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Title V/Clean Air Act: Environmental Integrity Project Petition to Object Filed Addressing Modeste, Louisiana Ammonia Production Facility

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The Environmental Integrity Project and two other organizations filed a September 4th Title V Petition to Object ("Petition") before the U.S. Environmental Protection Agency ("EPA") related to a permit issued to CF Industries Blue Point LLC ("CFI") to operate a new ammonia production facility in Modeste, Louisiana.

The other two organizations joining the Petition include:

- Rural Roots Louisiana.
- Louisiana Bucket Brigade.

(Collectively, "EIP").

The referenced initial Title V Operating Permit was issued by the Louisiana Department of Environmental Quality ("LDEQ") on July 9th.

Title V of the Clean Air Act requires certain stationary sources of air pollution to obtain Operating Permits. States that administer Title V do so through adopted implementation plans. These plans are submitted to and approved by EPA.

The intent of a Title V Permit is to organize into a single document all of the requirements that apply to the Permit holder. 42 U.S.C. § 7661 requires that states submit each proposed Title V Permit to EPA for review. Section 505(b)(1) of the Clean Air Act requires that EPA object to the issuance of a proposed Title V Permit in writing within 45 days of the receipt of the proposed Permit (and all necessary supporting information) if the agency determines it is not in compliance with the applicable requirements of the Clean Air Act.

If EPA does not object to a Permit, Section 505(b)(2) provides that any person may petition the EPA Administrator within 60 days of the expiration of the 45-day review period to object to the Permit.

The Petition states that the CFI's proposed ammonia plant will have a production capacity of 4,400 tons of ammonia per day. The facility will produce ammonia from natural gas and rely on carbon capture and sequestration to capture the CO₂ stream from the facility's CO₂ absorber and CO₂ flash stripper and remove CO₂ emissions generated during the process for transport to what is described as "an as-of-yet unidentified third-party CCS provider."

EIP argues that the CFI Plant will be a major source of air pollutants (including air pollutants such as ammonia and methanol) and the emissions would add to what is described as:

... “the significant environmental and health burdens already borne by the communities who live in close proximity to the proposed MegaPark, making it imperative for LDEQ and EPA to ensure that the Initial Permit is capable of ensuring continuous compliance with all requirements of the Clean Air Act.

The Petition states that the CFI Plant will be permitted to emit 144 tons per year of ammonia, and 27.15 TPY of methanol. In addition, it lists total emissions for various criteria air pollutants.

EIP’s objections to the Permit include:

- Contains short-term and annual emission limits—including limits purported to keep CFI below major PSD thresholds—that are plainly unenforceable as either a legal or practical matter for multiple units at the CFI Plant.
- Fails to include adequate monitoring, testing, recordkeeping, and reporting requirements to ensure continuous compliance with numerous short-term and long-term emission limits from multiple emission sources, including:
 - The CO2 Vent;
 - Fugitive ammonia emissions;
 - The CRG 2 Heaters; and
 - The Auxiliary Boiler.
- Impermissibly authorizes emissions for a “commissioning period” that are higher than the annual limits authorized by the underlying PSD Permit.

A copy of the Petition can be found [here](#).