



July 30, 2026

VIA EMAIL

Ms. Amanda Vincent, PhD, PMP
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Re: LDEQ Permit Modification, AI No. 245583, Permit No. 2460-00035-01, Activity No. PER 20260001; Sierra Club Comments and Request for Public Hearing on Draft Air Permit - Laidley LLC; State (Synthetic) Permit Modification No. 2460-00035-01

Dear Ms. Vincent:

Please accept the attached Sierra Club's Comments and Request for Public Hearing for the above-captioned draft permit. If you have any questions or require any additional information, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Tony Mendoza".

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BEFORE THE
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

LAIDLEY, LLC	)	
	)	AI NO. 245583
	)	
IN RE: SIERRA CLUB COMMENTS	)	PERMIT MODIFICATION NO.
AND REQUEST FOR PUBLIC	)	2460-00035-01
HEARING ON DRAFT AIR PERMIT	)	
- LAIDLEY LLC; STATE	)	ACTIVITY NO. PER 20260001
(SYNTHETIC)	)	

**Sierra Club's Comments and Request for Hearing on Laidley, LLC's Draft
State Permit Modification**

INTRODUCTION

On behalf of its more than 2500 Louisiana members, Sierra Club submits these comments on the Louisiana Department of Environmental Quality's ("LDEQ's") Draft State ("Synthetic") Permit Modification for Laidley, LLC's ("Laidley") Laidley Data Center in Rayville, Richland Parish, Louisiana.

On July 23, 2025, LDEQ approved a minor source air permit for Laidley's planned data center which, when completed, will be the largest data center in the world.¹ The original permit allows Laidley to construct and operate a data center with 31 diesel emergency generators, a diesel fire pump, and diesel belly storage tanks.²

On January 14, 2026, Laidley applied for a minor modification to its approved permit adding, among other changes, 44 fossil-fuel water boilers which Laidley plans to operate 24/7.³ To avoid emitting more than 100 tons per year ("tpy") of any criteria pollutant and being classified as a major source subject to more stringent permitting requirements, Laidley accepted constraints on its operation of the previously approved 31 emergency diesel generators.⁴ However, Laidley's permit is nearly at the major source threshold with proposed potential NOx

¹ LDEQ, Final Air Permit No. 2460-00035-00, at 1 (July 23, 2025) [hereinafter "Permit Approval"]; Marigny, A., "Richland Parish Meta project grows to world's largest data center amid cost concerns," *WBRZ 2 ABC* (July 13, 2026), *available at* <https://www.wbrz.com/news/richland-parish-meta-project-grows-to-world-s-largest-data-center-amid-cost-concerns>.

² Permit Approval at 1.

³ Ramboll, "Application for Modification to Minor Source Permit No. 2460-00035-00," at 1 (Jan. 14, 2026) [hereinafter "Application for Modification"].

⁴ *Id.* at 3.

emissions at 96.83 tons per year and CO emissions at 98.94 tpy.⁵ LDEQ proposes to approve Laidley's modification as a minor synthetic modification.⁶

As proposed, the Draft Permit does not meet the requirements of the Clean Air Act ("CAA" or "the Act") and applicable regulations, and LDEQ should revise the permit before making it final.

First, the air permit application incorrectly calculates the facility's Potential to Emit ("PTE"), undercounting the facility's predicted emissions by excluding emissions from diesel generator emergency operation hours. When emergency hours are appropriately included, the facility almost certainly crosses the threshold into becoming a major source under Title V and New Source Review ("NSR") permitting processes and is thus subject to additional requirements. As a result, LDEQ must require the facility to undergo major source Title V permitting before approving the air permit. Furthermore, LDEQ should make clear that the facility is now a major source for the purposes of future NSR and would need to undergo the more stringent major source permitting requirements (such as Prevention of Significant Deterioration ("PSD") permitting) for any future modification.

Second, the draft permit does not meet the transparency and compliance goals of a Title V synthetic minor source permit, and it is insufficient as a synthetic minor source permit. The draft permit to large swaths of the CAA and regulations without explaining how those portions of the Act inform the facility's methods of measurement and reporting. While citing to the CAA is necessary, it is insufficient. Citizens cannot hold the facility nor LDEQ accountable when they cannot understand the limits in place. Additionally, the proposed permit is insufficient as a

⁵ LDEQ, Air Permit No. 2460-00035-01, at 2 (June 17, 2026) [hereinafter "Proposed Modification Approval"].

⁶ *Id.*

synthetic minor source permit because it lacks detailed testing, monitoring, recordkeeping, and reporting requirements as required by the CAA. This can be remedied by including more specific and more frequent reporting requirements in the body of the permit.

Third, the proposed permit does not adequately address the potentially devastating environmental consequences from the facility's proposed emissions. The construction is already worsening the air quality in Richland Parish and Louisiana has inadequate measurement techniques to hold the facility to their reduced emissions. The facility should be held to stricter standards for air quality monitoring to help protect local communities. The proposed permit should also more fully analyze potential pollution control mechanisms.

Fourth, LDEQ should consider more public health friendly alternatives for the proposed modification, such as replacing emergency diesel generators with batteries.

Finally, because of the substantial impacts this facility is predicted to have on surrounding communities, Sierra Club requests that LDEQ schedule a public hearing on this proposed permit.

DISCUSSION

I. The Draft Air Permit Modification incorrectly calculates the facility's PTE and therefore incorrectly classifies the facility as a synthetic minor source under Title V operating permit requirements and a true minor source Title I PSD permit requirements.

LDEQ's analysis of Laidley's application incorrectly calculates the modified facility's PTE by excluding emissions from the emergency generators' predicted emergency operations hours. When taking into account these improperly and unlawfully excluded emissions, the modified facility emits more than 100 tpy of both NO_x and CO, thus making the facility a major source under Title V and NSR standards. Because the modified facility violates an applicable requirement of the permit (that emissions for any given criteria pollutant remain below 100 tpy),

the modification is considered a significant modification and must undergo Title V review as a major source. Furthermore, while this facility was originally permitted as a true minor source and can thus be modified to exceed major source emissions limits without triggering NSR through a loophole known as “one-time doubling,” any subsequent modification of this facility now that it is a major source must be reviewed under major source standards for NSR.

Thus, LDEQ must modify its permit approval to correct the PTE calculation and make clear that the modified facility emits more than 100 tpy of NO_x and CO. Subsequently, LDEQ must require the modified facility to obtain a Title V operating permit as a major source. Moreover, LDEQ must consider the facility a major source for the purposes of NSR permitting when undergoing any future modification.

A. The Facility’s PTE calculation incorrectly excludes emissions from emergency generators’ emergency operation hours.

Laidley accepts a federally enforceable emissions limitation on the operation of its emergency diesel generators—allowing the 31 permitted emergency diesel generators to run for 955 non-emergency hours in total on a 12-month rolling basis—in order to be classified as a synthetic minor source under Title V permitting and NSR.⁷ However, its emergency operations are not constrained by the 955 hours per year limit.⁸ Laidley states in its application, based on an unnotified, unrecorded, and private meeting with LDEQ, that “LDEQ does not count emergencies towards site-wide operational limits.”⁹ Additionally, instead of estimating its emergency operations, alongside the established 955 hours per year non-emergency limit, to

⁷ Application for Modification at 2–3.

⁸ See *id.* at 3.

⁹ *Id.*

calculate the facility's PTE, Laidley LLC derives its PTE "from the emergency generators . . . based on the facility's requested hours limit for non-emergency operations" thus excluding emergency operations emissions from the calculation for whether or not the facility is a major source.¹⁰

However, under the CAA, excluding emergency hours from the site-wide operational limits and the PTE calculation renders emissions limitations non-continuous and is therefore unlawful.¹¹ Furthermore, longstanding EPA guidance directs regulators to include emergency hours alongside non-emergency hours when calculating an emergency diesel generator's PTE.¹² Thus, to comply with the CAA and EPA guidance, LDEQ must include an estimation of the number of emergency hours these emergency diesel generators are expected to run in its site-wide operational limit and in its calculation of the facility's PTE.

Laidley accepts a federally enforceable emissions limitation "to avoid an applicable requirement to which the source would otherwise be subject."¹³ Such limitations must "limit[] the quantity, rate, or concentration of emissions of air pollutants on a continuous basis."¹⁴ The avoided applicable requirements—major source review under Title V and NSR—is itself a "requirement established by . . . the Administrator" aimed at limiting air pollution.¹⁵ The court in *Sierra Club v. EPA* interprets CAA Section 302(k)'s definition of emissions standards and

¹⁰ *Id.* at 4–6.

¹¹ *See Sierra Club v. EPA*, 551 F.3d 1019, 1027 (D.C. Cir. 2008).

¹² Memorandum from John S. Seitz to EPA, "Calculating Potential to Emit (PTE) for Emergency Generators" (Sept. 6, 1995), available at <https://www.epa.gov/sites/default/files/2015-08/documents/emgen.pdf>.

¹³ 40 C.F.R. § 71.2 "Emissions allowable under the permit."

¹⁴ 42 U.S.C. § 7602(k).

¹⁵ *See id.*

limitations to find that Congress intended for its “continuous” emissions limitations and standards to always apply, without special exemption.¹⁶ Thus both Laidley’s federally enforceable emissions limitations and the thresholds for major source review should be continuously applied across emissions, without special exceptions. By exempting Laidley’s emergency generator emergency hours from their operation limits, LDEQ’s analysis renders the emissions limitation non-continuous, violating the CAA. Furthermore, by exempting Laidley’s emergency operations hours from the PTE calculation, they lift an applicable requirement under the CAA, again rendering the emissions standard non-continuous in violation of the CAA.

While the court in *SSM Litigation v. EPA* holds that allowing an affirmative defense against Title V permit violation liability for emergency operations does not render the regulation noncontinuous. LDEQ’s exemption of emergency hours is not an affirmative defense.¹⁷ In *SSM Litigation*, EPA’s emergency operations affirmative defense rule protected a Title V permit holder from liability for violating their Title V permit in the course of emergency operations but “[did] not lift applicable standards.”¹⁸ Here, conversely, by excluding emergency hours from the facility’s operations limit and PTE calculation, LDEQ prevents an applicable standard from applying altogether. The emergency operations emissions are both exempt and thus not continuously regulated by the facility’s accepted emissions limitation, and the exclusion of emergency hours from the PTE calculation prevents applicable major source standards from applying to the facility in the first place. Thus, just as the unlawful regulation struck down in *Sierra Club* “suspended emission standards during certain times,” LDEQ and Laidley’s practice

¹⁶ *Sierra Club v. EPA*, 551 F.3d 1019, 1027 (D.C. Cir. 2008).

¹⁷ *SSM Litig. Grp. v. EPA*, 150 F.4th 593, 600 (D.C. Cir. 2025).

¹⁸ *Id.*

of excluding emergency hours from PTE calculations similarly suspends emissions standards for certain times.¹⁹ While in *SSM Litigation* the emissions standard applies but future consequences are waived, here, the emissions standard *and* major source review never apply to Laidley's facility to begin with because a portion of their operations are sheltered from regulation, meaning the standards do not apply continuously and LDEQ's practice violates the CAA.²⁰

To further underscore the importance of counting emergency hour emissions, longstanding EPA guidance directs regulators to include emergency operation hours when calculating an emergency generator's PTE. In a memo addressing PTE related specifically to emergency generators, EPA recommends that PTE "be determined based upon an estimate of the maximum amount of hours the generator could operate, taking into account (1) the number of hours power would be expected to be unavailable and (2) the number of hours for maintenance activities."²¹ This guidance clearly indicates that an estimation of an emergency generator's PTE must include both anticipated emergency hours *in addition to* any non-emergency operations. By excluding emergency hours, LDEQ's PTE calculation excludes hours related to the primary use of emergency generators "whose sole function is to provide back-up power."²² EPA's guidance rightly directs regulators to instead include predicted emergency operation hours in an emergency generator's PTE calculation because emergency operation hours are the entire reason a facility has emergency generators in the first place—no one would add emergency generators

¹⁹ *SSM Litig. Grp.*, 150 F.4th 593, 600; *see also Sierra Club*, 551 F.3d 1019, 1027.

²⁰ *See SSM Litig. Grp.*, 150 F.4th 593, 600.

²¹ Memorandum from John S. Seitz to EPA, "Calculating Potential to Emit (PTE) for Emergency Generators" (Sept. 6, 1995), at 3, *available at* <https://www.epa.gov/sites/default/files/2015-08/documents/emgen.pdf>.

²² *Id.* at 2.

to a facility to run maintenance tests on for a few hours a year only to have the generators sit idle the remainder of the time, even during an emergency.²³

EPA estimates that “500 hours is an appropriate default assumption for estimating the number of hours that an emergency generator could be expected to operate under worst-case conditions.”²⁴ However, EPA also notes that “[a]lternative estimates can be made on a case-by-case basis.”²⁵ LDEQ must either accept EPA’s reasoned estimate for emergency generator operation time or provide their own alternative estimate based on “historical data on local power outages.”²⁶ LDEQ must update its analysis of the modified facility’s PTE to include a reasonable estimate of emergency generator operation which includes both emergency and non-emergency operations.

B. When emergency hours are included in the modified facility’s PTE, its emissions exceed multiple major source emissions thresholds for criteria pollutants under both Title V and NSR permitting.

Because the PTE of the modified facility excluding emergency generation is just under the 100 tpy threshold for NOx and CO emissions (96.83 tpy and 98.94 tpy, respectively), the facility will soar past the 100 tpy threshold for NOx and CO emissions if LDEQ accepts EPA’s estimation that emergency generators run for approximately 500 hours per year.²⁷ Even if LDEQ conducts its own analysis and determines that the emergency generators will run for a much smaller amount of time for emergency operations, because of how close the facility already is to

²³ See *id.* at 2.

²⁴ *Id.* at 3.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Proposed Modification Approval at 2.

major source thresholds, *any* amount of emergency generation will almost certainly increase the facility's PTE over 100 tpy for both NO_x and CO. Emitting over 100 tpy of either NO_x or CO makes this facility a major source under both Title V and NSR permitting processes. The facility has not completed Title V permitting as a major source, and thus LDEQ cannot approve this permit. Furthermore, LDEQ should make clear that for future modifications, the facility will be treated as a major source under NSR.

i. The facility is a major source under Title V permitting.

A facility is a major source under Title V if it emits more than 100 tpy of any criteria pollutant in an attainment area.²⁸ Because the proposed modification increases the facility's emissions to being greater than the "enforceable emissions cap assumed to establish minor source status," it cannot be considered a minor modification and instead is a significant modification.²⁹ As a significant modification, the facility must comply with all applicable requirements under LAC 33: III Ch. 5 Section 527, as well as "all requirements . . . for applications, public participation, review by affected States, and review by EPA, as they apply to permit issuance and permit renewal" for state operating permits.³⁰ In other words, the facility must obtain a Title V permit as a major source.

This facility has not obtained the required Title V major source permit and thus this air permit cannot be approved. LDEQ, after correcting its PTE calculation, should require Laidley to undergo the Title V permitting process for a major source before proceeding with this air permit.

²⁸ EPA, "Who Has to Obtain a Title V Permit?" (last updated Aug 27, 2025), *available at* <https://www.epa.gov/title-v-operating-permits/who-has-obtain-title-v-permit>.

²⁹ LA. ADMIN. CODE tit. 33, pt. III § 525(A)(1)(f) (1993).

³⁰ 40 C.F.R. § 70.7(e)(4)(ii); LA. ADMIN. CODE tit. 33, pt. III § 527 (2004).

ii. The facility is a major source under NSR.

A facility is generally a major source under NSR if it emits more than 250 tpy of any criteria pollutant.³¹ However, there are 28 types of facilities for which the major source threshold under PSD permitting is 100 tpy for any criteria pollutant.³² Laidley's modified facility falls into one of these categories: "fossil-fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input."³³ Laidley proposes adding forty 5 million British thermal units per hour heat input ("MMBtu/hr") fossil-fuel boilers and four 33.5 MMBtu/hr fossil-fuel boilers and plans to run all boilers 24/7 for a combined heat input of 334 MMBtu/hr. Thus, the facility is considered a major source if it emits more than 100 tpy of any criteria pollutant. As discussed in the prior section, when emergency generator emergency hours are taken into consideration—as they must be—Laidley's modified facility emits more than 100 tpy of both NO_x and CO. Therefore, the facility should be classified as a major source under NSR.

A major source must undergo NSR and obtain a PSD permit (if located within an attainment zone, as the Laidley facility is) for a significant modification.³⁴ A true minor source (which is what this facility was classified as under its initial air permit) only needs to undergo NSR for a modification if the modification itself exceeds the thresholds for being a major source.³⁵ In this case, the modification does not add an additional 100 tpy of NO_x or CO to the facility's emissions, and thus the modification does not itself trigger NSR. Laidley is thus taking

³¹ 40 C.F.R. § 51.166(b)(1)(i)(B); *Id.* § 52.21(b)(1)(i)(B).

³² *Id.* § 51.166(b)(1)(i)(A); *Id.* § 52.21(b)(1)(i)(A).

³³ *Id.* § 51.166(b)(1)(i)(A); *Id.* § 52.21(b)(1)(i)(A).

³⁴ *Id.* § 51.166(b)(23)(i); *Id.* § 52.21(b)(23)(i).

³⁵ *Id.* § 51.166(b)(23)(iii); *Id.* § 52.21(b)(23)(iii).

advantage of a loophole known as “one-time doubling” to avoid NSR and needing to obtain a PSD permit. However, for any future modification, the facility *must* be considered a major source and thus any future modification should be evaluated pursuant to the emissions limits established by 40 CFR 51.166(b)(23)(i) and 40 CFR 52.21(b)(23)(i). If a future modification, for example, added more than 40 tpy of NO_x, it would have to undergo NSR and obtain a PSD permit.

LDEQ should correct the false statement in Laidley’s application stating that the facility is a “true minor source with respect to the NSR permitting program” and instead clarify that, while NSR was not triggered due to the one-time doubling loophole, the facility *is* classified as a major source for all future modifications under NSR.³⁶

II. The proposed permit does not meet the transparency and compliance goals of a synthetic minor source application under Title V.

The Draft Permit also does not meet the requirements for a synthetic minor source under Title V.

The purpose of a Title V permit is to facilitate public understanding and enforcement of pollution controls and increase compliance through transparency.³⁷ “Title V requires each permit to include four kinds of contents: (1) ‘enforceable emission limitations and standards,’ (2) a compliance schedule, (3) a monitoring and recordkeeping requirement, and (4) ‘such other

³⁶ Application for Modification at 1.

³⁷ See *Env’t Integrity Project v. EPA*, 969 F.3d 529, 536 (5th Cir. 2020); see also *Sierra Club v. EPA*, 964 F.3d 882, 886 (10th Cir. 2020) (“Title V is designed to enhance compliance and improve enforcement.” (citing S. Rep. No. 101-228, at 346 (1993))).

conditions as are necessary to assure compliance with applicable requirements of this chapter, including the requirements of the applicable [State] implementation plan.”³⁸

“Section 304 of the Clean Air Act expressly authorizes citizen plaintiffs to bring suit for violations of any emission standards or limitations under a Title V permit or any State implementation plan.”³⁹ “Congress enacted the citizen-suit provision to encourage citizen participation in the enforcement of standards and regulations established under the Clean Air Act and intended the section to afford citizens very broad opportunities to participate in the effort to prevent and abate air pollution.”⁴⁰ A citizen “may assert violations under the Title V permit *and* the State implementation plan.”⁴¹ To do so, the citizen plaintiff must provide sufficient information for the defendant to identify the standards they allegedly violated.⁴² But, citizens likely cannot meet the sufficient information standard when giving sufficient notice if they cannot understand the permit that they believe is being violated.

This is particularly important in the case of a synthetic minor source permit. Both LDEQ and the CAA state that the conditions placed on a facility to create a synthetic minor source must be “federally enforceable.”⁴³ Laidley’s permit is nearly at the major source threshold with

³⁸ *Env’t Integrity Project v. EPA*, 969 F.3d 529, 537 (5th Cir. 2020) (quoting Clean Air Act, 42 U.S.C. § 7661c(a)).

³⁹ *Sierra Club v. Energy Future Holdings Corp.*, 921 F. Supp. 2d 674, 681 (quoting 42 U.S.C. § 7604(a)(1), (f)(4)).

⁴⁰ *Env’t Tex. Citizen Lobby, Inc. v. ExxonMobil Corp.*, 123 F.4th 309, 313-14 (5th Cir. 2024) (citation omitted).

⁴¹ *Sierra Club v. Energy Future Holdings Corp.*, 921 F. Supp. 2d 674, 681 (W.D. Tex. 2013).

⁴² *See Zen-Noh Grain Corp. v. Consol. Env’t Mgmt.*, No. 12-1011, 2013 U.S. Dist. LEXIS 100036, at *21–22 (E.D. La. July 17, 2013).

⁴³ LDEQ, State (Minor Source) Permits (last visited July 27, 2026), *available at* <https://www.deq.louisiana.gov/page/state-minor-source-permits>.

proposed potential NO_x emissions at 96.83 tpy and CO emissions at 98.94 tpy,⁴⁴ and has accepted a federally enforceable synthetic constraint to remain under that threshold and avoid more extensive permitting. However, without sufficient detail and reporting mechanisms within the synthetic minor source permit, the permit will be functionally difficult to enforce for citizens and regulators alike, rendering the synthetic limit useless and allowing Laidley LLC to violate its permit conditions without consequence.

CAA subchapter B provides one example of the level of detail an application for a synthetic minor source might need:

- (A) The proposed emission limitation and a description of its effect on actual emissions or the potential to emit. Proposed emission limitations must have a reasonably short averaging period, taking into consideration the operation of the source and the methods to be used for demonstrating compliance.
- (B) Proposed testing, monitoring, recordkeeping and reporting requirements to be used to demonstrate and assure compliance with the proposed limitation.
- (C) A description of the production processes.
- (D) Identification of the emissions units.
- (E) Type and quantity of fuels and/or raw materials used.
- (F) Description and estimated efficiency of air pollution control equipment under present or anticipated operating conditions.
- (G) Estimates of the current actual emissions and current potential to emit, including all calculations for the estimates.
- (H) Estimates of the allowable emissions and/or potential to emit that would result from compliance with the proposed limitation, including all calculations for the estimates.⁴⁵

Laidley's synthetic minor source permit fails to match the level of detail needed to create a robust federally enforceable synthetic minor source permit under Title V.

⁴⁴ Permit Approval at 2. The NO_x emissions are listed as 95.83 tpy in the Application for Modification at 6.

⁴⁵ 40 C.F.R. § 49.158(a)(1)(ii)(A-H). While this comes from subchapter B part 49 which pertains to Indian County, the definition provides an example of the types of information a permit might need to be federally enforceable and should be persuasive in determining the level of detail needed for a state Title V operating permit for a synthetic minor source.

A. The permit should include more specific reporting requirements.

The permit lacks clear testing, monitoring, recordkeeping and reporting requirements. Without such information, it is difficult to understand how the EPA, or citizens under the citizen suit provision of the CAA, will have sufficient information to bring enforcement actions against the facility if the facility violates its synthetic emissions limitation.

Without detailed testing, monitoring, recordkeeping, and reporting requirements, the synthetic minor source permit is not functionally federally enforceable. Thus, the permit application must be modified to add the necessary information: how often the facility will be tested for compliance, how records will be kept, and how information about compliance will be shared with the public.

While the permit application states that 40 CFR § 60 subpart A provides monitoring requirements, these requirements do not provide clear guidelines in the body of the permit itself.⁴⁶ Citing to the Code of Federal Regulations (“CFR”) without explaining the particular provisions the facility will follow requires citizens to find the corresponding provisions in the CFR. Instead, the proposed permit should clearly state, in accessible language, the “applicable requirements for testing, monitoring, notifications, and recordkeeping.”⁴⁷ This would align more closely with the purpose of Title V permits to promote transparency and facilitate citizen participation in holding the applicant accountable for their emissions because it would be clear to citizens the standards with which the facility must comply.

⁴⁶ Application for Modification at 8.

⁴⁷ *Id.*

B. The permit should include more frequent reporting requirements.

Regular reporting requirements would also increase transparency and accountability. 40 CFR § 60.7(c) requires semiannual reporting. However, because this facility is being touted as one of the largest data centers in the world,⁴⁸ it should be held to a high standard and required to report emissions on a monthly basis, especially when emergency use might cause the facility to emit major source levels of pollutants. More frequent reporting requirements would help hold the facility to their proposed emission limits instead of allowing Laidley to blow past its emissions limitations for up to six months without any consequence.

III. Local air quality impacts are of significant concern and the proposed permit should include analysis of air pollution control equipment that could be installed for the Laidley facility.

Richland Parish is already experiencing adverse health effects from the current data center construction. The proposed permit should better explain how the applicant plans to comply with LAC 33:III.905 and use pollution control facilities.

A. Current air quality and monitoring infrastructure.

The data center construction is already causing a deterioration in air quality in Richland Parish. The increased truck traffic and dust from the construction itself is exacerbating health conditions.⁴⁹ Residents believe their current respiratory issues are due to the polluted air.⁵⁰

⁴⁸ Marigny, A., “Richland Parish Meta project grows to world's largest data center amid cost concerns,” *WBRZ 2 ABC*, (July 13, 2026), available at <https://www.wbrz.com/news/richland-parish-meta-project-grows-to-world-s-largest-data-center-amid-cost-concerns>.

⁴⁹ Hawkins, D., Marcano, J., “We’re monitoring the air and water around Meta’s data center in Louisiana. Here’s why,” *New Orleans Public Radio* (Apr. 13, 2026), available at <https://www.wno.org/public-health/2026-04-13/were-monitoring-the-air-and-water-around-metas-data-center-in-louisiana-heres-why>.

⁵⁰ *Id.*

Furthermore, residents claim no one from the state has conducted any air quality tests, and that residents never received any warning that the data center would be built.⁵¹

The proposed facility's criteria pollutant emissions are very dangerous. "Studies have consistently linked long-term exposure to industrial air toxics with elevated cancer risk, respiratory illness and cardiovascular disease," often worsening pre-existing conditions.⁵² Historically, parts of Louisiana struggle with fine particulate matter and toxic pollutants from petrochemical facilities—so much so that one region of southern Louisiana is called "Cancer Alley."⁵³ These pollutants are especially harmful to low-income and historically Black communities who live in neighborhoods near the facilities, plants, and refineries emitting toxins across the state.⁵⁴ Compared with wealthier or majority-white areas, people living in these neighborhoods have a significantly higher risk of cancer from airborne toxic chemicals.⁵⁵

There is limited 8-hour ozone attainment data available for Richland Parish.⁵⁶ The dearth of information makes it even more imperative that the permit include stricter and clearer emissions testing, monitoring, and reporting requirements so Richland Parish's air quality does not continue to deteriorate, as early reports concerning the facility's construction suggest is already happening.

⁵¹ *Id.*

⁵² Gaarad, Y., "Red flags in the air: Louisiana communities take on pollution," *Prism* (Feb. 19, 2026), available at <https://prismreports.org/2026/02/19/louisiana-air-pollution-monitoring/>.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ 40 C.F.R. § 81. In 2018, Richland Parish was classified as Attainment/Unclassifiable which means there was insufficient data to make a determination, but it was assumed the parish met the national standard. However, this data is now more than eight years old.

B. The permit should include stricter standards for air quality monitoring.

A permit seeker for a facility of this size should be held to appropriate standards to assist the state in air quality monitoring. This is especially important in light of the air quality measuring practices in the state; Louisiana likely does not have the air quality monitoring infrastructure to appropriately track the emissions from this applicant and other emitters. While LDEQ collects data on major pollutants (ozone, SO_x, and particulate matter), its statewide network “does not necessarily capture neighborhood-level pollution variations.”⁵⁷ This is relevant for a permit proposal that seeks to classify itself as a synthetic minor source, as the “minor” emissions will arguably have a greater impact on untracked, neighborhood-level pollution than emissions picked up by the statewide network.

In 2024, the Louisiana legislature passed the Louisiana Community Air Monitoring Reliability Act (“CAMRA”), which acts as a de facto ban on community monitoring.⁵⁸ CAMRA was challenged in a lawsuit that is currently pending before the Federal District Court for the Middle District of Louisiana.⁵⁹

Because of the lack of state monitoring and the prohibitions on community monitoring, LDEQ should require Laidley to conduct its own monitoring as a condition in its permit to close the gap in air quality data. By requiring Laidley to monitor and report on air quality in the region near their facility on a monthly basis, LDEQ can ensure Laidley is satisfying their permit

⁵⁷ Gaarad, Y., “Red flags in the air: Louisiana communities take on pollution,” *Prism*, (Feb. 19, 2026), available at <https://prismreports.org/2026/02/19/louisiana-air-pollution-monitoring/>.

⁵⁸ See Env’t Integrity Project, “Louisiana Hit with Federal Lawsuit for De-Facto Ban on Air Pollution Monitoring by Community Groups” (May 22, 2025), available at <https://environmentalintegrity.org/news/louisiana-hit-with-federal-lawsuit-for-de-facto-ban-on-air-pollution-monitoring-by-community-groups/>.

⁵⁹ See *RISE St. James v. La. Dep’t of Env’t Quality*, No. 3:25-cv-00429 (M.D. La. May 22, 2025).

requirements. Otherwise, the data center could release an unknown quantity of pollutants into the surrounding area and cause substantial degradation in local ambient air quality in the time between semiannual or annual reports.

C. The permit should include analysis of air pollution control equipment that could reduce emissions at the Laidley facility.

The proposed permit cites LAC 33:III.905 and states that air pollution control facilities will be installed “whenever practically, economically, and technologically feasible and they shall be used . . . whenever any emissions are being made which can be controlled by the facilities.”⁶⁰ Additionally, “[a]ll boilers at the facility will be equipped with low nitrogen oxide (NOx) burners.”⁶¹ While these are initial steps, neither the original permit, the revised application, nor the proposed permit includes any further analysis on pollution control mechanisms for other equipment at the facility. The proposed permit should provide analysis on potential pollution control mechanisms beyond equipping boilers at the facility with low NOx burners.

There are several available technologies that can effectively reduce pollutant emission from diesel engines and gas-fired boilers.⁶² The proposed permit should particularly examine the feasibility of including post-combustion control mechanisms and should consider fuel injection methods as well.

Post-combustion control mechanisms can be highly effective. For example, Selective Catalytic Reduction (“SCR”) uses a catalyst to break down NOx into nitrogen and water vapor

⁶⁰ Application for Modification at 13.

⁶¹ *Id.* at 3.

⁶² *E.g.* Babamohammadi, S., et al., “Emission control and carbon capture from diesel generators and engines: A decade-long perspective,” *Carbon Capture Science & Technology* (2025), available at <https://www.sciencedirect.com/science/article/pii/S2772656825000193>.

and can reduce NOx emissions by up to 90 percent, if utilized properly.⁶³ Exhaust gas recirculation (“EGR”) (or “flue” gas recirculation) “recirculates a portion of the exhaust gases back into the combustion chamber, lowering the peak combustion temperature and, thus, NOx formation.”⁶⁴

Engine and fuel modifications can also help reduce emissions.⁶⁵ Laidley should select engines and boilers that utilize more efficient and less polluting designs, or describe methods for modifying the proposed engines and boilers to increase their efficiency. For example, the proposed permit is predicated on, and commits to, diesel engines running on hydrotreated vegetable oil and boilers running on natural gas, which is preferable as both fuel sources are comparatively lower emission than other fuel sources.⁶⁶

Since the proposed facility is a major source under both Title V and NSR, the permit should be amended to analyze feasible air pollution control technologies.

IV. Batteries are a better, cleaner alternative that should be considered before the Draft Permit is issued in final form.

Laidley does not need to use diesel generators as much, if at all, to ensure no interruption in service and meet the needs of their facility. Because Laidley does not intend to run its

⁶³ *Id.* at 8; see also Energy Solutions Center, “Boiler Combustion,” *Boiler Technologies* (last visited July 17, 2026), available at <http://cleanboiler.org/learn-about/boiler-efficiency-improvement/boiler-combustion/>.

⁶⁴ Babamohammadi, S., et al., “Emission control and carbon capture from diesel generators and engines: A decade-long perspective,” *Carbon Capture Science & Technology*, at 10 (2025), available at <https://www.sciencedirect.com/science/article/pii/S2772656825000193>; See also Energy Solutions Center, “Boiler Combustion,” *Boiler Technologies* (last visited July 17, 2026), available at <http://cleanboiler.org/learn-about/boiler-efficiency-improvement/boiler-combustion/>.

⁶⁵ Babamohammadi, S., et al., “Emission control and carbon capture from diesel generators and engines: A decade-long perspective,” *Carbon Capture Science & Technology*, at 12-17 (2025).

⁶⁶ Application for Modification at 1.

generators but for a period of time while service is interrupted, battery backups are a better, cleaner alternative for Laidley.

Battery storage is an investment, but it will pay for itself over time. Battery prices have reached record lows in recent years.⁶⁷ The payback period could also be shortened considerably when the alternative is considered: running diesel generators that have costly and often volatile fuel prices.⁶⁸ Battery storage would provide the same dispatchable firm capacity value as a diesel generator, and batteries are readily available and cost-competitive today. Some data center operators have been able to use renewable energy and battery storage to operate data centers without grid power usage and without interruptions in power supply.⁶⁹

From the information available in the Draft Permit, it does not appear that battery backup was even considered as a viable alternative, but it should be before allowing diesel-fueled generators. For these reasons, we ask that LDEQ require the applicant to perform an alternative analysis that would study the feasibility of replacing Laidley's diesel generators with batteries and/or on-site renewable energy and how that would impact emission limits.

V. Request for a Public Hearing.

Sierra Club requests that LDEQ hold a public hearing on this Draft Permit.

⁶⁷ Catsaros, O., "Lithium-Ion Battery Pack Prices See Largest Drop Since 2017, Falling to \$115 per Kilowatt-Hour: BloombergNEF," *BloombergNEF* (Dec. 10, 2024), available at <https://about.bnef.com/blog/lithium-ion-battery-pack-prices-see-largest-drop-since-2017-falling-to-115-per-kilowatt-hour-bloombergnef/>.

⁶⁸ Isidore, C., Hickey, C., "Gas Prices had a wild ride this year, making 2023 tough to predict," *CNN Business* (Dec. 29, 2022), available at <https://cnn.it/3yWlpRE>.

⁶⁹ Eaton, "Eaton provides Webaxys' new eco-designed data center with a complete energy storage and management System" (Nov. 2016), available at <https://eaton.works/3JThlqz>.

Since Richland Parish was classified as attainment/unclassifiable,⁷⁰ if this permit revision causes the facility to become a major stationary source, then the proposed permit must comply with LAC 33:III.509 Prevention of Significant Deterioration.⁷¹ If section 509 applies, then “[w]ithin one year after receipt of a complete application, the administrative authority shall . . . notify the public . . . of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and of the opportunity for comment at a public hearing”⁷²

If the permit revision does not cause the facility to become a stationary source subject to LAC 33:III.509, the LDEQ should still hold a public hearing. While LDEQ is not required to hold a public hearing for a minor source permit,⁷³ it should choose to do so because this facility is on track to become one of the largest data centers in the world, and a public hearing would promote the transparency and accountability sought by the CAA and a Title V permit.⁷⁴

⁷⁰ 40 C.F.R. § 81.319

⁷¹ LA. ADMIN. CODE tit. 33, pt. III § 509(A)(1) (2014).

⁷² *Id.* § 509(Q)(2)(c).

⁷³ LA. STAT. ANN. § 30:2018(E)(1)-(2) (2025).

⁷⁴ *See In re La. Dep’t of Env’t Quality Permit Decision*, NO 2010 CA 1950, 2011 La. App. Unpub. LEXIS 351*, *3–4 (1st Cir. 2011). While not required to hold a public hearing for minor source permits, LDEQ is also not barred from holding a public hearing. In this case, Petroplex appears to have agreed to have a public hearing, even though it was not required. *See Rodriguez, M.*, “Vacherie residents wary of planned oilfield tank farm,” *Houma Today* (Apr. 6, 2009), available at <https://www.houmatoday.com/story/news/2009/04/06/vacherie-residents-wary-of-planned-oilfield-tank-farm/26853354007/>.

Respectfully submitted this 30th day of July, 2026,

A handwritten signature in dark ink, appearing to read "Tony Mendoza", with a stylized, flowing script.

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