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Driftwood, Texas 78619

March 15, 2023

Ms. Chrissie Gubancsik
Louisiana Department of Environmental Quality (LDEQ)
LDEQ Southwest Regional Manager
1301 Gadwall Street
Lake Charles, LA 70615

Re: LDEQ Unresponsive to Nine Air Complaints Submitted on August 15 and October 4, 2022

Ms. Gubancsik –

I hope that this communication finds you well.

I am writing to you on behalf of my client, Earthworks, regarding observations and findings documented on the Lake Charles, Louisiana and Port Arthur, Texas Area Optical Gas Imaging (OGI) Monitoring Project that was in part conducted in the Lake Charles, Louisiana area from June 20 – 21, 2022. Earthworks is a non-profit organization that stands for clean air, water, and land, healthy communities, and corporate accountability. They work for solutions that protect both the Earth's resources and its communities and continue to actively coordinate with various local non-governmental organizations (NGOs) in Louisiana that are directly impacted by Lake Charles area industrial emissions.

As you remember, I contacted you personally via email on August 15, 2022, regarding excessive air emissions that were documented from nine different facilities in both Cameron Parish and Calcasieu Parish by optical gas imaging (OGI) – a technology currently supported and used by LDEQ. And consequently, **you responded to me via email on August 16, 2022, at 9:04 AM and stated "Thank you for sending this information. I am currently working with our various stakeholders to formulate a response for you. If you have questions in the meantime, please feel free to contact me at your convenience."**

I followed your instructions and did contact you again via email on October 4, 2022, with project documentation updates. **Despite contacting you on two occasions and receiving a declaration from you stating that I would be receiving a response to the air complaints that I submitted in good faith to LDEQ, I have not heard from you or the Agency since your August 16 email - some seven months ago. The Agency's behavior and responsiveness to the air complaints that I submitted has been appalling.**

As a result of zero communication, I recently accessed the LDEQ Electronic Data Management System (EDMS) that was built and established to provide transparency for the general public regarding regulatory matters. Per your Agency's website, "The EDMS contains all official records that have been created or received by LDEQ." While accessing publicly available data, I conducted the following data queries: Cheniere – Sabine Pass LNG (Agency Interest [AI#] 119267), Venture Global – Calcasieu Pass LNG (AI# 194203), Sempra – Cameron LNG (AI# 99407), Louisiana Pigment Company (AI# 11496), Westlake Chemical – Lake Charles Polymer Plant (AI# 9061), Sasol – Lake Charles Chemical Complex (AI# 3271), Citgo – Lake Charles Manufacturing Complex (AI# 1250), Firestone Polymers (AI# 1244), and Phillips 66 – Lake Charles Manufacturing Complex (AI# 2538).

Despite accessing all nine AI#'s and looking at all submitted data from June 2022 to present, there was no evidence of any of my submitted air complaints that I provided directly to you via email and hardcopy documents delivered to your LDEQ Southwest Regional office by the United States Postal Service (USPS). As you are aware, these documents included my air complaint narrative on nine facilities, the 12-page OGI technical summary document titled *Lake Charles, Louisiana and Port Arthur, Texas Area Optical Gas Imaging Monitoring Project, Observations and Findings, June 20 - 23, 2022*, and a SD card containing all Lake Charles, Louisiana area edited and unedited OGI videos and digital photographs from the field.

Since all the relevant technical information was sent directly to you, LDEQ contacts have told me that you are considered the document owner, thus you had the responsibility to submit the technical documents and materials to EDMS for scanning and storage. The required submission of these materials would be the equivalent to multiple existing EDMS document entries including a Venture Global – Calcasieu Pass LNG smoking flare complaint on July 19, 2022, and multiple excessive flaring complaints from Westlake Chemical – Lake Charles Polymer Plant on July 11, 2022 and December 8, 2022, Phillips 66 – Lake Charles Manufacturing Complex on September 13, 2022, and Citgo – Lake Charles Manufacturing Complex on October 31, 2022. These particular citizen complaints were classified as non-emergency incidents within EDMS. However, with no communications from you and the Agency, and with no data entries in EDMS, it outwardly appears that the LDEQ is trying to hide scientific technical field data and complaints from the public through inaction.

As described in previous communications, observations and findings were personally documented by me in 21 OGI videos that were provided to the LDEQ so that investigations could be conducted. Emissions that were invisible to the human eye were made visible by these documented OGI surveys that characterized potential impacts for communities, including environmental justice areas, that are near and/or adjacent to these industrial sites that operate without regard to human health, air quality, and climate change. Emissions were plentiful and were not difficult to detect even adjacent to residential areas. This was especially troubling considering recent and ongoing industrial expansion in southwest Louisiana that is inadequately characterized by the current LDEQ ambient air monitoring network. Though public comments on this stationary monitoring network are sought out by the LDEQ annually, various interested

parties that have submitted relevant technical comments and concerns as requested have not been taken seriously as suggestions for improvements and coordination have been ignored.

Emission sources were varied and included but were not limited to flares, vent pipes, exhaust stacks, and storage tanks and included: four liquid natural gas (LNG) facilities including but not limited to at least 30 active exhaust stacks at Cheniere – Sabine Pass LNG, a long streaming plume from Louisiana Pigment Company’s process off-gas incinerator stack (EIQ EQT013), intense lofting hydrocarbon emissions from Firestone Polymer’s regenerative thermal oxidizer that was installed to control emissions from five dryer lines after an EPA National Enforcement Investigation Center inspection several years ago, and excessive exhaust stack emissions from the Westlake Chemical – Lake Charles Polymer Plant and the Citgo – Lake Charles Manufacturing Complex.

Moreover, the Lake Charles area also had several poorly combusting flares that were documented by this project including three Westlake Chemical – Lake Charles Polymer Plant flares that were not combusting efficiently and as designed and represented. An additional poorly combusting flare was identified at the Sasol – Lake Charles Complex, along with a poor combusting steam-assisted vertical flare stack at the Citgo – Lake Charles Manufacturing Complex. Additional excess hydrocarbon emissions were also documented being released from multiple Citgo storage tanks and from some five storage tanks at the Phillips 66 – Lake Charles Manufacturing Complex. Emissions from these sources were not typical of the source types and likely exceeded permit representations and are indicative of poorly maintained infrastructure.

As a result of these field findings and inadequate regulatory leadership, communications, and seemingly unethical behavior, I will be filing Public Records Requests regarding LDEQ activities associated with the nine citizen air complaints that were submitted to you via email on August 15, 2022, and then again on October 4, 2022.

As previously stated, I look forward to collaborating with you and the LDEQ in resolving these significant industrial and hydrocarbon emissions that are being continuously released in the Lake Charles area. In the meantime, I respectfully request that you please aid your local communities that are negatively affected by industrial pollution, as they actively need assistance.

A hardcopy of this communication will be mailed to you via USPS and for submission into EDMS.

Please feel free to contact me directly regarding these matters and any questions that you may have.

Technical Background

TCHD Consulting LLC is located in Driftwood, Texas and provides technical, environmental, safety, and thermography consulting services to a variety of customers in the United States, Canada, and Europe. Mr. Tim Doty worked for the Texas Commission on Environmental Quality (TCEQ) for +28 years and served as the Agency's mobile air monitoring manager and technical expert that included management of up to 20 staff members for 17 years. He performed and managed ambient air monitoring and environmental assessments that were conducted both inside and outside of many hundreds of industrial facilities, oil and natural gas sites, and landfills that included EPA interaction and expert witness testimony. He also managed the TCEQ's Mobile Response Team and all the Agency's emergency response assets for two years and has planned/managed/participated on many manmade and natural disaster responses including but not limited to: Helotes Compost Fire, Corpus Christi Benzene Seep, Hurricane Katrina, Hurricane Rita, Hurricane Ike, Lubbock Dump Fire, 2011 Super Bowl, Bastrop Fires, Wimberley Floods, Magnablend Industrial Explosion, Hurricane Harvey, and the COVID-19 Pandemic.

Mr. Doty is a certified Infrared Training Center Level III thermographer that provided thermography and OGI instruction to some +150 TCEQ staff members after helping to establish OGI field uses and policies within the TCEQ from 2005 - 2018. He also served as a technical advisor to the TCEQ Director of Compliance and Enforcement. He now provides technical, air monitoring, environmental assessments, and OGI and general thermography consulting services, including instruction, to both students and relevant parties including but not limited to those associated with industry, oil and natural gas, environmental causes, safety, the public interest, and the media.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Doty', with a large, sweeping flourish extending upwards and to the right.

Tim Doty
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ITC Level III Thermographer
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