PSD/Clean Air Act: EarthJustice Judicial District Court Petition Challenging Extension for St. James Parish, Louisiana Chemical Manufacturing Facility

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EarthJustice and several other organizations filed a February 5th Petition for Judicial Review ("Petition") in the 19th Judicial District Court/Parish of East Baton Rouge appealing the Lousiana Department of Environmental Quality's ("LDEQ") granting of an extension to the commencement of construction deadline for a Clean Air Act Prevention of Significant Deterioration ("PSD") Permit issued to FG LA LLC ("Formosa Plastics").

The Petition is challenging what is characterized as the fourth extension to the commencement of construction deadline to build a new chemical manufacturing complex in St. James Parish, Louisiana.

The other organizations joining the Petition include:

- RISE ST. JAMES LOUISIANA
- SIERRA CLUB AND ITS DELTA CHAPTER
- HEALTHY GULF
- LOUISIANA BUCKET BRIGADE
- CENTER FOR BIOLOGICAL DIVERSITY
- EARTHWORKS

(Collectively, "EarthJustice").

Formosa Plastics is stated to have been issued the PSD Permit over six years ago to construct the chemical manufacturing complex.

LDEQ is argued to be required to deny the application for a fourth extension because of an alleged failure to meet one condition of its third extension, described as:

… to show by July 6, 2024 that the Chemical Complex could comply with the new health-based National Ambient Air Quality Standards ("NAAQS") for fine particulate matter, called "PM2.5."

Formosa Plastics is stated to have not provided LDEQ such documentation. Further, EarthJustice states that it can demonstrate that the company in fact would cause or contribute to violations of the PM2.5 standard in St. James Parish. Therefore, EarthJustice argues that the failure to satisfy this permit condition to its last extension renders the PSD Permit invalid and cannot be revived a fourth extension.

EarthJustice asks in its Petition that LDEQ's decision be reversed and for the extension for the PSD Permit be vacated.

A copy of the Petition can be found here.