

Appendix A. Environmental Synopsis

Bipartisan Infrastructure Law Battery (BIL) Materials Processing and
Battery Manufacturing DE-FOA-0002678

ENVIRONMENTAL SYNOPSIS
Bipartisan Infrastructure Law Battery (BIL) Materials
Processing and Battery Manufacturing
DE-FOA-0002678

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National Energy Technology Laboratory
U.S. Department of Energy
Pittsburgh, PA
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INTRODUCTION

The United States Department of Energy (DOE or the Department) prepared this Environmental Synopsis pursuant to the Department's responsibilities under Section 216 of the DOE's National Environmental Policy Act (NEPA) Implementing Procedures set forth in 10 CFR Part 1021. This synopsis summarizes the consideration given to environmental factors and records that the relevant environmental consequences of reasonable alternatives were evaluated in the process of selecting awardees seeking financial assistance under The Office of Manufacturing and Energy Supply Chains and the Office of Energy Efficiency and Renewable Energy, which jointly issued the Funding Opportunity Announcement (FOA) DE-FOA-0002678 Bipartisan Infrastructure Law (BIL) Battery Materials Processing and Battery Manufacturing. Projects awarded under FOA-0002678 to be funded, in whole or in part, with funds appropriated by the Infrastructure Investment and Jobs Act¹ (IIJA). The IIJA appropriates more than \$62 billion to the DOE² to deliver a more equitable clean energy future for the American people by investing in American manufacturing and workers; expanding access to energy efficiency and clean energy for families, communities, and businesses; delivering reliable, clean, and affordable power to more Americans; and building the technologies of tomorrow through clean energy demonstrations.

The IIJA will invest more than \$7 billion in the batteries supply chain over the five-year period encompassing fiscal years (FYs) 2022 through 2026. This includes sustainable sourcing of critical minerals from secondary and unconventional sources, reducing the need for new extraction and mining; sustainable processing of critical minerals; and end-of-life battery collection and recycling. The activities to be funded under this FOA support IIJA Sections 40207 (b) & (c) and the broader government-wide approach to upgrading and modernizing infrastructure, including by strengthening critical domestic manufacturing and supply chains. These IIJA Sections are focused on:

- Creating and retaining good-paying jobs, where workers are properly classified as employees, free from discrimination and harassment, with a free and fair choice to join, form, or assist a union;
- Supporting inclusive and supportive workforce development efforts to strengthen America's competitive advantage based on innovation, efficiency, and a skilled and diverse workforce up and down the supply chain;
- Ensuring that the U.S. has a viable battery materials processing industry to supply the North American battery supply chain;
- Expanding the capabilities of the U.S. in advanced battery manufacturing;
- Enhancing national security by reducing the reliance of the U.S. on foreign competitors for critical materials and technologies;

1. Infrastructure Investment and Jobs Act, Public Law 117-58 (November 15, 2021).

2. U.S. Department of Energy. November 2021. "DOE Fact Sheet: The Bipartisan Infrastructure Deal Will Deliver For American Workers, Families and Usher in the Clean Energy Future." <https://www.energy.gov/articles/doe-fact-sheet-bipartisan-infrastructure-deal-will-deliver-american-workers-families-and-0>

- Enhancing the domestic processing capacity of minerals necessary for battery materials and advanced batteries; and
- Ensuring that the U.S. has a viable domestic manufacturing and recycling capability to support and sustain a North American battery supply chain.

The DOE initially selected 21 projects under twelve topic areas of interest (AOIs) and provided cost-shared funding for project definition activities; all of the projects are subject to the completion of project-specific NEPA reviews. FOA-0002678 supports new, retrofitted, and expanded commercial-scale domestic facilities to produce battery materials, processing, and battery recycling and manufacturing demonstrations. As required by section 216, this synopsis does not contain business sensitive, confidential, trade secret or other information that statutes or regulations would prohibit the DOE from disclosing. It also does not contain data or other information that may reveal the identity of the offerors.

BACKGROUND

The projects that will result from this FOA are cost-shared collaborations between the government and industry to increase investment in battery materials processing and battery manufacturing projects. In contrast to other federally funded activities, these projects are not federal projects; instead, they are private projects seeking federal financial assistance. Under the FOA, industry proposes projects that meet their needs and those of their customers while furthering the national goals and objectives of DOE. The successful development of battery materials processing and battery manufacturing projects is a key objective of the nation's effort to help mitigate the effects of climate change, gain energy independence, and bolster the domestic supply chain.

Awardees under this FOA would receive assistance using funds appropriated by the Infrastructure Investment and Jobs Act, Public Law 117-58 (November 15, 2021). The activities to be funded under this FOA support IIJA Sections 40207(b) & (c) and the broader government-wide approach to upgrading and modernizing infrastructure, including by strengthening critical domestic manufacturing and supply chains.

The applications reviewed under this FOA were selected for negotiations in October 2022. Twelve topic areas of interest (AOIs) were included in the FOA and each AOI outlined project objectives that were specific to that AOI. The twelve AOIs were separated according to the IIJA sections 40207(b)(3)(A) and 40207(c)(3)(A):

<u>Areas of Interest</u>	<u>Title</u>
Battery Material Processing Grants pursuant to Section 40207(b)(3)(A)	
1	Commercial-scale Production Plants for Domestic Separation of Critical Cathode Battery Materials from Domestic Feedstocks
2	Commercial-scale Domestic Production of Battery-Grade Graphite from Synthetic and Natural Feedstocks
3	Commercial-scale Domestic Separation and Production of Battery-grade Precursor Materials (Open Topic)
4	Demonstrations of Domestic Separation and Production of Battery-grade Materials from Unconventional Domestic Sources
5	Demonstrations of Innovative Separation Processing of Battery Materials Open Topic
Battery Component Manufacturing and Recycling Grants pursuant to Section 40207(c)(3)(A)	
6	Commercial-scale Domestic Battery Cell Manufacturing
7	Commercial-scale Domestic Battery Cathode Manufacturing
8	Commercial-scale Domestic Battery Separator Manufacturing
9	Commercial-scale Domestic Next Generation Silicon Anode Active Materials and Electrodes
10	Commercial-scale Domestic Battery Component Manufacturing Open Topic
11	Commercial-scale Domestic Battery Recycling and End-of Life Infrastructure
12	Domestic Battery Cell and Component Manufacturing Demonstration Topic

AOIs 1–3 and 6–11 were directed to commercial level projects. AOIs 4, 5, and 12 were directed to demonstration level projects. Each level had different evaluation criteria and each application was evaluated against the criteria as outlined below:

A. Technical Review Criteria AOIs 1–3, 6–11 (commercial)

Criterion 1: Technical Merit, Project Management, and Impact (30%)

Criterion 2: Commercialization and Market Acceptance (30%)

Criterion 3: Cost Share (10%)

Criterion 4: Qualifications and Resources (10%)

Criterion 5: Equity Plan: Quality Jobs & Community Benefits (20%)

B. Technical Review Criteria AOIs 4, 5, and 12 (demonstration)

Criterion 1: Technical Merit, Project Management, and Impact (40%)

Criterion 2: Commercialization and Market Acceptance (20%)

Criterion 3: Cost Share (10%)

Criterion 4: Qualifications and Resources (10%)

Criterion 5: Equity Plan: Quality Jobs & Community Benefits (20%)

These criteria represented the total evaluation scoring. However, the selection official also considered program policy factors, in making final selections.

As a federal agency, DOE must comply with NEPA (42 U.S.C. §§ 4321 *et seq.*) by considering potential environmental issues associated with its actions prior to deciding whether to undertake these actions. The environmental review of applications received in response to FOA-0002678 was conducted pursuant to Council on Environmental Quality Regulations (40 Code of Federal Regulations (CFR) Parts 1500–1508) and DOE’s NEPA Implementing Procedures (10 CFR Part 1021), which provide directions specific to NEPA in the context of procurement and financial assistance actions.

PURPOSE AND NEED

The overall purpose and need for DOE action pursuant to the Office of Manufacturing and Energy Supply Chains in collaboration with the Office of Energy Efficiency and Renewable Energy program and the funding opportunity under the IIJA is to accelerate the development of a resilient supply chain for high-capacity batteries by increasing investments in battery materials processing and battery manufacturing projects. The IIJA investments in the battery supply chain will include five main steps including: (1) raw material production, (2) materials processing including material refinement and processing, (3) battery material /component manufacturing and cell fabrication, (4) battery pack and end use product manufacturing, and (5) battery end-of-life and recycling. Projects selected are needed to meet the focus of the IIJA sections: a) creating and retaining good-paying jobs; b) supporting inclusive and supportive workforce development efforts to strengthen America’s competitive advantage; c) ensuring that the United States has a viable battery materials processing industry to supply the North American battery supply chain; d) expanding the capabilities of the United States in advanced battery manufacturing; e) enhancing national security by reducing the reliance of the United States on foreign competitors for critical materials and technologies; f) enhancing the domestic processing capacity of minerals necessary for battery materials and advanced batteries; and g) ensuring that the United States has a viable domestic manufacturing and recycling capability to support and sustain a North American battery supply chain.

DOE intends to further this purpose and satisfy this need by providing financial assistance under cost-sharing arrangements to this project and the other 20 projects selected under this FOA. These projects would meet the objective.

ALTERNATIVES

The DOE received numerous eligible applications in twelve AOIs. AOIs 1 through 5 are under Battery Material Processing Grants pursuant to Section 40207(b)(3)(A); AOIs 6 through 12 are under Battery Component Manufacturing and Recycling Grants pursuant to Section 40207(c)(3)(A).

Detailed requirements for each AOI are listed in the FOA. Applications were accepted, reviewed, and initial selections were made; all of the projects are subject to the completion of project specific NEPA reviews. AOIs and number of initial selections are listed in the table below:

AOI	AOI Title	Number of Initial Selections
1	Commercial-scale Production Plants for Domestic Separation of Critical Cathode Battery Materials from Domestic Feedstocks	4
2	Commercial-scale Domestic Production of Battery-Grade Graphite from Synthetic and Natural Feedstocks	3
3	Commercial-scale Domestic Separation and Production of Battery-grade Precursor Materials (Open Topic)	2
4	Demonstrations of Domestic Separation and Production of Battery-grade Materials from Unconventional Domestic Sources	1
5	Demonstrations of Innovative Separation Processing of Battery Materials Open Topic	1
6	Commercial-scale Domestic Battery Cell Manufacturing	0
7	Commercial-scale Domestic Battery Cathode Manufacturing	2
8	Commercial-scale Domestic Battery Separator Manufacturing	2
9	Commercial-scale Domestic Next Generation Silicon Anode Active Materials and Electrodes	2
10	Commercial-scale Domestic Battery Component Manufacturing Open Topic	1
11	Commercial-scale Domestic Battery Recycling and End-of Life Infrastructure	1
12	Domestic Battery Cell and Component Manufacturing Demonstration Topic	2

ENVIRONMENTAL REVIEW

DOE assembled environmental review teams to assess all applications that met the mandatory requirements. The review teams considered 20 resource areas that could potentially be impacted by the technologies and sites proposed for each project that was selected for negotiations. These resource areas consisted of:

- Aesthetics
- Air Quality
- Biological Resources
- Climate
- Community Services
- Cultural Resources
-
- Floodplains
- Geology
- Ground Water
- Human Health and Safety
- Land Use
- Noise
- Socioeconomics
- Soils
- Surface Water
- Transportation and Traffic
- Utilities
- Wastes and Materials
- Wetlands

The review teams were composed of environmental professionals having expertise in the resource areas considered by the DOE and with experience evaluating the impacts of industrial facilities and energy-related projects. The review teams considered the information provided as part of each application, which included narrative text, worksheets, and the environmental information volumes for the sites proposed by the applicant. Reviewers conducted preliminary analyses to identify the potential range of impacts that would be associated with each application. In addition, reviewers identified both direct and indirect potential impacts to the resource areas mentioned above, as well as short-term impacts that might occur during construction and start-up, and long-term impacts that might occur over the expected operational life of the proposed project and beyond. The reviewers also considered any mitigation measures proposed by the applicant, and any reasonably available mitigation measures that may not have been proposed.

Reviewers assessed the potential for environmental issues and impacts using the following characterizations:

- **Beneficial** – Expected to have a net beneficial effect on the resource in comparison to baseline conditions.
- **None (negligible)** – Immeasurable or negligible in consequence (not expected to change baseline conditions).
- **Low** – Measurable or noticeable but of minimal consequence (barely discernable change in baseline conditions).
- **Moderate** – Adverse and considerable in consequence but moderate and not expected to reach a level of significance (discernable, but not drastic, alteration of baseline conditions).
- **High** – Adverse and potentially significant in severity (anticipated substantial changes or effects on baseline conditions that might not be mitigable).

For cases in which an application failed to provide sufficient information to support a determination among the above characterizations, the reviewers assigned one of the following characterizations:

- **Limited Concern** – The potential for substantial adverse impacts would be negligible to low based on background information about the resource area with respect to the geographic location of the project.
- **Elevated Concern** – The potential for substantial adverse impacts would be moderate to high based on background information about the resource area with respect to the geographic location of the project.

Applications in Response to the FOA

Based on the technologies and sites proposed, the applications for the FOA were preliminarily evaluated and reviewed by the NEPA compliance team. There were several applications that were deemed to not have sufficient information for assessment, and also site selections for some projects have not been finalized. Therefore, the summary in the below section is based on the information that was available. The following impacts by resource area were considered in the selection of candidates for award:

Aesthetics – Low to moderate impact would be expected as construction would primarily be conducted on existing industrial sites. Five projects were assessed to have a visual resource impact. Visual viewpoint changes are expected to occur at the sites as a result of project implementation and construction of the facilities. One project has overhead transmission lines.

Air Quality – Moderate impact would be expected as many facilities would have air controls and permitting in place, and new facilities will be putting controls in place as required by any obtained air permits. Fifteen projects had impacts, with several pollutants listed including: greenhouse gases (GHGs), particulate matter (PM), hazardous air pollutants (HAPs), volatile organic compounds (VOCs), nitrogen oxides (NOx), cadmium, nickel, lead, and combustion products. One project mentioned that BACT (best available control technology) would be installed, and one project mentioned MACT (maximum achievable control technology) to be installed (an iron-pellet gas purification and polishing system). One project stated that a Synthetic Minor Construction and Operations Air Permit would be required. Other impacts may be expected from transportation-related emissions or fugitive dust from construction activities.

Biological Resources – Low to moderate impact would be expected for three projects, with one project being located on the eastern edge of Great Salt Lake, and two projects being sited on greenfield sites. An additional three projects mention sites that were previously used for agriculture or grazing lands. The project located on one of the greenfield sites mentions that the site is pastureland, strands of forest, and wetlands/streams. The other greenfield site is located on farmland. Projects will be assessed for agricultural or natural habitat concerns, if any are identified.

Climate – Beneficial impacts would occur for all projects as batteries are critical to decarbonizing the economy through grid storage, resilience for powering homes and businesses, and electrification of the transportation sector, as noted in the FOA. GHG emissions from the projects would be minimal compared to these decarbonization efforts.

Community Services – Low impacts would be expected for the projects, though no impacts were specified in the review. Generally, projects anticipating a larger temporary workforce during construction would be expected to place a higher demand on community services – particularly in smaller, more rural communities where currently existing community services are more limited.

Cultural Resources – Moderate impacts would be expected for five projects, with several being sited next to railways or on greenfield sites. One project noted that Tribal Nations, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers consultations will all be needed. It is expected that Section 106 regulations will be followed on all projects. Bureau of Land Management (BLM) and Department of Defense (DOD) cooperating agencies will be needed for one other project. One project is in proximity to an airport, and another project is located near a major railyard. BLM permitting is expected for two projects.

Floodplains – Floodplains impact for the projects are low. There are four projects with Floodplains concerns, with one of the projects below the 500 Year Flood Plain (0.2-percent-annual-chance).

Geology – Geology impacts would be low to moderate for the projects. The possibility of extraction of economic minerals for battery manufacturer should be considered for relevant projects. One project has backfilled coal mine pits and spoil piles. One project is located on an old mine site. If geology is undisturbed, no additional impacts would be expected.

Ground Water – Ground Water impacts for the projects would be low. One project has a groundwater concern. Ground water impact from metals/chemicals or wastes could be of note for the projects, though containment measures would be in place as required for permitting. It is unknown if projects own any groundwater supply wells. Stormwater runoff will be managed in accordance with all relevant requirements, if required by projects.

Human Health and Safety – Impacts will be moderate. Five projects cited a concern. One project has a sensitive receptor (daycare) 2,500 feet from the corner of the lot. One project is upgrading its fire safety equipment, and fire safety and coordination with local fire departments is likely to be considered for all projects. Low to moderate impacts may also be considered during both construction and operations of the facilities. The level of risk is generally related to the size and complexity of the planned construction. Of note would be any concerns for handling of chemicals and metals, including minimizing exposure and prevention of spills. Safe operating practices will be implemented for all projects, and compliance with federal, state, and local regulations and standards as well.

Land Use – Low to moderate impacts would be expected for all projects due to construction within existing facilities or on a compatible nearby site. Two sites are greenfield sites, but many are already existing industrial sites. Three sites have not yet been selected. BLM permits are needed for two projects (three sites), with one BLM site also consulting with the DOD. One project is consulting with Tribal Nations, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers. Clearance of land, stormwater runoff best management practices, utility line installations, and rail lines will be considered as needed.

Noise – Noise impacts would be low to moderate. One project specifically cited noise impact. During the project construction phases, noise levels will increase, but would be temporary and ending after construction. All project facilities conducting manufacturing and/or recycling activities may have noise, but much will occur within closed buildings. Any projects located near neighboring buildings may have noise impacts to consider for those near the site if outdoor noise continues past construction phases.

Socioeconomics – Beneficial impacts would be expected for all projects. Seven projects cited socioeconomic concerns. All projects would provide some additional employment during

construction and operations, with most opportunities occurring within the local area DACs. Tax revenue generation and direct and indirect spending in the local economy is expected for the projects.

Soils – Low impacts would be expected for projects requiring land disturbance, including two greenfield sites. Five projects have sites that are adjacent to agricultural activity, with one converting existing pastureland, and one possibly converting farmland. Construction activities could result in a potential for soil erosion, but appropriate mitigation would be implemented as necessary, such as run-off control, silt fences, and stormwater detention facilities.

Surface Water – Impacts would be low to moderate. Battery Manufacturing and recycling facilities would potentially have water influent and wastewater effluent requirements to minimize the impacts with municipalities treating water. One project noted an effluent line along an existing roadway with a connect to the Mississippi River levee and River. Stormwater controls could be used during construction and operation. Controls could be used on hazardous liquids, if any, to minimize impacts.

Transportation and Traffic – Moderate impacts are expected with eight projects citing impacts. Five projects noted that they are cited near railways, railway right of way, or may need to recommission/use railway. Transportation of construction workforce to the site would be temporary. Construction access roads may be considered for projects. Transportation of operations workforce would be considered. Recycling and manufacturing facilities would also require trucking or railcar transport of materials and wastes in and out of the facility.

Utilities – Moderate impacts would be expected for greenfield sited projects resulting from the need for new energy infrastructure for manufacturing and recycling. Recycling and manufacturing facilities may have need for water, electricity, steam, wastewater, industrial gases and/or natural gas, or other for the processes and facilities. Availability and capacity of utilities and anticipated infrastructure needs will be evaluated for projects.

Wastes and Materials – Impacts would be moderate to high. Sixteen projects have waste streams impact and hazardous material storage and use impacts. Three projects have a Resource Conservation and Recovery Act (RCRA) designation, and several others have hazardous chemicals. One project is a large quantity generator (LQG). The nature of the manufacturing and/or recycling for Batteries Materials and Processing Manufacturing and Recycling will require diligence in hazardous/non-hazardous waste management practices and applicable permitting. Transportation of waste to landfills to be considered, if applicable, to projects.

Wetlands – Wetlands impacts would be low to moderate. Four projects noted wetlands concerns, which could be avoided, or controls used to minimize impacts resulting from project construction. The extent and the conditions of the wetlands on each site will be addressed during construction and/or operations as required. One project noted that wetlands will be avoided. One project has wetlands and streams on site. Appropriate wetland mitigation measures will be implemented for unavoidable impacts.

CONCLUSION

The alternatives available to DOE from applications received in response to the FOA provided reasonable alternatives for accomplishing the Department's purpose and need to satisfy the

responsibility imposed on the Department to carry out a program to bolster the nation's battery material production and battery production.

An environmental review was part of the evaluation process of these applications. DOE prepared a critique containing information from this environmental review. That critique, summarized here, contained summary as well as project-specific environmental information. The critique was made available to, and considered by, the selection official before selections for financial assistance were made.

DOE determined that selecting twenty-one applications in response to the FOA would meet the Department's purpose and need. DOE selected twenty-one projects for awards of financial assistance:

- Project Recipient (City, State) project located in City, State. Construct a new, commercial-scale U.S.-based lithium materials processing plant, sited next to existing facility, that uses sustainably extracted spodumene minerals from the site's lithium mine to produce battery grade lithium hydroxide for domestic manufacturing of lithium-ion batteries for 750,000 vehicles in the U.S. market. The DOE has determined that an environmental assessment (EA) is the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Construct a battery minerals processing facility to process nickel ore in concentrate (nickel/iron and copper) from economically viable sources in support of a new domestic cathode supply chain. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Plan, design, and construct a cathode active materials (CAM) plant including a manufacturing building and the processing equipment necessary to convert precursor materials into CAM, the highest value component in a lithium-ion battery. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Design a sustainable lithium hydroxide facility to produce 30,000 metric tons per year of lithium hydroxide for the domestic battery and electric vehicle (EV) market, doubling the lithium hydroxide production capacity currently available in the U.S. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Design, construct and commission a graphite anode powder plant over a five-year period. Testing of a pilot manufacturing plant will occur site I in City, State, and graphitization at site II City, State, during the first 3 years of the project. Approximately 35,000 tons per annum of new synthetic graphite anode material capacity for lithium-ion batteries will be used in electric vehicles and critical energy storage applications. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Expand the production capacity of the integrated milling, purification, coating, and surface treatment operation producing on-specification active anode material (AAM), using natural graphite from an overseas graphite operation. Construction of a new 11,250 metric tons per annum (tpa) AAM facility is underway to serve as the only vertically integrated and large-scale natural

graphite AAM producer outside China and the first large-scale natural graphite AAM producer in the U.S. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;

- Project Recipient (City, State) project located in City, State. Building its first mass production site in the U.S., which will produce 10,000 metric tons per year of battery grade synthetic graphite. The project will build a new plant near City to produce 30,000 metric tons per year of graphite targeted at the EV industry. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Will build a new battery-grade polyvinylidene fluoride (PVDF) facility in City, State, to supply the needs of the North American EV and stationary energy storage market. Potential to provide enough PVDF to supply more than 5 million EV batteries per year at full capacity. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Proposes to build the first U.S. manufacturing plant for lithium hexafluorophosphate (LiPF₆) on the grounds of the company's existing fluorochemical production site and produce up to 10,000 metric tonnes (MT) of LiPF₆ per year, which is sufficient to support domestic production of more than a million full EVs. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Proposes to build and operate a commercial-scale facility to implement its novel process for manufacturing battery cathode grade lithium hydroxide (LiOH) (5,000 MT (metric tonnes) LiOH/year, with capacity for 30,000 MT LiOH/year) commercial processing plant from unconventional Nevada-based lithium-bearing sedimentary resources (10,000 acres). The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Proposes to demonstrate production of lithium at commercially relevant scales using a proprietary technology (using ion-exchange beads) for lithium extraction from domestic brine resources at commercially relevant scales. The project would include 4 pilot units in State and State. Each site would require 5–7 acres for demonstrations lasting 10 months to 3 years before demobilization. Additional work would be manufacturing ceramic beads at 2 existing facilities, one of which will require modification and equipment to support the new production. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Proposes to establish industrial scale U.S. production capacity of sustainable, low-cost precursor cathode materials by integrating the separation of critical cathode materials from spent lithium-ion batteries (LIBs) with the production of both precursor cathode active materials (pCAM) and metal salts to support domestic production of cathode active material (CAM). CAM can then be used in new LIBs for EVs and energy storage systems (ESS). It will produce enough material to supply over 250,000 EVs annually. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;

- Project Recipient (City, State) project located in City, State. Proposes to build a plant to produce high quality lithium iron phosphate (LFP) cathode powder for the global lithium battery industry using primarily a domestic supply chain. Using its own process technology and by acquiring licenses for certain other commercially proven processes, the plant will have two production lines built in dual phases, with each line capable of producing 15,000 tonnes per year of LFP powder. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project
- Project Recipient (City, State) project located in City, State. Proposes to build a separator facility capable of supplying 19 gigawatt-hour (GWh) of electrovoltaic batteries, including their existing 2 GWh battery plant. The project would construct new buildings, tanks, and associated equipment. The area is a greenfield site that was previously used for agriculture and is currently being developed as an industrial park. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. The proposed project would construct new separator plants with capacity of 1-1.8 billion m² per year, enough material for ~1.4 million EVs. The separator plants would include the installation of high-capacity battery separator lines. Finalized site selection is still underway. The DOE has not determined the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Build-out of a 600,000-square-foot factory that will produce breakthrough lithium-ion anode materials. The project is expected to begin production of Recipient's proprietary silicon anode material in 2025, with full production of 20 GWh equivalent of material at the project's conclusion in 2026. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Proposes to design and construct two 2,000 tonnes/year silicon-carbon anode material factories, also known as "modules." The proposed project plans to construct these modules as part of an expansion of a previously planned project. The proposed project will involve design and construction of two modules. The proposed project will also involve the construction of support facilities for all modules. These two modules and support facilities will be constructed on a planned, but undeveloped portion of the proposed project site. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Proposes to set up an advanced prelithiation and lithium anode manufacturing facility to accelerate the transition to next-generation lithium-ion (Li-ion) batteries and enable the development of a robust U.S. battery component supply chain. The proposed facility will support industrial-scale production of advanced lithiated anodes for multiple battery cell makers and automobile manufacturers. Finalized site selection is still underway. The DOE has not determined the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Proposes to expand and upgrade recipient's existing lithium-ion recycling facility. Collect, disassemble, shred, and upgrade the critical minerals present from tens-of-thousands of tons of lithium-ion batteries for reuse in new lithium-ion batteries. The project requires the physical modification of

existing buildings, new construction, and ground-disturbing activities on a portion of the project site. The DOE has determined that an EA is the appropriate level of environmental review for the proposed project;

- Project Recipient (City, State) project located in City, State. Proposes to demonstrate the manufacturing of silicon nanowire anode technology at the component and cell level on multi-megawatt-hour-scale manufacturing lines that are comparable to those used in multi-GWh factories. Plans are to construct a new facility of about 120,000 square feet. Finalized site selection is still underway. The DOE has not determined the appropriate level of environmental review for the proposed project;
- Project Recipient (City, State) project located in City, State. Proposes to demonstrate the ability to domestically produce multiple battery chemistries namely NMC811 and LFP in a plant with the capacity of 3,000 tpa ready for production in 2025 scaling to 10,000 tpa in 2026. The demonstration plant will produce NMC811 generating zero waste and 70 percent less GHGs by using only 10 percent of the water and 30 percent of the energy versus traditional battery material production methods. The proposed new facility will be approximately 120,000 square feet in a zoned industrial park. Finalized site selection is still underway. The DOE has not determined the appropriate level of environmental review for the proposed project.

Appendix B. Consultation with Agencies and Tribal Nations

November 30, 2023

Christopher Nunn, State Historical Preservation Officer
Commissioner, Georgia Department of Community Affairs
60 Executive Park South, NE
Atlanta, GA 30329

SUBJECT: Consultation and Section 106 Compliance for the Solvay Sarsaparilla Project
(DOE/EA-2237D)

Dear Mr. Nunn:

I previously spoke with you regarding a project that the U.S. Department of Energy, National Energy Technology Laboratory (NETL) proposes to fund.

NETL proposes to provide federal funding for the Solvay Sarsaparilla Project. The project would involve construction and operation of a chemical manufacturing facility for the production of polyvinylidene fluoride (PVDF) from 1-Chloro-1,1-difluoroethane (HCFC-142b) through various chemical reactions and separations.

The proposed facility would be located on an approximately 81-acre parcel (project site) located east of Clanton Road, south of Tobacco Road, in Augusta, Richmond County, Georgia, adjacent to and south of the existing Solvay Specialty Polymers facility (Figure 1). A portion of the project site was previously developed for industrial use. The project site is zoned Heavy Industrial and contains an existing rail spur. The project site is crossed by existing natural gas and electric utilities, which would serve the proposed facility.

Solvay would redevelop the project site to support the PVDF manufacturing process. Construction activities would include clearing and grading, pouring foundations, and location of utilities.

Solvay would install a primary process furnace and gas purification towers. This area would be approximately 285 ft L x 53 ft W x 150 ft H. There would be one primary building enclosing the main PVDF manufacturing plant and this building would be approximately 490 ft L x 240 ft W x 100 ft H. A recycle gas treatment system comprising of gas compression, liquefaction, and purification towers would be approximately 160 ft L x 60 ft W x 135 ft H (monomer building), and approximately 180 ft L x 60 ft W x 50 ft H (refrigeration unit). There is a utility (cooling tower and air compression) area measuring approximately 165 ft L x 165 ft W x 40 ft H and a wastewater treatment equipment area measuring approximately 165 ft L x 150 ft W x 40 ft H. These structures are shown on Figure 2, attached.

Construction activities are expected to take approximately 18 months to complete. The Georgia Natural, Archaeological, and Historic Resources GIS database (GNAHRGIS) was consulted in order to identify archaeological and historic resources that have previously been

recorded that are Listed or eligible or may be eligible for the National Register of Historic Places (NRHP).

There are no previously recorded archaeological sites within the boundaries of the project area and none within a 1-km radius. Background review identified eight historic structures within a 1-km radius of the project site. All but one of the structures are associated with the Gracewood State School and Hospital, now known as East Central Regional Hospital, Gracewood Campus. The Gracewood Campus was formed in 1919 as a training school for individuals with mental disorders. The campus expanded in the 1920s by purchasing an adjacent orphanage. The campus expanded again in the 1950s to include surrounding farmland.

Most of the historic structures associated with the Gracewood Campus have been recorded, including those within a 1-km radius of the project site, as listed in Table 1, below, and shown in Figure 3, attached. However, there has been no formal recommendation of the individual structures or the campus as an historic district. Three of the structures were recorded as having characteristics that appear to meet the eligibility criteria for inclusion in the National Register of Historic Places (NRHP).

Parcel information indicates there are a number of houses over 50 years old northwest of the project site along Tobacco Road and immediately west of the project site along Clanton Road. These houses are at an age where they could be eligible for the NRHP. They have not been surveyed.

Table 1, Cultural Resources Within a 1-km Radius of the Project Site			
Resource No.	Description	Date	NRHP Eligibility
55891	House/Georgian Cottage	1850	Appears to meet NRHP criteria
55892	House/Vernacular	1874	Unassessed
55893	House/Folk Victorian	1890	Appears to meet NRHP criteria
55894	House/Craftsman	1919	Appears to meet NRHP criteria
55904	House/Craftsman	1910	Unassessed
56068	Hay Barn	1955	Unassessed
56069	Staff Housing	1935	Unassessed
56070	Storage Building	1945	Unassessed

Because of the distance between the proposed project and the historic structures; the height of the intervening forest, and the industrial nature of the existing, adjacent facility, it is believed that potential impacts on the viewshed of these historic structures would be minimal.

Based on the scope of the proposed Solvay project, NETL plans to prepare an Environmental Assessment (EA) (DOE/EA- 2237D) in accordance with requirements of the National Environmental Policy Act (NEPA) to analyze, document, and disseminate information on the potential environmental and cultural consequences of the project.

Information that you provide will be incorporated and appropriately addressed in the EA. Moreover, when the Draft EA is circulated for public comment, your organization will be sent an electronic and hard copy where you may provide additional comments.

If you have any questions concerning the project, please contact me. I look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'H. E. Taylor'.

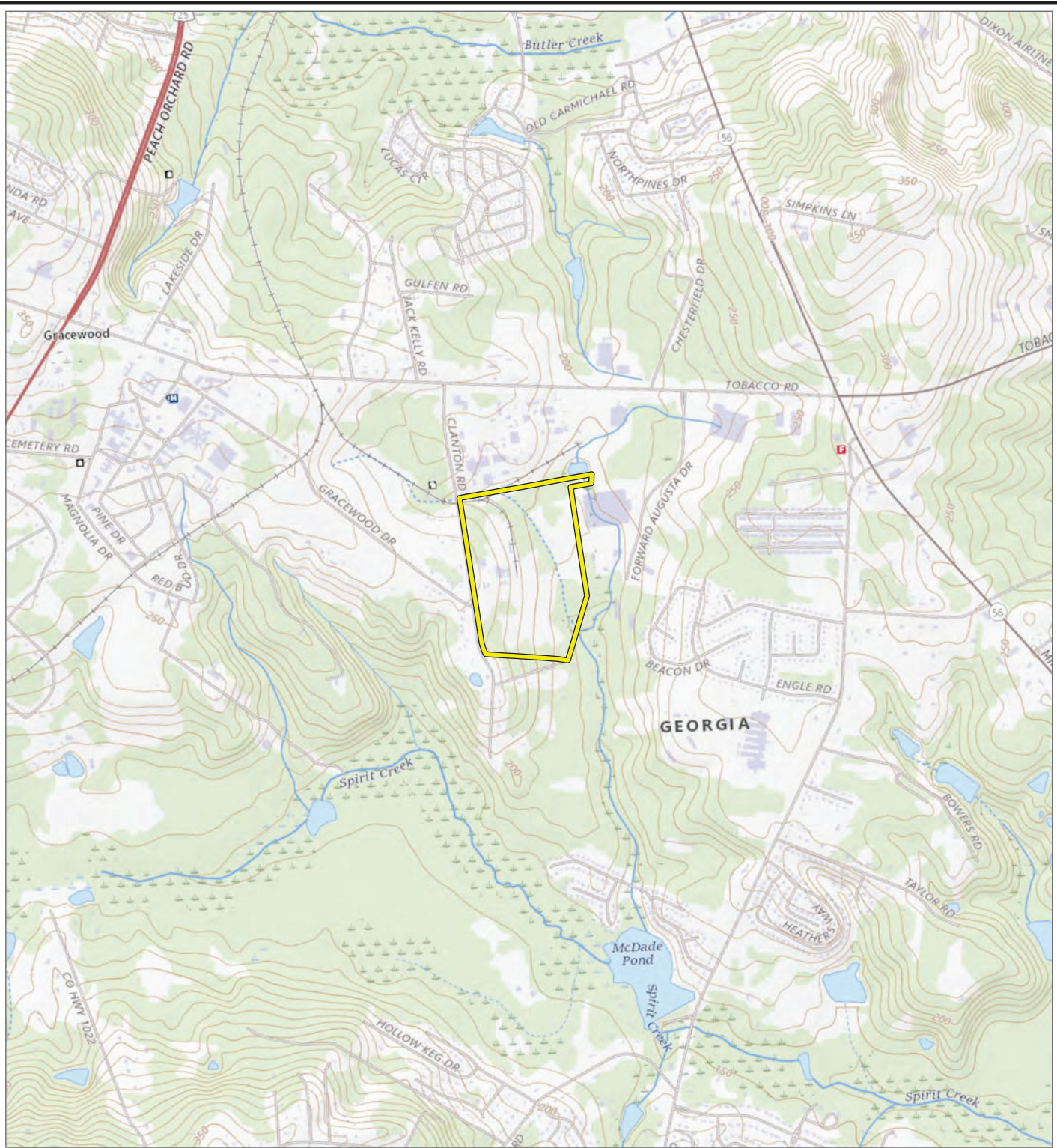
Harry E. Taylor, P.E.
NEPA Compliance
U.S. Department of Energy
National Energy Technology Laboratory
3610 Collins Ferry Road
Morgantown, WV 26505
304.285.5091
harry.taylor@netl.doe.gov

cc: Jennifer Dixon, Division Director/DSHPO Historic Preservation Division

Attachments:

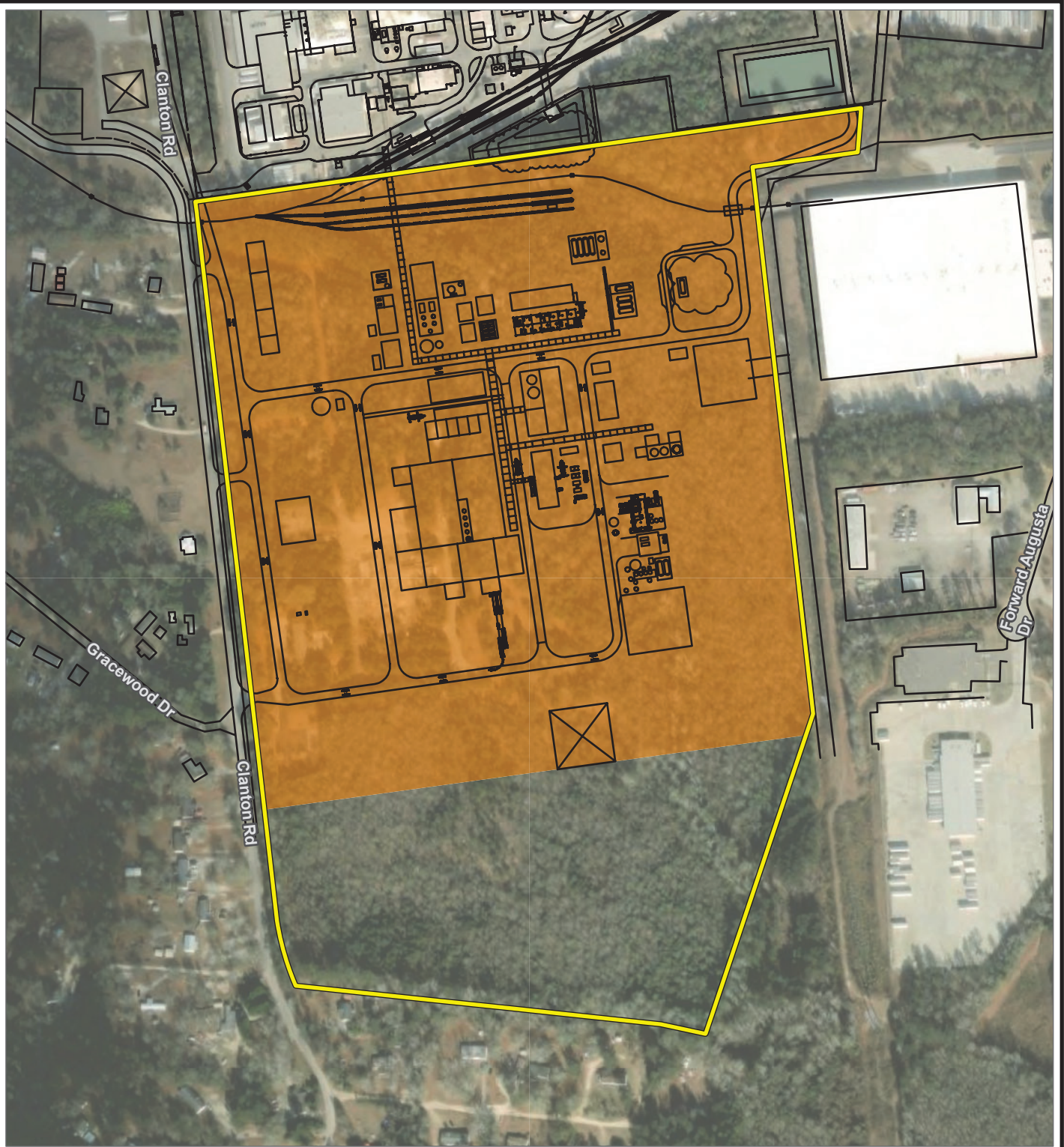
Figure 1 Site Location Map
Figure 2 Site Layout Map
Figure 3 Cultural Resources Map
Environmental Review Form

COORDINATE SYSTEM: NAD 1983 STATEPLANE TENNESSEE FIPS 4100 FEET; MAP ROTATION: 0
- SAVED BY: RSPRING ON 11/9/2023, 12:14:07 PM. FILE PATH: \\EMPLOYEE\GIS\ARGIS\PROJ\PROJECTS\SOLVAY\498642_SOLVAY_SARSAPARILLA\2-APRISOLVAY_SARSAPARILLA.APRX LAYOUT NAME: 1-SARSAPARILLA.SLM

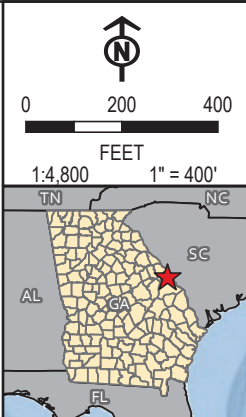


 PROJECT SITE	 0 1,000 2,000 FEET 1:24,000 1" = 2,000'	PROJECT: SOLVAY - SARSAPARILLA	
		TITLE: SITE LOCATION MAP	
	DRAWN BY: R. SPRING	PROJ. NO.: 574539.0000.0000	
	CHECKED BY: R. JORDAN	FIGURE 1	
	APPROVED BY: K. SUDERMAN		
	DATE: NOVEMBER 2023		
BASE MAP: USGS/TNM "USA TOPO" ONLINE SERVICE LAYER DATA SOURCES: TRC, USGS		 4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192	
FILE:		SOLVAY_SARSAPARILLA.APRX	

COORDINATE SYSTEM: NAD 1983 STATEPLANE GEORGIA EAST FIPS 1001 FEET, MAP ROTATION: 0
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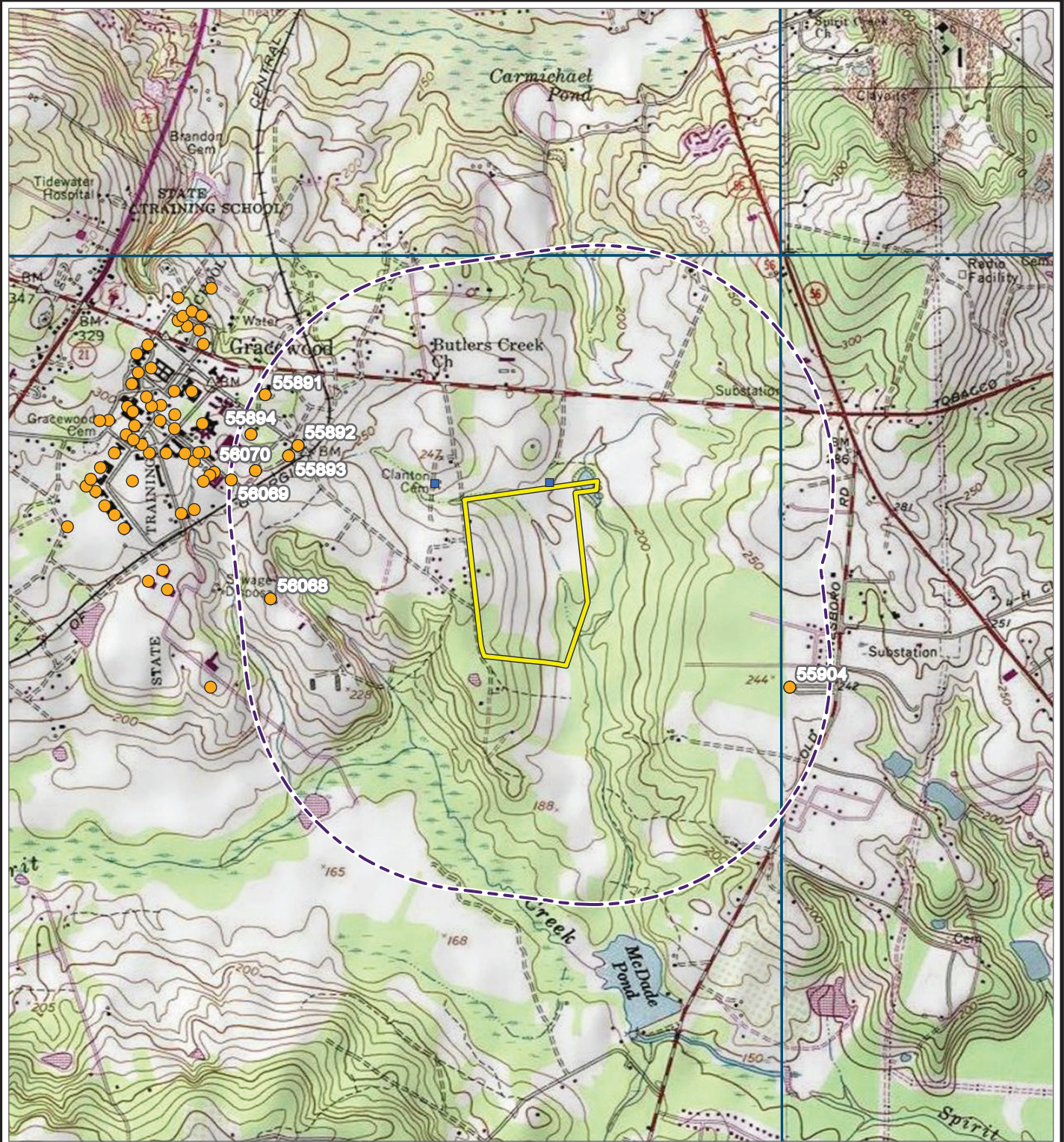
- PROJECT SITE
- APPROXIMATE PROJECT LAYOUT/DESIGN
- APPROXIMATE LIMIT OF DISTURBANCE



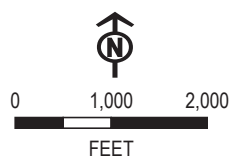
PROJECT: SOLVAY - SARSAPARILLA		
TITLE: SITE LAYOUT MAP		
DRAWN BY: R. SPRING	PROJ. NO.: 574539.0000.0000	
CHECKED BY: R. JORDAN	FIGURE 2	
APPROVED BY: K. SUDERMAN		
DATE: NOVEMBER 2023		
		4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192
FILE:		SOLVAY_SARSAPARILLA.APRX

BASE MAP: ESRI "WORLD IMAGERY" ONLINE SERVICE LAYER
DATA SOURCES: TRC, ESRI, RICHMOND COUNTY BOARD OF ASSESSORS

COORDINATE SYSTEM: NAD 1983 STATEPLANE GEORGIA EAST FIPS 1001 FEET MAP ROTATION: 0
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- PROJECT SITE
- CULTURAL RESOURCE
- APPROXIMATE CEMETERY LOCATION
- 1-KM STUDY BUFFER
- USGS 7.5' QUADRANGLE BOUNDARY



PROJECT:		SOLVAY - SARSAPARILLA	
TITLE:		CULTURAL RESOURCES MAP	
DRAWN BY:	R. SPRING	PROJ. NO.:	574539.0000.0000
CHECKED BY:	R. JORDAN	FIGURE 3	
APPROVED BY:	K. SUDERMAN		
DATE:	NOVEMBER 2023		
		4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192	
FILE:		SOLVAY_SARSAPARILLA.APRX	

BASE MAP: USGS/TNM "USA TOPO" ONLINE SERVICE LAYER
DATA SOURCES: TRC, USGS

Environmental Review Form

At a minimum, the Historic Preservation Division (HPD) requires the following information in order to review projects in accordance with applicable federal or state laws. Please note that the responsibility for preparing documentation, including items listed below, rests with the federal or state agency or its designated applicant. *HPD's ability to complete a timely project review largely depends on the quality and detail of the material submitted. If insufficient information is provided, HPD may need to request additional materials, which will prolong the review process. For complex projects, some applicants may find it advantageous to hire a preservation professional with expertise in history, architectural history, and/or archaeology, who would have access to the Georgia Archaeological Site Files and an understanding of HPD's publicly available files.*

**THERE IS A 30-DAY REVIEW PERIOD FROM THE DATE HPD RECEIVES THE SUBMITTAL.
SHOULD ADDITIONAL INFORMATION BE REQUESTED, PLEASE NOTE THE 30-DAY PERIOD RESTARTS.**

I. General Information

A. Project Name: Solvay Sarsaparilla Project

Project Address: East of Clanton Road, south of Tobacco Road, in Augusta, Georgia, adjacent to and south of the existing Solvay Specialty Polymers facility.

City: Augusta

County: Richmond

B. Federal Agency Involved: Department of Energy

State Agency Involved (if applicable): _____

C. Agency's Involvement (check all that are applicable):

☒ Funding (grant, loan, etc.)

☐ License/Permit

☐ Direct/Agency is performing the action

☐ Unknown

☐ Other, please explain: _____

D. Type of Review Requested:

☒ Section 106 of the National Historic Preservation Act (Federal agency involvement)

☐ Section 110 of the National Historic Preservation Act (Federally owned properties)

☐ Georgia Environmental Policy Act (GEPA; State agency involvement)

☐ State Agency Historic Property Stewardship Program/State Stewardship (State owned properties)

☐ Unknown

E. Contact Information: ☒ Applicant ☐ Consultant

Name/Title/Company: Solvay Specialty Polymers

Address: 3702 Clanton Rd

City/State/Zip: Augusta, GA 30906

Phone: 225 240 3718

Email: phillip.mccray@solvay.com

Agency Contact Info (either State or Federal, according to review type):

Name/Title/Agency: Harry E. Taylor/NEPA Compliance/U.S. Department of Energy

Address: 3610 Collins Ferry Road, Building 26, Room 102, MS 107

City/State/Zip: Morgantown, West Virginia 26505

Phone: 304.285.5091

Email: Harry.Taylor@netl.doe.gov

II. Project Information

A. Project Type:

- | | |
|--|---|
| ☐ Road/Highway Construction or Improvements | ☐ Relicensing |
| ☐ Demolition | ☐ Utilities/Infrastructure |
| ☐ Rehabilitation | ☐ Unknown |
| ☐ Addition to Existing Building/Structure | ☐ Other: _____ |
| ☒ New Construction | |

B. Project Description and Plans This should include a *detailed* **scope of work**, including *any* actions to be taken in relation to the project, such as all aspects of new construction, replacement/repair, demolition, ground disturbance, and all ancillary work (temporary roads, etc.), as applicable. Attach additional pages if necessary. If a detailed scope of work is not available yet, please explain and include all preliminary information:

See attached letter.

C. Land Disturbing Activity This should include a detailed description of all horizontal and vertical ground disturbance, such as haul roads, cut or fill areas, excavations, landscaping activities, ditching, utility burial, grading, water tower construction, etc., as applicable:

See attached letter

D. Has this identical project or a related project been previously submitted to HPD for review? YES ☐ NO ☒
**If yes, please enclose a copy of HPD's previous response*

E. Is this project also being reviewed under a tax incentive program administered through HPD? YES ☐ NO ☒

F. Is this review request in order to satisfy an application requirement, such as for a grant? YES ☒ NO ☐

**If yes, are project plans/scope of work available yet?* YES ☒ NO ☐

**If yes, please enclose a copy of the project plans/scope of work as outlined in II.B and II.C above*

III. Site Information

A. In the past this property has been used for (select all that apply):

Mining
Timbering
Road Construction
Housing
Landfill
Commercial
Industrial

Other (explain):

A. Describe what currently exists on the property today and give approximate construction dates for existing buildings along with any known history (i.e. buildings, parking lot, outbuildings, woods, grass, garden, etc.):

See attached letter.

IV. Cultural Resources

Background research for previously identified properties within the project area may be undertaken at HPD, including National Register of Historic Places files, county and city surveys, and identified sites files. Additionally, research at the Georgia Archaeological Site Files (GASF) in Athens may be undertaken by a qualified archaeologist or site file staff. To make a research appointment or find contact information for GASF, please visit our website. **Please note that as part of the review process, HPD may request an archaeological survey or resource identification.**

A. To your knowledge, has a cultural resources assessment or a historic resources survey been conducted in the project area? YES ☐ NO ☒ DO NOT KNOW ☐ (see: <http://www.georgiashpo.org/surveys>)

**If yes, provide the title, author, and date of the report:*

B. Area of Potential Effect (APE)

The APE is the geographic area or areas within which a project may cause changes (or effects). These changes can be direct (physical) or indirect (visual, noise, vibrations) effects. The APE varies with the project type and should factor in topography, vegetation, existing development, physical siting of the project, and existing/planned development. For example:

<i>If your project includes...</i>	<i>Then your APE would be...</i>
Rehabilitation, renovation, and/or demolition of a building or structure, or new construction	the building or property itself and the surrounding properties/setting with a view of the project
Road/Highway construction or improvements, streetscapes, pedestrian or bicycle facilities	the length of the project corridor and the surrounding properties/setting with a view of the project
Above ground utilities, such as siren/radio towers, water towers, pump stations, retention ponds, etc.	the area of ground disturbance and the surrounding properties/setting with a view of the project
Underground utilities	the area of ground disturbance

Based on this information, **identify the APE for your project, similar to above AND describe what exists within it.**

Please provide approximate construction dates for existing buildings within the APE (ie. is it modern or historic residential or commercial development, undeveloped, etc.):

See attached letter.

C. Is the project located within or adjacent to a National Register of Historic Places (NRHP) listed or eligible historic property or district or a locally designated property or district?

YES ☐ NO ☒ DO NOT KNOW ☐

**If yes, please provide names:*

D. Within the project APE as identified in IV.B, are there any other buildings or structures that are 50 years old or older?

YES ☒ NO ☐ DO NOT KNOW ☐

**If yes, provide current photographs of each building or structure and key the photos to a site map.*

E. Are any of the buildings or structures identified in IV.D listed or eligible for listing in the NRHP?

YES ☐ NO ☐ DO NOT KNOW ☒

**If yes, please identify the properties (by name or photo #).*

F. Effects Information

1. Does the project involve the rehabilitation, renovation, relocation, demolition or addition to any building or structure that is 50 years old or older? YES ☐ NO ☒

2. Will the project take away or change anything within the apparent or existing boundary of any of these historic properties? YES ☐ NO ☒

**If yes, please explain:*

3. Will the project change the view from or of any of these properties? YES ☒ NO ☐
**If yes, please explain:* See attached letter.
4. Will the project introduce any audible or atmospheric elements to the setting of any of these historic properties (such as light, noise, or vibration pollution)? YES ☐ NO ☒
**If yes, please explain:* _____
5. Will the project result in a change of ownership for any historic properties? YES ☐ NO ☒
**If yes, please explain:* _____

V. Required Materials (Submittal Checklist)

- X Complete Environmental Review Form
 - o Include all contact information as HPD will respond via email to the submitter.
- X Map indicating:
 - o Precise location of the project (USGS topographic map preferred: <http://www.digital-topo-maps.com/>¹).
 - o In urban areas, please also include a city map that shows more detail
 - o Boundaries of the APE as noted in section II above
 - o Location of resources indicated in section IV.C through E
- X Detailed project plans to supplement section I.F, including (if applicable and available):
 - o Detailed scope of work
 - o Site plans (before and after)
 - o Project plans
 - o Elevations
- ☐ High-resolution current color photographs (max 2 photos per page) illustrating:
 - o The project area, the entire APE as defined in section IV, and resources indicated in section IV.C through E
 - o Any adjacent properties that are within the APE, with clear views of buildings or structures, if applicable
 - o If the project entails the alteration of existing historic structures, please provide **detail** photographs of existing conditions of sites, buildings, and interior areas/materials to be impacted
 - o ****Google Street view and publicly available Tax Assessor images will not be accepted**
- ☐ Photography key (map or project plans can be used) indicating:
 - o Location of all photographs by photo number
 - o Direction of view for all photographs
- X Any available information concerning known or suspected archaeological resources in the APE.

Please submit this project for review electronically via HPD's External User Portal.

*Answers to Frequently Asked Questions, including details related to HPD's External User Portal,
can be found on our website:*

<https://www.dca.ga.gov/georgia-historic-preservation-division/review-compliance>

*Specific questions regarding this form may be directed to HPD's Environmental Review Program at
ER@dca.ga.gov.*

*Limited email submission of project materials may be available if technical issues prevent applicant use of
HPD/ER's external user portal. Contact ER program staff at ER@dca.ga.gov for further details.*

*HPD no longer accepts project materials for review via mail, with the exception of archival mitigation
documentation, as applicable.*

¹ Please note, this is not a complete list of websites with topographic map information. This website is not controlled by HPD and HPD bears no responsibility for its content.

January 3, 2024

Harry Taylor
Project Engineer
U.S. Department of Energy
3610 Collins Ferry Road
Morgantown, West Virginia 26505

**RE: Construct Chemical Manufacturing Facility, Clanton Road, Tobacco Road, Augusta
Richmond County, Georgia
HP-231204-007**

Dear Mr. Taylor:

The Historic Preservation Division (HPD) has received the information submitted concerning the above referenced project. Our comments are offered to assist the U.S. Department of Energy (DOE) and its applicants in complying with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

The subject project consists of constructing a manufacturing facility of unknown design, size, scale, massing, and height on an approximately 81-acre site on vacant portions of three (3) assembled Richmond County parcels in Augusta, including parcel 1690007020 located at 3750 Clanton Road, parcel 1690025000 located at 3756 Clanton Road, and parcel 1560102000 located at 3734 Clanton Road. HPD notes GNAHRGIS resources 55891/2016 Tobacco Road, 55892/4105 Gracewood Drive, 55893/4102 Gracewood Drive, 55894/Azalea Circle, 55904/3815 Old Waynesboro Road, 56068/Pecan Lane, 56069/Azalea Circle, and 56070/Azalea Circle, identified in the materials provided for review, are outside of the proposed project's area of potential effect (APE). Additionally, HPD finds multiple other historic resources within the proposed project's APE, some of which may be eligible for listing in the National Register of Historic Places (NRHP). However, it is HPD's opinion that the subject project, as proposed, will have **no adverse effect** to historic properties within its APE, as defined in 36 CFR Part 800.5(d)(1), due to the scope and location of the work, existing modern intrusions, and previous ground disturbance.

This letter evidences consultation with our office for compliance with Section 106 of the NHPA. It is important to remember that any changes to this project as it is currently proposed may require additional consultation. HPD encourages federal agencies and project applicants to discuss such changes with our office to ensure that potential effects to historic properties are adequately considered in project planning.

Please refer to project number **HP-231204-007** in any future correspondence regarding this project. If we may be of further assistance, please contact Olivia Kendrick, Environmental Review Historian, at Olivia.Kendrick@dca.ga.gov or (404) 486-6425 or Noah Bryant, Compliance Review Archaeologist, at Noah.Bryant@dca.ga.gov or (404) 679-0649.

Sincerely,



Stacy Rieke, MHP
Program Manager
Environmental Review & Preservation Planning

SMR/olk

cc: Anne Floyd, Central Savannah River Regional Commission
Tina Hutcheson, DCA Regional Services, Region 7

November 21, 2023

Wilson Yargee, Chief
Alabama Quassarte Tribal Town
P.O. Box 187
Wetumka, OK 74883

SUBJECT: Tribal Consultation and Section 106 Compliance for the Solvay Sarsaparilla Project (DOE/EA-2237D)

Dear Chief Yargee:

I previously spoke with you regarding a project that the U.S. Department of Energy, National Energy Technology Laboratory (NETL) proposes to fund.

NETL proposes to provide federal funding for the Solvay Sarsaparilla Project. The project would involve construction and operation of a chemical manufacturing facility for the production of polyvinylidene fluoride (PVDF) from 1-Chloro-1,1-difluoroethane (HCFC-142b) through various chemical reactions and separations.

The proposed facility would be located on an approximately 81-acre parcel (project site) located east of Clanton Road, south of Tobacco Road, in Augusta, Richmond County, Georgia, adjacent to and south of the existing Solvay Specialty Polymers facility (Figure 1). A portion of the project site was previously developed for industrial use. The project site is zoned Heavy Industrial and contains an existing rail spur. The project site is crossed by existing natural gas and electric utilities, which would serve the proposed facility.

Solvay would redevelop the project site to support the PVDF manufacturing process. Construction activities would include clearing and grading, pouring foundations, and location of utilities.

Solvay would install a primary process furnace and gas purification towers. This area would be approximately 285 ft L x 53 ft W x 150 ft H. There would be one primary building enclosing the main PVDF manufacturing plant and this building would be approximately 490 ft L x 240 ft W x 100 ft H. A recycle gas treatment system comprising of gas compression, liquefaction, and purification towers would be approximately 160 ft L x 60 ft W x 135 ft H (monomer building), and approximately 180 ft L x 60 ft W x 50 ft H (refrigeration unit). There is a utility (cooling tower and air compression) area measuring approximately 165 ft L x 165 ft W x 40 ft H and a wastewater treatment equipment area measuring approximately 165 ft L x 150 ft W x 40 ft H. These structures are shown on Figure 2, attached.

Construction activities are expected to take approximately 18 months to complete.

Based on the scope of the proposed Solvay project, NETL plans to prepare an Environmental Assessment (EA) (DOE/EA- 2237D) in accordance with requirements of the National Environmental Policy Act (NEPA) to analyze, document, and disseminate information on the potential environmental and cultural consequences of the project.

Information that you provide will be incorporated and appropriately addressed in the EA. Moreover, when the Draft EA is circulated for public comment, your organization will be sent an electronic and hard copy where you may provide additional comments.

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Sincerely,

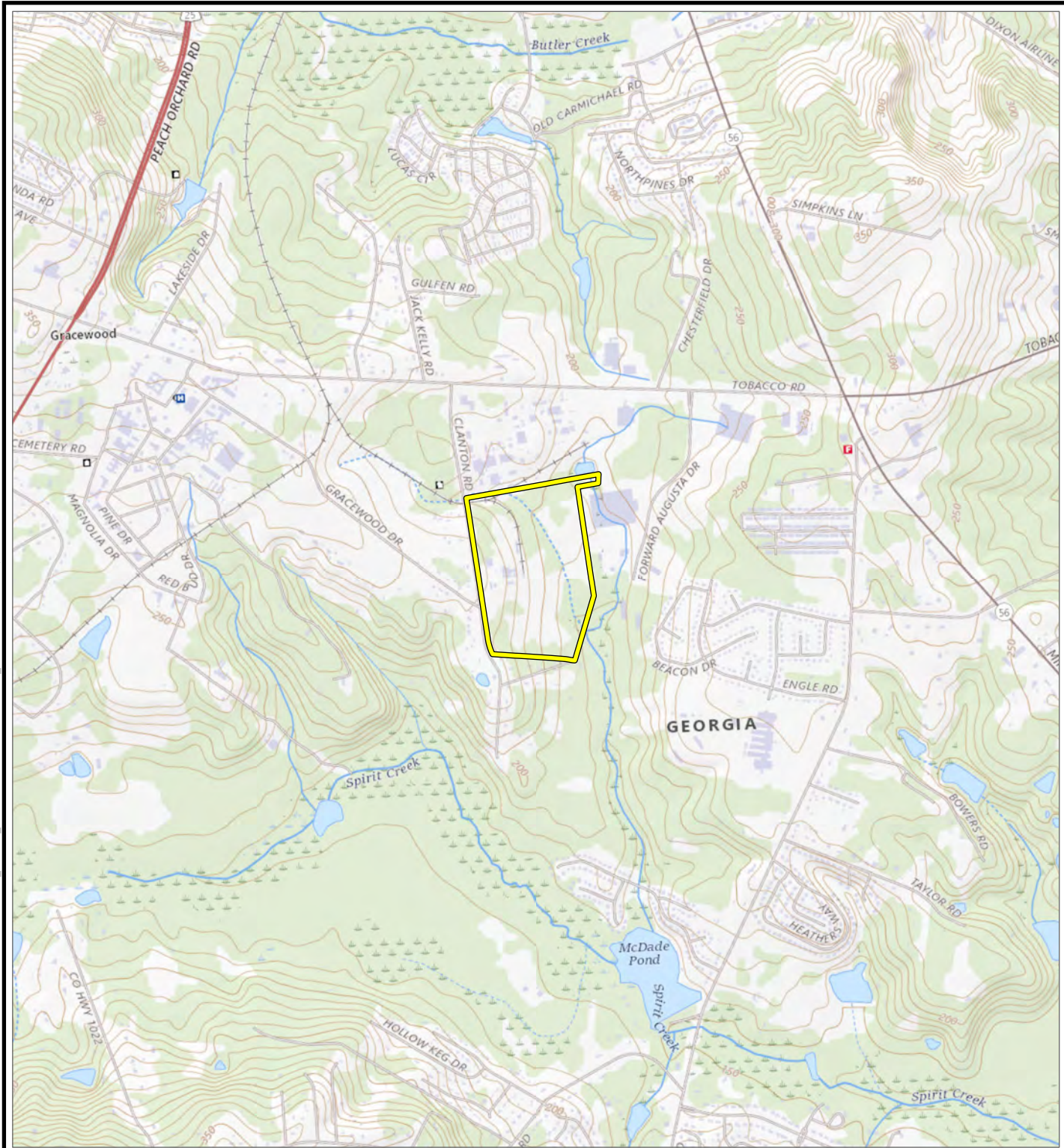


Harry E. Taylor, P.E.
NEPA Compliance
U.S. Department of Energy
National Energy Technology Laboratory
3610 Collins Ferry Road
Morgantown, WV 26505
304.285.5091
harry.taylor@netl.doe.gov

Attachments:

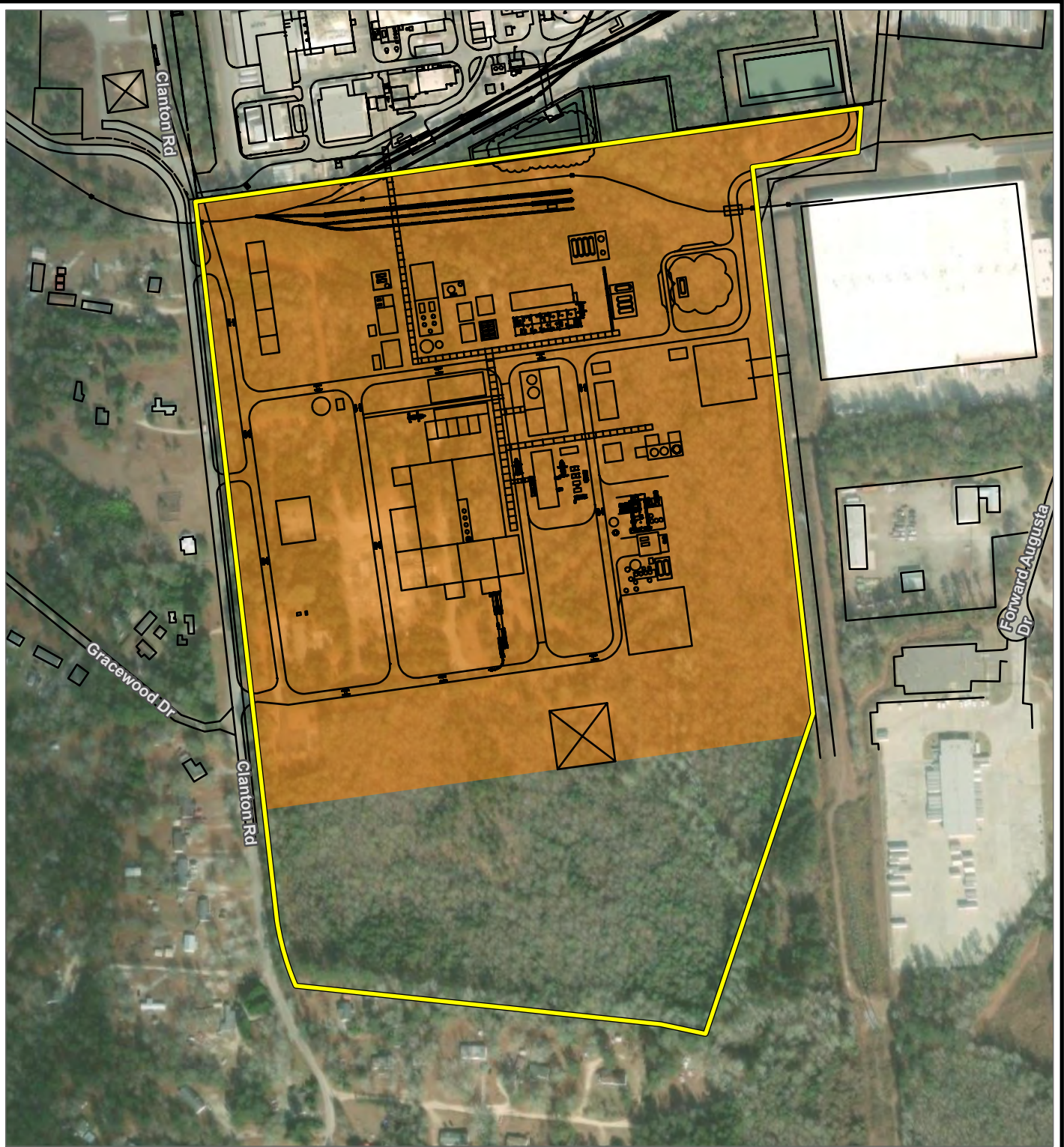
Figure 1 Site Location Map
Figure 2 Site Layout Map

COORDINATE SYSTEM: NAD 1983 STATEPLANE TENNESSEE FIPS 4100 FEET; MAP ROTATION: 0
- SAVED BY: RSPRING ON 11/9/2023, 12:14:07 PM. FILE PATH: I:\EMPLOYEES\GIS\ARCGISPROV1-PROJECTS\SOLVAY\498642_SOLVAY_SARSAPARILLA\2-APRX\SOLVAY_SARSAPARILLA.APRX LAYOUT NAME: 1-SARSAPARILLA.SLM

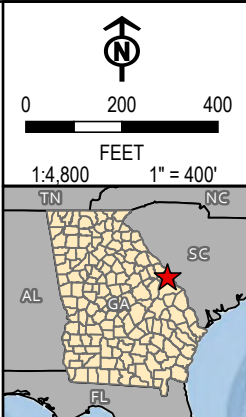


 PROJECT SITE	 0 1,000 2,000 FEET 1:24,000 1" = 2,000'	PROJECT: SOLVAY - SARSAPARILLA	
		TITLE: SITE LOCATION MAP	
	DRAWN BY: R. SPRING	PROJ. NO.: 574539.0000.0000	
	CHECKED BY: R. JORDAN	FIGURE 1	
	APPROVED BY: K. SUDERMAN		
	DATE: NOVEMBER 2023		
BASE MAP: USGS/TNM "USA TOPO" ONLINE SERVICE LAYER DATA SOURCES: TRC, USGS		 4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192	
FILE:		SOLVAY_SARSAPARILLA.APRX	

COORDINATE SYSTEM: NAD 1983 STATEPLANE GEORGIA EAST FIPS 1001 FEET, MAP ROTATION: 0
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- PROJECT SITE
- APPROXIMATE PROJECT LAYOUT/DESIGN
- APPROXIMATE LIMIT OF DISTURBANCE



PROJECT: SOLVAY - SARSAPARILLA		
TITLE: SITE LAYOUT MAP		
DRAWN BY: R. SPRING	PROJ. NO.: 574539.0000.0000	
CHECKED BY: R. JORDAN	FIGURE 2	
APPROVED BY: K. SUDERMAN		
DATE: NOVEMBER 2023		
 TRC	4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192	
FILE:	SOLVAY_SARSAPARILLA.APRX	

BASE MAP: ESRI "WORLD IMAGERY" ONLINE SERVICE LAYER
DATA SOURCES: TRC, ESRI, RICHMOND COUNTY BOARD OF ASSESSORS

November 21, 2023

Ben Yahola, THPO
Alabama Quassarte Tribal Town
P.O. Box 187
Wetumka, OK 74883

SUBJECT: Tribal Consultation and Section 106 Compliance for the Solvay Sarsaparilla Project (DOE/EA-2237D)

Dear Chief Yargee:

I previously spoke with you regarding a project that the U.S. Department of Energy, National Energy Technology Laboratory (NETL) proposes to fund.

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Construction activities are expected to take approximately 18 months to complete.

Based on the scope of the proposed Solvay project, NETL plans to prepare an Environmental Assessment (EA) (DOE/EA- 2237D) in accordance with requirements of the National Environmental Policy Act (NEPA) to analyze, document, and disseminate information on the potential environmental and cultural consequences of the project.

Information that you provide will be incorporated and appropriately addressed in the EA. Moreover, when the Draft EA is circulated for public comment, your organization will be sent an electronic and hard copy where you may provide additional comments.

If you have any questions concerning the project, please contact me. I look forward to working with you.

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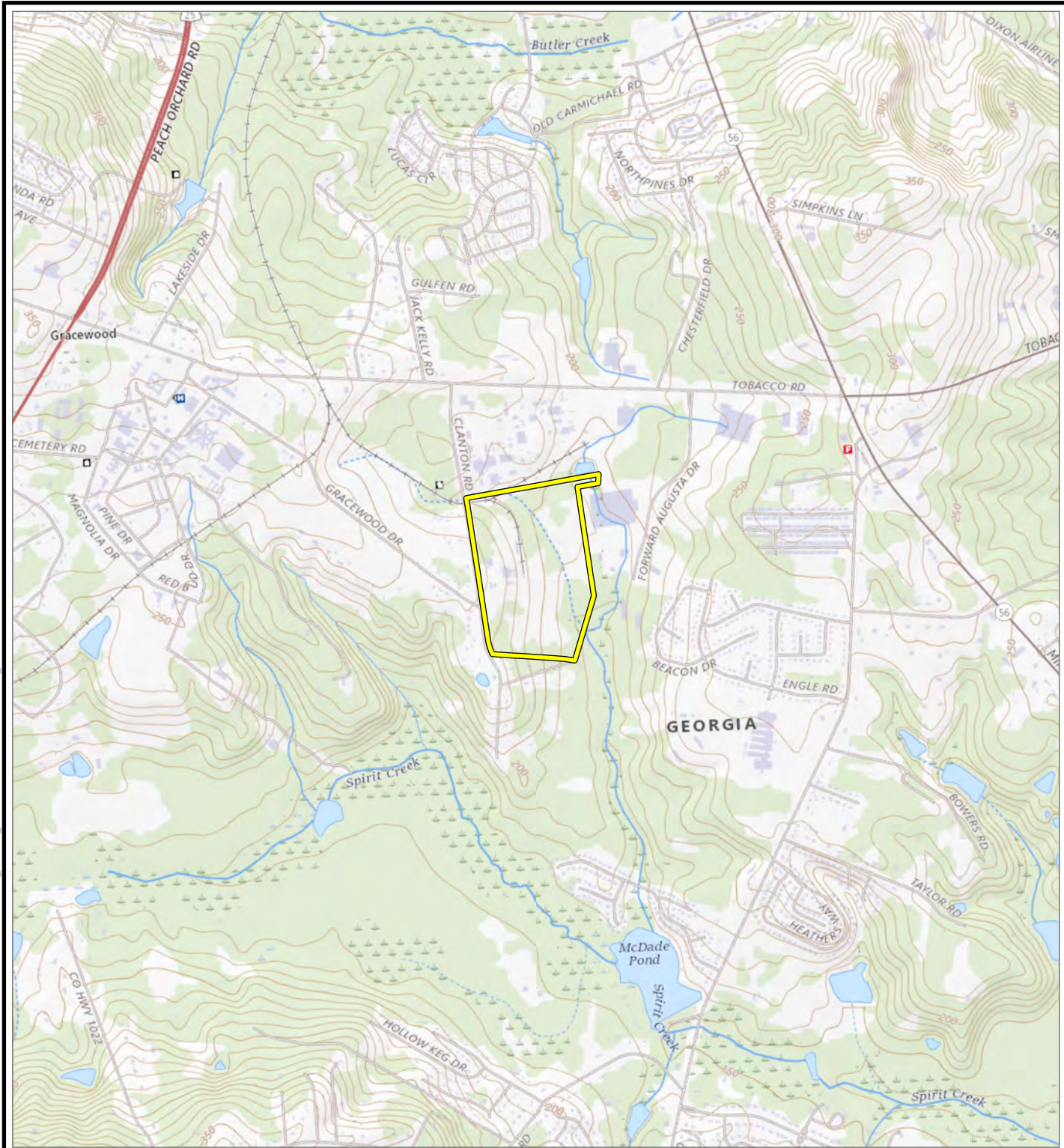


Harry E. Taylor, P.E.
NEPA Compliance
U.S. Department of Energy
National Energy Technology Laboratory
3610 Collins Ferry Road
Morgantown, WV 26505
304.285.5091
harry.taylor@netl.doe.gov

Attachments:

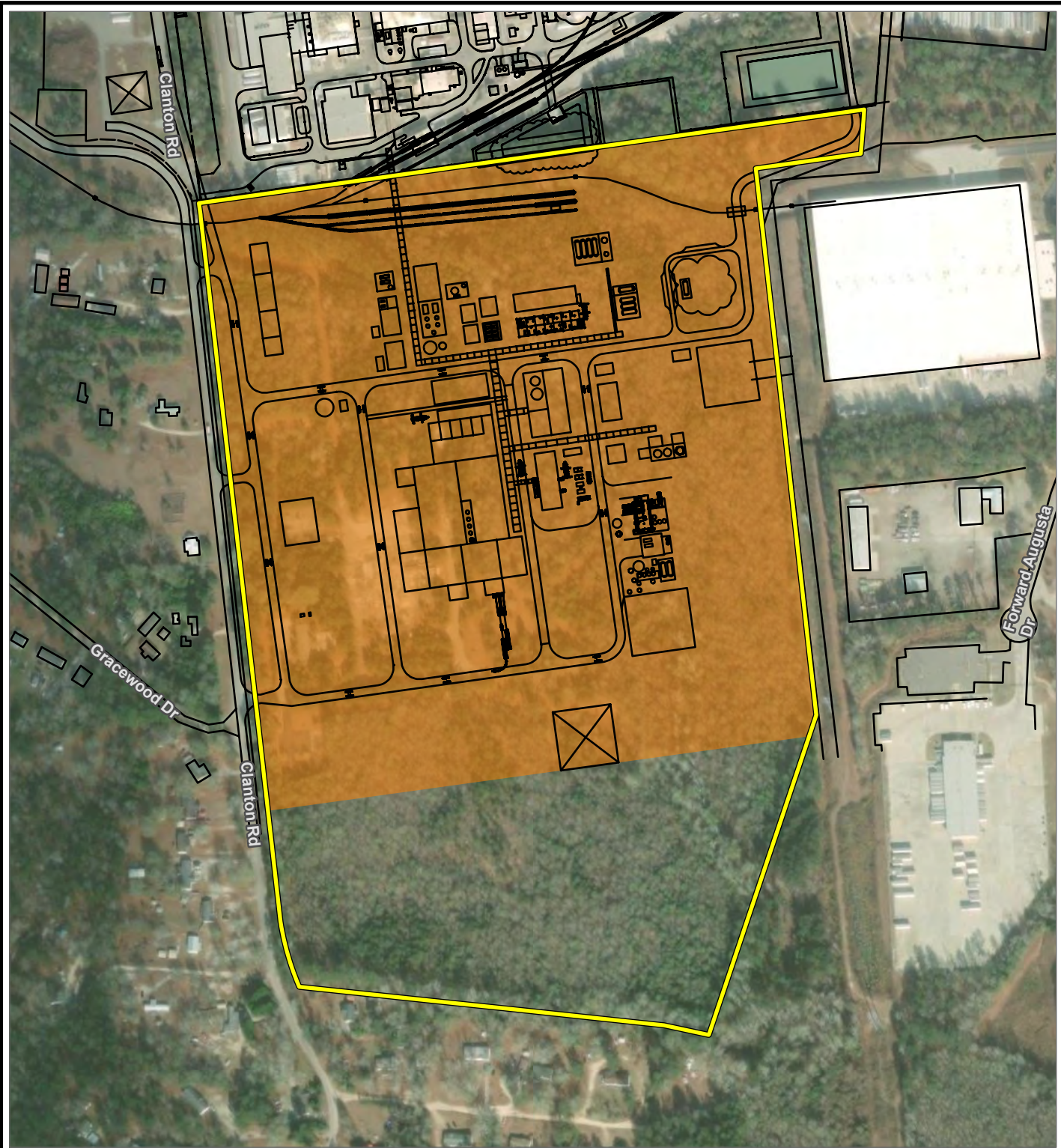
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Figure 2 Site Layout Map

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- SAVED BY: RSPRING ON 11/9/2023, 12:14:07 PM. FILE PATH: I:\EMPLOYEES\GIS\ARCGISPROV1-PROJECTS\SOLVAY\498642_SOLVAY_SARSAPARILLA\2-APRX\SOLVAY_SARSAPARILLA.APRX LAYOUT NAME: 1-SARSAPARILLA.SLM



 PROJECT SITE	 0 1,000 2,000 FEET 1:24,000 1" = 2,000'	PROJECT: SOLVAY - SARSAPARILLA	
		TITLE: SITE LOCATION MAP	
	DRAWN BY: R. SPRING	PROJ. NO.: 574539.0000.0000	
	CHECKED BY: R. JORDAN	FIGURE 1	
	APPROVED BY: K. SUDERMAN		
	DATE: NOVEMBER 2023		
BASE MAP: USGS/TNM "USA TOPO" ONLINE SERVICE LAYER DATA SOURCES: TRC, USGS		 4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192	
FILE:		SOLVAY_SARSAPARILLA.APRX	

COORDINATE SYSTEM: NAD 1983 STATEPLANE GEORGIA EAST FIPS 1001 FEET, MAP ROTATION: 0
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 PROJECT SITE  APPROXIMATE PROJECT LAYOUT/DESIGN  APPROXIMATE LIMIT OF DISTURBANCE	 0 200 400 FEET 1:4,800 1" = 400' 	PROJECT: SOLVAY - SARSAPARILLA	
		TITLE: SITE LAYOUT MAP	
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		CHECKED BY: R. JORDAN	FIGURE 2
		APPROVED BY: K. SUDERMAN	
		DATE: NOVEMBER 2023	
		4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192	
		FILE: SOLVAY_SARSAPARILLA.APRX	

November 21, 2023

Bill Harris, Chief
Catawba/Indian Nation
996 Avenue of the Nations
Rock Hill, SC 29730

SUBJECT: Tribal Consultation and Section 106 Compliance for the Solvay Sarsaparilla Project (DOE/EA-2237D)

Dear Chief Yargee:

I previously spoke with you regarding a project that the U.S. Department of Energy, National Energy Technology Laboratory (NETL) proposes to fund.

NETL proposes to provide federal funding for the Solvay Sarsaparilla Project. The project would involve construction and operation of a chemical manufacturing facility for the production of polyvinylidene fluoride (PVDF) from 1-Chloro-1,1-difluoroethane (HCFC-142b) through various chemical reactions and separations.

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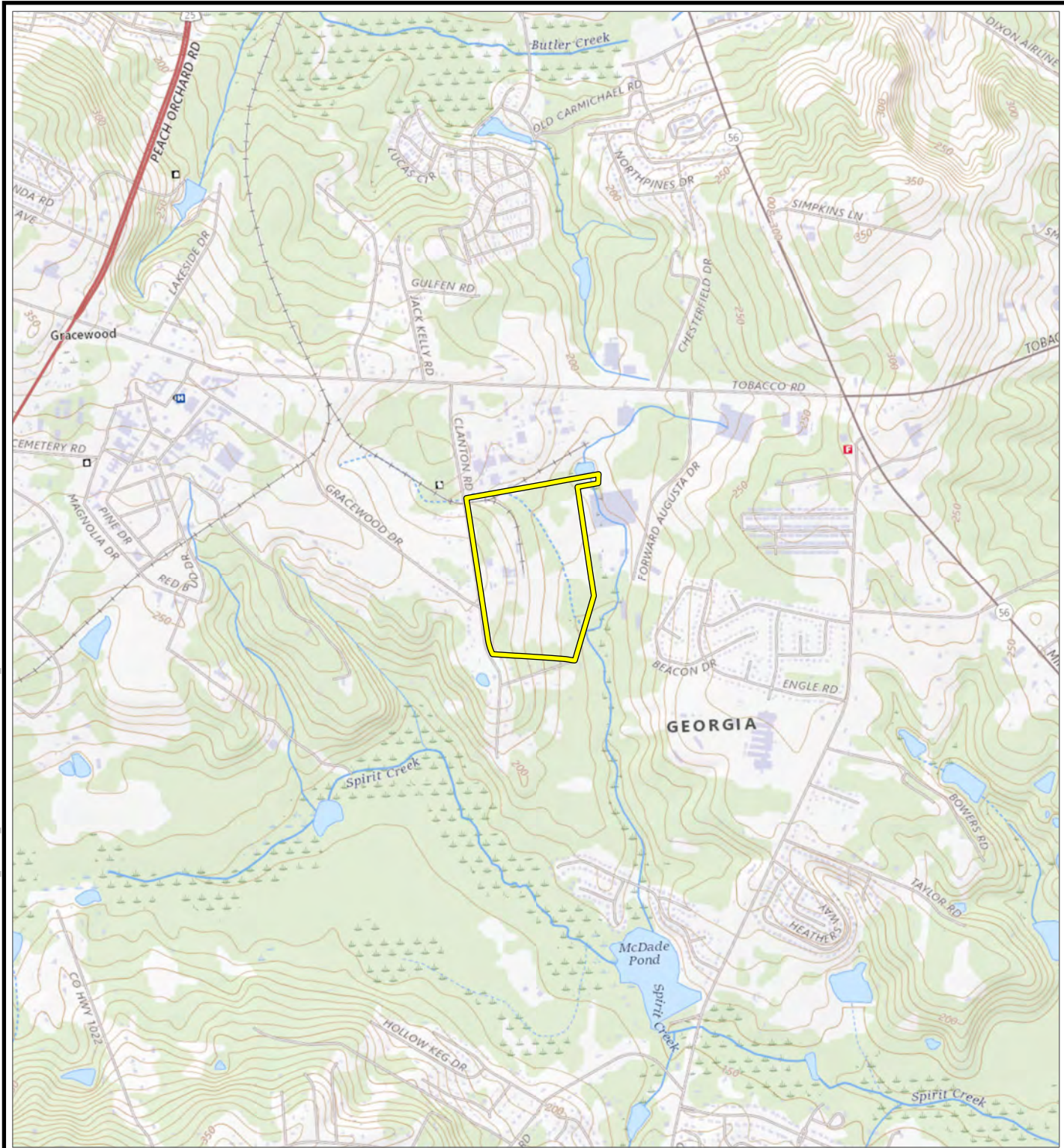


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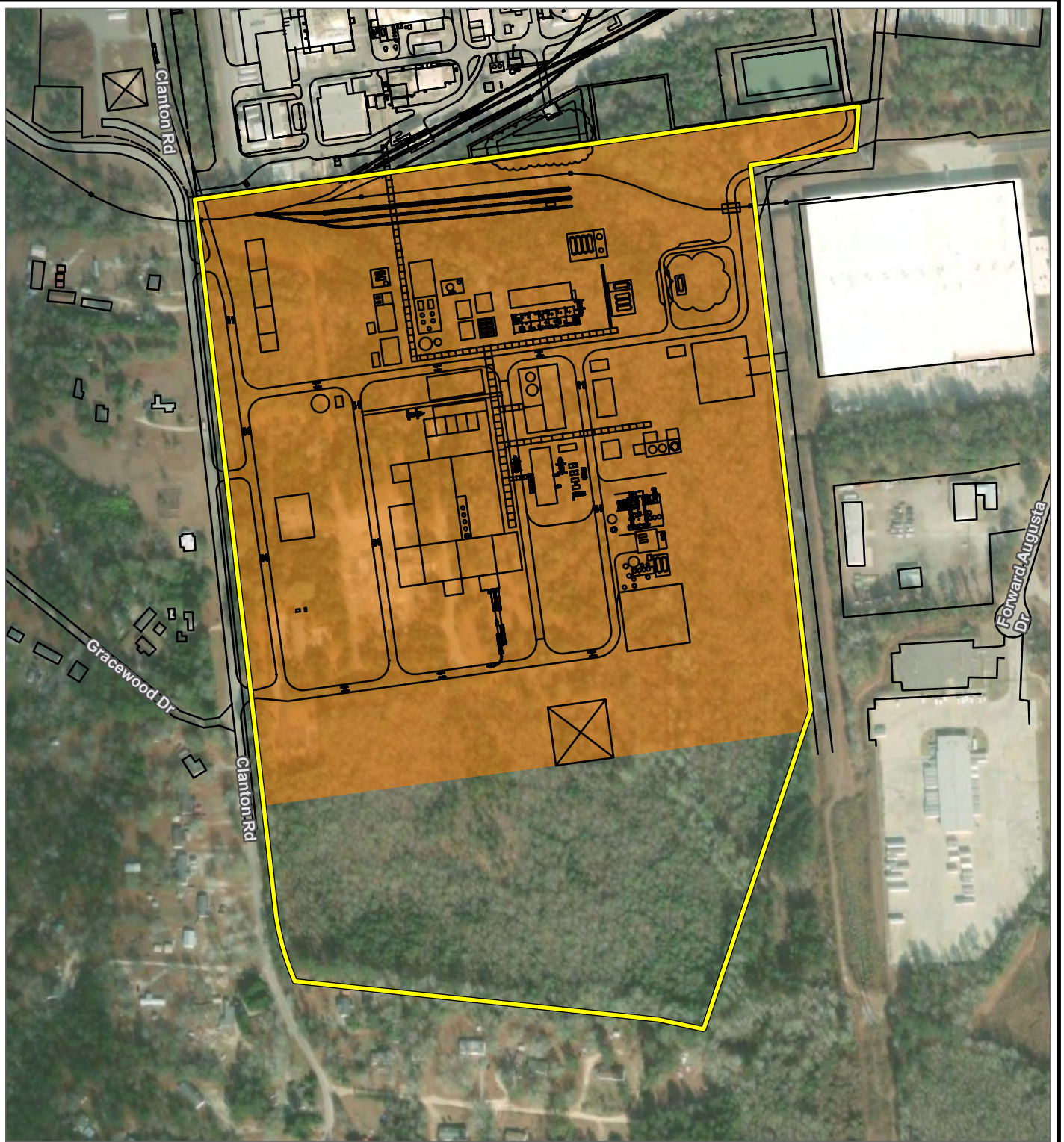
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Figure 2 Site Layout Map

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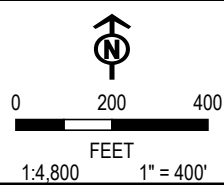


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	DATE: NOVEMBER 2023		
		4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192	
BASE MAP: USGS/TNM "USA TOPO" ONLINE SERVICE LAYER DATA SOURCES: TRC, USGS		FILE: SOLVAY_SARSAPARILLA.APRX	

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- PROJECT SITE
- APPROXIMATE PROJECT LAYOUT/DESIGN
- APPROXIMATE LIMIT OF DISTURBANCE



BASE MAP: ESRI "WORLD IMAGERY" ONLINE SERVICE LAYER
DATA SOURCES: TRC, ESRI, RICHMOND COUNTY BOARD OF ASSESSORS

PROJECT: SOLVAY - SARSAPARILLA		
TITLE: SITE LAYOUT MAP		
DRAWN BY: R. SPRING	PROJ. NO.: 574539.0000.0000	
CHECKED BY: R. JORDAN	FIGURE 2	
APPROVED BY: K. SUDERMAN		
DATE: NOVEMBER 2023		
		4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192
FILE:	SOLVAY_SARSAPARILLA.APRX	

November 21, 2023

Dr. Wenonah G. Haire, THPO and Catawba Culture Center Executive Director
Catawba/Indian Nation
1536 Tom Steven Road
Rock Hill, SC 29730

SUBJECT: Tribal Consultation and Section 106 Compliance for the Solvay Sarsaparilla Project (DOE/EA-2237D)

Dear Dr. Haire:

I previously spoke with you regarding a project that the U.S. Department of Energy, National Energy Technology Laboratory (NETL) proposes to fund.

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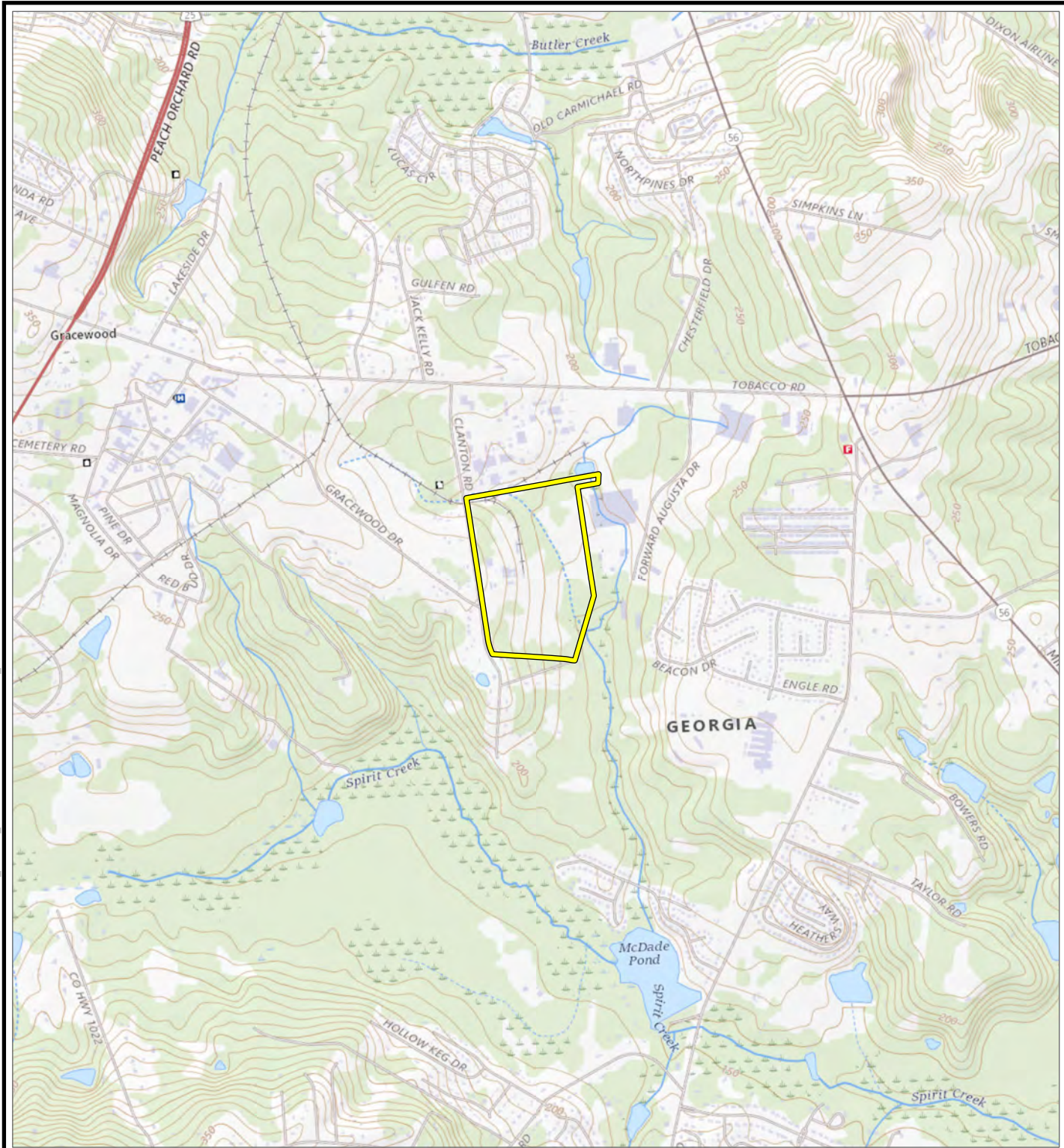


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NEPA Compliance
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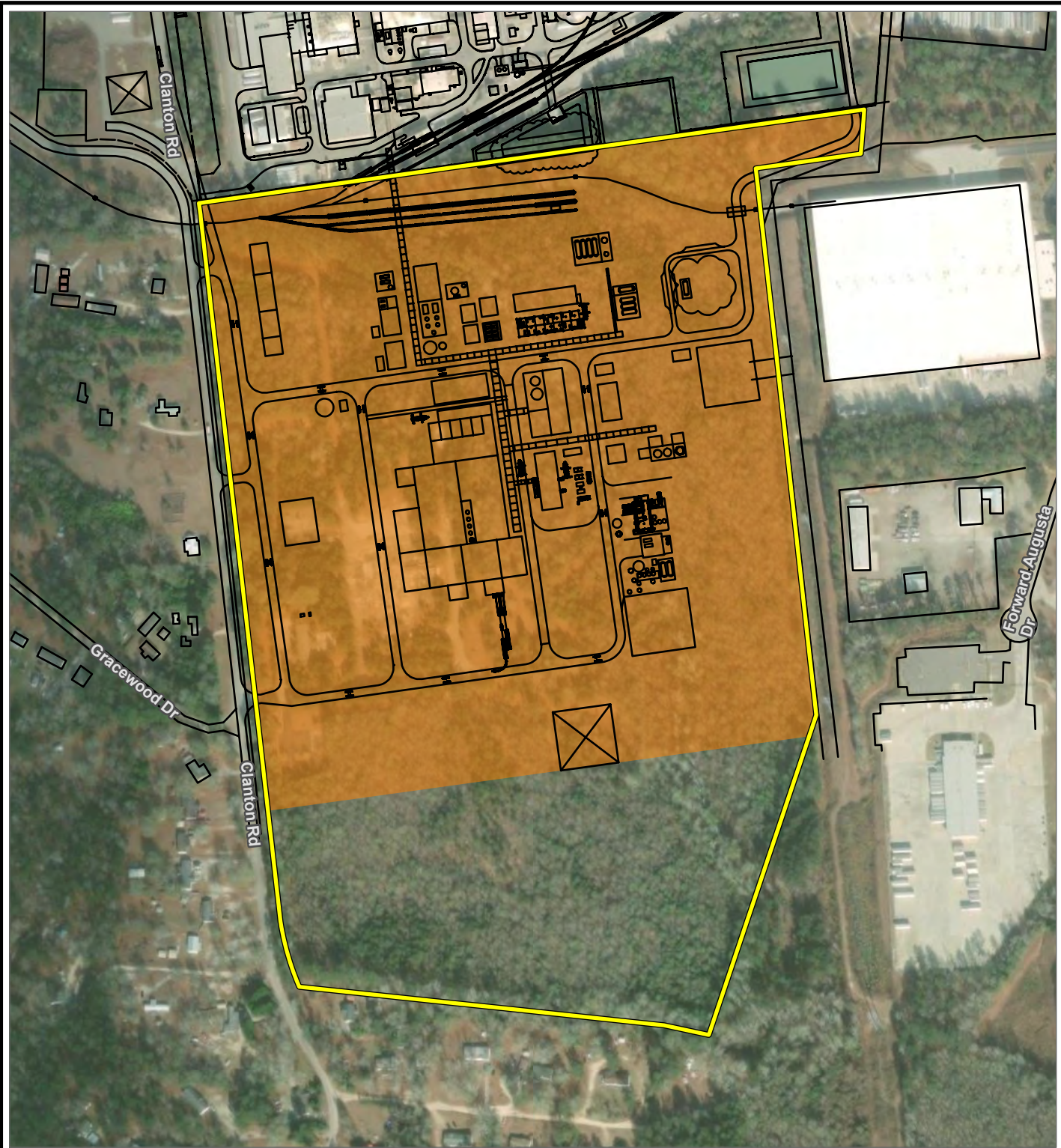
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		DATE: NOVEMBER 2023	
		4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192	
		FILE:	SOLVAY_SARSAPARILLA.APRX

November 21, 2023

Jonathon Cernek, Chairman
Coushatta Tribe of Louisiana
1940 C.C. Bel Road
Elton, LA 70532

SUBJECT: Tribal Consultation and Section 106 Compliance for the Solvay Sarsaparilla Project (DOE/EA-2237D)

Dear Mr. Cernek:

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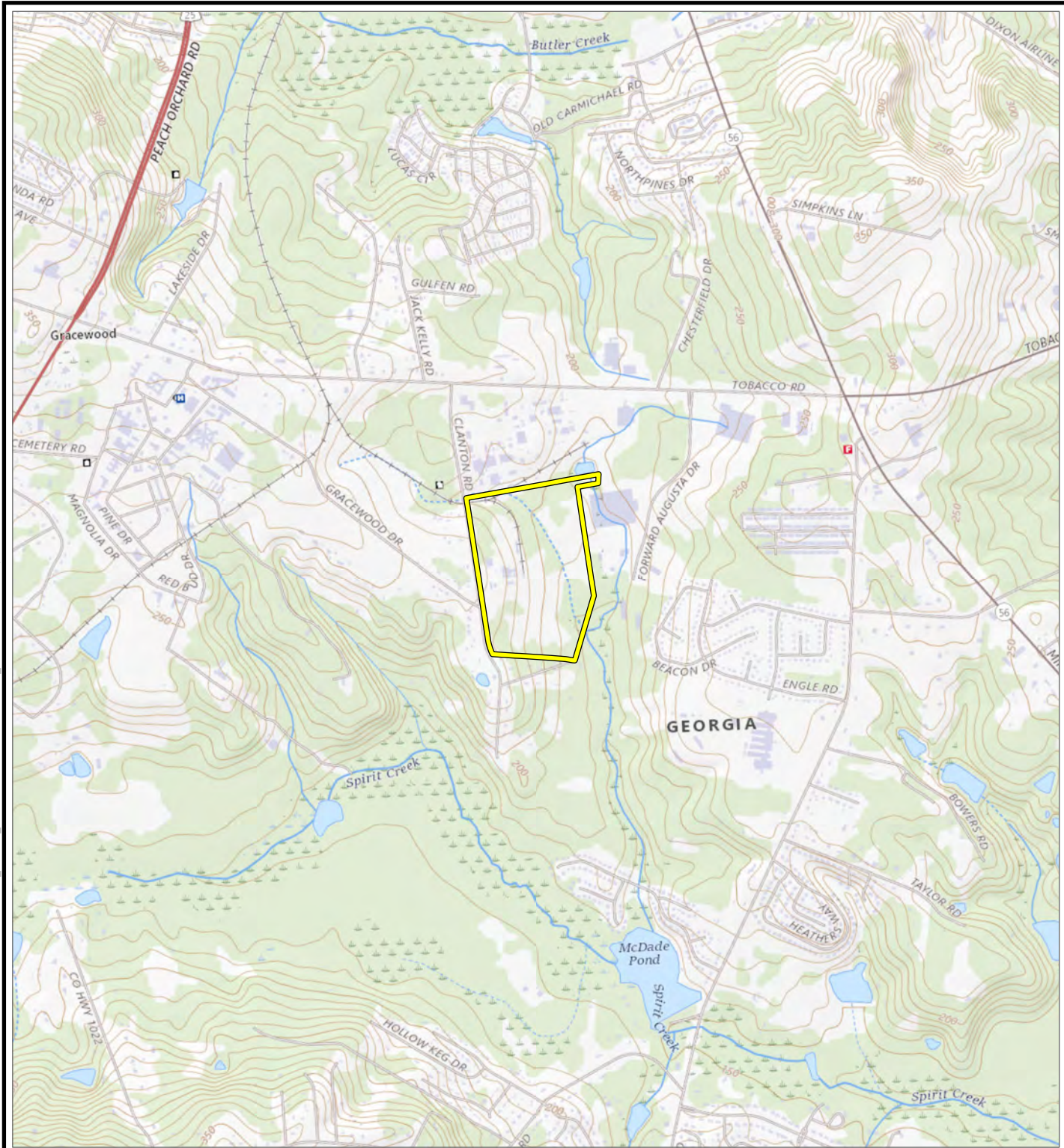


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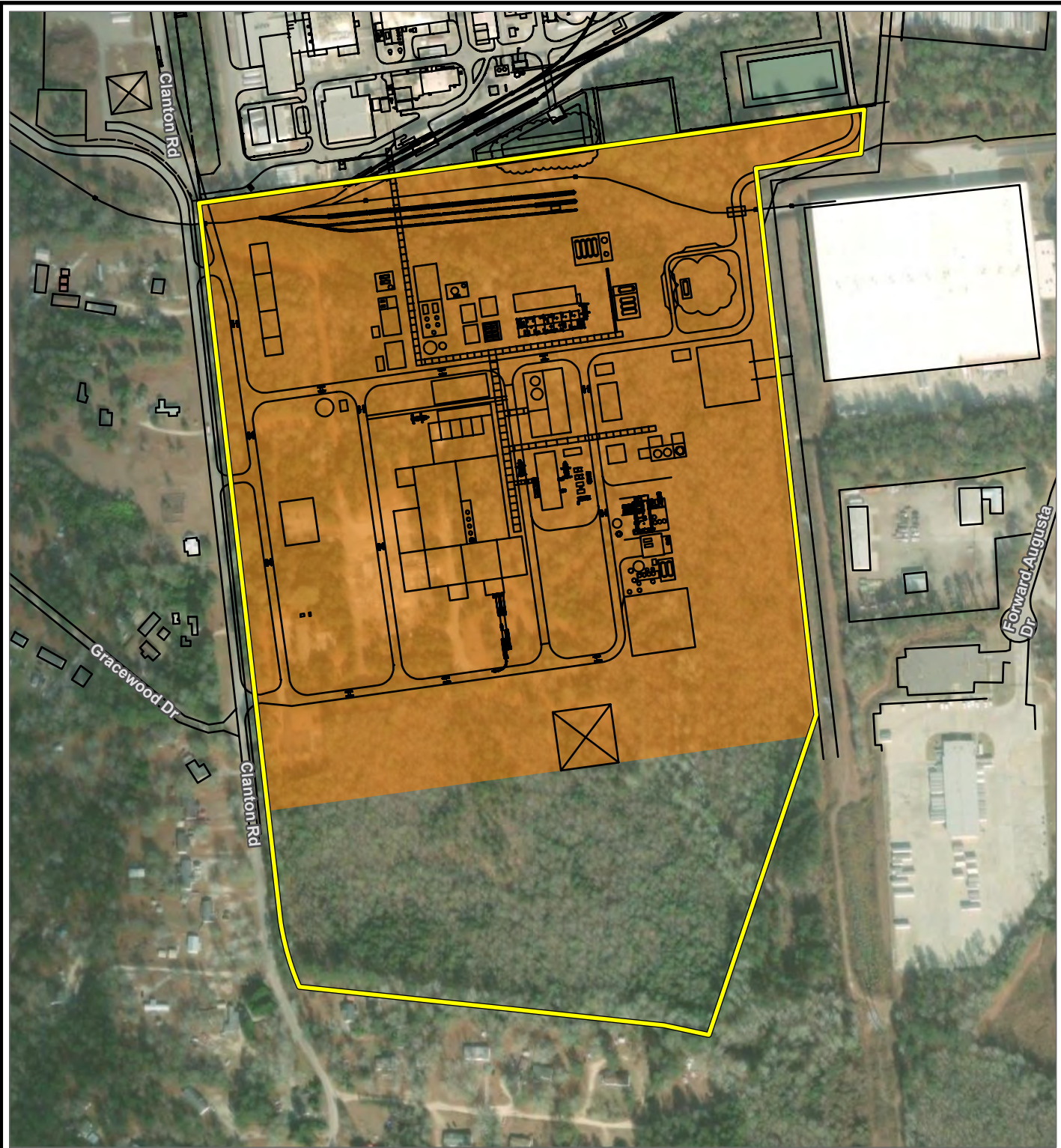
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BASE MAP: USGS/TNM "USA TOPO" ONLINE SERVICE LAYER DATA SOURCES: TRC, USGS		 4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192	
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		DATE: NOVEMBER 2023	
		4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192	
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November 21, 2023

Kristian Poncho, THPO
Coushatta Tribe of Louisiana
P.O. Box 10
Elton, LA 70532

SUBJECT: Tribal Consultation and Section 106 Compliance for the Solvay Sarsaparilla Project (DOE/EA-2237D)

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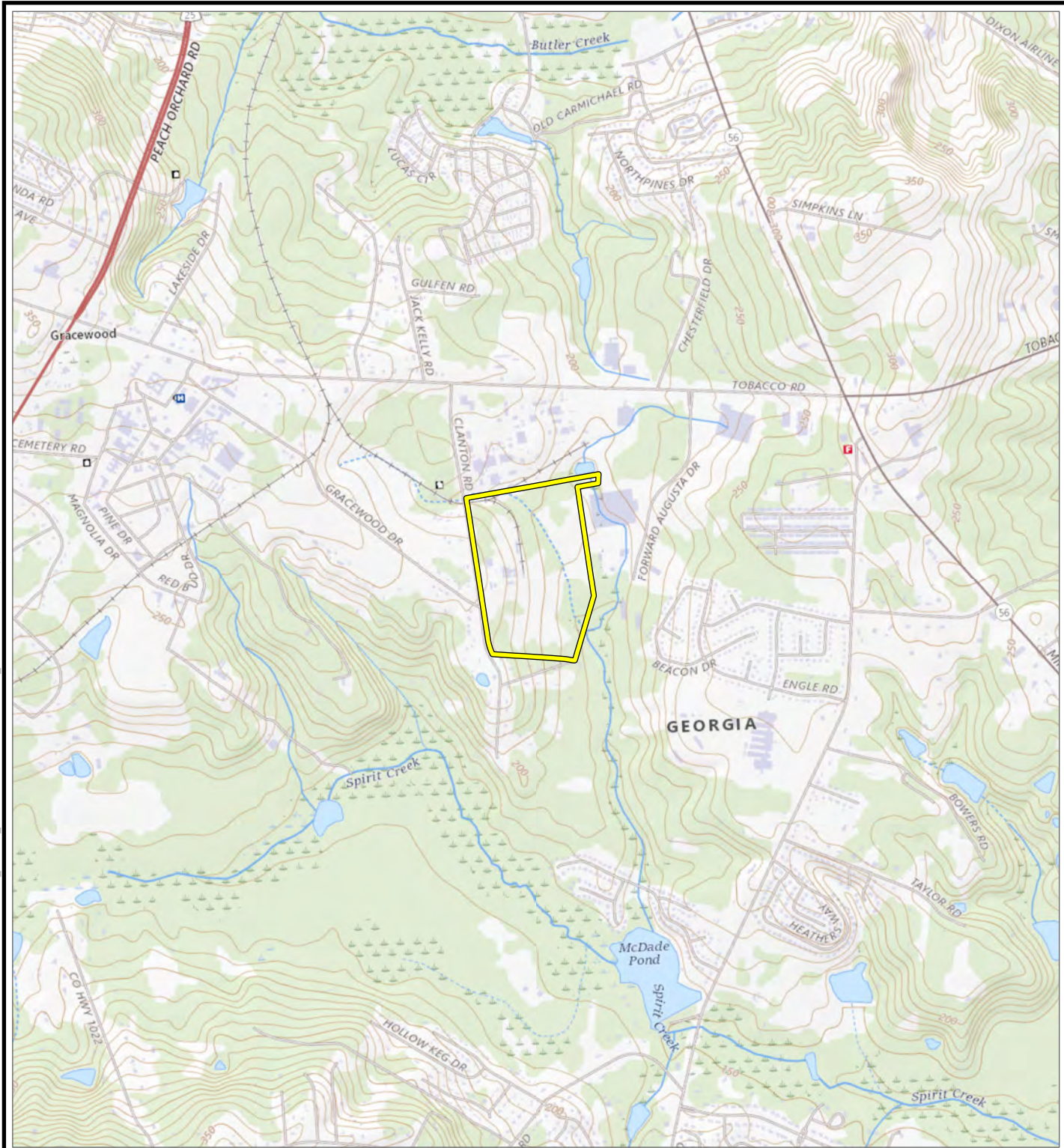


Harry E. Taylor, P.E.
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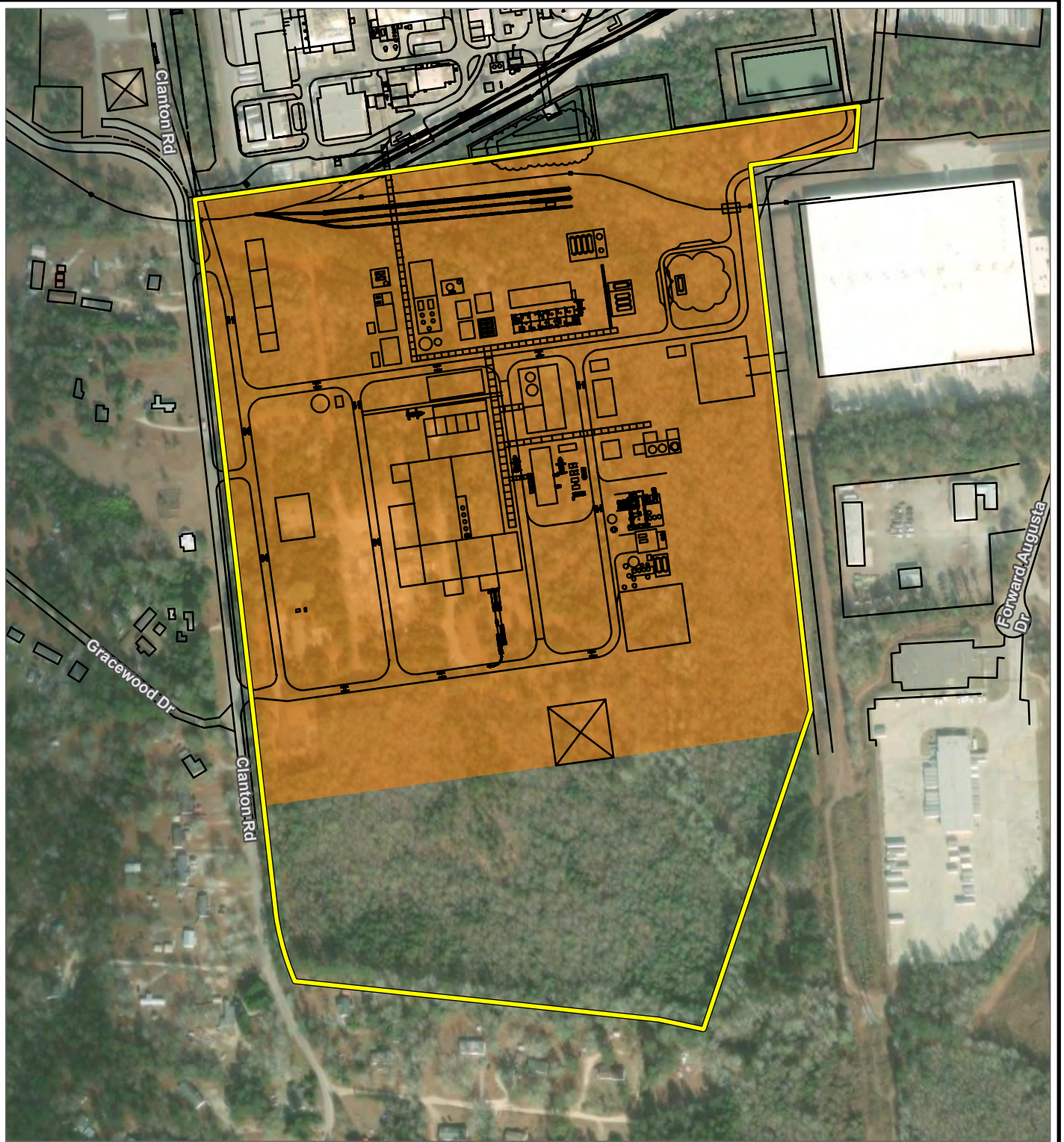
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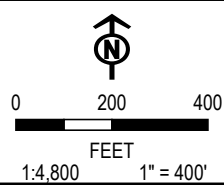


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BASE MAP: USGS/TNM "USA TOPO" ONLINE SERVICE LAYER DATA SOURCES: TRC, USGS		 4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192	
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FILE:	SOLVAY_SARSAPARILLA.APRX	

November 21, 2023

Glenna Wallace, Chief
Eastern Shawnee Tribe of Louisiana
127 West Oneida
Seneca, MO 64865

SUBJECT: Tribal Consultation and Section 106 Compliance for the Solvay Sarsaparilla Project (DOE/EA-2237D)

Dear Chief Wallace:

I previously spoke with you regarding a project that the U.S. Department of Energy, National Energy Technology Laboratory (NETL) proposes to fund.

NETL proposes to provide federal funding for the Solvay Sarsaparilla Project. The project would involve construction and operation of a chemical manufacturing facility for the production of polyvinylidene fluoride (PVDF) from 1-Chloro-1,1-difluoroethane (HCFC-142b) through various chemical reactions and separations.

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Construction activities are expected to take approximately 18 months to complete.

Based on the scope of the proposed Solvay project, NETL plans to prepare an Environmental Assessment (EA) (DOE/EA- 2237D) in accordance with requirements of the National Environmental Policy Act (NEPA) to analyze, document, and disseminate information on the potential environmental and cultural consequences of the project.

Information that you provide will be incorporated and appropriately addressed in the EA. Moreover, when the Draft EA is circulated for public comment, your organization will be sent an electronic and hard copy where you may provide additional comments.

If you have any questions concerning the project, please contact me. I look forward to working with you.

Sincerely,



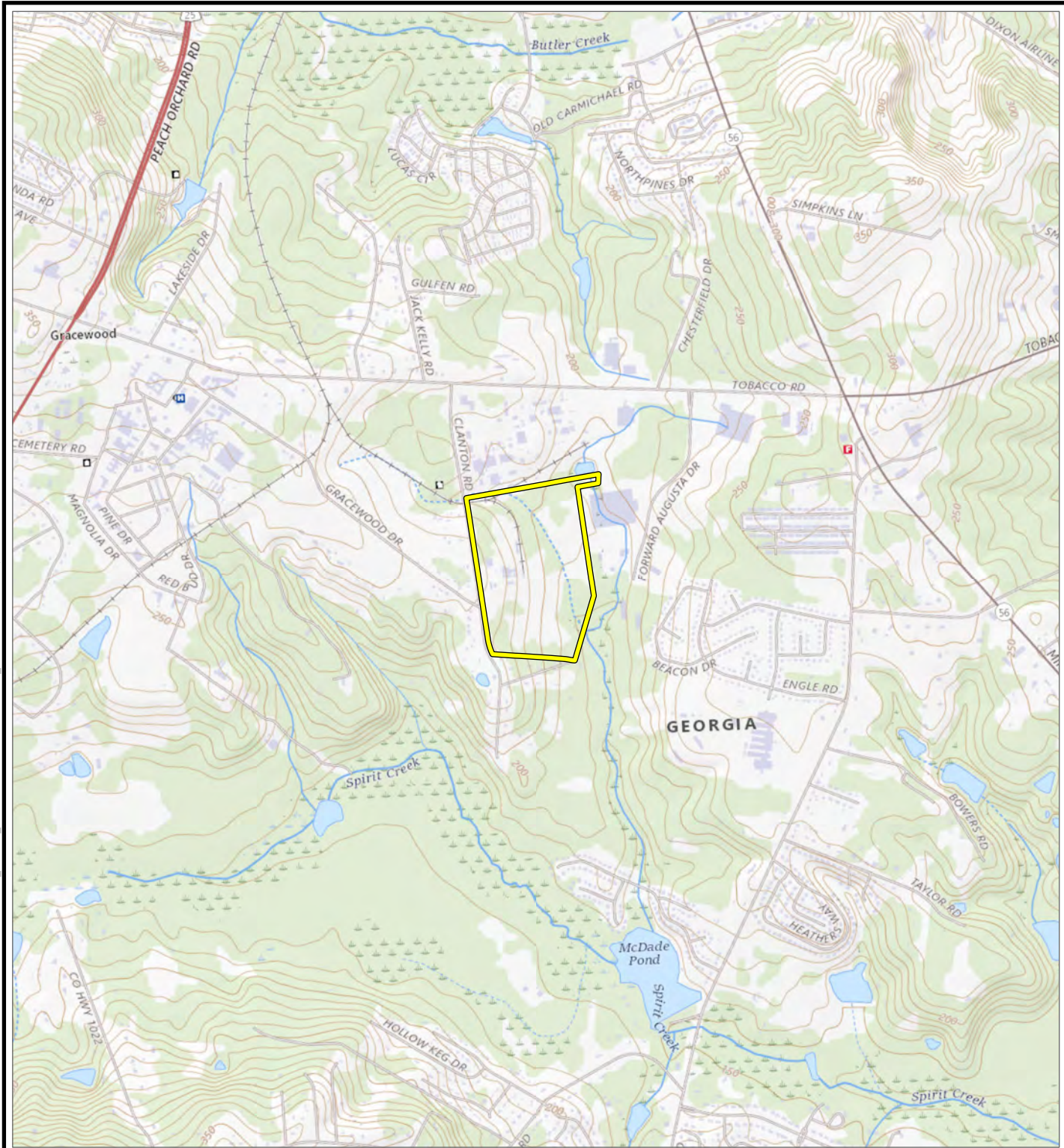
Harry E. Taylor, P.E.
NEPA Compliance
U.S. Department of Energy
National Energy Technology Laboratory
3610 Collins Ferry Road
Morgantown, WV 26505
304.285.5091
harry.taylor@netl.doe.gov

Attachments:

Figure 1 Site Location Map

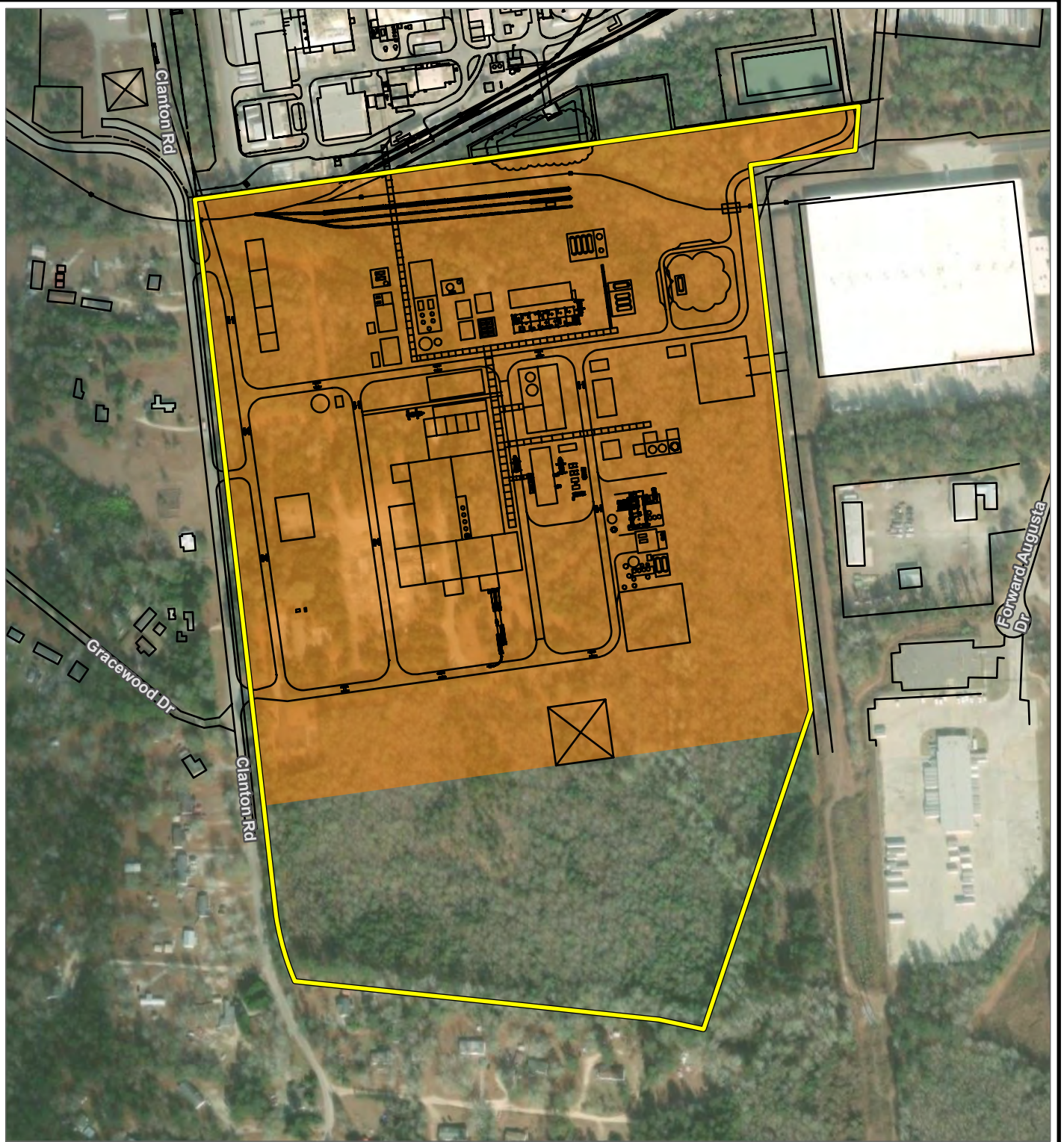
Figure 2 Site Layout Map

COORDINATE SYSTEM: NAD 1983 STATEPLANE TENNESSEE FIPS 4100 FEET; MAP ROTATION: 0
- SAVED BY: RSPRING ON 11/9/2023, 12:14:07 PM. FILE PATH: \\EMPLOYEE\GIS\ARCGISPROV1-PROJECTS\SOLVAY\498642_SOLVAY_SARSAPARILLA\2-APRX\SOLVAY_SARSAPARILLA.APRX LAYOUT NAME: 1-SARSAPARILLA.SLM

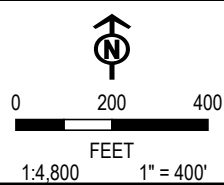


 PROJECT SITE	 0 1,000 2,000 FEET 1:24,000 1" = 2,000'	PROJECT: SOLVAY - SARSAPARILLA	
		TITLE: SITE LOCATION MAP	
	DRAWN BY: R. SPRING	PROJ. NO.: 574539.0000.0000	
	CHECKED BY: R. JORDAN	FIGURE 1	
	APPROVED BY: K. SUDERMAN		
	DATE: NOVEMBER 2023		
BASE MAP: USGS/TNM "USA TOPO" ONLINE SERVICE LAYER DATA SOURCES: TRC, USGS		 4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192	
FILE:		SOLVAY_SARSAPARILLA.APRX	

COORDINATE SYSTEM: NAD 1983 STATEPLANE GEORGIA EAST FIPS 1001 FEET, MAP ROTATION: 0
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- PROJECT SITE
- APPROXIMATE PROJECT LAYOUT/DESIGN
- APPROXIMATE LIMIT OF DISTURBANCE



BASE MAP: ESRI "WORLD IMAGERY" ONLINE SERVICE LAYER
DATA SOURCES: TRC, ESRI, RICHMOND COUNTY BOARD OF ASSESSORS

PROJECT: SOLVAY - SARSAPARILLA		
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DATE: NOVEMBER 2023		
		4155 SHACKLEFORD ROAD SUITE 225 NORCROSS, GA 30093 PHONE: 770.270.1192
FILE:	SOLVAY_SARSAPARILLA.APRX	

November 22, 2023

Paul Barton, THGPO/Director of Culture Preservation Programs/NAGPRA
Eastern Shawnee Tribe of Louisiana
70500 E. 128 Road
Wyandotte, OK 74370

SUBJECT: Tribal Consultation and Section 106 Compliance for the Solvay Sarsaparilla Project (DOE/EA-2237D)

Dear Mr. Barton:

I previously spoke with you regarding a project that the U.S. Department of Energy, National Energy Technology Laboratory (NETL) proposes to fund.

NETL proposes to provide federal funding for the Solvay Sarsaparilla Project. The project would involve construction and operation of a chemical manufacturing facility for the production of polyvinylidene fluoride (PVDF) from 1-Chloro-1,1-difluoroethane (HCFC-142b) through various chemical reactions and separations.

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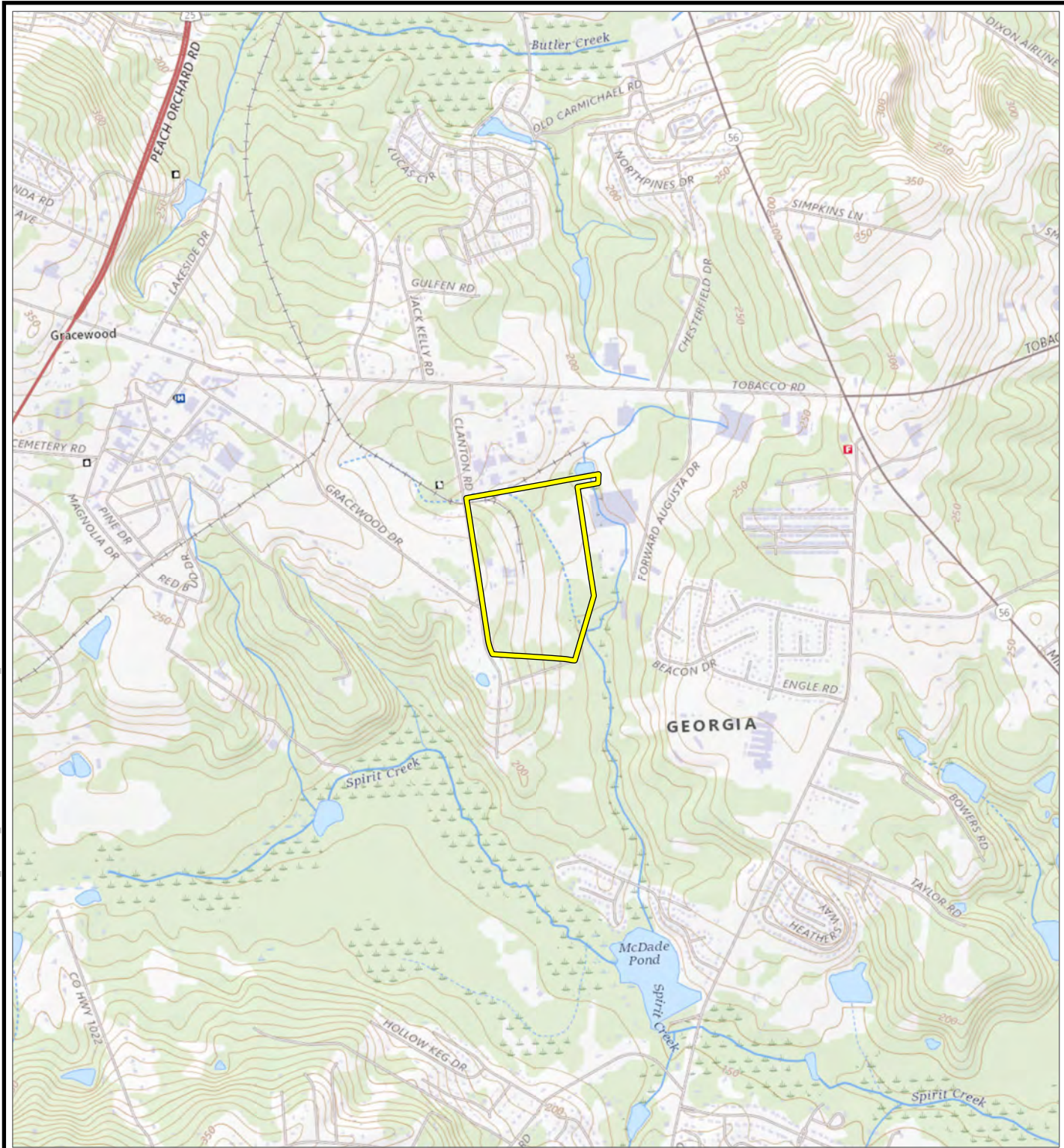
Harry E. Taylor, P.E.
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Attachments:

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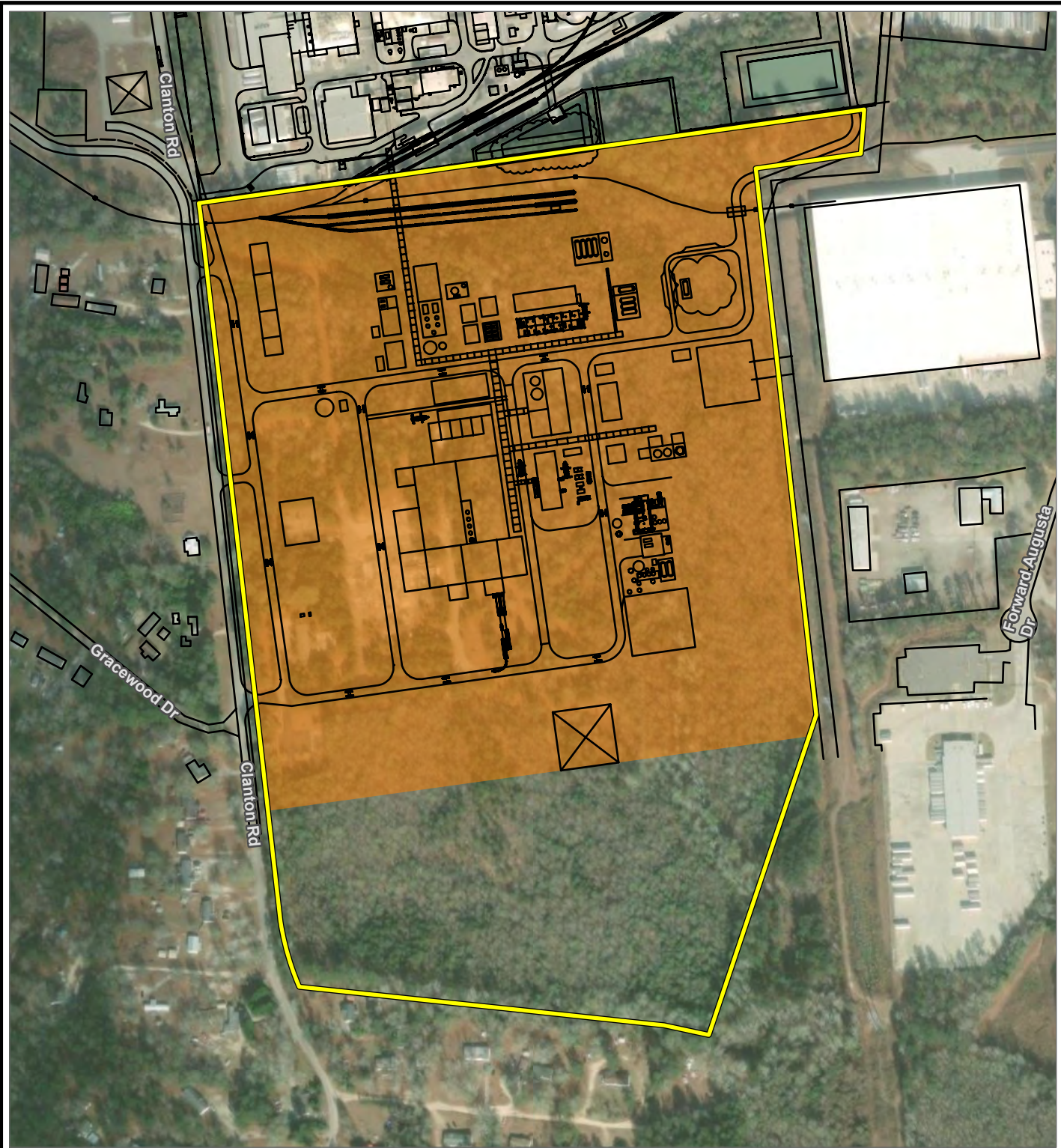
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 PROJECT SITE  APPROXIMATE PROJECT LAYOUT/DESIGN  APPROXIMATE LIMIT OF DISTURBANCE	 0 200 400 FEET 1:4,800 1" = 400' 	PROJECT: SOLVAY - SARSAPARILLA	
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November 21, 2023

David Hill, Principal Chief
Muscogee (Creek) Nation
1007 East Eufaula Street
Okmulgee, OK 74447

SUBJECT: Tribal Consultation and Section 106 Compliance for the Solvay Sarsaparilla Project (DOE/EA-2237D)

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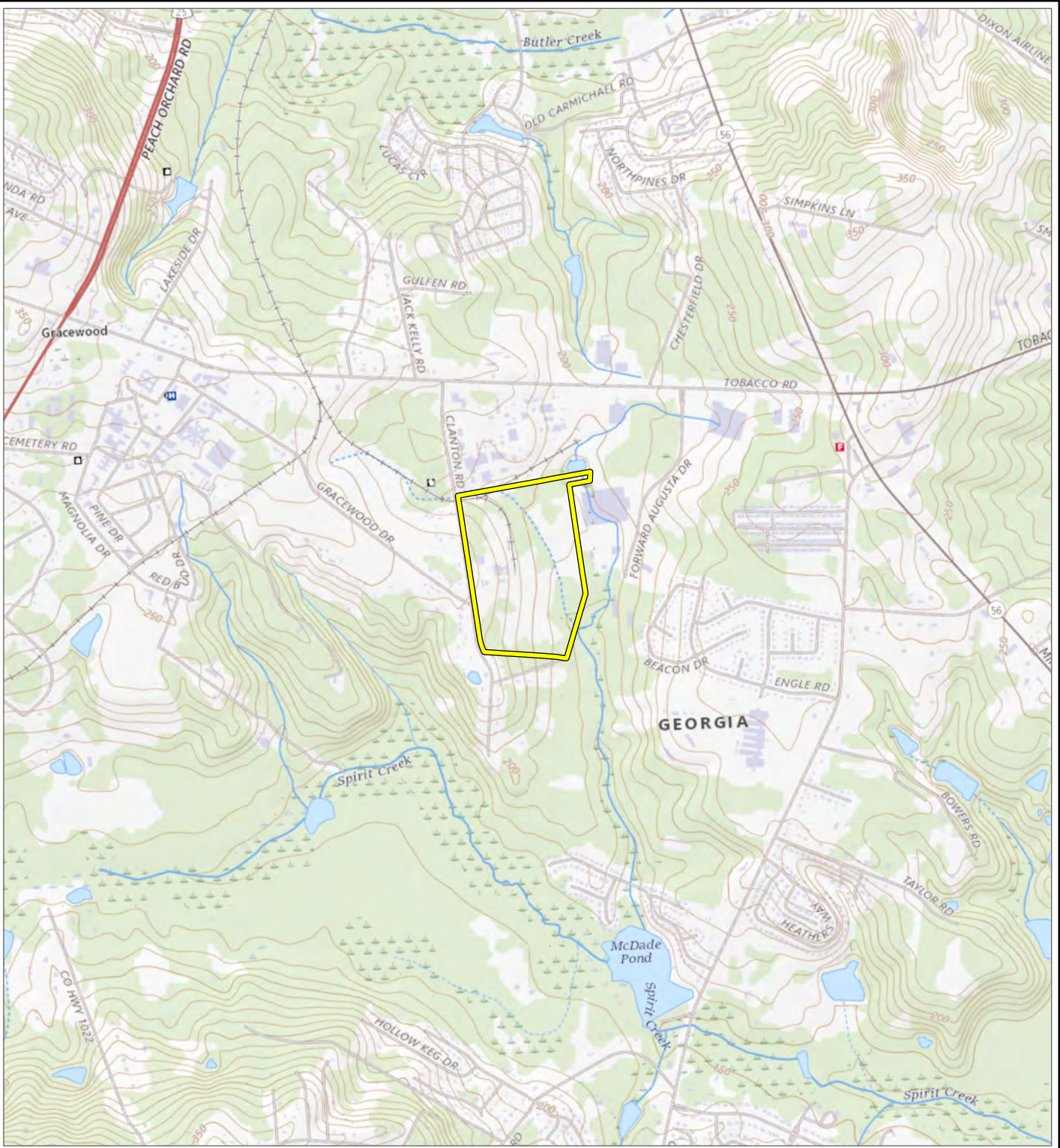
Harry E. Taylor, P.E.
NEPA Compliance
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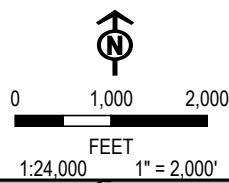
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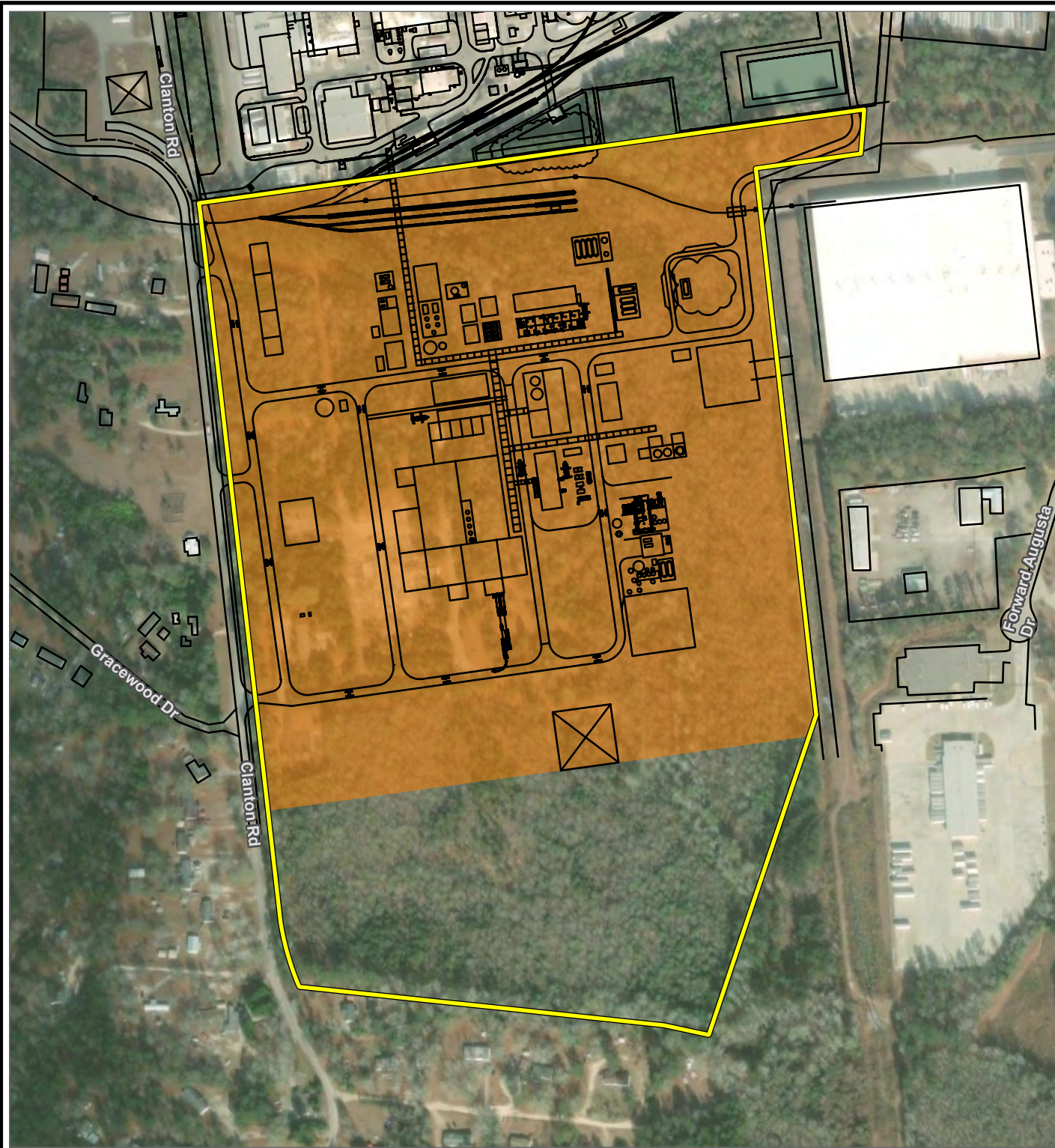
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November 21, 2023

Turner Hunt, THPO
Muscogee (Creek) Nation
P.O. Box 580
Okmulgee, OK 74447

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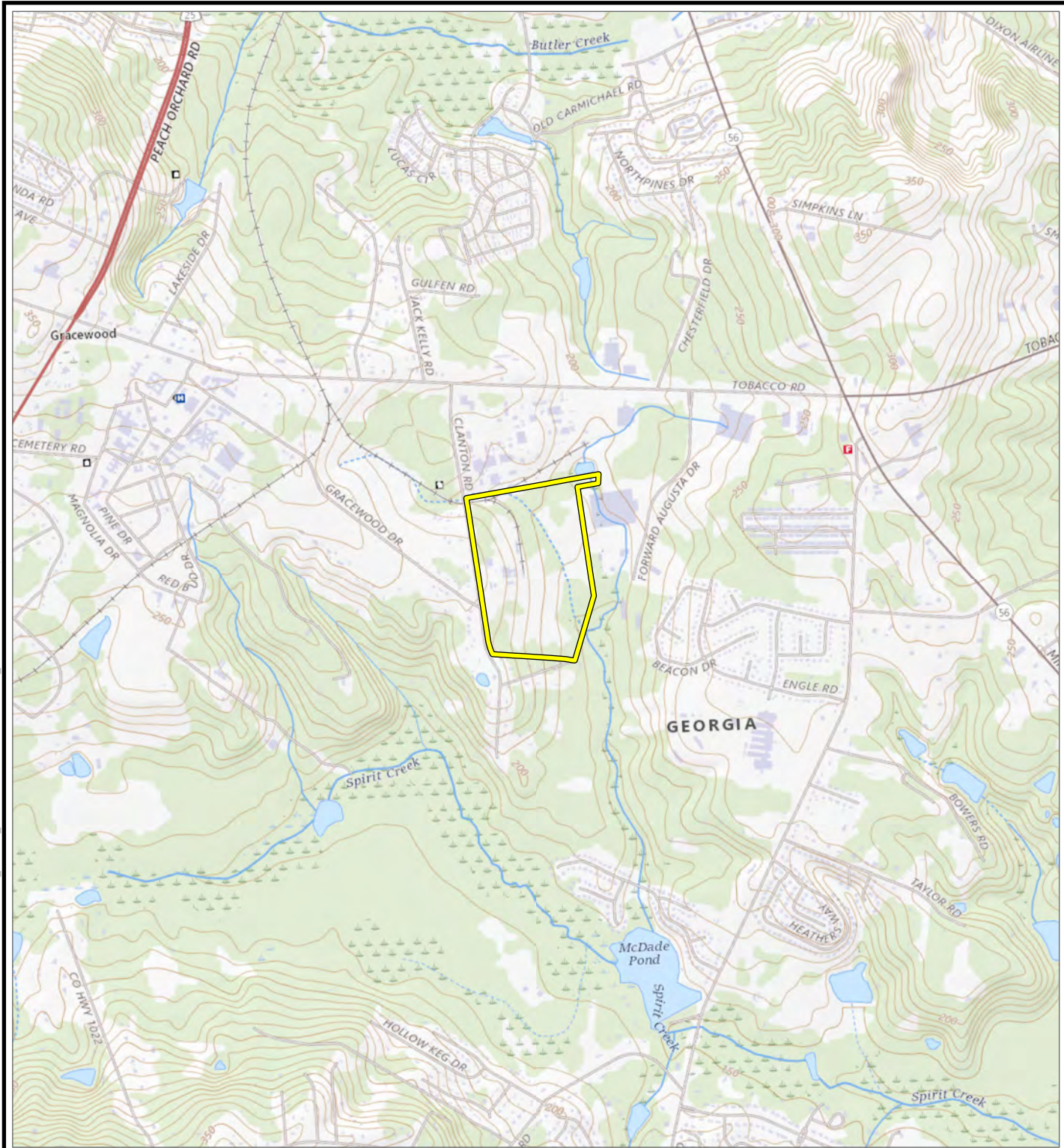


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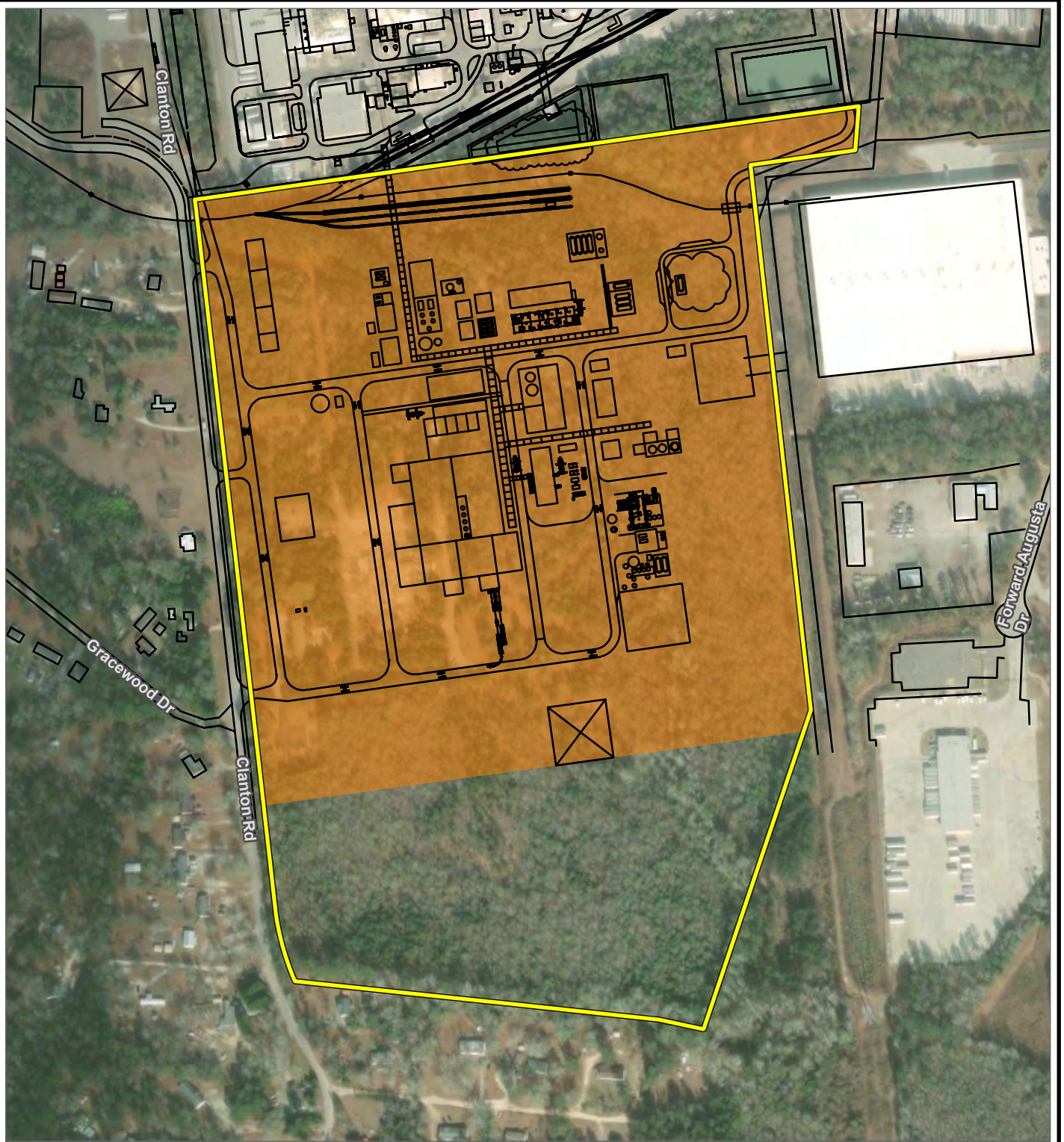
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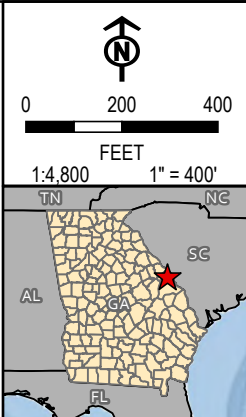


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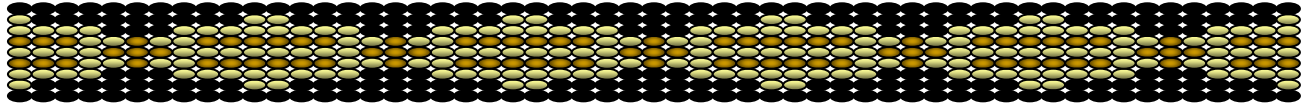


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DATA SOURCES: TRC, ESRI, RICHMOND COUNTY BOARD OF ASSESSORS

Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, South Carolina 29730

Office 803-328-2427



January 2, 2024

Attention: Harry Taylor
National Energy Technology Laboratory
3610 Collins Ferry Road, Building 26, Room 102, MS 107
Morgantown, WV 26505

Re. THPO #	TCNS #	Project Description
2024-29-14		Solvay Sarsaparilla Project

Dear Mr. Taylor,

The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. **However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.**

If you have questions please contact Caitlin Rogers at 803-328-2427 ext. 226, or e-mail Caitlin.Rogers@catawba.com.

Sincerely,

Wenonah G. Haire
Tribal Historic Preservation Officer



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
4751 BEST ROAD, SUITE 140
COLLEGE PARK, GEORGIA 30337

June 5, 2024

Regulatory Division
SAS-2024-00200

Mr. Alain J. DeGreef
Solvay Special Polymers, LLC
3702 Clanton Road
Augusta, Georgia 30906

Dear Mr. DeGreef:

I refer to the request received via the Regulatory Request System (RRS), dated March 1, 2024, submitted on your behalf by Resource and Land Consultants (RLC), LLC, requesting an Approved Jurisdictional Determination (AJD) for a 83.1-acre review area located in Richmond County, Georgia (latitude: 33.3627, longitude: -82.0114). This project has been assigned number SAS-2024-00200, and it is important that you reference this number in all communication concerning this matter.

We have completed a JD for the subject site. I have enclosed an "AJD Memorandum of Record," which details whether streams, wetlands and/or other waters present on the site are subject to the jurisdiction of the U.S. Army Corps of Engineers and how the Corps determined jurisdiction.

The following four (4) aquatic resources within the review area are waters of the United States and are therefore within the jurisdiction of Section 404 of the Clean Water Act (33 United States Code § 1344): *Wetland 1*; *Wetland 3*; *Intermittent Stream 1*; and *Intermittent Stream 2*. The enclosed Global Positioning System (GPS) delineation entitled, "Sarsaparilla Tract, Richmond County, Georgia, Aquatic Resource, Delineation GPS Exhibit, Prepared for: Solvay Specialty Polymers, LLC", as prepared by RLC, LLC, dated June 4, 2024, identifies the geographic limits of the jurisdictional aquatic resources within the review area. This approved JD will remain valid for a period of 5-years unless new information warrants revision prior to that date. The placement of dredged or fill material into any waterways and/or their adjacent wetlands or mechanized land clearing of those wetlands may require prior Department of the Army authorization pursuant to Section 404.

There are also nine (9) aquatic resources within the review area that are not waters of the United States and are therefore not subject to the jurisdiction of the Clean Water Act: *Wetland 2*; *Pond*; *Ephemeral Stream 1*, *Ephemeral Stream 2*, *Ephemeral Stream 3*, *Ephemeral Stream 4*; *Ditch 1*; *Ditch 2*; and *Ditch 3*. Department of the Army authorization, pursuant to Section 404 of the Clean Water Act (33 United States Code § 1344), is not required for dredge and/or fill activities in these areas. This approved JD

will remain valid for a period of 5-years unless new information warrants revision prior to that date.

You may request an administrative appeal for any approved JD under the Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. Enclosed you will find a Notification of Administrative Appeal Options and Process and Request for Appeal form.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

If you intend to sell property that is part of a project that requires Department of the Army Authorization, it may be subject to the Interstate Land Sales Full Disclosure Act. The Property Report required by Housing and Urban Development Regulation must state whether, or not a permit for the development has been applied for, issued or denied by the U.S. Army Corps of Engineers (Part 320.3(h) of Title 33 of the C.F.R.).

This communication does not convey any property rights, either in real estate or material, or any exclusive privileges. It does not authorize any injury to property, invasion of rights, or any infringement of federal, state or local laws, or regulations. It does not obviate your requirement to obtain state or local assent required by law for the development of this property. If the information you have submitted, and on which the U.S. Army Corps of Engineers has based its decision is later found to be in error, this decision may be revoked.

A copy of this letter is being provided to the following parties: Mr. Russell Parr and Mr. Alton Brown, RLC, LLC, via email at: rparr@rlandc.com and abrown@rlandc.com, respectively.

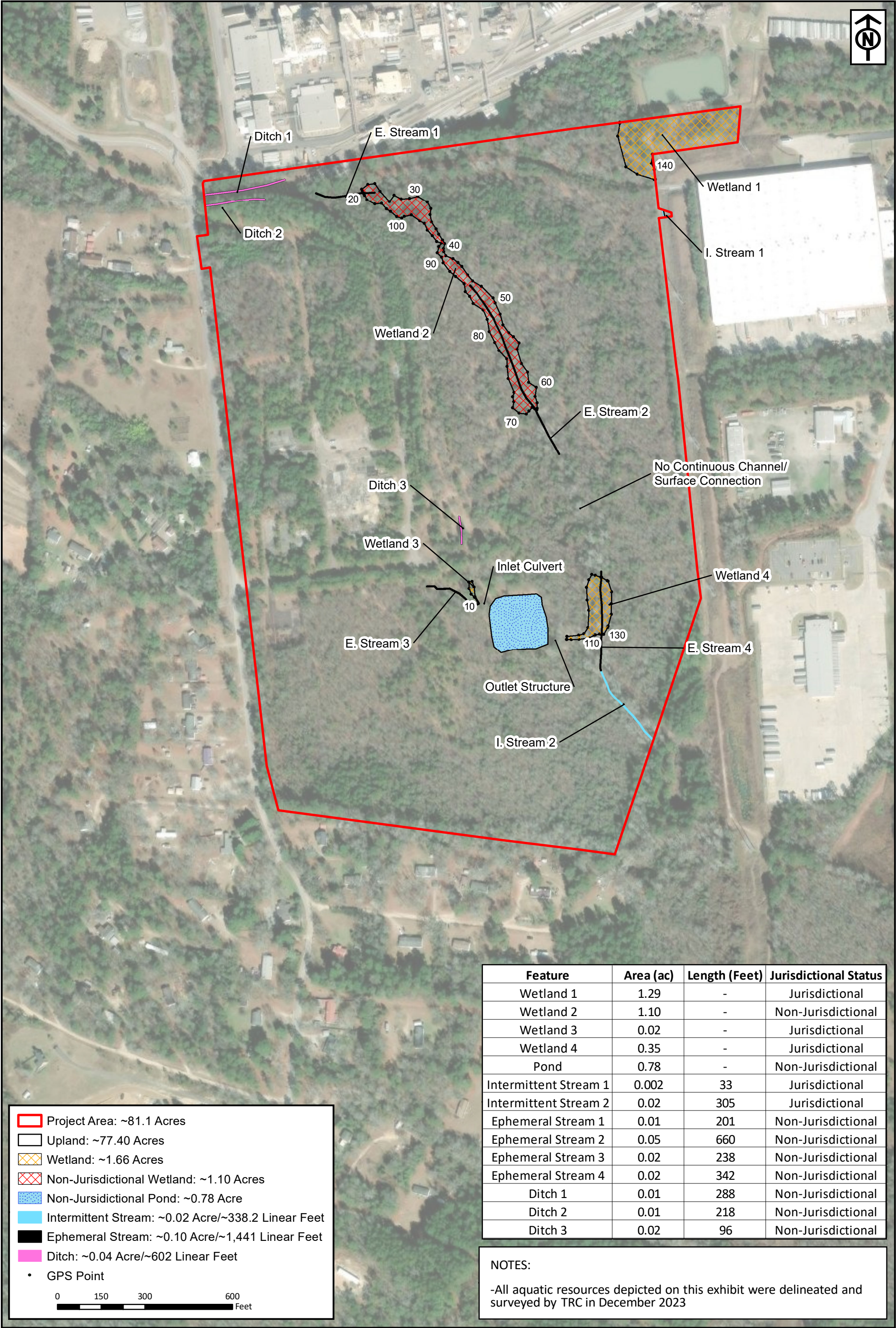
Thank you in advance for completing our on-line Customer Survey Form located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. We value your comments and appreciate your completion of a survey each time you interact with our office.

If you have any questions, please contact me by telephone at (678) 422-2724 or via email at justin.m.edwards@usace.army.mil.

Sincerely,

Justin M. Edwards
Project Manager, Piedmont Branch

Enclosures



Feature	Area (ac)	Length (Feet)	Jurisdictional Status
Wetland 1	1.29	-	Jurisdictional
Wetland 2	1.10	-	Non-Jurisdictional
Wetland 3	0.02	-	Jurisdictional
Wetland 4	0.35	-	Jurisdictional
Pond	0.78	-	Non-Jurisdictional
Intermittent Stream 1	0.002	33	Jurisdictional
Intermittent Stream 2	0.02	305	Jurisdictional
Ephemeral Stream 1	0.01	201	Non-Jurisdictional
Ephemeral Stream 2	0.05	660	Non-Jurisdictional
Ephemeral Stream 3	0.02	238	Non-Jurisdictional
Ephemeral Stream 4	0.02	342	Non-Jurisdictional
Ditch 1	0.01	288	Non-Jurisdictional
Ditch 2	0.01	218	Non-Jurisdictional
Ditch 3	0.02	96	Non-Jurisdictional

NOTES:

-All aquatic resources depicted on this exhibit were delineated and surveyed by TRC in December 2023

RLC Project No.:	24-005
Figure No.:	8
Prepared By:	MW
Sketch Date:	6/3/2024
Map Scale :	1 inch = 300 feet

Sarsaparilla Tract

Richmond County, Georgia

Aquatic Resource
Delineation GPS Exhibit

Prepared For: Solvay Specialty Polymers, LLC

RESOURCE+LAND
CONSULTANTS

41 Park of Commerce Way, Ste 101
Savannah, GA 31405
tel 912.443.5896 fax 912.443.5898



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
4751 BEST ROAD, SUITE 140
COLLEGE PARK, GEORGIA 30337

SAS-2024-00200

June 5, 2024

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime
Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322
(2023), SAS-2024-00200

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.¹ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.² For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),³ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of "waters of the United States" found in the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. This AJD did not rely on the 2023 "Revised Definition of 'Waters of the United States,'" as amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable Georgia due to litigation.

¹ 33 CFR 331.2.

² Regulatory Guidance Letter 05-02.

³ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SAS-2013-00375

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

Name of Aquatic Resource	JD or Non-JD	Section 404/Section 10
Wetland 1	JD	Section 404
Wetland 2	Non-JD	N/A
Wetland 3	JD	Section 404
Wetland 4	JD	Section 404
Pond	Non-JD	N/A
Intermittent Stream 1	JD	Section 404
Intermittent Stream 2	JD	Section 404
Ephemeral Stream 1	Non-JD	N/A
Ephemeral Stream 2	Non-JD	N/A
Ephemeral Stream 3	Non-JD	N/A
Ephemeral Stream 4	Non-JD	N/A
Ditch 1	Non-JD	N/A
Ditch 2	Non-JD	N/A
Ditch 3	Non-JD	N/A

2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)
- d. *Sackett v. EPA*, 598 U.S. __, 143 S. Ct. 1322 (2023)

3. REVIEW AREA:

- a. 83.1 acres
- b. Latitude: 33.3627, Longitude: -82.0114
- c. Augusta
- d. Richmond County
- e. Georgia
- f. The oldest historical aerial imagery available of the review area was dated 1971. The aerial imagery indicates that the subject property was of agricultural use during that time. Between the fields, the corridor of a drainage feature is made visible by an associated tree line. Historic topographic maps and historic aerial

imagery indicate that the drainage feature was a ditch, constructed between 1948 and 1971 by a previous property owner in order to accommodate the growth of upland crops. The corridor leads to an area that was left forested and undeveloped, located within the southeastern limits of the subject property. Circa 1981, development occurred on the western portion of property to accommodate a different land use. Although railroad infrastructure is not present on topographic imagery until 2011, historic aerial imagery indicates that the railways were constructed in conjunction with the initial development. An easterly railroad traverses the northern portion of the site and a southerly rail spur traverses down the western portion of the property along the development. Outside of the western development, the remainder of the site was allowed to naturalize and revegetate, including the corridor of the drainage feature.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED:

- a. The nearest TNW to the subject water is the Savannah River, located approximately 6 linear kilometers to the east.
- b. Determination based on: This determination was made based on a review of desktop data resources listed in Section 9 of this memorandum and a review of the SAS Section 10 list (for a water body that is navigable-in-fact under federal law for any purpose (such as Section 10, RHA)), that water body categorically qualifies as a Section 404 "traditional navigable water" subject to CWA jurisdiction under 33 CFR 328.3(a)(1)), and documented occurrences of boating traffic on the identified water. Further, the Savannah River is an aquatic feature that serves as the interstate boundary between Georgia and South Carolina.

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS.

The subject aquatic resources located within the review area flow south out of the property for approximately one kilometer and into McDade Pond, an impoundment of Spirit Creek. From the outlet of McDade Pond, Spirit Creek flows primarily eastward for approximately 12 kilometers into the Savannah River.

6. SECTION 10 JURISDICTIONAL WATERS⁴: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with

⁴ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

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Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10. N/A

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

- a. TNWs (a)(1): N/A
- b. Interstate Waters (a)(2): N/A
- c. Other Waters (a)(3): N/A
- d. Impoundments (a)(4): N/A
- e. Tributaries (a)(5):

Name of Aquatic Resource	Size	Flow Regime and additional description of the tributary	Method for determining flow regime
Intermittent Stream 1	33 linear feet (0.002-acre)	Intermittent; See further explanation below table.	observed flow during site visit during normal precipitation conditions
Intermittent Stream 2	305 linear feet (0.02-acre)	Intermittent; See further explanation below table.	observed flow during site visits during normal and dryer than normal precipitation conditions

Intermittent Stream 1 (I1) is located in the northeastern limits of the subject property. It is limited to a 33-foot reach that crosses a narrow portion of the site and then flows south out of the property. I1 is associated with a relict tributary of Spirt Creek, indicated by NHD and historic topographic maps to have been historically perennial. The original alignment of the tributary was manipulated/channelized in conjunction with development

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east of the property. I1 is a relatively permanent stream that is a tributary of Spirt Creek. Therefore, it meets the definition of an (a)(5) water.

Intermittent Stream 2 (I2) is located in the southeastern portion of the property. I2 is located below the corridor of the historic ditch, in a portion of the property that remained forested during the agricultural practices. It drains offsite into a lower reach of I1. I2 is a relatively permanent stream that is a tributary of Spirit Creek. Therefore, it meets the definition of an (a)(5) water.

f. The territorial seas (a)(6): N/A

g. Adjacent wetlands (a)(7):

Name of Aquatic Resource	Size (in acres)	Contiguous with or abutting? If so, list water	Describe continuous surface connection
Wetland 1	1.29 acres	No	W1 is connected via a culverted rail crossing to an RPW (I1).
Wetland 3	0.02-acre	No	W3 is connected via a stormwater basin (with culverts), an adjacent wetland, and ephemeral channel to an RPW (I2)
Wetland 4	0.35 acres	No	W4 is connected via an ephemeral channel to stream RPW (I2).

Wetland 1 (W1) is located in the northwestern limits of the property. Like I1, it is associated with a relict tributary of Spirt Creek. W1 drains under the northern rail line and into I1. W1 is a wetland that has a continuous surface connection (CSC) from its connection to an RPW by a discrete feature (culvert). Therefore, it meets the definition of an (a)(7) water.

Wetland 3 (W3), like Ephemeral Stream 3 (E3) and Pond, is assumed to be a result of the established stormwater management for the western development. W3 drains southeast to Pond's culverted inlet. From the inlet, the surface connection continues through Pond (for approximately 250 feet) and its outlet into Wetland 4 (W4). W4 drains into I2 (an RPW) via an ephemeral channel, Ephemeral Stream 2 (E2). W3 is a wetland that has a CSC from its connection to an RPW by a series of discrete features (including stormwater structures, a wetland, and ephemeral channel). Therefore, it meets the definition of an (a)(7) water.

Wetland 4 (W4) is located in the southeastern limits of the property. Historically, like I2, W4 was located within the forested area, below the drainage feature. W4 is currently fed by stormwater that flows from the developed portions of the property located northwest of it. W4 drains into I2 via an ephemeral channel, E2. W4 is a wetland that has a CSC from its connection to an RPW by a discrete feature (ephemeral channel). Therefore, it meets the definition of an (a)(7) water.

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).⁵ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water.

Name of excluded feature	Size	Specific exclusion a-e
Ditch 1	288 linear feet (0.01-acre)	a: Non-tidal drainage and irrigation ditches excavated on dry land.
Ditch 2	218 linear feet (0.01-acre)	a: Non-tidal drainage and irrigation ditches excavated on dry land.
Ditch 3	96 linear feet (0.02-acre)	a: Non-tidal drainage and irrigation ditches excavated on dry land.
Pond	0.78-acre	c: Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.

Ditch 1 (D1) and Ditch 2 (D2) are located in the northwestern portion of the property and are directly associated with the northern rail line. Ditch 3 (D3) is located along the eastern side of the western rail spur, in the center of the site. All three ditches currently have limited structure, assumed to be due to a lack of maintenance. Further, they do not possess a presence of water. The ditches were constructed in uplands for the purpose of non-tidal drainage. Therefore, they meet the definition of (a) preamble waters.

Pond is located between the developed western portion of the site and undeveloped eastern portion of the site. Historic aerial imagery indicates that the features were not present until 1981. It appeared in conjunction with the development. Pond drains through its eastern berm towards W4. During the Corps site visit, water was observed upgradient of the inlet pipe of Pond and below the outlet of Pond. However, no water was present within the limits of the feature. Further, the feature was composed of upland soils and vegetation. It is assumed that water primarily traverses subsurface through the footprint of the pond and emerges at its outlet. Pond is understood to be an artificial feature excavated in dry land for the purpose of managing stormwater from the adjacent development. Therefore, it meets the definition of a (c) preamble water.

- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to

⁵ 51 FR 41217, November 13, 1986.

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be non-jurisdictional under the CWA based on the criteria listed in the guidance.
N/A

- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. N/A
- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A
- e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*. N/A
- f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court’s decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

Name of excluded feature	Size	Type of resource generally not jurisdictional
Ephemeral Stream 1	201 linear feet (0.01-acre)	Tributary lacks relatively permanent, standing or continuously flowing water
Ephemeral Stream 2	660 linear feet (0.05-acre)	Tributary lacks relatively permanent, standing or continuously flowing water
Ephemeral Stream 3	238 linear feet (0.020-acre)	Tributary lacks relatively permanent, standing or continuously flowing water
Ephemeral Stream 4	342 linear feet (0.2-acre)	Tributary lacks relatively permanent, standing or continuously flowing water
Wetland 2	1.10 acres	Wetland lacks a continuous surface connection to waters of the US

Based on historic imagery, Ephemeral Stream 1 (E1), Ephemeral Stream 2 (E2), Ephemeral Stream 4 (E4) are assumed to have been historically connected as a single drainage feature (ditch), constructed (in between 1948 and 1971) by a previous property owner in order to accommodate the growth of upland crops. The features are channelized and are primarily absent of water. During the Corps site visit, the footprint

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of the original drainage feature between E2 and E4 contained was predominately indiscernible from the surrounding woodland. Ephemeral 3 (E3) was constructed in conjunction with Pond, in order provide stormwater management for the western development. During the site visit, no water was present in the feature. The ephemeral streams lack relatively permanent, standing or continuously flowing water and are assumed to only contain/convey water in response to precipitation events. Therefore, they do not meet the definition of (a)(5) waters.

The current footprint of Wetland 2 (W2) was not present on 1971 aerial imagery, as the area was primarily composed of crops. It is believed that W2 formed as a result of the drainage feature's degradation/lack of maintenance, after the land was no longer used for agriculture. Wetland 2 would be assumed to have a surface connection to downstream waters via E2. However, during the Corps site visit, around the southern limits of W2 and further downgradient, E2 was observed to have four consecutive locations where the feature loses form and channel is not discernible from the surrounding woodlands. The four locations have been determined to undermine E2 capacity to serve as a continuous surface connection (CSC):

1. The feature lost form, making it difficult to distinguish it from the surrounding woodlands.
2. After regaining some discernible form, two trees were observed in the center of the channel.
3. The channel had a segment that was completely filled with earth/sediment and which was topped with leaf litter.
4. The feature temporarily lost form again, making it difficult to discern from the surrounding woodlands.

Further downgradient of the breaks, a channel (E4) becomes clearly discernible form where it traverses through W4 and into I2.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
 - a. Office (desktop) determination: March-May, 2024
 - b. Field determination(s): December 2023 (Agent); February 29, 2024 (Agent); April 15, 2024 (CESAS-RDP and Agent)
 - c. Data sources used to support this determination (included in the administrative record).
 - ☒ Aquatic Resources delineation submitted by, or on behalf of, the requestor: Figure No.: 8: Aquatic Resource, Delineation GPS Exhibit, dated 03/01/2024, provided on PDF page 9 of the AJD Request

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- ☐ Aquatic Resources delineation prepared by the USACE: Title and Date
- ☒ Wetland field data sheets: Wetland data forms and associated photographs, dated 12/01/2023, included on PDF pages 10 – 65 of the provided AJD Request
- ☐ OHWM data sheets prepared by the USACE: Title and Date
- ☐ Previous JDs (AJD or PJD) addressing the same (or portions of the same) review area: ORM Numbers and Dates
- ☒ Photographs: Wetland data forms and associated photographs, dated 12/01/2023, included on PDF pages 10 – 65 of the provided AJD Request; and Mapped Photo Log, completed by CESAS-RDP, dated 04/15/2024.
- ☒ Aerial Imagery: Aerial Imagery with added demarcations of field observations, accessed from the National Regulatory Viewer by CESAS-RDP on 05/02/2024.
- ☒ LIDAR: LIDAR imagery (3DEP Slope, 3DEP DEM, and 3DEP Hillshade) with added demarcations of field observations, accessed from the National Regulatory Viewer by CESAS-RDP on 05/02/2024.
- ☒ USDA NRCS Soil Survey: Figure No.: 3: NRCS Soil Survey, dated 03/01/2024, provided on PDF page 4 of the AJD Request; and USDA hydric soil rating data, accessed by CESAS-RDP on 03/26/2024.
- ☒ USFWS NWI maps: Figure No.: 4: National Wetlands Inventory, dated 03/01/2024, provided on PDF page 5 of the AJD Request.
- ☒ USGS topographic maps: Historic topographic maps, accessed by CESAS-RDP in April 2024.
- ☒ USGS NHD data/maps: NHD data, accessed from the National Regulatory Viewer by CESAS-RDP on 03/26/2024.
- ☐ Section 10 resources used: Title and Dates
- ☐ NCDWR stream identification forms
- ☒ Antecedent Precipitation Tool Analysis: List Date(s) 12/01/2023 (Normal Conditions); 02/29/2024 (Normal Conditions); and 04/15/2024 (Drier than Normal Conditions)
- ☒ Other sources of Information: Figure No.: 1: Project Location, dated 03/01/2024, provided on PDF page 2 of the AJD Request; and StreamStats accessed data by CESAS-RDP in April 2024

10. OTHER SUPPORTING INFORMATION. N/A

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS
AND REQUEST FOR APPEAL**

Applicant: Solvay Special Polymers, LLC		File Number: SAS-2024-00200	Date: June 5, 2024
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 C.F.R. § Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. The division engineer must receive this form within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Justin M. Edwards
Project Manager
US Army Corps of Engineers, Savannah District
Piedmont Branch (CESAS-RDP)
4751 Best Road, Suite 140
College Park, Georgia 30337
Phone: (678) 422-2724
Email: Justin.M.Edwards@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Ms. Krista Sabin
Administrative Appeal Review Officer
CESAD-PDS-O
60 Forsyth Street Southwest, Floor M9
Atlanta, Georgia 30303-8803
Phone: (904) 314-9631; FAX (404) 562-5138
Email: Krista.D.Sabin@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

From: Somerville, Amanetta <Somerville.Amanetta@epa.gov>
Sent: Tuesday, December 10, 2024 8:31 AM
To: Taylor, Harry E. <Harry.Taylor@netl.doe.gov>
Cc: Kajumba, Ntale <Kajumba.Ntale@epa.gov>
Subject: [EXTERNAL] EPA Comments on the Battery-Grade Polyvinylidene Fluoride Manufacturing Facility Draft Environmental Assessment

Harry E. Taylor, P.E.
NEPA Compliance Officer
U.S. Department of Energy
National Energy Technology Laboratory
3610 Collins Ferry Road
Morgantown, WV 26505

Dear Mr. Taylor:

The U.S. Environmental Protection Agency has reviewed the U.S. Department of Energy's National Environmental Technology Laboratory (NETL) for the Battery-Grade Polyvinylidene Fluoride Manufacturing Facility Draft Environmental Assessment. This review is in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act. This Draft EA assesses the potential environmental and social impacts associated with Syensqo constructing and operating a chemical manufacturing facility

to produce PVDF in Augusta, Georgia. The PVDF is a highly non-reactive thermoplastic used in electric vehicle (EV) batteries. The facility would support the production of more than 5 million EV batteries per year at maximum capacity.

The DOE's partial funding of the construction of Syensqo's Battery Grade PVDF Manufacturing facility aims to accelerate the development of a resilient supply chain for high-capacity batteries by increasing investments in battery materials. Syensqo's proposed project is in an existing industrial zone, has access to transportation infrastructure and public utilities, and has the potential to have a positive economic impact on the regional and local community. Additionally, the proposed project is one that supports many of the Bipartisan Infrastructure laws priorities such as ensuring that the United States has a viable battery materials processing industry to supply the North American battery supply chain; expanding the capabilities of the U.S. in advanced battery manufacturing; enhancing national security by reducing the reliance of the U.S. on foreign competitors for critical materials and technologies; enhancing the domestic processing capacity of minerals necessary for battery materials and advanced batteries; and ensuring that the U.S. has a viable domestic manufacturing and recycling capability to support and sustain a North American battery supply chain.

The DEA advances the No Action Alternative and the Preferred Alternative. The No Action Alternative would not provide financial assistance to Syensqo, and the Project would likely not occur. The preferred alternative is to partially fund the construction of a chemical manufacturing facility to produce polyvinylidene fluoride for use in electric vehicle batteries adjacent to its existing industrial facility on 81 acres of land. The proposed Project will include:

1. A primary process furnace and raw material purification towers;
2. One primary building enclosing the main PVDF manufacturing plant;
3. A recycled vapor treatment system comprising compression, liquefaction, and purification towers, monomer building, and refrigeration unit;
4. Cooling tower and air compressors;
5. A wastewater treatment equipment area;
6. Rail sidings;
7. A large storage/laydown yard;
8. Stormwater management system and stormwater pond

Based on our review of the DEA, the EPA provides the following comments for your consideration.

- **Environmental Justice:** Section 3.3 of the DEA identified the detailed analysis of the local EJ population with EJ concerns in the proposed project area. The DOE highlighted that the proposed Project is consistent with Executive Orders 12898 and 14008 provisions, aligns with DOE's eight Justice40 policy priorities, and advances the DOE's progress toward the goal established by the Justice40 Initiative.

Recommendation: Meaningfully engage communities with EJ concerns, among others, and incorporate and address the community's input and concerns in the NEPA document. Describe how community concerns or recommendations have been used to develop proposed mitigation options or to avoid or minimize impacts on human health and the environment. For additional information from the Interagency Workgroup on NEPA and EJ, see The Environmental Justice Interagency Working Group Promising Practices for EJ Methodologies in NEPA Reviews ([Promising Practices](#)), dated March 2016, which provides guiding principles agencies can consider in identifying disproportionately high and adverse impacts on minority and low-income populations.

- **Air Quality:** Section 3.7.2 of the draft EA identified minor short-term and long-term impacts to air quality from the proposed action due to temporary increases in exhaust and dust emissions from equipment operations during project construction.

Recommendation: Control fugitive dust emissions and implement measures to reduce diesel emissions for on-road and off-road equipment used for transportation, soil movement, and other project activities. Such strategies include switching to cleaner fuels, retrofitting current equipment with emission-reduction technologies, repowering older equipment with modern engines, replacing older vehicles, and reducing idling through operator training and contracting policies. Additionally, use sustainable building practices that maximize energy and water conservation for buildings that may be constructed.

Thank you for the opportunity to review the proposed project. Please send us a copy of the Final EA once it is available. If you have any questions, please contact Amanetta Somerville of the NEPA Section at (404) 562-9025, or by e-mail at Somerville.amanetta@epa.gov.

Amanetta Somerville

U.S. Environmental Protection Agency Region 4
61 Forsyth Street SW. Atlanta, Ga 30303
National Environmental Policy Act Section
NEPA & Special Program Coordination Branch
Phone: 404-562-9025
E-mail: somerville.amanetta@epa.gov

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Use caution if this message contains attachments, links or requests for information.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
4751 BEST ROAD, SUITE 140
COLLEGE PARK, GEORGIA 30337

December 13, 2024

Regulatory Division
SAS-2024-00200

Mr. Alain J. DeGreef
Solvay Special Polymers, LLC
3702 Clanton Road
Augusta, Georgia 30906

Dear Mr. DeGreef:

I refer to the Pre-Construction Notification, received on August 5, 2024, submitted on your behalf by Resource and Land Consultants (RLC), LLC, and supplemental information received from RLC, LLC, on September 30, 2024, and the Department of Energy (DOE) on November 12, 2024, for verification for use of Nationwide Permit No. 39 (NWP 39) for expansion of an industrial development. The project would result in permanent impacts to 0.04-acre of wetland and 25 linear feet (0.002-acre) of intermittent stream.

The 83.1-acre project site is located in Augusta, Richmond County, Georgia (latitude: 33.3627, longitude: -82.0114). An Approved Jurisdictional Determination (AJD) was completed for the subject project area on June 5, 2024. Therefore, this project has retained the previously assigned number SAS-2024-00200, and it is important that you reference this number in all communication concerning this matter.

We understand that the project involves the expansion of an existing chemical manufacturing facility in order to produce engineering polymer for electric car batteries. The work in waters will include permanent impacts to 0.02-acre of jurisdictional wetland (Wetland 3) for site grading, 0.02-acre of jurisdictional wetland (Wetland 4) for stormwater pond expansion, and 25 linear feet (0.002-acre) of intermittent stream (Intermittent Stream 1) for the installation of rip-rap outlet protection at a retention pond piped outfall. The details of the work and associated impacts are depicted on the enclosed exhibit (Drawing No. E-24-23100-A-56-SKT-3000-04 D) entitled, "Civil Sketch Wetland and Stream Impacts, Project No. 259228", as prepared by Wood Group USA, Incorporated, and dated July 24, 2024.

The enclosed exhibit entitled, "Sarsaparilla Tract, Richmond County, Georgia, Aquatic Resource, Delineation GPS Exhibit, Prepared for: Solvay Specialty Polymers, LLC", as prepared by RLC, LLC, dated June 4, 2024, identifies the current delineation limits of all aquatic resources within the project area. The wetlands were delineated in accordance with criteria contained in the 1987 "Corps of Engineers Wetland Delineation

Manual,” as amended by the most recent regional supplements to the manual. Please note, should this delineation require re-verification, it is subject to change based on site conditions at the time of re-evaluation.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

We have completed coordination with other federal and state agencies as described in Part C (32)(d) of our NWP Program, published in the January 13, 2021, Federal Register, Vol. 86, No. 8, Pages 2744-2877 (86 FR) and/or the December 27, 2021, Federal Register, Vol. 86, No. 245, Pages 73522-73583 (86 FR). The NWPs and Savannah District's Regional Conditions for NWPs can be found on our website at <http://www.sas.usace.army.mil/Missions/Regulatory/Permitting/GeneralPermits/NationwidePermits.aspx>. During our coordination procedure, no adverse comments regarding the proposed work were received.

As a result of our evaluation of your project, we have determined that the proposed activity is authorized as described in Part B of the NWP Program. Your use of this NWP is valid only if:

- a. The activity is conducted in accordance with the information submitted and meets the conditions applicable to the NWP, as described at Part C of the NWP Program and the Savannah District's Regional Conditions for NWPs.
- b. You shall notify the Corps, in writing, at least 10 days in advance of commencement of work authorized by this permit.
- c. You fill out and sign the enclosed certification and return it to our office within 30 days of completion of the activity authorized by this permit.

This proposal was reviewed in accordance with Section 7 of the Endangered Species Act. Based on the information we have available, we have determined that the project will have no effect on any threatened or endangered species nor any critical habitat for such species. Authorization of an activity by an NWP does not authorize the "take" of

threatened or endangered species. In the absence of separate authorization, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. See Part (C) of 86 ER for more information.

This verification is valid until the NWP is modified, reissued or revoked. All of the existing NWPs are scheduled to expire on March 14, 2026. It is incumbent upon you to remain informed of changes to the NWPs. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

This authorization should not be construed to mean that any future projects requiring Department of the Army authorization would necessarily be authorized. Any new proposal, whether associated with this project or not, would be evaluated on a case-by-case basis. Any prior approvals would not be a determining factor in making a decision on any future request.

Revisions to your proposal may invalidate this authorization. In the event changes to this project are contemplated, I recommend that you coordinate with us prior to proceeding with the work.

This communication does not relieve you of any obligation or responsibility for complying with the provisions of any other laws or regulations of other federal, state or local authorities. It does not affect your liability for any damages or claims that may arise as a result of the work. It does not convey any property rights, either in real estate or material, or any exclusive privileges. It also does not affect your liability for any interference with existing or proposed federal projects. If the information you have submitted and on which the Corps bases its determination/decision of authorization under the NWP is later found to be in error, this determination may be subject to modification, suspension, or revocation.

An electronic copy of this letter is being provided to the following parties: Mr. Alton Brown and Mr. Russell Parr of RLC, LLC, via email at: abrown@rlandc.com and rparr@rlandc.com, respectively.

Thank you in advance for completing our on-line Customer Survey Form located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. We value your comments and appreciate your taking the time to complete a survey each time you have interaction with our office.

- 4 -

If you have any questions, please contact me by telephone at (678) 422-2724 or via email at justin.m.edwards@usace.army.mil.

Sincerely,

Justin M. Edwards
Project Manager, Piedmont Branch

Enclosures

Regulatory Division

CERTIFICATION OF COMPLIANCE
WITH DEPARTMENT OF THE ARMY
NATIONWIDE PERMIT (39)

PERMIT FILE NUMBER: SAS-2024-00200

PERMITTEE/ADDRESS: Solvay Special Polymers, LLC, Attention: Mr. Alain J. DeGreef,
3702 Clanton Road, Augusta, Georgia 30906.

LOCATION OF WORK: The 83.1-acre project site is located in Augusta, Richmond County,
Georgia (latitude: 33.3627, longitude: -82.0114).

PROJECT DESCRIPTION: The project involves the expansion of an existing chemical
manufacturing facility in order to produce engineering polymer for electric car batteries. The
work in waters will include permanent impacts to 0.02-acre of jurisdictional wetland
(Wetland 3) for site grading, 0.02-acre of jurisdictional wetland (Wetland 4) for stormwater
pond expansion, and 25 linear feet (0.002-acre) of intermittent stream (Intermittent Stream
1) for the installation of rip-rap outlet protection at a retention pond piped outfall.

WATERS OF THE UNITED STATES IMPACTED: Permanent impacts to 0.04-acre of
jurisdictional wetland (0.02-acre to Wetland 3 and 0.02-acre to Wetland 4) and 25 linear feet
(0.002-acre) of intermittent stream (Intermittent Stream 1).

DATE WORK IN WATERS OF UNITED STATES COMPLETED: _____

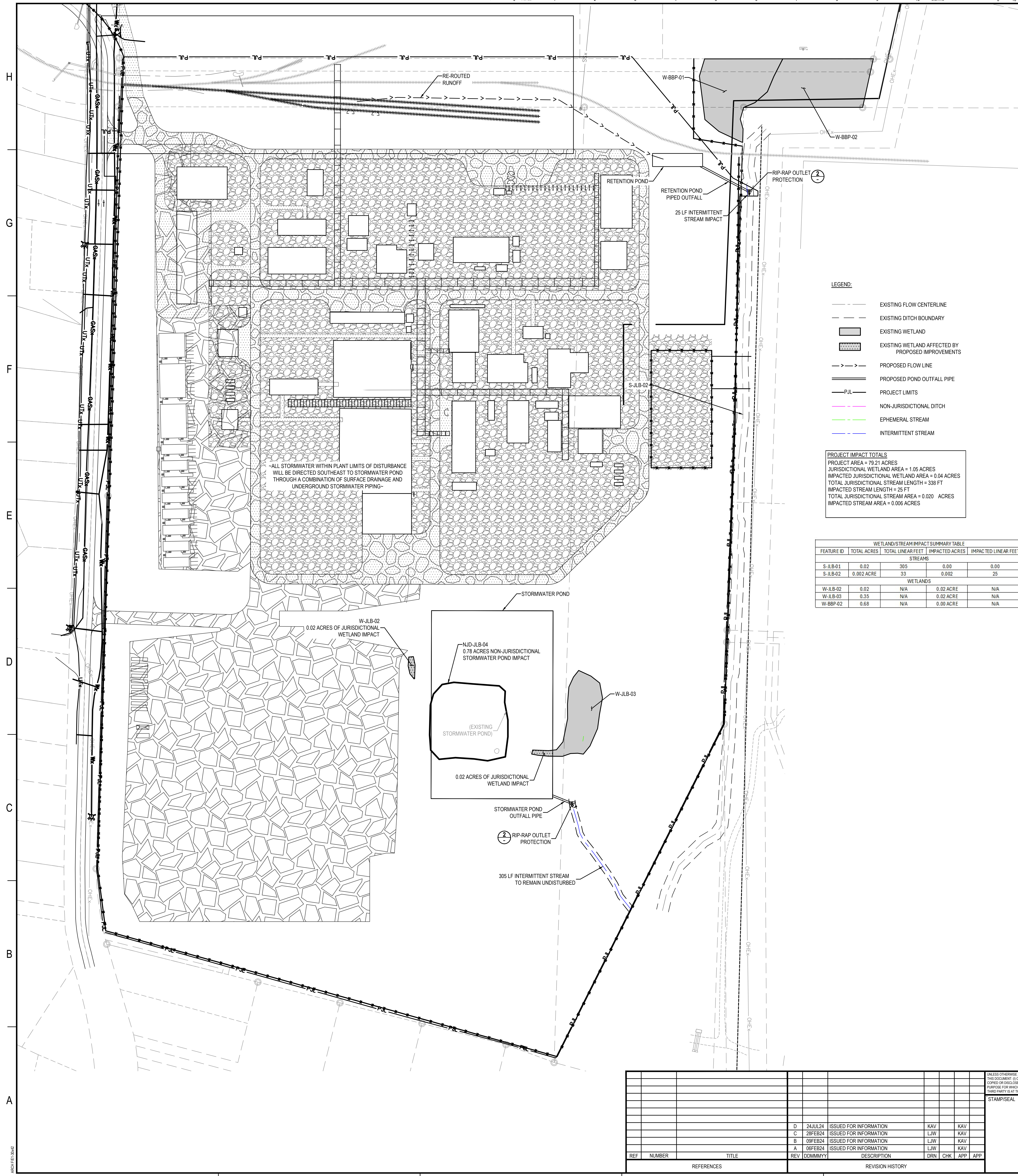
COMPENSATORY MITIGATION REQUIRED: N/A

I understand that the permitted activity is subject to a U.S. Army Corps of Engineers'
Compliance Inspection. If I fail to comply with the permit conditions at Part C of the
Nationwide Permit Program, published in the January 13, 2021, Federal Register, Vol. 86,
No. 8, Pages 2744-2877 (86 FR) and/or the December 27, 2021, Federal Register, Vol. 86,
No. 245, Pages 73522-73583 (86 FR), it may be subject to suspension, modification or
revocation.

I hereby certify that the work authorized by the above referenced permit as well as any
required mitigation (if applicable) has been completed in accordance with the terms and
conditions of the said permit.

Signature of Permittee

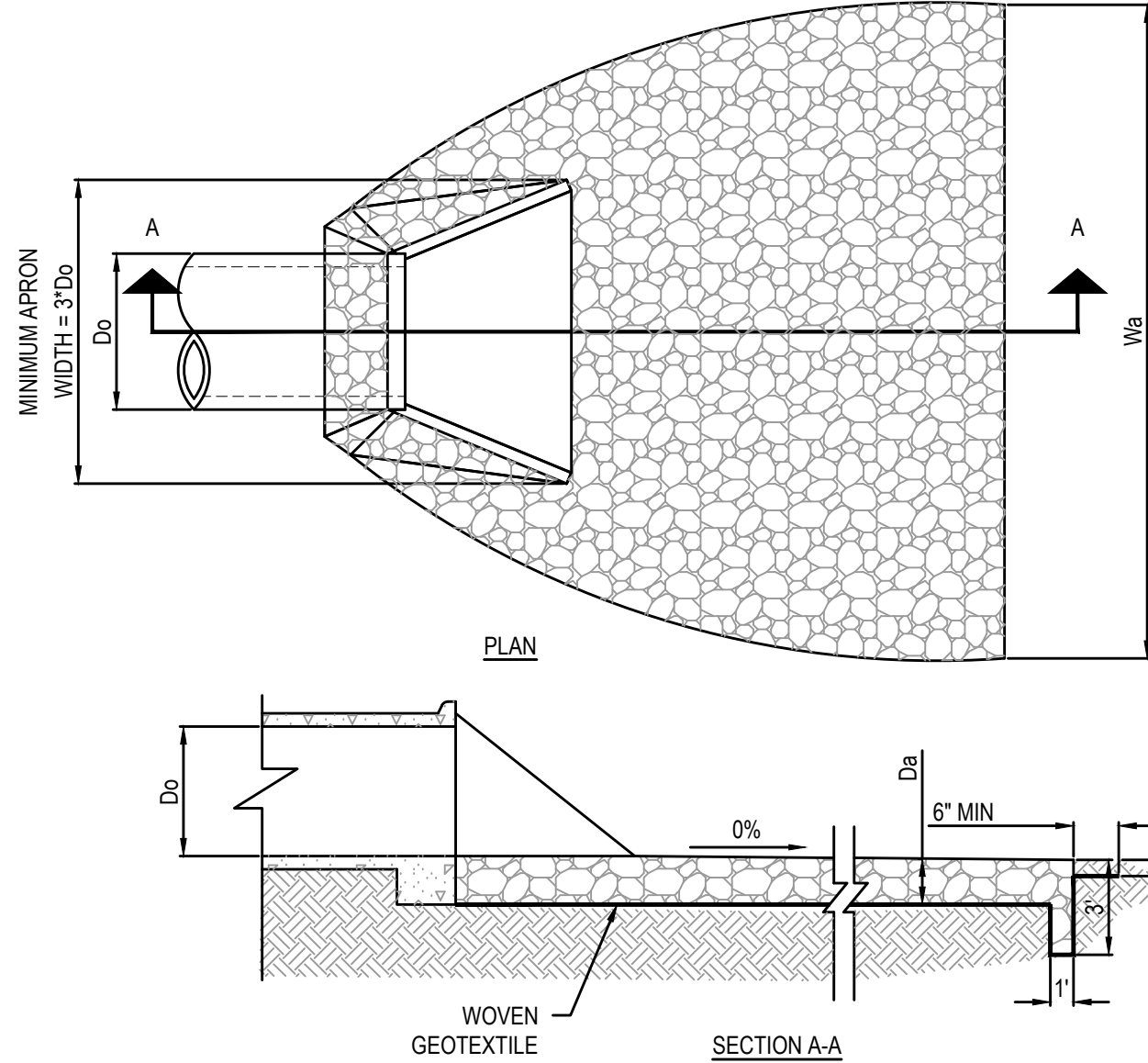
Date



- LEGEND:
- EXISTING FLOW CENTERLINE
 - EXISTING DITCH BOUNDARY
 - EXISTING WETLAND
 - EXISTING WETLAND AFFECTED BY PROPOSED IMPROVEMENTS
 - PROPOSED FLOW LINE
 - PROPOSED POND OUTFALL PIPE
 - PROJECT LIMITS
 - NON-JURISDICTIONAL DITCH
 - EPHEMERAL STREAM
 - INTERMITTENT STREAM

PROJECT IMPACT TOTALS
PROJECT AREA = 79.21 ACRES
JURISDICTIONAL WETLAND AREA = 1.05 ACRES
IMPACTED JURISDICTIONAL WETLAND AREA = 0.04 ACRES
TOTAL JURISDICTIONAL STREAM LENGTH = 338 FT
TOTAL JURISDICTIONAL STREAM AREA = 0.020 ACRES
IMPACTED STREAM AREA = 0.006 ACRES

WETLAND/STREAM IMPACT SUMMARY TABLE				
FEATURE ID	TOTAL ACRES	TOTAL LINEAR FEET	IMPACTED ACRES	IMPACTED LINEAR FEET
STREAMS				
S-JLB-01	0.02	305	0.00	0.00
S-JLB-02	0.002	33	0.002	25
WETLANDS				
W-JLB-02	0.02	N/A	0.02	N/A
W-JLB-03	0.35	N/A	0.02	N/A
W-BBP-02	0.68	N/A	0.00	N/A



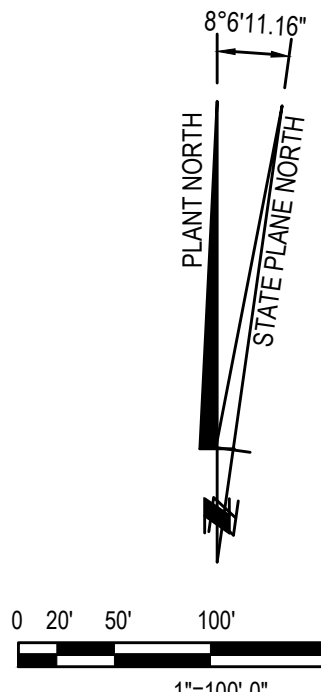
RIPRAP OUTLET PROTECTION					
Low Tailwater Condition					
Do (ft)	La (ft)	Wa (ft)	D50 (in)	Dmax (in)	Da (in)
0.83	6	6.83	6	9	13.5
1	6	7	6	9	13.5
1.25	12	13.25	6	9	13.5
1.5	15	16.50	6	9	13.5
2	16	18	6	9	13.5
3	22	25	8	12	18
3.5	28	31	12	18	27
4	33	37	12	18	27
4.5	33	37.50	12	18	27
5	34	39	13	19.50	29.25
6	41	47	15	22.50	33.75

LOW TAILWATER CONDITION
Wa = Do+La
Do = PIPE DIAMETER
La = LENGTH OF APRON
Wa = WIDTH OF APRON
D50 = MEDIAN RIPRAP SIZE
Dmax = MAXIMUM SIZE OF RIPRAP, 1.5xD50
Da = DEPTH OF RIPRAP APRON, 1.5xDmax

WOVEN GEOTEXTILE FABRIC PROPERTIES					
AGGREGATE SIZE (IN)	MIN GRAB TENSILE STRENGTH (LBS) ASTM D4632	MIN TRAPEZOIDAL TEAR STRENGTH (LBS) ASTM D4533	MIN PUNCTURE STRENGTH (LBS) ASTM D4533	MIN MULEN BURST STRENGTH (LBS) ASTM D4833	PERMITTIVITY (1/S) ASTM D4491
<16	200	75	75	200	0.50
16-24	270	100	100	400	0.50
>24					0.21
AS DIRECTED BY ENGINEER					

- NOTES:
- WHERE PIPE DISCHARGES INTO A WELL DEFINED CHANNEL, THE APRON SHALL EXTEND ACROSS THE CHANNEL BOTTOM AND UP THE CHANNEL BANKS TO AN ELEVATION ONE FOOT ABOVE THE MAXIMUM TAILWATER DEPTH OR TO THE TOP OF THE BANK, WHICHEVER IS LESS.
 - RIPRAP SHALL BE COMPOSED OF A WELL-GRADED MIXTURE OF AGGREGATE SIZE SO THAT 50% OF THE PIECES, BY WEIGHT, SHALL BE LARGER THAN THE D50 SIZE DETERMINED IN THE CHARTS. A WELL-GRADED MIXTURE, AS USED HEREIN, IS DEFINED AS A MIXTURE COMPOSED PRIMARILY OF LARGER AGGREGATE SIZES, BUT WITH A SUFFICIENT MIXTURE OF OTHER SIZES TO FILL THE SMALLER VOIDS BETWEEN THE AGGREGATES. THE DIAMETER OF THE LARGEST AGGREGATE SIZE IN SUCH A MIXTURE SHALL BE 1.5 TIMES THE D50 SIZE.
 - AGGREGATE FOR RIPRAP SHALL CONSIST OF FIELD STONE, ROUGH UNHEWN QUARRY STONE, CRUSHED CONCRETE, OR OTHER SIMILAR MATERIAL. THE AGGREGATE SHALL BE HARD AND ANGULAR AND OF A QUALITY THAT WILL NOT DISINTEGRATE ON EXPOSURE TO WATER OR WEATHERING.
 - THE SPECIFIC GRAVITY OF THE INDIVIDUAL AGGREGATES SHALL BE AT LEAST 2.5.
 - INSPECT RIP-RAP OUTLET PROTECTION AS REQUIRED AND NOTIFY ENGINEER OF ANY DAMAGE. ENGINEER SHALL INFORM CONTRACTOR OF MAINTENANCE REQUIRED.

2 RIPRAP OUTLET PROTECTION
NTS



PRELIMINARY

WORK SAFELY

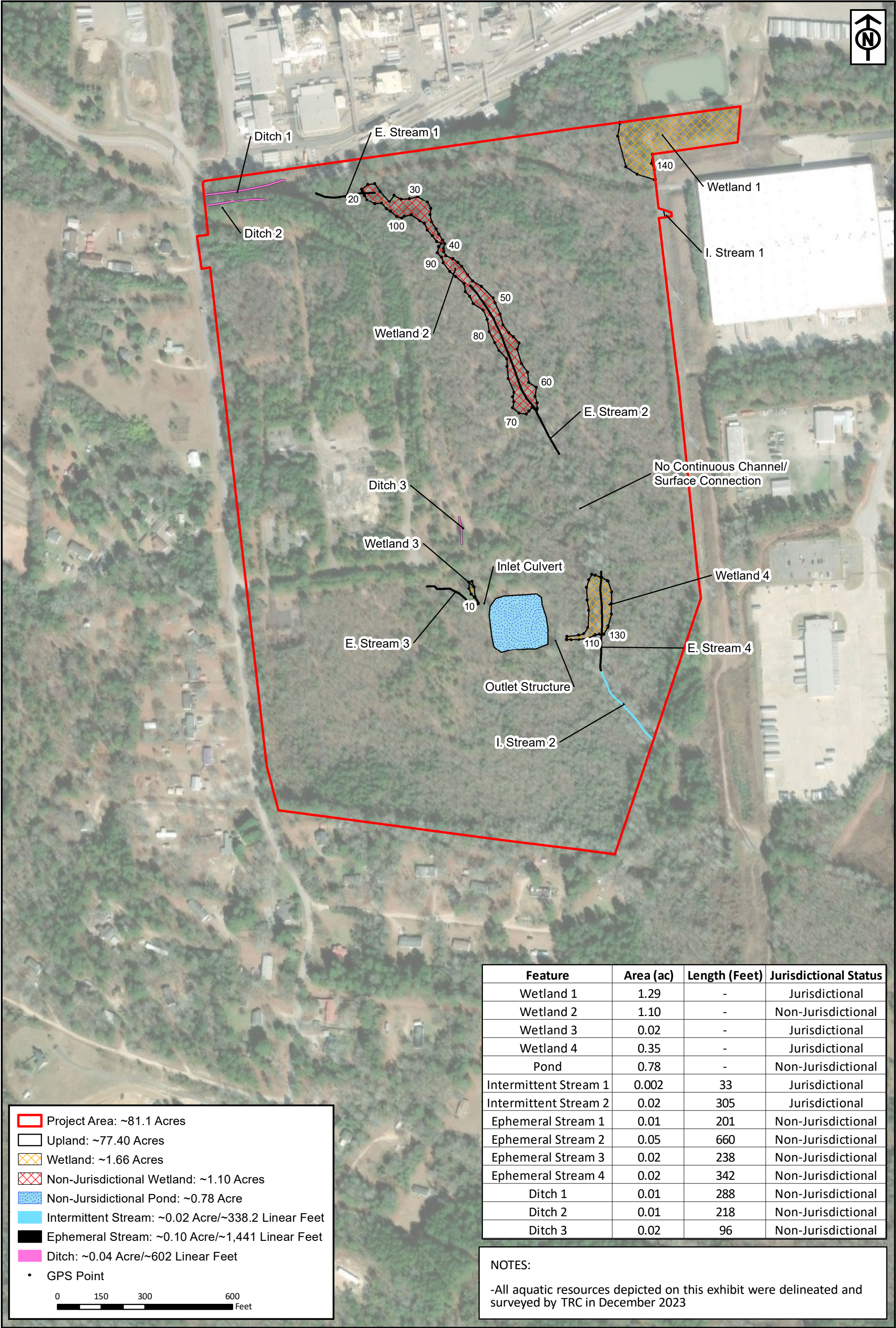
REV		NUMBER	TITLE	DESCRIPTION	REV	DATE	ISSUED FOR INFORMATION	CHK	APP	APP
D		24JUL24	ISSUED FOR INFORMATION		KAV		KAV			
C		28FEB24	ISSUED FOR INFORMATION		LJW		KAV			
B		09FEB24	ISSUED FOR INFORMATION		LJW		KAV			
A		08FEB24	ISSUED FOR INFORMATION		LJW		KAV			
REV		DATE	DESCRIPTION	CHK	APP	APP				

MR		JCS	GWM
CLIENT PROJECT MGR		DEPARTMENT MGR	PROJECT MGR
PROJECT PHASE			
FEL3 AND DETAIL DESIGN			
PROJECT NO.		259228	
SCALE		AS NOTED	

DES		BY	DATE
CHK		DATE	
APP		DATE	

SYENSQO		CIVIL SKETCH WETLAND AND STREAM IMPACTS	
AREA		CLIENT DWG NO.	
E-24-23100-A-56-SKT-3000-04		REV D	

wood		30 PATEWOOD DR. SUITE 200, GREENVILLE, SC 29615 (864) 458-3600	
CORPORATE OFFICE: 17325 PARK ROW, SUITE 500, HOUSTON, TX 77064		AREA	
E-24-23100-A-56-SKT-3000-04		REV D	



Feature	Area (ac)	Length (Feet)	Jurisdictional Status
Wetland 1	1.29	-	Jurisdictional
Wetland 2	1.10	-	Non-Jurisdictional
Wetland 3	0.02	-	Jurisdictional
Wetland 4	0.35	-	Jurisdictional
Pond	0.78	-	Non-Jurisdictional
Intermittent Stream 1	0.002	33	Jurisdictional
Intermittent Stream 2	0.02	305	Jurisdictional
Ephemeral Stream 1	0.01	201	Non-Jurisdictional
Ephemeral Stream 2	0.05	660	Non-Jurisdictional
Ephemeral Stream 3	0.02	238	Non-Jurisdictional
Ephemeral Stream 4	0.02	342	Non-Jurisdictional
Ditch 1	0.01	288	Non-Jurisdictional
Ditch 2	0.01	218	Non-Jurisdictional
Ditch 3	0.02	96	Non-Jurisdictional

NOTES:

-All aquatic resources depicted on this exhibit were delineated and surveyed by TRC in December 2023

Project Area: ~81.1 Acres

Upland: ~77.40 Acres

Wetland: ~1.66 Acres

Non-Jurisdictional Wetland: ~1.10 Acres

Non-Jurisdictional Pond: ~0.78 Acre

Intermittent Stream: ~0.02 Acre/~338.2 Linear Feet

Ephemeral Stream: ~0.10 Acre/~1,441 Linear Feet

Ditch: ~0.04 Acre/~602 Linear Feet

GPS Point

0

150

300

600

Feet

RLC Project No.:	24-005
Figure No.:	8
Prepared By:	MW
Sketch Date:	6/3/2024
Map Scale :	1 inch = 300 feet

Sarsaparilla Tract

Richmond County, Georgia

Aquatic Resource
Delineation GPS Exhibit

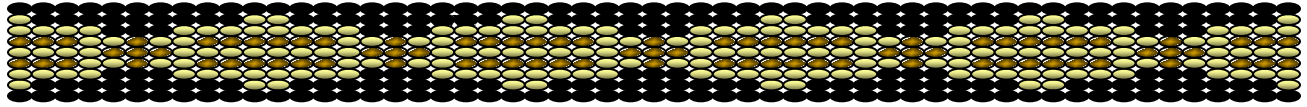
Prepared For: Solvay Specialty Polymers, LLC

RESOURCE+LAND
CONSULTANTS

41 Park of Commerce Way, Ste 101
Savannah, GA 31405
tel 912.443.5896 fax 912.443.5898

Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, South Carolina 29730

Office 803-328-2427
Fax 803-328-5791



December 9, 2024

Attention: Harry E. Taylor
U.S. Department of Energy
National Energy Technology Laboratory
3610 Collins Ferry Road
Morgantown, WV 26505

Re. THPO #	TCNS #	Project Description
2025-510-2		Battery Grade Polyvinylidene Manufacturing Facility in Augusta, Richmond CO., GA

Dear Mr. Taylor,

The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. **However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.**

If you have questions please contact Caitlin Rogers at 803-328-2427 ext. 226, or e-mail Caitlin.Rogers@catawba.com.

Sincerely,

Wenonah G. Haire
Tribal Historic Preservation Officer

From: GAES Assistance, FW4 <gaes_assistance@fws.gov>

Sent: Wednesday, November 13, 2024 2:49 PM

To: Taylor, Harry E. <Harry.Taylor@netl.doe.gov>

Cc: Suderman, Keith <KSuderman@trccompanies.com>; McCray, Phillip <phillip.mccray@syensqo.com>; Wikoff, Bill <bill_wikoff@fws.gov>

Subject: Re: [EXTERNAL] Draft Environmental Assessment (EA) to Produce Batteries for Electric Cars

Hello Harry,

You request our concurrence with the information in the draft Environmental Assessment (EA) for Syensqo's project to construct a chemical manufacturing facility for the production of PVDF (a highly non-reactive thermoplastic) for use in electric vehicle (EV) batteries.

The U.S. Fish and Wildlife Service (Service) Information for Planning and Consultation (IPaC) report used to list what Endangered Species Act (Act) species may be present is dated November 7, 2023. The Service recommends that IPaC reports be updated after 90 days. A current IPaC report for the project area includes the tricolored bat (*Perimyotis subflavus*), a species proposed to be listed as endangered.

The project description includes 6 to 8-inch diameter pine trees on-site.

These may be suitable habitat for the tricolored bat to roost in. The tricolored bat does not currently have statutory protection under the Act. However, should the tricolored bat species be federally listed prior to the project being funded and/or tree clearing completed, recommended tree clearing restrictions should be followed. Those are no tree clearing during the summer non-volant pup season (young cannot fly) from May 1 through July 15, or the winter torpor (semi-hibernation) season from December 15 through February 15).

We recommend that this information be considered for the EA. The tricolored bat should be included in Table 18 - protected species potentially occurring on site. The potential for the bat to occur on site should be considered. Trees less than 3-inches diameter breast height or very dense trees and vegetation are not considered suitable for roosting.

Thank you for considering our comments.

Bill Wikoff fish & wildlife biologist

Georgia Ecological Services

U.S. Fish and Wildlife Service

355 E. Hancock Ave, Suite 320, Box 7

Athens, GA 30601

Email (preferred): GAES_Assistance@FWS.gov

Website: <https://www.fws.gov/office/georgia-ecological-services>

Project Planning & Review Guidance:

<https://www.fws.gov/office/georgia-ecological-services/project-planning-review>

Our mission is to work with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people.

Note: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

From: Taylor, Harry E. <Harry.Taylor@netl.doe.gov>

Sent: Tuesday, November 12, 2024 10:07 AM

To: GAES Assistance, FW4 <gaes_assistance@fws.gov>

Cc: Suderman, Keith <KSuderman@trccompanies.com>; McCray, Phillip <phillip.mccray@syensqo.com>

Subject: [EXTERNAL] Draft Environmental Assessment (EA) to Produce Batteries for Electric Cars

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

US Fish and Wildlife Service:

My name is Harry Taylor, with NETL/DOE. I am processing a Draft Environmental Assessment (EA) for Syensqo's Project to construct a chemical manufacturing facility for the production of PVDF (a highly non-reactive thermoplastic) for use in electric vehicle (EV) batteries. Syensqo is receiving a grant for this project through our Bipartisan Infrastructure Law(BIL). We have classified this project

as needing an EA. The draft is being sent to you for your concurrence. It is located in Augusta, Richmond County, GA. The project is located in an existing Industrial Park. This Draft EA does include the latest IPaC that was completed for this project.

If you have any questions, please reach out to me and I can help answer them.

Harry E Taylor, PE

NETL - Department of Energy –

National Environmental Policy Act (NEPA) Compliance Officer

3610 Collins Ferry Road, Building 26, Room 102, MS 107

Morgantown, West Virginia 26505

304.285.5091

Appendix C. Interim Action Memorandum of Understanding

August 16, 2023

Ines Stuckert
Project Manager
Solvay Specialty Polymers, LLC USA
4500 McGinnis Ferry Rd
Alpharetta, GA 30005-3914

RE: Interim Action(s) within the scope of an ongoing Environmental Assessment prior to issuance of a Finding of No Significant Impact (FONSI) for the Polyvinylidene Fluoride (PVDF) Production Plant Project

Dear Ines Stuckert:

In accordance with criteria established by the Council on Environmental Quality in its regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA)(40 CFR Parts 1500-1508), DOE's NEPA implementing regulations (10 CFR Part 1021), which rely on those criteria, and DOE Order 451.1B, *National Environmental Policy Act Compliance Program*, our office has reviewed the Environmental Questionnaire submitted and found it acceptable to proceed with the following project tasks from the enclosed Statement of Project Objectives:

Task Number	Task Title	Nature of Task Activities (<i>PM to succinctly describe the work proposed. E.g. desktop analysis, permitting, lab-scale R&D, etc.</i>)
0.0	Project Management and Planning	Develop and Maintain Project Management Plan (PMP)
0.1	Kick-off Meeting	Kick off meeting with DOE within 30 days of project initiation
0.2	Project Controls	Cost reporting/forecasting budget approved. Progress measurement for Engineering, Procurement, and Construction phases.
1.1	Front End Engineering and Design	Complete Heat and Material Balance for design. Finalize P&IDs for design. Complete basis of Design report. Complete all Engineering.
1.2	Risk Assessment	Develop/Issue Environment RA. Develop/Issue Process RA
1.3	Baseline Cost and Schedule Definition for Project Controls	Develop/Issue Capital Cost Estimate. Develop/Issue Project Schedule
1.4	Engineering and Design Execution	Conduct Design Reviews. Issue FEED. Design execution from GO status approval
1.5	Permitting Planning and Applications	Air/Discharge Permit. Construction Building Permit application

1.6	Critical Equipment Procurement	Critical Equipment bids issued. Bid awards for Critical Equipment
1.7	Early Site Preparation	Early phase cleaning and foundations demolition. Not Covered Under this Interim Action Memorandum

These tasks include administrative work, paper studies, analysis, permitting, planning, and laboratory-scale work at existing facilities. Any tasks or portions of tasks not noted above are not considered to be interim actions, and potential environmental impacts of these activities must be evaluated with the Environmental Assessment (EA) planned for this project. Construction, groundbreaking, land disturbances, or other related activities not noted above are not authorized under this interim action memorandum. Proceeding with any tasks not noted above prior to the issuance of a FONSI will put federal funding for this award at risk, and such costs may not be recognized as allowable cost share.

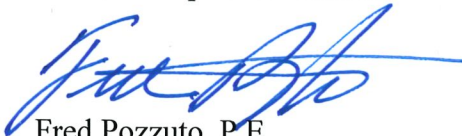
Although the tasks discussed in the above paragraph would take place prior to DOE's completion of the EA for the entire project (*wherein a more thorough and extensive review will be conducted*), DOE has determined that completing these tasks would not have an adverse environmental impact; nor would it limit the choice of reasonable alternatives for the project. It is therefore acceptable for you to proceed with these tasks.

The activities detailed within this interim action will need to be further documented and included in the upcoming EA. This interim action memorandum will be included as an Appendix in the upcoming EA and become part of the official record. Please contact Harry Taylor, NEPA Compliance Officer at 304.285.5091, or Fred Pozzuto at 304.285.5219 if you have questions concerning this interim action memorandum.

Sincerely,



Harry E. Taylor, P.E.
NEPA Compliance Officer



Fred Pozzuto, P.E.
Director, NETL NEPA Division

Enclosure: MS0000008 Solvay Specialty Polymers, LLC USA SOPO

cc: Michael Hines, MESC HQ
Hank Hinkle, MESC HQ
Angela Harshman, NETL

July 30, 2024

Ines Stuckert
Project Manager
Synesqo (formally Solvay Specialty Polymers, LLC USA)
4500 McGinnis Ferry Rd
Alpharetta, GA 30005-3914

RE: Interim Action(s) within the scope of an ongoing Environmental Assessment prior to issuance of a Finding of No Significant Impact (FONSI) for the Polyvinylidene Fluoride (PVDF) Production Plant Project

Dear Ines Stuckert:

In accordance with criteria established by the Council on Environmental Quality in its regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA)(40 CFR Parts 1500-1508), DOE's NEPA implementing regulations (10 CFR Part 1021), which rely on those criteria, and DOE Order 451.1B, *National Environmental Policy Act Compliance Program*, our office has reviewed the Environmental Questionnaire submitted and found it acceptable to proceed with these additional project tasks from the Statement of Project Objectives (SOPO):

Task Number	Task Title	Nature of Task Activities (<i>PM to succinctly describe the work proposed. E.g. desktop analysis, permitting, lab-scale R&D, etc.</i>)
2.1	Final Engineering & Design – Issued for Construction	Subtask 2.1.1 – Civil, Structural and Architectural IFC Drawings and Specifications Subtask 2.1.2 – Mechanical IFC Drawings and Specifications Subtask 2.1.3 – Electrical and Instrumentation IFC Drawings and Specifications Subtask 2.1.4 – Fire Protection IFC Drawings and Specifications
2.2	Balance of Plant Equipment Procurement	Subtask 2.2.1 – Balance of Plant (BOP) Equipment Procurement Subtask 2.2.2 – Electrical Gear Procurement Subtask 2.2.3 – Instrumentation and Controls System Procurement
2.3	Field Construction Contractor Procurement	Subtask 2.3.1 – Bid and Award Site Civil & Foundations Contract Subtask 2.3.2 – Bid and Award Structural Steel Installation and Equipment Setting Subtask 2.3.3 – Bid and Award Mechanical Piping Contract Subtask 2.3.4 – Bid and Award Electrical & Instrumentation Contract

These tasks include preparation of drawings and specifications, equipment procurement, and bidding contracts. Any tasks or portions of tasks not noted above (except for the tasks listed in the original Interim Action Memo dated 9.16.2023) are not considered to be interim actions, and potential environmental impacts of these activities must be evaluated with the Environmental Assessment (EA) planned for this project. As stated in the previous Interim Action Memo; Task 1.7 – Early Site Preparation: Subtask 1.7.1 – “Early Phase clearing and Foundations demolition The Recipient will initiate early phase cleaning and foundations demolition” is not authorized under this interim action memorandum. Construction, groundbreaking, land disturbances, or other related activities not noted above are not authorized under this interim action memorandum. Proceeding with any tasks not noted above prior to the issuance of a FONSI will put federal funding for this award at risk, and such costs may not be recognized as allowable cost share.

Although the tasks discussed in the above paragraph would take place prior to DOE’s completion of the EA for the entire project (*wherein a more thorough and extensive review will be conducted*), DOE has determined that completing these tasks would not have an adverse environmental impact; nor would it limit the choice of reasonable alternatives for the project. It is therefore acceptable for you to proceed with these tasks.

The activities detailed within this interim action will need to be further documented and included in the upcoming EA. This interim action memorandum will be included as an Appendix in the upcoming EA and become part of the official record. Please contact Harry Taylor, NEPA Compliance Officer at 304.285.5091, or Fred Pozzuto at 304.285.5219 if you have questions concerning this interim action memorandum.

Sincerely,



Harry E. Taylor, P.E.
NEPA Compliance Officer



Fred Pozzuto, P.E.
Director, NETL NEPA Division

Enclosure: MS0000008 Synesqo SOPO

cc: Michael Hines, MESC HQ
Sue Miltenberger, NETL, Contracting Officer
Angela Harshman, NETL
Phillip McCray, Disciplines Engineering Manager, Synesqo

Appendix D. Unanticipated Discovery Plan

Appendix D. Unanticipated Discovery Plan

Plan for the Unanticipated Discovery of Cultural Resources or Human Remains

1.0 Introduction

Solvay Specialty Polymers USA, LLC (a member of the Syensqo Group, “Syensqo” in this document) is presenting the following Plan for the Unanticipated Discovery of Cultural Resources or Human Remains (Plan) that may be found during construction of the Sarsaparilla Project. This Plan describes procedures to ensure that any potentially significant archaeological resources discovered during construction, including human remains, are dealt with in full compliance with applicable regulations. More specifically, this Plan describes procedures to:

- Ensure that any potentially significant archaeological resources discovered during construction, including human remains, are dealt with in full compliance with applicable regulations.
- The Plan is intended to be consistent with federal regulations at 36 CFR 800.11, Protection of Historic and Cultural Properties.
- The Plan is intended to be consistent with The Georgia *Abandoned Cemeteries and Burial Grounds Act* (§36-72-1 et seq.) which makes it a felony to destroy, damage, remove, or desecrate human remains, as well as to vandalize, destroy, deface, or otherwise damage graveyards, tombs, mausoleums, gravestones, memorial monuments, and markers. The law provides broad protection to white, Black, and Native American graves.
- In Georgia, accepted practice involves immediate notification of appropriate officials, and development of discovery-specific procedures in consultation with the Georgia Historic Preservation Department (SHPO), State and local police, and medical officials.
- Ensure that procedures and lines of communication with the appropriate agencies are clearly established prior to the start of construction. In this manner, any discoveries can be addressed in a timely manner with minimal impact to construction schedules as well as cultural resources.

2.0 Procedures for Unanticipated Discoveries

All construction personnel working on the Sarsaparilla Project will be instructed to initiate the following procedures in the event that unanticipated historic properties or human remains are encountered during construction.

Unanticipated discoveries that trigger initiation of the following procedures include:

- Prehistoric middens, lithic and ceramic artifacts;
- Human and animal bone;
- Historic artifacts, including glass, metal, and other items;
- Remnants of brick or rock walls of historic structures and improvements;

Part of the routine duties of construction personnel will involve examination of trenches, building excavations and/or spoil piles for evidence of artifacts or human remains. The following procedures will be initiated in the event of discovering unanticipated historical properties or human remains.

2.1 Unanticipated Cultural Resources

Construction contractor personnel involved in unanticipated discoveries of historic properties immediately must suspend activities that could affect the integrity of the discovery and must notify the Construction Manager. Notification includes information about the specific location of the construction area and the nature of the discovery. The Construction Manager involved in unanticipated discoveries of historic properties must immediately direct construction contractors to stabilize the area and suspend activities that could affect the integrity of the discovery.

If any artifacts or historic property remains are discovered in an area that was not previously cleared for construction, the Construction Manager will inform a designated Syensqo contact who will authorize a certified archaeologist to review the discovery. Any personnel with information on the discovery will discuss the location and nature of the discovery with the archaeologist. Visible barriers will be installed around the discovery area to protect it from disturbance until a decision is made.

A Project Archeologist will be given at least 3 days advance notice of ground-disturbing activities and will be on call to evaluate any potentially eligible resources inadvertently discovered during the construction process. If an archaeologist is not immediately available, and further work in the discovery is not imminent, then photographs or drawings of the discovery may be mailed, delivered or transmitted by facsimile to the archaeologist for review. Based on

the information provided, the archaeologist will determine if a visit to the area is required. If a visit is required, the archaeologist will be expected to be there within 36 hours after notification.

If on-site archaeological investigations are required, Syensqo will notify the construction contractor's Construction Manager. No work that could affect the discovery will be performed until the archaeologist reviews the discovery.

The archaeologist will determine, based on the artifacts or historic property remains discovered, and based on the cultural sensitivity of the area in general, whether the discovery is potentially significant, and whether it requires immediate notification to the Georgia SHPO and/or County Law Enforcement staff by telephone.

The archaeologist will consult and coordinate with the Georgia SHPO staff to propose procedures for treating and handling the discovery, and to clear the discovery area while minimizing impacts to the construction schedule, to the extent possible.

Suspended construction activities in the discovery area may not proceed until approval has been obtained from the Georgia SHPO staff as appropriate, following completion of the agreed discovery-specific procedures.

2.2 Human Remains

If any historic or prehistoric human remains are discovered, they will probably be discovered in excavations, below areas reached by any pre-construction archaeological investigations.

2.2.1 Guidance and Consultations

Treatment of historic or prehistoric human remains encountered during construction will be guided by:

- The policy statement adopted by the Advisory Council on Historic Preservation (Advisory Council);
- The Native American Graves Protection and Repatriation Act (NAGPRA); and
- The Georgia *Abandoned Cemeteries and Burial Grounds Act* (§36-72-1 et seq.).

Consultations should be undertaken with:

- The SHPO;
- Local police and officials; and

- Interested parties, including Native American groups identified by the SHPO.

The Advisory Council policy recommends that, to the extent allowed by law, treatment of human remains should adhere to the following principles:

- Human remains and grave goods (i.e., material intentionally interred with a human burial) should not be disinterred unless required in advance of some kind of disturbance, such as construction;
- Disinterment, when necessary, should be done carefully, respectfully, completely, by archaeologists, in accordance with proper archaeological methods;
- In general, human remains and grave goods should be reburied in consultation with the descendants of the dead;
- Prior to reburial, minimal, non-destructive studies of the human remains and grave goods should be performed, and pre-approved by the descendants; and
- Studies and reburial should occur according to a definite, agreed-upon schedule.

2.2.2 Discovery, Suspension of Work, Notifications, and Procedures

If any personnel on the Sarsaparilla Project construction site discover human remains, all construction work in the immediate vicinity that could affect the integrity of the discovery will be suspended. The Construction Manager will be informed immediately, and notified of the exact location of the remains, as well as the time of discovery. The Construction Manager will notify Syensqo, who will be held responsible for retaining the services of a qualified and certified archaeologist. Syensqo will be responsible for notifying the appropriate government agency officials and other parties listed in this Plan, within 24 hours of the discovery.

Human remains may be excavated, if approved, in consultation with the Georgia SHPO, State and County law enforcement (as applicable), Native Americans and other involved agencies and parties as appropriate. Excavation of the human remains will be pursuant to any agreement between Syensqo and the involved parties that specifies the excavation methods to be used and the data to be recovered.

Any discoveries made on weekends will be protected until all of the appropriate parties have been contacted.

If it is suspected that the human remains are recent, law enforcement officials will take over that part of the investigation. Following their initial examination, they will immediately notify the coroner as to where the site or remains are located..

Suspended construction activities in the discovery area may not proceed until approval has been obtained from the Georgia SHPO staff or Law Enforcement as appropriate, following completion of the agreed discovery-specific procedures.

2.2.3 Agency Notification Telephone Numbers and Addresses

If human remains are discovered, the Georgia SHPO staff, the State Police and the appropriate Police Department will be notified within 24 hours. Contact information for various parties is provided below.

Syensqo
Contact: Michael Ray
706-829-1567
email: michael.ray@syensqo.com

Georgia State Historic Preservation Office
Region 7 Representative
Contact: Tina Hutcheson
Telephone: (404) 679-4840
email: region7@dca.ga.gov

Richmond County Sheriff Office
Contact: TBD
Telephone: 911 or (706) 821-1000

Interested Tribal Parties
Muscogee (Creek) Nation
David Hill, Principal Chief
Muscogee (Creek) Nation
1007 East Eufaula Street
Okmulgee, OK 74447

Turner Hunt, THPO
Muscogee (Creek) Nation
P.O. Box 580

Okmulgee, OK 74447

Eastern Shawnee Tribe of Oklahoma

Glenna Wallace, Chief
Eastern Shawnee Tribe of Louisiana
127 West Oneida
Seneca, MO 64865

Paul Barton, THGPO/Director of Culture Preservation Programs/NAGPRA
Eastern Shawnee Tribe of Louisiana
70500 E. 128 Road
Wyandotte, OK 74370

Coushatta Tribe of Louisiana

Jonathon Cernek, Chairman
Coushatta Tribe of Louisiana
1940 C.C. Bel Road
Elton, LA 70532

Kristian Poncho, THPO
Coushatta Tribe of Louisiana
P.O. Box 10
Elton, LA 70532

Catawba Nation

By email:
Chief Bill Harris
bill.harris@catawbaindian.net

Dr. Wenonah Haire
wenonah.haire@catawba.com

Alabama Quassarte Tribal Town

Wilson Yargee, Chief
Alabama Quassarte Tribal Town
P.O. Box 187
Wetumka, OK 74883

Ben Yahola, THPO

Alabama Quassarte Tribal Town
P.O. Box 187
Wetumka, OK 74883

Appendix E. Utility Confirmation

Georgia Power Company
960 Key St.
Macon, Ga 31204

July 2, 2024

RE: Electric Service Availability for new Syensqo plant

Adrian,

Please accept this as our letter of service availability confirming that Georgia Power Company can have the necessary electrical infrastructure in place to serve the provided loads at the new Syensqo plant site adjacent to the existing Solvay plant located at 3702 Clanton Rd., Augusta, Ga. Should you have any questions, please don't hesitate to contact us.

We look forward to working with you.

Sincerely,



Austin Arnold
Project Manager
Email: abarnold@southernco.com



UTILITIES DEPARTMENT

Wes Byne, P.E.
Director

Steve Weathersbee
Project Manager-Infrastructure

LETTER OF WATER AND SEWER AVAILABILITY

June 13, 2024

Alain De Greef
Solvay Specialty Polymers LLC member Syensqo Group
3750 Clanton Road
Augusta Ga., 30906
Phone: (706)-790-3100

We have received your inquiry regarding water and sewer availability for a proposed site at 3750 Clanton Road in, Augusta, Ga.

According to the records found, Augusta has a 14" water line on Clanton Road and there is a private 8" sewer line on the property, which are available for your site. If you would like to have these or other utilities located for the Owner/Developer and their Contractor, you will need to use the "Call before you Dig Underground Utility Locate System" (811).

Please note that this is for informational purposes only and should be used to substantiate the availability of water and sanitary sewer, for the proposed site. This letter is good for 1 year from the above-mentioned date. If the project has not been approved and/or started by the above-mentioned date, then you will need to reapply for availability. If you have any other questions, please feel free to give us a call at (706)-312-4142.

Steve Weathersbee

Project Manager-Infrastructure
Augusta Engineering Division
452 Walker Street, Suite 200
Augusta, GA 30901

From: Corley, Carl <icorley@southernco.com>
Date: Fri, Aug 2, 2024 at 2:00 PM
Subject: RE: Augusta Natural Gas Distribution
To: Smolarek, Jack <jack.smolarek@syensqo.com>

Jack,

System Planning states under current conditions no system improvements would be needed for the 80mcfh added load for the existing plant and the 11mcfh for the proposed new plant.

Capacity Planning states under current conditions they could pick up the added daily loads for both facilities.

Analysis could potentially change between now and 2026.

Please keep in mind if the account stays with Interruptible Delivery there would be charges to potentially upgrade the service and meter to the existing plant and install a new service and meter to the new plant.

If the customer switches to Firm Delivery they would get Allowable Investment to go towards the cost of new gas facilities.

Thanks and have a great weekend.

Carl Corley

Atlanta Gas Light Company

(706)214-0858

icorley@southernco.com

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