



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

# Title V/Clean Air Act: U.S. Environmental Protection Agency Order Denying Petition Objecting to Jefferson Parish, Louisiana Ammonia Production Facility

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The Administrator of the United States Environmental Protection Agency (“EPA”) issued a June 25th Order denying a petition objecting to the issuance of a Clean Air Act Title V Operating Permit (“Permit”) for the CF Industries East Point, LLC, Waggaman Complex (“Complex”). See Petition No. VI-2024-II.

See also 89 Fed. Reg. 57408, July 15, 2024 (Notice of Final Order on Petition).

The petition had been submitted by the following organizations:

- Harahan/River Ridge Air Quality Group.
- JOIN for Clean Air.
- Sierra Club.
- Environmental Integrity Project.

(Collectively “EIP”).

The Federal Clean Air Act Title V Program includes a provision that allows the EPA to object to a Title V permit issued by a delegated state. In other words, Congress provided EPA a Clean Air Act oversight role by mandating that every Title V permit be subject to a 45-day review period before the Title V permit is finalized.

The EPA Administrator can object to a Title V permit at 2 points.

Any objection may be made during the 45-day review period and in response to a public petition within 60 days after the end of the 45-day review period. Further, even if EPA fails to object to a proposed Title V permit, a right to petition the agency to reconsider its failure to object to the permit is potentially available. However, only those persons who have submitted comments to the draft permit during the applicable comment period have a right to petition.

The right to petition EPA arises at the close of the agency’s 45-day review period.

The Complex is located in Jefferson Parish, Louisiana and is stated to produce ammonia through a single train ammonia process based on a low energy natural gas reforming process. It is stated to operate the following components:

- Primary Reformer furnace.
- Ammonia start-upheater.
- Several flares.
- Cogeneration Boiler.
- Other emission units.

The Complex is also stated to be a major source of nitrogen oxides, carbon monoxide, volatile organic compounds, and several hazardous air pollutants. Certain components of the Complex are subject to New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants.

The Complex was originally issued a Title V permit by the Louisiana Department of Environmental Quality (“LDEQ”) in 2013. A proposed Title V permit modification was public notice by LDEQ in 2023.

EPA states it used EJScreen to review key demographic and environmental indicators within a five-kilometer radius of the Complex. A table in EPA’s Order identifies the environmental justice indices for this radius surrounding the facility.

EIP had argued due to existing air pollution burdens and environmental justice concerns in communities surrounding the Complex there is a compelling need for EPA to devote increased, focused attention to ensure that all Title V requirements have been complied with – especially ensuring that monitor requirements were adequate to ensure compliance with the limits for the ammonia production facility.

EIP raised the following specific objection:

- Claim One
- The proposed permits monitoring, testing, and reporting requirements cannot ensure compliance with the hourly and annual particulate matter limits or the SIP TSP limit – for the new boiler.
- EPA denies EIP’s objection on this claim.

EPA notes in part that:

- Periodic stack testing in combination with other parametric monitoring or inspection and maintenance requirements may be sufficient to ensure compliance with short-term emission limits.
- EIP failed to demonstrate that the combination of operating, monitoring, and testing requirements are insufficient to ensure compliance with the permit’s limits.
- No evidence provided or support for EIP’s argument concerning the representativeness of performance test.
- No evidence or support is provided for the argument that emissions from the Cogeneration Boiler may vary significantly between performance tests.

A copy of the EPA order can be downloaded [here](#).