



October 31, 2024

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RE: Notice of Intent (NOI) to Sue for Violations of the Clean Water Act, LA0054062, Rain CII Carbon LLC Lake Charles Calcining Plant (AI # 3439)

Dear all:

I am writing to provide you with notice that Micah 6:8 Mission and Healthy Gulf intend to file a civil lawsuit against Rain CII Carbon, LLC for significant and ongoing violations of the federal Clean Water Act (CWA), 33 U.S.C. § 1251 *et seq.*, described herein at the Rain CII Carbon LLC Lake Charles Calcining Plant, located at 1920 Paktank Road, Sulphur, Louisiana 70665, Calcasieu Parish. Rain CII Carbon, LLC holds the National Pollutant Discharge Elimination System (NPDES) permit for the Lake Charles Calcining Plant, LA0054062.

As explained more fully below, the Rain CII Lake Charles Calcining Plant is discharging harmful toxic pollutants without NPDES authorization and has failed to correct or supplement its incorrect permit application. By failing to comply with the CWA in these ways, Rain CII Carbon LLC (“Rain CII”) has injured and will continue to injure or threaten to injure, the health, environmental, aesthetic, and economic interests of Micah 6:8 Mission and Healthy Gulf and their members. These injuries or risks are traceable to these CWA violations and redressing these ongoing violations will redress the Micah 6:8 Mission and Healthy Gulf members’ injuries or risks.

Section 505(a) of the CWA permits citizen suits in federal court against persons “alleged to be in violation of (A) an effluent standard or limitation under this chapter or (B) an order

issued by the Administrator or a State with respect to such a standard or limitation.” 33 U.S.C. § 1365(a)(1). For purposes of citizen suits, “effluent standard or limitation,” includes not only violations of numeric effluent limits in a permit but discharges without a permit and violations of a permit’s procedural requirements. *See* 33 U.S.C. § 1365(f) (defining the term for purposes of Section 505).

Pursuant to 33 U.S.C. § 1365(b)(1)(A), this NOI serves to notify Rain CII that Micah 6:8 Mission and Healthy Gulf intend to file suit for CWA violations, unless corrected, in the United States District Court for the Western District of Louisiana at any time beginning 60 days after the postmarked date of this NOI. 40 C.F.R. § 135.2(c). This NOI includes sufficient information to allow Rain CII to identify the specific activities alleged to constitute a violation, the person or persons responsible for the alleged violation, the location of the alleged violation, the date or dates of such violation, and the full name, address, and telephone number of the person giving notice. 40 C.F.R. § 135.3(a). Additionally, Micah 6:8 Mission and Healthy Gulf notify Rain CII of their intention to sue for ongoing violations of the same type that occur after the violations outlined in this NOI.

I. Factual Background

A. Rain CII Lake Charles Calcining Plant

The Rain CII Lake Charles plant is a petroleum coke (petcoke) calcining facility. It discharges approximately 1.93 MGD of wastewater to Subsegment 030301 of the Calcasieu River and Ship Channel. 2018 Rain CII Lake Charles Permit at 1.¹

Almost all of the facility’s process and stormwater (1.9 MGD) is discharged through Outfall 001. 2018 Rain CII Lake Charles Permit and Fact Sheet at 1. Outfall 001 consists of the continuous discharge of process wastewater including dust suppression, equipment, and plant washdown water; utility wastewater, including once-through cooling water; process area stormwater, including dewatering stormwater runoff from the barge cargo areas and green coke storage pads; non-process area stormwater; and energy recovery project wastewaters, including cooling tower blowdown, wastewater from water treatment, steam condensate, and boiler blowdown. 2018 Rain CII Lake Charles Permit at 1.

B. Rain CII Lake Charles NPDES Permit

Rain CII applied for its current NPDES permit in March 2017. 2017 Rain CII Lake Charles Permit Application.² Louisiana Department of Environmental Quality (LDEQ) issued the current NPDES Permit LA0054062 to Rain CII in April 2018. 2018 Rain CII Lake Charles Permit at 1. Rain CII applied for permit renewal in December 2022. 2022 Rain CII Lake Charles Permit Application at PDF 37, 39, 46.³

¹ <https://edms.deq.louisiana.gov/app/doc/view?doc=11042621>

² <https://edms.deq.louisiana.gov/app/doc/view?doc=10486764>

³ <https://edms.deq.louisiana.gov/app/doc/view?doc=13379573>

C. Discharge of Toxic Pollutants by Rain CII Lake Charles

The raw material used at petcoke calciners is “green,” or raw petcoke. Green petcoke is the “bottom of the barrel” high-temperature boiling residual hydrocarbons by-product that is left behind after refineries extract gasoline, diesel, and other higher-value products from crude oil.⁴ Petcoke includes ash and can be fairly soft due to its residual moisture and liquid hydrocarbon content.

While the exact components of green petcoke will depend upon the crude oil source, the EPA data available shows that it consistently includes lead, nickel, vanadium, and a wide array of polycyclic aromatic compounds (PAHs). PAHs are a group of chemicals created when products like coal, oil, gas, and garbage are burned but the burning process is not complete. EPA, *Polycyclic Aromatic Compounds Fact Sheet* (Jan. 2008).⁵ Below is a list of the metals and PAHs found in green petcoke using two sources: EPA’s June 2011 Screening-Level Hazard Characterization for the Petroleum Coke Category (“EPA Hazard Screening”)⁶; and a 2014 analysis of samples taken from pet coke storage piles at the KCBX facilities in southeast Chicago by EPA, found the presence of similar metals and PAHs (“EPA Chicago Study”).⁷ When constituents are listed in both documents, the chart states “both.”

Figure 4, *Constituents of Green Petcoke*

Metals	PAHs
Antimony (EPA Hazard Screening)	1-Methyl naphthalene (both)
Aluminum (both)	2-methyl naphthalene (both)
Arsenic (EPA Hazard Screening)	Acenaphthene (EPA Hazard Screening)
Barium (both)	Acenaphthylene (EPA Hazard Screening)
Beryllium (EPA Hazard Screening)	Anthracene (both)
Bismuth (EPA Hazard Screening)	Benzo[a]anthracene (both)
Boron (EPA Hazard Screening)	Benzo[a]pyrene (both)
Cadmium (EPA Hazard Screening)	Benzo[b]fluoranthene (both)
Calcium (EPA Hazard Screening)	Benzo(g,h,i)perylene (EPA Hazard Screening)
Chromium (both)	Chrysene (both)
Cobalt (EPA Hazard Screening)	Dibenzo[a,h]anthracene (both)
Copper (EPA Hazard Screening)	Dibenzo[g,h,i]perylene (EPA Chicago Study)
Iron (both)	Fluroanthene (EPA Hazard Screening)
Lead (both)	Indeno(1,2,3-cd)pyrene (EPA Hazard Screening)
Lithium (EPA Hazard Screening)	Naphthalene (both)
Magnesium (both)	Phenanthrene (both)
Manganese (both)	Pyrene (EPA Hazard Screening)
Molybdenum (EPA Hazard Screening)	

⁴ The CAS Registry Number for green petcoke is 64741-79-3.

⁵ <https://archive.epa.gov/epawaste/hazard/wastemin/web/pdf/pahs.pdf>

⁶ <https://archive.epa.gov/epa/petroleum-coke-chicago/screening-level-hazard-characterization-petroleum-coke.html>

⁷ <https://19january2017snapshot.epa.gov/petroleum-coke-chicago/lab-analyses-pet-coke-samples .html>

Metals	PAHs
Nickel (both)	
Palladium (EPA Hazard Screening)	
Phosphorus (EPA Hazard Screening)	
Platinum (EPA Hazard Screening)	
Potassium (EPA Hazard Screening)	
Selenium (EPA Hazard Screening)	
Silicon (EPA Hazard Screening)	
Sodium (both)	
Strontium (EPA Chicago Study)	
Sulfur (EPA Hazard Screening)	
Tin (EPA Hazard Screening)	
Titanium (both)	
Vanadium (both)	
Zinc (both)	

Some of the largest wastestreams at the Rain CII Lake Charles plant come into direct contact with green petcoke. These include dust suppression water, equipment and plant washdown water, and process area stormwater. The stormwater includes dewatering stormwater runoff from the barge cargo areas and stormwater runoff from the green coke storage pads. It is highly likely that when these wastestreams come into contact with green petcoke, the wastestreams pick up petcoke debris, petcoke ash, and the pollutants found in green petcoke. For instance, EPA has found that as stormwater flows over an industrial site, it can “pick up pollutants like sediment, debris, and chemicals.” EPA, *NPDES Electronic Reporting Rule*, 79 Fed. Reg. 71066 (Dec. 1, 2014).

Rain CII’s own reports to EPA under the Toxics Release Inventory (TRI) confirm that the plant is discharging at least two pollutants found in green petcoke - lead and PAHs. The TRI program requires facilities in certain industries, including petcoke calcining facilities, to report annually on their releases of certain toxic chemicals if the facilities meet certain criteria. 40 CFR §§ 372.5, 372.22. Facilities report their releases of toxic pollutants to air, surface water, and off-site facilities.

For the last five years, Rain CII Lake Charles plant has reported to EPA through the TRI that it is discharging lead, mercury, nickel, vanadium, overall PAHs, and a specific PAH (benzo[g,h,i]perylene) to the Calcasieu River through the plant’s stormwater.

Table 1, Rain CII Lake Charles TRI Stormwater Data

Pollutant	2019 TRI Stormwater to Calcasieu River	2020 TRI Stormwater to Calcasieu River	2021 TRI Stormwater to Calcasieu River	2022 TRI Stormwater to Calcasieu River	2023 TRI Stormwater to Calcasieu River
Lead	.05 lbs	.08 lbs	.101 lbs	.035 lbs	.05 lbs
Mercury	.0005 lbs	.00077 lbs	.00101 lbs	.00035 lbs	.0005 lbs
Nickel	8.25 lbs	12.57 lbs	18.75 lbs	5.86 lbs	8.93 lbs
Vanadium	21.9 lbs	32.01 lbs	53.81 lbs	15.73 lbs	26.63 lbs
PAHs total	.54 lbs	.83 lbs	.98 lbs	.367 lbs	.529 lbs

Benzo[g,h,i]perylene	.09 lbs	.132 lbs	.159 lbs	.0587 lbs	.084 lbs
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As the quantity of PAHs discharged is much larger than the quantities of benzo[g,h,i]perylene, Rain CII is also discharging other PAHs. These PAHs are likely to be some or all of the PAHs present in green petcoke:

- 1-Methyl naphthalene
- 2-methyl naphthalene
- Acenaphthene
- Acenaphthylene
- Anthracene
- Benzo[a]anthracene
- Benzo[a]pyrene
- Benzo[b]fluoranthene
- Chrysene
- Dibenzo[a,h]anthracene
- Dibenzo[g,h,i]perylene
- Dibenzo(a,h)anthracene
- Fluroanthene
- Indeno(1,2,3-cd)pyrene
- Naphthalene
- Phenanthrene
- Pyrene

EPA, *Polycyclic Aromatic Compounds Fact Sheet* (Jan. 2008); EPA Hazard Screening.

II. Specific Activities Alleged to Constitute a CWA Violation, Including the Dates of Such Violations

A. Unpermitted Discharges of Lead, Mercury, Nickel, Vanadium, Benzo[g,h,i]perylene, and PAHs

Rain CII has violated and is violating CWA Section 301, 33 U.S.C. § 1311(a) by discharging lead, mercury, nickel, vanadium, benzo[g,h,i]perylene, and PAHs through Outfall 001 without permit authorization. “[A] citizen may bring an action under the CWA against any person who is allegedly discharging a pollutant without a NPDES permit.” *Sierra Club, Lone Star Chapter v. Cedar Point Oil Co. Inc.*, 73 F.3d 546, 559 (5th Cir. 1996).

The CWA prohibits the discharge of pollutants from a point source into “waters of the United States” unless authorized by and in compliance with a CWA permit. 33 U.S.C. §§

1311(a), 1342(b), 1342. The TRI discharges described in Section I.C constitute discharges of pollutants from a point source into navigable waters. 33 U.S.C. § 1311(a). Lead, mercury, nickel, vanadium, PAHs, and benzo[g,h,i]perylene all meet the definitions of “pollutant,” meaning “sewage... sewage sludge... biological materials... and industrial, municipal . . . waste discharged into water.” *Id.* § 1362(6). Outfall 001 is a point source. *See id.* § 1362(14) (a “point source” is defined as “any discernable, confined and discrete conveyance, including but not limited to any pipe, ditch . . . conduit . . . discrete fissure, container . . . from which pollutants are or may be discharged . . .”). The Calcasieu River is a “navigable water[],” meaning a water of the United States. *Id.* § 1362(7). And the TRI discharges are additions of a pollutant in those navigable waters, meaning they are discharges of a pollutant. *See id.* § 1362(12) (“any addition of any pollutant to navigable waters from any point source . . .”).

Once a permit is obtained, the CWA contains a “permit shield” provision whereby “[c]ompliance with a permit issued pursuant to this section shall be deemed compliance” with the CWA. 33 U.S.C. § 1342(k). There are exceptions to this permit shield, however. An NPDES permit only shields its holder from liability under the Clean Water Act when:

- (1) the permit holder complies with the express terms of the permit and with the Clean Water Act's disclosure requirements and
- (2) the permit holder does not make a discharge of pollutants that was not within the reasonable contemplation of the permitting authority at the time the permit was granted.

Piney Run Pres. Ass'n v. Cnty. Comm'r, 268 F.3d 255, 259 (4th Cir. 2001).

Under the first *Piney Run* prong, the permit shield is not available to a permittee who is violating its permit or the CWA's permit application requirements. *Piney Run Pres. Ass'n*, 268 F.3d at 259; *see also Kleinman v. City of Austin*, 310 F.Supp.3d 770, 779 (W.D.Tex. 2018) (no permit shield when permittee was out of compliance with permit); *Southern Appalachian Mountain Stewards v. A&G Coal Corp.*, 758 F.3d 560, 568 (4th Cir. 2014) (stating the availability of the permit shield defense is predicated upon “permittee's full compliance with all applicable application requirements, any additional informational requests made by the permit authority and any applicable notification requirements”).

Under the second *Piney Run* prong, the permit shield is not available if the discharge of these pollutants was not reasonably contemplated by the permitting agency, here LDEQ. For instance, in *Southern Appalachian Mountain Stewards v. A&G Coal Corporation*, the Fourth Circuit held that when a coal mine failed to disclose discharges of selenium from two artificial ponds in its NPDES permit application, that selenium was not within the reasonable contemplation of the permit agency. 750 F.3d 560 at 564.

Here, Rain CII has discharged, and, to the best of our knowledge continues to discharge, lead, mercury, nickel, vanadium, benzo[g,h,i]perylene, and PAHs through Outfall 001. *Supra*, Section I.C (TRI Data). The Rain CII Lake Charles permit does not have monitoring requirements, effluent limits, or any other evidence that the permit authorizes Rain CII to discharge lead, mercury, nickel, vanadium, benzo[g,h,i]perylene, and PAHs through Outfall 001. 2018 Rain CII Lake Charles Permit.

The permit shield does not protect these discharges. First, Rain CII is not in compliance with its permit or the CWA's permit application requirements. Rain CII is violating the Rain CII Lake Charles Permit and 40 CFR § 122.41(l)(8) because Rain CII submitted two incorrect permit applications and has failed to correct either permit application. *Infra*, Section II.B. Second, Rain CII's discharges of lead, mercury, nickel, vanadium, benzo[g,h,i]perylene, and PAHs were not within the reasonable contemplation of LDEQ at the time the 2018 permit was issued. As described below, Rain CII failed to disclose to LDEQ in its permit application that lead, mercury, nickel, vanadium, benzo[g,h,i]perylene, and PAHs are present in the Outfall 001 effluent. In addition, LDEQ does not discuss these pollutants in the permit or the fact sheet as potential pollutants of concern.

In sum, Rain CII cannot "claim ignorance about the contents of its own discharges ... and expect to receive the protection of the permit shield." *Parris v. 3M Co.*, No. 4:21-CV-40-TWT, 2022 WL 976007, at *12 (N.D. Ga. Mar. 30, 2022).

Without a permit shield, Rain CII's discharges of lead, mercury, nickel, vanadium, PAHs, and benzo[g,h,i]perylene are discharges of pollutants without a permit, in violation of CWA Section 301, 33 U.S.C. § 1311(a).

Rain CII has violated and continues to violate CWA Section 301, 33 U.S.C. § 1311(a) by discharging pollutants without a permit any day Rain CII discharges lead, mercury, nickel, vanadium, PAHs, or benzo[g,h,i]perylene into federal waters from Outfall 001, including any day it discharges stormwater from Outfall 001. Penalties can be assessed under the CWA for each day of violation.

B. Failure to Correct Permit Application

Any noncompliance with the Rain CII Lake Charles Permit constitutes a violation of the Clean Water Act. 40 C.F.R. § 122.41(a).

Rain CII is violating the standard permit term that "[w]here the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information." 2018 Rain CII Lake Charles Permit, Part B.I.C. This "standard correction requirement" is also present in federal regulations. 40 CFR § 122.41(l)(8).

Federal regulations require that when applying for an NPDES permit, an industrial applicant like Rain CII must "indicate whether it knows or has reason to believe" that a long list of pollutants are present in the facility's wastewater. 40 C.F.R. §§ 122.21(g)(7)(vi), (vii). Similarly, in the standard EPA application used by Louisiana, a petcoke calcining plant will be asked to sample its process water for these pollutants or mark that they are "believed absent." NPDES Form 2C Instructions at Section 7, Effluent and Intake Characteristics.⁸ When applicants fill out their permit application and state whether pollutants are believed absent or present, permit applicants must be truthful. *See* 40 CFR § 122.22(d) (requiring that the permittee certify that the information submitted in its application is, "to the best of my knowledge and belief, true,

⁸ NPDES Form 2C Instructions at Section 7, Effluent and Intake Characteristics, https://www.epa.gov/sites/default/files/2020-04/documents/form_2c_epa_form_3510-2cr.pdf

accurate, and complete”). Moreover, as EPA established in 1980, “dischargers have a duty to be aware of any significant pollutant levels in their discharge.” 45 Fed. Reg. 33,516, 33,526 (May 19, 1980) (establishing permit application regulations); *see also Southern Appalachian Mountain Stewards v. A & G Coal Corp.*, 758 F.3d 560, 567 (4th Cir. 2014) (rejecting “willful blindness,” regarding the presence of pollutants in wastewater discharges).

EPA’s standard application form provides the following instructions regarding whether a pollutant is believed present or absent:

For all other pollutants, you must check the box in either the “Believed Present” or “Believed Absent” columns based on your best estimate and test for those you believe to be present (with some exceptions). **Base your determination that a pollutant is present in or absent from your discharge on your knowledge of your raw materials, maintenance chemicals, intermediate and final products and byproducts, and any previous analyses known to you of your effluent or similar effluent.** For example, if you manufacture pesticides, you should expect those pesticides to be present in contaminated stormwater runoff.

NPDES Form 2C Instructions at 2C-3 (emphasis added). Under these instructions, Rain CII is to consider the pollutants in the raw petcoke itself, information it has about these discharges, and data from other petcoke calcining plants. The Fourth Circuit notes that “[t]he need to ‘indicate whether’ a pollutant is present requires that an applicant affirmatively disclose after appropriate inquiry its knowledge or lack of knowledge of that presence.” *Southern Appalachian Mountain Stewards v. A & G Coal Corp.*, 758 F.3d at 567.

In both its 2017 and 2022 permit applications, Rain CII Lake Charles stated that lead, mercury, nickel, vanadium, and benzo[g,h,i]perylene were all “believed absent,” from the Outfall 001 effluent. 2017 Permit Application at 35-50; 2022 Permit Application at PDF 37, 39, 46 (Outfall 1). Rain CII subsequently did not provide any sampling data for these pollutants. Rain CII also stated that all of PAHs listed in Table 2C were “believed absent,” including those present in green petcoke (acenaphthene, acenaphthylene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b] fluoranthene, chrysene, dibenzo[a,h]anthracene, indeno(1,2,3-cd)pyrene, phenanthrene, and pyrene). 2017 Permit Application at 35-50; 2022 Permit Application at PDF 37, 39, 46.

These statements are incorrect. Rain CII discharges several kinds of stormwater through Outfall 001, including “process area stormwater including dewatering stormwater runoff from the barge cargo areas and stormwater runoff from the green coke storage pads; non-process area stormwater.” 2018 Rain CII Lake Charles Permit at 1. In fact, Outfall 001 is the only outfall in the Rain CII Lake Charles permit that discharges process area stormwater. Rain CII cannot truthfully state that lead, mercury, nickel, vanadium, benzo[g,h,i]perylene, and all listed PAHs are believed absent from its process area stormwater. As described in Section I.C above, Rain CII has reported to EPA through the TRI that its stormwater includes measurable quantities of lead, mercury, nickel, vanadium, benzo[g,h,i]perylene, and other PAHs. The presence of these pollutants is logical in Rain CII’s discharge. Green petcoke includes lead, nickel, vanadium, benzo[g,h,i]perylene, and other PAHs. Outfall 001 discharges several kinds of effluent that come directly into contact with green petcoke, including dewatering stormwater runoff from the barge

cargo areas, stormwater runoff from the green coke storage pad, dust suppression waters, and equipment washdown water. 2018 Rain CII Lake Charles Permit at 1.

Rain CII's statements that all of the other PAHs listed in Table 2C are "believed absent" are also incorrect in light of Reynold's TRI-reported discharges of PAHs each year. Moreover, it is logical that the Reynolds Carbon Plant would discharge more PAHs than benzo[g,h,i]perylene. Several PAHs are present in green petcoke (acenaphthene, acenaphthylene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo(g,h,i)perylene, chrysene, dibenzo[a,h]anthracene, indeno(1,2,3-cd)pyrene, phenanthrene, and pyrene) and are likely part of the wastestreams that come into contact with green petcoke.

As an NPDES permittee, Rain CII Lake Charles has an ongoing duty to both correct information in its permit application and to supplement the application with any relevant facts. *See* 2018 Rain CII Lake Charles Permit, Part B.I.C ("Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information"); *see also* 40 C.F.R. § 270.30(l)(11) (same). Rain CII has violated and is violating this requirement by not correcting the erroneous statements in its permit applications that lead, mercury, nickel, vanadium, and benzo[g,h,i]perylene are believed absent in the Outfall 001. In order to comply with Part B.I.C of its permit, Rain CII must correct its application by noting that these pollutants are believed to be present in the Outfall 001.

Rain CII has violated and continues to violate its permit and 40 CFR § 122.41(l)(8) every day from the date that Rain CII submitted its incorrect permit application to the future date when Rain CII submits a corrected permit application. Penalties can be assessed under the CWA for each day of violation.

III. The Person or Persons Responsible for the Alleged Violations

The person or persons responsible for the alleged violations is Rain CII Carbon, LLC. Under the CWA, the term 'person' "means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body." 33 U.S.C. § 1362(5). As a corporation, Rain CII Carbon, LLC is a person for purposes of the CWA. Rain CII Carbon, LLC is the holder of the LA0054062 permit. As the permit holder, Rain CII is responsible for the permit violations and, consequently, the CWA violations. As the owner and operator of the Rain CII Lake Charles Calcining Plant, Rain CII is also responsible for the unpermitted discharges of lead, mercury, nickel, vanadium, benzo[g,h,i]perylene, and PAHs and, consequently, the CWA violations.

IV. The Location of the Alleged Violations

The location of the alleged violations is:

Rain CII Lake Charles Calcining Plant
1920 Pak Tank Road
Sulphur, Louisiana 70665

V. The Full Name, Address, and Phone Number of the Persons Giving the Notice

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VI. Conclusion

Rain CII is violating CWA Section 301, 33 U.S.C. § 1311(a), by discharging pollutants without a permit and the CWA and the Rain CII Lake Charles Permit, 40 CFR § 122.41(l)(8), by failing to correct its incorrect permit applications. Accordingly, EIP intends to file suit on behalf of Micah 6:8 Mission and Healthy Gulf in the United States District Court for the Western District of Louisiana pursuant to 33 U.S.C. § 1365(a)(1) and 33 U.S.C. § 1365(b)(1)(A) any time after 60 days from the postmarked date of this NOI. This lawsuit will seek to enjoin and abate the violations described above, ensure future compliance with federal and state law, obtain civil penalties, recover attorneys' fees and costs of litigation, and obtain any other appropriate relief.

If you believe any of the facts described above are in error or have any information indicating that you are not violating and have not violated the CWA, or if you are interested in an early and prompt resolution of this matter, I urge you to contact me immediately.

Respectfully submitted,

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