

Notice of Opportunity for Public Comment on Proposed Consent Decree

On June 9, 2022, the Commonwealth of Kentucky Department for Environmental Protection lodged a proposed consent decree with the United States District Court for the Western District of Louisiana in the lawsuit entitled *United States, Commonwealth of Kentucky Department for Environmental Protection, and Louisiana Department of Environmental Quality v. Westlake Petrochemical LLC, et al.*, Civil Action No. 22-cv-01577.

Plaintiffs filed this lawsuit under the Clean Air Act. The complaint seeks injunctive relief and civil penalties based on violations of the Clean Air Act's New Source Review requirements, New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants, Maximum Achievable Control Technology Standards, "Title V" program requirements and operating permits, and related Kentucky and Louisiana state implementation plan requirements. The alleged violations involve flares used at three petrochemical manufacturing facilities owned and operated by the defendant in Calvert City, Kentucky and Lake Charles, Louisiana. Under the proposed consent decree, the defendants have agreed to perform injunctive relief (including flare gas minimization, flaring efficiency measures, and fence line monitoring) that is estimated to cost \$110,500,000 million, and pay a \$1 million civil penalty.

The publication of this notice in Kentucky opens a period for public comment on the proposed consent decree. Comments should be addressed to the General Counsel, Kentucky Department for Environmental Protection, Kentucky Energy and Environment Cabinet, and should refer to, "*United States, Commonwealth of Kentucky Department for Environmental Protection, and Louisiana Department of Environmental Quality v. Westlake Petrochemical LLC*, D.J. Ref. No. 90-5-2-1-11287". All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or mail:

| <i>To submit comments:</i> | <i>Send them to:</i> |
|-----------------------------------|---|
| By email | DEP.GeneralCounsel@KY.gov |
| By mail | General Counsel, Kentucky Department for Environmental Protection, 300 Sower Boulevard, 3 rd Floor, Frankfort, Kentucky 40601. |

During the public comment period, the proposed consent decree may be examined and downloaded at this Kentucky Department for Environmental Protection website: <https://eec.ky.gov/Environmental-Protection/Air/Pages/Public-Notices.aspx> . We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: General Counsel, Kentucky Department for Environmental Protection, 300 Sower Boulevard, 3rd Floor, Frankfort, Kentucky 40601.

Please enclose a check or money order for \$33.50 (25 cents per page reproduction cost) payable to the Kentucky State Treasurer. For a paper copy without the exhibits and signature pages, the cost is \$22.00.