miles away (see Appendix C), despite

LDEQ emissions data showing >100 tons of sulfuric acid emitted within 2 miles of Romeville in 2021. The Deputy Secretary also claimed, inaccurately, that the MAML can identify NAAQS violations (Appendix C).

- EPA Region 6, Enforcement and Compliance Assurance Division (represented by Mr. Steve Thompson) to share information regarding the division's ongoing work with LDEQ in addressing permit violations at Nucor Steel, LLC.
- The current lack of – and urgent need for – comprehensive, NAAQS-comparable air monitoring in St. James Parish. LDEQ has recognized the need for this monitoring and has claimed, without any additional detail, to be "working toward longer-term ambient air monitoring strategies for St. James Parish" (see Appendix D).
- Follow up meeting between EPA Region 6 and Dr. Peter DeCarlo (Johns Hopkins University). Dr. DeCarlo's MODULAIR-PM air monitoring data indicates four exceedances of the PM10 NAAQS in the first six months of 2022.

We look forward to working with you towards these action items and reconvening once next steps are to be ascertained.

We would also like to address our concerns regarding two misleading statements by EPA staff in the meeting.

1. **Statement by David Garcia of the Air and Radiation Division regarding PM air monitoring.**

Mr. Garcia initially claimed that existing air monitors encompass the geography in question and are not reporting problems with particulate matter. Mr. Garcia was referring to air monitors in the New Orleans–Metairie metropolitan statistical area, which constitutes eight parishes including St. James, and has a total area of 3,755 $mi^2$. In this statistical area, the PM10 monitor nearest Romeville, LA (where Dr. DeCarlo's monitors are stationed) is more than 40 miles away in New Orleans City Park. The nearest PM2.5 and NO2 monitors in this statistical area are more than 30 miles away in Kenner, LA. As Mr. Garcia is aware, air quality data from such a distance is not an adequate representation of pollution in St. James Parish.

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2. **Statement by Mr. Steve Thompson of the Enforcement and Compliance Assurance Division, regarding Nucor Steel's permit modifications and public comment.**

Mr. Thompson, along with other staff familiar with the issue of Nucor Steel, asserted that Nucor's permit modifications were given an appropriate public comment period, as according to agency protocol. Again, this statement would have gone unchallenged had our team not provided a clear example of LDEQ issuing Nucor a permit - with no public input - for sulfuric acid. Note that the company was rewarded for bad behavior. Nucor released sulfuric acid without a permit, and LDEQ allowed Nucor to avoid future violations by adding sulfuric acid to its permit, with no requirement for air monitoring or public input. Mr. Thompson also suggested that EPA had been keeping the community members informed about the ongoing enforcement action involving Nucor. Community members have not received an update regarding this enforcement action since being alerted to the March 2022 inspection report being posted on the EPA's Enforcement website in May of 2022. Beyond receipt of that public notice, we have had no information about any enforcement actions involving Nucor but we certainly welcome additional information about enforcement activities.

Both of these statements had the potential to undermine our efforts to address gaps in monitoring, enforcement, and facility oversight. To prevent this in the future, we would like to offer our availability to clarify or verify any information received by state and federal agency staff, or industry representatives. Our staff person, Shreyas Vasudevan (shreyas@labucketbrigade.org, 412-515-7709) will be available to provide this input, or direct your office to a more relevant party whenever necessary.

Again, we thank you for the opportunity to discuss this matter and are eager to work together to address pollution issues in St. James. We look forward to receiving updates from the Region 6 office on the identified action items.

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# Appendix A

Excerpt from permits for Formosa Plastics (FG LA LLC)

**PRELIMINARY DETERMINATION SUMMARY**

**FG LA Complex**
**Agency Interest No.: 198351**
**FG LA LLC**
**Welcome, St. James Parish, Louisiana**
**PSD-LA-812**

its $PM_{2.5}$ contribution to the maximum modeled concentration is 0.052 μg/m³, which is below the SIL of 1.2 μg/m³.

| Pollutant | Averaging Period | Background (μg/m³) | Maximum Modeled Concentration (μg/m³) | Maximum Modeled Concentration + Background (μg/m³) | NAAQS (μg/m³) |
|---|---|---|---|---|---|
| $PM_{2.5}$ | 24-hour | 19.00 | 32.16 | 51.16[31] | 35 |
| | Annual | 8.20 | 3.35 | 11.55 | 12 |
| $PM_{10}$ | 24-hour | 76.00 | 24.21 | 100.21 | 150 |
| $SO_2$ | 3-hour | 27.10 | 65.57 | 92.67 | 1300 |
| $NO_2$ | 1-hour | 28.81 | 393.72 | 422.53[32] | 189 |
| | Annual | 7.54 | 20.37 | 27.91 | 100 |
| CO | 8-hour | 1143.84 | 1548.91 | 2692.75 | 10,000 |

*Ambient Impact Analysis for Ozone*

Per LAC 33:III.509.I.5.a, any net increase of 100 tons per year or more of $NO_X$ or VOC necessitates an ambient impact analysis for ozone. CAMx photochemical modeling was conducted to assess the FG LA project emissions' potential impact on ozone in the area. The peak impact from the photochemical modeling is 2.59 parts per billion (ppb). This is greater than the SIL of 1.0 ppb. FG LA then added the highest daily 8-hour maximum ozone contribution from the project source on high modeled days at each receptor to the monitored design value at that receptor. The nearest monitored design value to the Project area is 62 ppb at the Convent air quality monitor. Addition of the project impact of 2.59 ppb would not exceed the 70 ppb Ozone NAAQS. FG LA's project passes the 8-hour Ozone Cumulative Impact Analysis (second tier test) and is deemed not to cause or contribute to a violation of the Ozone NAAQS.

**PSD Increments**

A PSD increment is the maximum allowable increase in concentration that is allowed to occur above a baseline concentration for a pollutant. The baseline concentration is defined for each

[31] Additional modeling was submitted to demonstrate that at every point when there was a modeled exceedance FG LA's contribution was insignificant. At this point, FG LA's contribution was 0.052 μg/m³.
[32] Additional modeling was submitted to demonstrate that at every point when there was a modeled exceedance FG LA's contribution was insignificant. At this point, FG LA's contribution was 0.019 μg/m³.



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# Appendix B

Excerpts from permit for Nucor Steel

**AIR PERMIT BRIEFING SHEET**
**AIR PERMITS DIVISION**
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Direct Reduced Iron Facility**
**Agency Interest No.: 157847**
**Nucor Steel Louisiana, LLC**
**Convent, St. James Parish, Louisiana**

The DRI Facility was constructed under Permit PSD-LA-751, which has been revised to reflect subsequent facility modifications and/or expansions. Currently, the facility operates under Permit PSD-LA-751(M3). The proposed changes do not cause criteria pollutant emissions to increase more that their PSD significance levels. PSD review is not required. However, the PSD permit is revised to incorporate emissions and description/identifier changes. Provisions of the PSD permit (PSD-LA-751(M4) are incorporated into this Title V permit.

## V. Credible Evidence

Notwithstanding any other provisions of any applicable rule or regulation or requirement of this permit that state specific methods that may be used to assess compliance with applicable requirements, pursuant to 40 CFR Part 70 and EPA's Credible Evidence Rule, 62 Fed. Reg. 8314 (Feb. 24, 1997), any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed shall be considered for purposes of Title V compliance certifications. Furthermore, for purposes of establishing whether or not a person has violated or is in violation of any emissions limitation or standard or permit condition, nothing in this permit shall preclude the use, including the exclusive use, by any person of any such credible evidence or information.

## VI. Public Notice

A public notice is not required for a Part 70 operating permit minor modification.

## VII. Effects on Ambient Air

Emissions were reviewed by the LDEQ to ensure compliance with the National Ambient Air Quality Standards (NAAQS) and Louisiana Ambient Air Standards (AAS). Emissions from the facility do not cause or contribute to any NAAQS or AAS exceedances.

Model used: AERMOD (2018)

| Pollutant | Averaging Period | Calculated Maximum Ground Level Concentration ($\mu g/m^3$) | NAAQS or AAS ($\mu g/m^3$) |
|---|---|---|---|
| $PM_{10}$ | 24-hour | 125.76 | 150 |
| $PM_{2.5}$ | 24-hour | 59.13 (a) | 35 |
| | Annual | 11.87 | 12 |
| $NO_2$ | 1-hour | 1,263.7 (b) | 188.6 |
| CO | 1-hour | 31,019.02 | 40,000 |
| | 8-hour | 3,384.96 | 10,000 |

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Excerpts from permit for Nucor Steel

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**AIR PERMITS DIVISION**
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Direct Reduced Iron Facility**
**Agency Interest No.: 157847**
**Nucor Steel Louisiana, LLC**
**Convent, St. James Parish, Louisiana**

| Pollutant | Averaging Period | Calculated Maximum Ground Level Concentration ($\mu g/m^3$) | NAAQS or AAS ($\mu g/m^3$) |
|---|---|---|---|
| $H_2S$ | 8-hour | 2.09 | 330 |
| $NH_3$ | 8-hour | 0.73 | 640 |

(a) The project's contribution at the maximum modeled concentration is 0.045 or 0.145 with secondary concentrations. The greatest contribution of this project at any modeled exceedance is 0.4822 or 0.5822 with secondary concentrations.

(b) The project's contribution at this maximum modeled concentration is 0.012. The greatest contribution of this project at any modeled exceedance is 2.33.

## VIII. General Condition XVII Activities

| Activity | Schedule (tonnes/year) | $PM_{10}$ Emissions (tons/year) |
|---|---|---|
| DC-15 Emergency Dump | 40,000 | 0.69 |
| DC-19 Emergency Dump | 2,000 | 0.08 |
| DC-11 Emergency Dump | 20,000 | 0.37 |
| DC-5 Emergency Chute | 50 | 0.05 |
| DC-12 Emergency Dump | 8,000 | 0.17 |

## IX. Insignificant Activities - LAC 33:III.501.B.5

| ID No.: | Description | Capacity (gallons each) | Citation |
|---|---|---|---|
| 1 | Diesel Fuel Storage Tank | 500 | A.3 |
| 2 | Diesel Fuel Storage Tank | 8,000 | A.3 |
| 3 | Diesel Fuel Storage Tanks (2) | 2,000 | A.3 |
| 4 | Aqueous Ammonia Storage Tank | 8,000 | D |
| 5 | Molasses Storage Tank | 12,000 | A.10 |
| 6 | Molasses Storage Tank | 30,000 | A.10 |
| 7 | Portable Diesel Fuel Storage Tanks | - | A.3 |
| 8 | Vehicle Refueling Emissions | - | B.4 |
| 9 | Emissions from Lab Equipment/Vents | - | A.6 |
| 10 | Process Stream or Process Vent Analyzer | - | A.9 |
| 11 | Diesel Fuel Storage Tank | 10,000 | A.3 |

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# Appendix C

Email from LDEQ Deputy Secretary to Inclusive Louisiana on July 13, 2022

**From:** Denise Bennett
**Sent:** Wednesday, July 13, 2022 11:38 AM
**To:** Mail Service; Myrtle Felton; Gail LeBeouf
**Cc:** Jason Meyers; Peter Cazeaux
**Subject:** RE: Monitoring Questions

**Importance:** High

**Categories:** responsive

Dear Members of Inclusive Louisiana:

The responses to your air monitoring question are below.

Further Update: We are unable to utilize the church location due to space, but we are pursuing the recreational park on Romeville St. as a site alternative. From the photo below, you can see that the Mobile Air Monitoring Lab requires a lot of space....in addition to other siting needs, such as access to power and the ability to safely secure the vehicle. We look forward to taking the MAML to Romeville the last week of July 2022, weather permitting, and look we forward to coordinating a tour of the MAML for the community.

Figure 1: LDEQ Mobile Air Monitoring Lab (MAML)

Response to Inclusive Louisiana questions on air monitoring in Romeville, LA.

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# Appendix C

Email from LDEQ Deputy Secretary to Inclusive Louisiana on July 13, 2022

1. **What is the goal of LDEQ's monitoring project in Romeville?**
   *Members of Inclusive Louisiana, who are residents of Romeville, LA, a community located along Louisiana Highway 44 on the east bank of the Mississippi River in St. James Parish, asked the LDEQ to conduct air monitoring within their community. The LDEQ's goal is to equitably distribute our resources in areas of the state that both complement our existing statewide fixed ambient air monitoring network and establish an air quality baseline within, and for, a community. The LDEQ will utilize one of its Mobile Air Monitoring Labs[i] (MAML) to conduct air monitoring in Romeville; provide the public with access to near real-time monitoring data and other data via the LDEQ's website; and generate a summary report of the monitoring results once monitoring is concluded in Romeville.*

2. **Which pollutants will LDEQ measure? How were they chosen?**
   *The MAML will monitor for a variety of pollutants including sulfur dioxide ($SO_2$), hydrogen sulfide ($H_2S$), nitrogen oxides ($NO_x$), carbon monoxide (CO), ozone ($O_3$), ammonia ($NH_3$), total hydrocarbons (THC, methane and non-methane), simultaneous particulate matter 10.0 and 2.5 microns or smaller ($PM_{10}$ or $PM_{2.5}$) and speciated/volatile organic compounds (VOCs) using modified EPA methods TO-12 and TO-15. The VOC analysis will be performed using Summa canisters and the gas chromatographic (GC) systems on the MAML. The MAML will also monitor wind speed, wind direction, temperature, barometric pressure and relative humidity. The parameters that will be monitored were chosen because they are the main components of ambient air pollution. These pollutants serve as air pollution indicators. Along with the monitoring conducted onboard the MAML, the LDEQ's MAML staff will conduct odor patrols[ii] in the area. Instantaneous $H_2S$ and particulate monitoring will be conducted during the odor patrols. Also, VOC grab samples will be taken with Summa canisters and brought back to the MAML for analysis.*

3. **How long will the monitoring project last?**
   *This project is expected to last approximately five days. This schedule may be modified due to changes in weather conditions or unforeseen technical difficulties.*

4. **For each pollutant, what is the specific level that LDEQ would consider to be unacceptably high?**
   *The criteria pollutants[iii] identified in the monitoring plan will be compared to the national ambient air quality standard (NAAQS). Other pollutants identified in the monitoring plan will be compared to Louisiana Ambient Air Standards (LAAS), where a standard for the pollutant exists. If a NAAQS or LAAS does not exist for a pollutant, results may be compared to other federal or state standards based on the same sampling period.*

5. **What will happen if LDEQ finds that pollution levels are unacceptably high?**
   *LDEQ's Air Planning and Assessment Division will share the results with LDEQ's Surveillance Division, whose duty is to protect the citizens of the state by conducting inspections and assessing and monitoring air (and water) quality for compliance with standards.*

6. **Sulfuric acid mist is one of the main pollutants of concern for Romeville. Will LDEQ monitor sulfuric acid mist? If so, how often will it be measured?**

   **The state limit (also called ambient air standard) for sulfuric acid mist is very high. What evidence does LDEQ have that this level is safe for communities? Can LDEQ share that evidence with us?**
   *LDEQ does not believe sulfuric acid mist is an ambient air concern due to low levels of $SO_2$ observed with our statewide stationary monitoring network, therefore, the monitoring plan for Romeville does not include sulfuric acid. However, the Romeville monitoring plan includes monitoring for $SO_2$, which is an indicator of potential presence of sulfuric acid mist.*

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[i] The Mobile Air Monitoring Labs (MAMLs) are mobile monitoring labs that can be deployed to monitor anywhere in the state. The MAMLs are used proactively to verify compliance with the NAAQS in routine monitoring, emergency response monitoring, investigation of past and present complaints and concerns, and/or other air quality issues ordered by the LDEQ Secretary.
[ii] Here, odor patrol refers to an organized approach to detecting and or recognizing odors (in an outdoor area).
[iii] The criteria air pollutants include particle pollution, ground-level ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, and lead.

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# Appendix D

## Email from LDEQ Deputy Secretary to Inclusive Louisiana on August 4, 2022

**From:** Denise Bennett
**Sent:** Thursday, August 4, 2022 11:59 AM
**To:** Inclusive Louisiana
**Cc:** Chuck Brown; Roger Gingles; Jason Meyers; Gregory Langley; Bijan Sharafkhani
**Subject:** RE: LDEQ Monitoring Follow-Up

**Categories:** responsive

Thank you for providing the Louisiana Department of Environmental Quality (LDEQ) with an opportunity to engage with members of your group while one of LDEQ's two Mobile Air Monitoring Laboratories (MAMLs) was located in the Romeville Community for a 5-day ambient air monitoring mission. Beginning in early 2022, LDEQ Secretary Dr. Chuck Carr Brown expanded the use of our MAMLs to include ambient air monitoring in locations not previously visited. Since then, the MAMLs have been in several other environmental equity locations across the state, conducting supplemental ambient air monitoring, including in St. James Parish on the west bank of the Mississippi River, which is across the river from Romeville.

A review of the MAML's data from the continuous analyzers shows the monitored pollutants were well below federal or state ambient air quality standards. Continuously monitored constituents included: particulate matter (PM2.5), sulfur dioxide (SO2), total hydrocarbons (THC), ozone, hydrogen sulfide (H2S), carbon monoxide (CO), methane and non-methane organic carbon (NMOC), and wind speed and direction. In addition, MAML staff used summa canisters to collect 6 grab samples in the community for analysis at LDEQ's contract lab. These results are generally available in 30-60 days and when available, LDEQ's Air Planning and Assessment Division will follow up with a report summarizing the results of this mission. That report will be available in the agency's Electronic Document Management System (EDMS), accessible through the agency's public website, http:www.deq.louisiana.gov.

Several comments offered by members of the public during the community tour of the MAML expressed a concern about additional monitoring in the community (beyond the 5 days provided by the MAML) and more formal LDEQ engagement with the community. The LDEQ has been and is working toward longer-term ambient air monitoring strategies for St. James Parish. In addition, LDEQ is committed to utilizing all tools and resources we have available to train, educate, and inform the public. We will follow up with you on the data results and discuss how citizens can access and utilize the tools that are available to participate effectively in the decision making process. The LDEQ will continue to work to address citizen concerns, and we look forward to working further with you in this regard. As always, your cooperation is greatly appreciated.

Warmest Regards,

Denise Bennett | Deputy Secretary
Louisiana Department of Environmental Quality
602 N 5th St. Baton Rouge, LA 70802
**225.219.3951** (O) | 225.726.0184 (C) | 225.325.8245 (F)

DEQ LOUISIANA