

**23RD JUDICIAL DISTRICT COURT
PARISH OF ST. JAMES
STATE OF LOUISIANA**

<p>BEVERLY ALEXANDER; RISE ST. JAMES; INCLUSIVE LOUISIANA; and MOUNT TRIUMPH BAPTIST CHURCH by and through their members,</p> <p style="text-align: center;"><i>Petitioners,</i></p> <p style="text-align: center;">vs.</p> <p>ST. JAMES PARISH,</p> <p style="text-align: center;"><i>Defendants</i></p>	<p>NUMBER _____ DIV. _____</p>
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PETITION FOR JUDICIAL REVIEW

1. Petitioners Beverly Alexander, RISE St. James, Inclusive Louisiana, and Mount Triumph Baptist Church (collectively, “Petitioners”) respectfully appeal from the St. James Parish Council’s (“Council”) September 27, 2023, decision to approve Koch Methanol St. James, LLC’s (“Koch Methanol’s”) land use application to expand its industrial operations (“the proposed Project”) in District 5 of St. James Parish. The approval will allow Koch Methanol to substantially increase its permitted emissions of harmful air pollutants, and allow for expansion into an area zoned Wetlands.

INTRODUCTION

2. The St. James Parish Code of Ordinances (“Land Use Ordinance”), Article II, § 82-25(h), requires the Parish to consider “the physical and environmental impacts of the proposed use on the air, water, and land” as well as the public benefits. The Parish must pay “particular attention” to whether the “public benefits of the proposed use are *commensurate* with those impacts, and whether the environmental impacts may impair the ability of the parish to attract other beneficial development.” Art. II, § 82-25(h)(3) (emphasis added). This provision imposes a legal obligation on the Parish to protect its citizens by balancing the harms against the benefits of industrial development.

3. St. James Parish has permitted a high concentration of industrial development and concomitant hazardous air emissions in District 5. Based on data from the U.S. Environmental Protection Agency (EPA), residents within a 3-mile radius of Koch Methanol are in the 95th-100th percentile nationwide for cancer risk from exposure to toxic air pollution. Each industrial project that the Council approves in this district increases the environmental impacts and physical impacts on community health. The burden to demonstrate that the public benefits of a proposed industrial project are at least equivalent to these compounding impacts necessarily becomes greater with each new industrial project.

4. As the record shows, the Council failed in its legal obligation to weigh the environmental impacts against the public benefits of the proposed Project. Indeed, there is no evidence that the Council considered the factors required by the Land Use Ordinance before it approved the proposal.

5. The Council's comments at its September 27, 2023, meeting demonstrate that, rather than applying the factors in Article II, § 82-25(e) and (h), the Council's approval of Koch Methanol's application relied on considerations wholly outside of the mandated factors. The Council's decision to approve the proposed Project based on this flawed reasoning was outside the scope of its police powers.

6. The proposed Project will significantly increase permitted emissions of criteria pollutants: particulate matter (PM₁₀ and PM_{2.5}) and nitrogen oxides (NO_x) will increase by about 50%, and carbon monoxide (CO) and volatile organic compounds (VOCs) will approximately double. The proposed Project will also substantially increase the facility's permitted emissions of toxic heavy metals and expand the facility's footprint into adjacent wetlands outside of the industrial zone. Further, the project will transform the facility into a major source of air pollution under the Clean Air Act. Meanwhile, the proposed Project has the potential to create only two permanent jobs. In addition, Koch Methanol has applied for and received an industrial tax exemption (ITEP), providing the company with an 80% property tax abatement. As a result, any tax benefit that flows from this Project is significantly curtailed by the ITEP exemption.

7. Since passing the Land Use Ordinance in 2014, the Parish's governing bodies have used their police power to approve every industrial facility seeking to locate in the 5th

District that has come their way. Upon Petitioners' information and belief, those decisions have so far gone unchallenged in the Louisiana courts.

8. The Louisiana Constitution, Art. VI, §17 and La. Stat. Ann. § 33:107 both grant and limit the power of the Parish and its governing bodies to make land use decisions. The St. James Parish Land Use Ordinance itself imposes a check on the Parish to ensure that heavy industries like Koch Methanol do not operate to the detriment of Parish residents. The Parish is prohibited from operating outside the legal obligation imposed by the Land Use Ordinance. It must follow the procedures set forth in its own law, state statute, and the Louisiana Constitution. It failed to do this when it approved the proposed Project.

JURISDICTION AND VENUE

9. Jurisdiction is proper in this Court, and Beverly Alexander, RISE St. James, Inclusive Louisiana, and Mount Triumph Baptist Church have the right to bring this action pursuant to La. Const. Art. I §§2, 22, Art. V §16(A) and St. James Parish Ord. Ch. 82, Art. II, § 82-25(e).

10. Article II, § 82-25(e) of the Land Use Ordinance gives any aggrieved person the right to appeal the decision of the Council approving Koch Methanol's land use proposal within 30 days from the date of the decision. Petitioners are aggrieved by the decision of the Parish Council to permit the proposed Project in their community. Ms. Alexander and members of the Petitioner groups live in District 5 where the Koch Methanol facility is located and will be exposed to the air pollutants that the facility emits, including the increased emissions from the proposed Project.

11. The Council granted final approval of the Koch Methanol application at its September 27, 2023, meeting. This appeal is thus timely filed under Art. II, § 82-25(e) of the Land Use Ordinance.

12. Venue is proper pursuant to La. Code. Civ. P. Art. 42.

PARTIES

13. Petitioner BEVERLY ALEXANDER is a resident of St. James Parish's District 5.

14. Petitioner RISE ST. JAMES is a faith-based grassroots organization dedicated to environmental justice and ending the proliferation of petrochemical industries in St. James Parish. Its headquarters are in the 5th District of St. James, its leaders have lived in the 5th District all their lives, and many of its members live in the 4th and 5th Districts.

15. Petitioner INCLUSIVE LOUISIANA is non-profit, grassroots community advocacy organization with deep beliefs in the Christian faith, based in St. James Parish dedicated to protecting the residents of St. James Parish and neighboring parishes from environmental harm caused by industrial pollution. They have resided in St. James Parish all their lives and two of its founding members live on the fence line of chemical and steel plants in the Parish.

16. Petitioner MOUNT TRIUMPH BAPTIST CHURCH was founded in St. James Parish in 1904 by people who had been emancipated from slavery. Its pastor, Harry Joseph, sees the mission of the church congregation as being good servants and helping people in need, especially the sick. The church's property is located in the 5th District, and it is now surrounded by oil tank farms on both sides. Some of its congregants reside in St. James Parish in the 5th District.

17. Defendant ST JAMES PARISH ("Parish") is a local government subdivision of the State of Louisiana. As such, under the Louisiana Constitution of 1974 Art. VI § 17, it has authority and control over land use, zoning, and historic preservation in the Parish. The St. James Parish Council is the legislative body of the St. James Parish government and made the final decision to approve Koch Methanol's land use application.

PROCEDURAL HISTORY

18. Koch Methanol submitted a land use application to the St. James Parish Planning Commission on July 12, 2023, to expand operations at its methanol production facility to increase methanol production and install a pipeline to convey ethane to the facility.

19. On July 31, 2023, the Parish Planning Commission approved Koch Methanol St. James' land use proposal.

20. On August 30, 2023, Petitioners submitted an appeal of the Planning Commission's decision to the St. James Parish Council.

21. On September 27, 2023, the Parish Council met in regular session in the Council Chambers of the Parish Courthouse Annex in Vacherie, Louisiana and held a public hearing on Petitioners' appeal. At the conclusion of the hearing, St. James Parish Councilman Mason Bland of the 4th District offered a motion to reject the appeal. After a unanimous vote, the Council rejected Petitioners' appeal, approving Koch Methanol's land use application.

LEGAL FRAMEWORK

22. La. Const. Art. VI, § 17 confers the general authority for local governments to regulate land use providing in part:

Subject to uniform procedures established by law, a local governmental subdivision may (1) adopt regulations for land use, zoning, and historic preservation, which authority is declared to be a public purpose; (2) create commissions and districts to implement those regulations; (3) review decisions of any such commission; and (4) adopt standards for use, construction, demolition, and modification of areas and structures.

Pursuant to this authority, the Parish adopted the St. James Parish Land Use Plan ("Land Use Ordinance"), which delineates the allowable uses permitted in each section of the Parish. Land Use Ordinance, Art. II, § 82-25(a)(1).

23. The Parish governing bodies that make decisions about how land is used and developed are required to carry out their public duties in compliance with the land use plan. Art. II, § 82-25(b). Specifically, the descriptions accompanying the allowable use categories *shall* be interpreted by the Parish Planning Commission and the Parish Council to ensure that "physical development within each use is compatible with *and* beneficial to other uses in the same area." Art. II, § 82-25(c) (emphasis added). The Parish is bound to comply with the Land Use Plan to the "maximum extent allowable under law" "for the benefit of its citizens." Art. II, § 82-25(b).

24. The Land Use Ordinance requires that "[a]ny commercial or industrial development that requires a state or federal permit for air, water, solid waste, hazardous materials" shall not be issued a permit "until approved by the planning commission (or by the parish council on appeal)." Art. II, § 82-25(f).

25. The Land Use Ordinance provides: "Uses *not specifically listed as allowable* in a use category in subsection (c) of this section are prohibited *unless* the planning commission

considers the use in accordance with subsections (g), (h) and (i), *and* the parish council approves the use.” Art. II, § 82-25(e) (emphasis added).

26. The Land Use Ordinance mandates that “[t]he planning commission shall not recommend a use for approval, and the parish council shall not approve a use, under [subsection e] unless it makes affirmative findings that there is a compelling public benefit, that the use is compatible with surrounding uses and adverse impacts of the use are inconsequential; or that approval is required as a matter of constitutional imperative or other vested legal right superior to this section.” Art. II, § 82-25(e).

27. Wetlands are represented as a land use category under Art. II, § 82-25(c) but, unlike other uses intended for development, they are shown “for information only.”

28. According to the Land Use Plan, wetlands should be shielded from all development. Art. II, § 82-25(c). The only exception to this general principle is for “unique situations requiring a location in the water.” *Id.*

29. The Land Use Ordinance sets forth a procedure that imposes requirements on the Parish when deciding to approve a land use application within an allowable use for an industrial development that requires a state air permit. There are four elements the Council on appeal “shall consider”:

(1) Whether the impacts of the proposed use would be substantially different from the impacts of allowable uses for the districts. Such impacts may include, but are not limited to, air and water emissions, noise, lighting, traffic (road and rail), effect on property values, and neighborhood.

(2) The public benefits of the proposed use, such as job creation, expansion of the tax base, and enhancing the attractiveness of the parish for future development.

(3) The physical and environmental impacts of the proposed use on the air, water, and land, with particular attention to whether the public benefits of the proposed use are commensurate with those impacts, and whether the environmental impacts may impair the ability of the parish to attract other beneficial development.

(4) Vested property rights and other constitutional protections enjoyed by the proponent of the proposed use.

Art. II, §§82-25(h)(1)-(4).

BACKGROUND

St. James Parish & the Disproportionately Impacted Fifth District

30. The Koch Methanol site is located in the 5th District of St. James Parish, on the west bank of the Mississippi River. The facility's physical address is 6586 LA-3127, St. James, LA 70086.

31. Residents of St. James' 5th District have repeatedly raised concerns about the siting of industry in their community. In all cases, the Parish government refused to heed these concerns.

32. Today, as a result of unabated industrial development, the air pollutants in the 5th District make residents among the most at-risk in the country: according to a database maintained by the U.S. Environmental Protection Agency (EPA), the 5th District is in the 89th percentile statewide and the 95th to 100th percentile nationwide for cancer risk from exposure to toxic air pollution. The 5th District is in the 90th percentile statewide and the 95th to 100th percentile nationwide for respiratory hazards caused by exposure to toxic air pollution. With every industrial approval, the burden on these residents grows.

33. Petitioners, who live, work, and congregate in the 5th District, have been exposed to heightened levels of carcinogens and other harmful pollutants, and a dramatically increased risk of cancer and other diseases due to industrial siting in the 5th District.

Koch Methanol St. James Facility and Proposed Project

34. On July 12, 2023, Koch Methanol applied to the St. James Parish Planning Commission for land use approval for a new project that would expand its current operations in the Parish. That project, which would increase methanol production at the facility by 25%, from 4,950 to 6,200 metric tons per day of refined methanol, also requires an air permit from the Louisiana Department of Environmental Quality ("LDEQ").

35. The current Koch Methanol plant is on a site zoned Industrial but immediately abuts an area of the Parish designated as Residential Growth.

36. The proposed Project is not limited to areas zoned Industrial. A critical component of the proposed Project is the construction of a 1,000-foot ethane pipeline and access road that will extend into an area zoned Wetlands.

37. The proposed Project will significantly increase permitted emissions of nearly every single common pollutant for which the EPA sets health-based air quality standards, known

as “criteria pollutants.” Most notably, particulate matter (PM₁₀ and PM_{2.5}), and nitrogen oxide and dioxide (NO_x) would increase by about 50%, and carbon monoxide (CO) and volatile organic compounds (VOCs) would approximately double, as reflected in the table below. The facility’s estimated emissions of these criteria pollutants in tons per year, before and after construction of the proposed Project, are as follows:

Estimated emissions in tons per year are as follows:

Pollutant	Before Emissions:			After	Change
	Permit No. 2560-00295-V5	Permit No. 3169-V3	Total		
PM ₁₀	49.92	0.41	50.33	76.30	+25.97
PM _{2.5}	48.46	0.41	48.87	75.32	+26.45
SO ₂	4.65	0.04	4.69	6.16	+1.47
NO _x	87.29	9.57	96.86	152.84	+55.98
CO	92.57	3.96	96.53	181.46	+84.93
VOC	63.55	24.81	88.36	166.34	+77.98
CO _{2e} *	-	-	-	1,401,096	-

* Greenhouse gas emissions (CO_{2e}) were not required to be permitted previously. A facility CO_{2e} emissions total is provided for information only and does not constitute an emissions limit. Koch shall comply with a two-tier, facility-wide 12-month rolling average GHG intensity limit as BACT as described in the Preliminary Determination Summary and Specific Condition 8 of PSD Permit PSD-LA-851 and SR 424 of this Part 70 Air Operating Permit.

38. Petitioners presented evidence to the Council that Koch Methanol’s proposed Project will bring the Parish closer to nonattainment for nitrogen dioxide (NO₂). A designation of nonattainment means that a certain pollutant occurs at levels beyond the legal limit designated in the corresponding National Ambient Air Quality Standard (“NAAQS”), which are designed by the U.S. EPA to protect public health.

39. Petitioners also presented evidence to the Council that nonattainment in St. James Parish would have serious repercussions, not just for public health, but also by potentially necessitating expensive upgrades of existing facilities and prohibitive permitting requirements for new industrial projects.

40. Overall, the proposed Project will result in a 75% increase in criteria pollutants. The associated health impacts of increases in criteria pollutants, brought to the Council’s attention, are significant. PM₁₀ emissions—which are associated with respiratory disease and irritation of the eyes, nose and throat—will increase by 52%. PM_{2.5} emissions will increase by

54%. Those emissions are associated with respiratory disease, lung cancer, heart disease, and low birthweight. For NO, which will increase by 58%, chronic exposure can also lead to respiratory disease and irritation of the eyes, nose, and throat. Chronic exposure to CO emissions—which are due to increase a full 88%—can lead to heart disease and possible harm to developing fetuses.

41. The proposed Project will transform the Koch Methanol facility from a minor source into a major source of air pollution under the Clean Air Act.

42. Petitioners brought to the Council’s attention that the proposed Project will involve permitting the emission of several heavy metals not previously mentioned in prior Koch Methanol permits, such that its proposed Project will result in a 3,000% increase in the toxicity of Koch Methanol’s permitted emissions as a direct result of the inclusion of these heavy metals.

43. Inhalation of these metal emissions has well-established health impacts that collectively include lung cancer, leukemia, respiratory disease, brain and nerve damage, kidney damage, and birth defects, and are extremely toxic even in very small quantities. These metals include arsenic, barium, cadmium, chromium, cobalt, copper, manganese, mercury, nickel, and zinc.

44. Neither Koch Methanol, LDEQ, nor St. James Parish can measure whether residents are exposed to unsafe levels of these pollutants because there are no LDEQ air monitors for any of these pollutants in St. James Parish or within 15 miles of Koch Methanol’s facility.

45. The health impacts associated with these toxic heavy metals were not presented by Koch in its application, and, upon information and belief, were not mentioned to the Council when the Council approved the facility’s original construction in 2015.

46. Koch Methanol has not disclosed how much its actual emissions of these toxic metals will increase as a result of its proposed Project.

47. Petitioners presented evidence to the Council of Koch Methanol’s history of violations at the St. James facility. Since June 2021, Koch Methanol has exceeded the ammonia limits in its air permits at least six times. And in October 2022, Koch received a Warning Letter

from LDEQ indicating that an inspection report noted areas of concern regarding the company's air violations.

48. Koch did not provide the Council with its violation history or its incident reports.

49. Koch Methanol's permit exceedances for Nitrogen Oxide emissions, for which it obtained a variance from LDEQ, resulted in the company exceeding those permit limitations by more than 13 tons.

50. For Carbon Monoxide, Koch Methanol has exceeded its permit by almost 49 tons within the last two years.

51. With increased production, the proposed Project could contribute to more emissions exceedances. These emissions exceedances would further pollute the surrounding air and could in turn impact the health of the community.

Wetlands

52. The proposed Project will expand into land that has been zoned Wetlands.

53. Wetlands play a critical role in protecting communities like St. James Parish from flooding by serving a drainage function and holding water. They are a valuable resource for the Parish, which has been impacted by hurricanes and is prone to flooding even in normal rain conditions.

54. The proposed Project involves constructing and operating a pipeline that will transport highly flammable ethane gas in Wetlands. The impacted Wetlands system includes a river (Bayou Traverse) and the St. James Canal. To reach the Wetlands, the pipeline will cross underneath Highway 3127.

55. In the Parish Land Use Plan, Wetlands are explicitly not intended for development and are not zoned for the industrial construction proposed by the Koch Methanol project. There are no allowable uses in Wetlands because Wetlands are not a "land use" contemplated by the permitting process. In the Land Use Plan, Wetlands are "shown for information only" because they are not to meant to be occupied and do not have allowable uses that may be "permitted as a matter of course." Land Use Ordinance, Art. II, § 82-25(d).

56. Because any kind of development in Wetlands is a non-allowable use, the Parish Council was required to make "*affirmative findings* that there is a compelling public benefit, that

the use is compatible with surrounding uses and adverse impacts of the use are inconsequential . . .” to approve the Wetlands pipeline portion of the proposed Project. Land Use Ordinance, Art. II, § 82-25(e)(emphasis added).

57. The Parish did not make an affirmative finding for the Wetlands portion of the proposed Project that there is a compelling public benefit, it did not make an affirmative finding that the use is compatible with surrounding uses, and it did not make an affirmative finding that adverse impacts of the use are inconsequential.

58. There is no evidence in the record that there is a compelling public benefit to constructing and operating an ethane pipeline in Wetlands, that constructing and operating an ethane pipeline in Wetlands is compatible with surrounding uses, or that adverse impacts of constructing and operating an ethane pipeline in Wetlands are inconsequential.

59. Evidence in the record instead establishes that ethane is highly flammable and that the Parish has a serious ongoing issue about the lack of safe and reliable emergency evacuation routes in District 5.

60. The Council did not evaluate the explosion and fire risks to public welfare posed by the proposed Project’s ethane pipeline, including the risk to residents without a safe and reliable evacuation route.

61. There is no evidence in the record that the Parish assessed the costs associated with degrading the wetlands or the impacts to their ability to drain excess water from floods when approving the proposed Project.

62. Although “Wetlands” receives special protection under the Ordinances, the Parish approved the proposed Project based solely on Koch Methanol’s conclusion that the construction in Wetlands was “necessary.” The Parish did not inquire as to whether there were other options for the proposed construction that did not involve destruction of wetlands or the operation of a pipeline carrying an explosive chemical in a wetland environment.

63. No evidence in the record supports that Koch Methanol’s construction of an ethane pipeline in Wetlands was necessary. The evidence merely supports that the location was convenient for Koch Methanol.

64. The Council failed to evaluate whether the *public* benefits of the construction and operation of a 1,000-foot ethane pipeline and adjacent access road in an area designated as wetlands were commensurate with the environmental impacts.

Purported Public Benefits of the proposed Project

65. Koch Methanol introduced evidence that the proposed Project *may* create two permanent jobs and 400 temporary construction jobs.

66. Koch Methanol made no representations to the Council that jobs from its proposed Project would go to local residents.

67. 75 percent of Koch Methanol's current employee base is made up of non-Parish residents.

68. Petitioners presented evidence to the Council that when Koch Methanol applied for and received an Industrial Tax Exemption ("ITEP") for its current operations it estimated that it would produce 276 jobs but in fact produced only 113 jobs.

69. Petitioners presented evidence to the Council prior to the hearing that, in a job posting, Koch Methanol described its proposed Project in as an "*automation and optimization*" process. Koch Methanol provided no response to the Council regarding this information.

70. Koch Methanol applied for an Industrial Tax Exemption ("ITEP") in June 2023, received the ITEP from the Board of Commerce & Industry in August 2023, and from the Parish in October 2023. The ITEP exempts the company from paying \$741,596.40 in taxes to the Parish annually. In total, the ITEP program will likely provide for \$3,707,982.00 in tax exemptions of moneys otherwise owed to the Parish over the period of five years, with the opportunity to renew for an additional five years.

St. James Parish Council's Decision to Deny the Appeal

71. The Council relied on incomplete and misleading statements provided by Koch Methanol at the hearing in reaching its decision to approve the proposal. When asked by Councilman Bland whether the "expansion is in the footprint of an industrial zone facility," Mr. Wiggins responded, "[t]hat's correct." In fact, the pipeline construction for the proposed Project extends into territory zoned Wetlands.

72. Rather than weighing whether the public benefits of the project are commensurate with the environmental impacts when deciding whether to approve the Koch Methanol proposed Project, Councilman Cooper discussed a political balancing, stating “[i]f I could rubber stamp everything myself, there'd be a lot of changes, but I have to work with the council to get things approved so that we could have a majority vote to move forward.”

73. When speaking in support of the proposed Project, Councilman Bland illogically highlighted that the jobs created by the proposed Project were merely “estimate[s]” and that “nothing is promised, especially when it comes down to planning,” rather than demonstrating any evidence of consideration for the environmental impacts of the proposed Project, or of the balance between those impacts and the proposed Project’s benefits.

74. Councilman Bland acknowledged that the few jobs that could potentially be created by the proposed Project, but in no way were guaranteed, may not even be allocated to Parish residents.

75. When discussing Petitioners’ evidence of Koch Methanol permit violations during its current St. James operations, Councilman St. Pierre stated, “I’m not saying that’s not happening. I can’t honestly say it’s not happening. But I think they’re trying to do what they need to do to make sure it’s right. And if they need to fix something, then they need to fix it. They need, you can hold them accountable. . . You start hitting them hard. . . . If you went over a permit, you should be fined to max, whatever that max is, okay?”

76. There is no evidence in the record that any entity utilized such an enforcement mechanism to hold Koch Methanol “accountable” for permit violations at its St. James facility.

77. There is no evidence in the record that Koch Methanol is “trying to do what they need to do to make sure it’s right.”

78. Despite being presented with Koch Methanol’s history of violations, Councilman St. Pierre relayed his own prior industrial experience at a *different* facility to support his decision: “Yeah, I worked there for 37 years, retired there, okay? You do the right things, okay, the right things are going to happen. All right? Industry does the right thing.”

79. No evidence that Koch Methanol “does the right thing” exists in the record. Evidence in the record instead established that Koch Methanol violates its permit at the St. James facility and that the Koch parent company is a serial violator.

80. Rather than focus on the application before him and the specifics of the Koch Methanol proposed Project, Councilman Nash stated: “This is not just in reference to Koch Methanol. This is industry as a whole. If we continue to fight against industry every time industry comes to St. James Parish, then there won't be a St. James Parish.”

81. Rather than addressing the EPA evidence of increased cancer risk to residents near Koch Methanol from industrial air pollution, Councilman St. Pierre asked, “[a]nybody looked at New Jersey? . . . I have friends of mine . . . that lived on the boondocks and caught cancer. There's no chemicals out there. It's the way you eat, the way you exercise, what you smoke, what you drink, there's a lot of things that contribute to cancer. I'm not saying this is not happening because of industry. I'm not going there. I'm saying there's a lot of contributors besides industry.”

ASSIGNMENTS OF ERROR

82. The Parish violated Art. II, § 82-25(h)(3) of the Land Use Ordinance and acted arbitrarily and capriciously when it did not apply the mandated factors of the Land Use Ordinance to the Koch Methanol land use proposal in reaching its decision to approve the proposed Project.

83. The Parish violated Art. II, § 82-25(h)(3) of the Land Use Ordinance and acted arbitrarily and capriciously by not adequately considering the physical and environmental impacts of the Koch Methanol land use proposal before approving the proposed Project.

84. The Parish violated Art. II, § 82-25(h)(3) of the Land Use Ordinance and acted arbitrarily and capriciously when it failed to consider whether the public benefits of the Koch Methanol Land Use proposal are commensurate with its impacts before approving the proposed Project.

85. The Parish violated Art. II, § 82-25(h)(3) of the Land Use Ordinance and acted arbitrarily and capriciously when it failed to consider whether the environmental impacts of the

Koch Methanol land use proposal may impair the ability of the Parish to attract other beneficial development before approving the proposed Project.

86. The Parish violated the Land Use Ordinance and acted arbitrarily and capriciously when it relied on political considerations, irrelevant facts, and extra-legal reasoning that bore no relationship to Koch Methanol's land use proposal or to the consideration of factors mandated by the Ordinance to approve the proposed Project.

87. The Parish violated the Land Use Ordinance and acted arbitrarily and capriciously by approving the proposed Project in reliance on inaccurate information provided by Koch Methanol's application and presentation even after being put on notice that the information was inaccurate.

88. The Parish violated Art. II, § 82-25(h)(3) of the Land Use Ordinance and acted arbitrarily and capriciously when it failed to consider how the construction of a pipeline carrying flammable and environmentally toxic gas through a wetland environment will impact the surrounding land and water before approving the proposed Project.

89. The Parish violated Art. II, § 82-25(c) of the Land Use Ordinance when it approved the proposed Project without considering whether intrusion into the Wetlands zone constituted a "unique" situation under the Land Use Ordinance.

90. The Parish violated Art. II, § 82-25(e) of the Land Use Ordinance and acted arbitrary and capriciously when it approved the proposed Project and its Wetlands component without making the affirmative findings that there is a compelling public benefit, that the use is compatible with surrounding uses, and that adverse impacts of the use are inconsequential.

91. The Parish acted arbitrarily in approving the proposed Project by disregarding evidence or the proper weight thereof.

92. The Parish acted capriciously by approving the proposed Project with no substantial evidence to support it and contrary to substantiated competent evidence.

DESIGNATION OF RECORD FOR APPEAL

93. Petitioners designate the following as the record on appeal in this matter: the entire public record before the Parish Council for the Appeal of the Planning Commission's approval of Koch Methanol's proposed Project, Item No. 23-25, including: a) Petitioners'

August 30, 2023 Appeal, including Exhibits 1-7; b) Koch Methanol's September 22, 2023, revised Land Use Permit application; c) Petitioners' September 26, 2023, Supplement to the Appeal, including Exhibits A-D; d) the Parish Council's September 27, 2023, Final Agenda Packet; e) the Parish Council's Minutes of the September 27, 2023, Council Meeting; f) the Parish Council's audiotape of the September 27, 2023, hearing on the Koch Methanol Land Use Appeal, including public comment and Council discussion; g) the attached Transcript of the September 27, 2023, Koch Methanol Appeal proceedings, prepared for the Petitioners; and h) videorecordings of the September 27, 2023, Koch Methanol Land Use Appeal proceedings.

RELIEF REQUESTED

WHEREFORE, Petitioners respectfully request that this Court:

- a. Reverse the September 27, 2023 decision of the Council granting Koch Methanol's land use application for its proposed Project;
- b. Remand the matter to the Council for additional consideration under Art II, §82-25 of the Land Use Ordinance;
- c. Stay the effectiveness of the Koch Methanol St. James land use approval pending final resolution of this appeal;
- d. Issue injunctive relief vacating the Parish's approval of Koch Methanol's land use application; and
- e. Award all other relief that this Court finds equitable.

Respectfully submitted October 27, 2023 by:

/s/ Charlotte Phillips
Charlotte Phillips, Student Attorney

/s/ Andrea Wright
Andrea Wright, Student Attorney

Tulane Environmental Law Clinic
Counsel for Ms. Beverly Alexander

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Counsel for Inclusive Louisiana and Mt.

Triumph Baptist Church

**SUPERVISING ATTORNEY'S INTRODUCTION OF STUDENT ATTORNEYS AND
NOTICE OF APPROVAL OF STUDENT APPEARANCE**

Undersigned counsel respectfully introduces student attorneys Charlotte Phillips and Andrea Wright to this Court pursuant to Rule XX. As the student attorneys' supervising attorney, I approve of the student attorneys' appearance in this case on behalf of Ms. Beverly Alexander only. Written consent of Ms. Alexander to an appearance by a student attorney on her behalf is submitted with this pleading.

Respectfully submitted October 27, 2023.

TULANE ENVIRONMENTAL LAW CLINIC

/s/ Clara Potter

Clara J. Potter, SBN: 38377

**23RD JUDICIAL DISTRICT COURT
PARISH OF ST. JAMES
STATE OF LOUISIANA**

<p>BEVERLY ALEXANDER; RISE ST. JAMES, INCLUSIVE LOUISIANA, and MOUNT TRIUMPH BAPTIST CHURCH by and through their members,</p> <p style="text-align: center;"><i>Petitioners,</i></p> <p style="text-align: center;">vs.</p> <p>ST. JAMES PARISH,</p> <p style="text-align: center;"><i>Defendants</i></p>	<p>NUMBER _____ DIV. _____</p>
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ORDER

The Court received the Petition for Judicial Review appealing the September 27, 2023, St. James Parish final action approving the Land Use Application of Koch Methanol that Beverly Alexander, RISE St. James, Inclusive Louisiana, and the Mt. Triumph Baptist Church filed with this Court on October 27, 2023.

The record designated by Beverly Alexander, RISE St. James, Inclusive Louisiana, and the Mt. Triumph Baptist Church shall be compiled and forwarded to the 23rd Judicial District Court, and the appeal shall be returnable to the 23rd Judicial District Court on or before the _____ day of _____, 2023.

Convent, Louisiana, this _____ day of _____, 2023.

DISTRICT JUDGE
NINETEENTH JUDICIAL DISTRICT COURT

Sheriff Please Serve:

Pete Dufresne, President
St. James Parish
5800 Highway 44, Second Floor
Convent, Louisiana 70723