

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

BEVERLY ALEXANDER, et al.

DOCKET NO. 41903

v.

ST. JAMES PARISH, et al.

DIVISION "B"

**ST. JAMES PARISH'S RESPONSE TO PETITIONERS'
PETITION FOR JUDICIAL REVIEW**

Respondent, St. James Parish (the "Parish") provides this response to the Petition for Judicial Review filed by Petitioners, Beverly Alexander, et al.

This proceeding deals with the Parish's land use ordinance approval of improvements proposed by Koch Methanol St. James, LLC ("Koch") at its plant on the west bank of St. James Parish. Koch's plant was formerly known as Yuhuang Chemical Industries, or YCI. The proposal involves an optimization project that would boost the plant's production capability of the plant within its existing footprint, a new 8" supply pipeline that would connect with a nearby existing ethane pipeline, and a backup oxygen supply system to improve the reliability of the production process.

The project is located in an area designated in the Parish's land use plan for industrial development. In July 2023, Koch submitted an application covering the described improvements to the St. James Parish Planning Commission (the "Application"). The planning commission considered the Application and approved it (with conditions), at the commission's July 31, 2023 meeting. That approval was granted under Code of Ordinances § 82-25(f). Petitioners appealed that approval to the St. James Parish Council, which denied the appeal, thereby sustaining the planning commission's approval of the Application. Dissatisfied with the parish council's denial, Petitioners filed this proceeding.

Because of the complexity of the petition, and for the convenience of the Court in considering these responses, the Parish repeats each numbered paragraph in the petition, and provides its responses opposite each paragraph in the tabular format below.

Petitioners' Allegation	Parish's Response
<p>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.</p>	<p>This introductory Paragraph #1 does not require a response by the Parish. However, the Parish denies Petitioners' allegation that emissions would "substantially increase." The Parish also denies the implication that approval would "allow for expansion" into wetlands, which incorrectly suggests that industrial process facilities would intrude into wetlands when in reality, the only component that would be located in wetlands would be a short run of underground 8" ethane pipe.</p> <p>The Parish further cautions that Petitioners' use of the term "zoned" is improper in that the land use ordinance implicated here is not a zoning ordinance, even though it bears some similarities to customary zoning ordinances, and selected jurisprudence interpreting zoning law provides judicial guidance for evaluating the Parish's land use ordinance.</p>
INTRODUCTION	
<p>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 <i>commensurate</i> 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.</p>	<p>The Parish admits that Paragraph #2 is a substantially accurate rendition of the cited ordinance, but denies any implication that the Parish did not balance the harms against the benefits of industrial development in approving the Application.</p>
<p>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.</p>	<p>The Parish denies Paragraph #3. By way of explanation but not in limitation of this denial, the EPA "data" cited is not actually data but is instead a theoretical risk calculation, combined with socio-economic indicators rather than a measure of actual risk. Petitioners' use of the term "toxic air pollution" is misleading in that not all air pollution is toxic, nor do all environmental impacts have a physical impact on community health. Further, the Parish denies any implication in Paragraph #3 that the Parish improperly considered impacts.</p>

Petitioners' Allegation	Parish's Response
<p>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.</p>	<p>The Parish denies Paragraph #4.</p>
<p>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.</p>	<p>The Parish denies Paragraph #5. More specifically, but not in limitation of this denial, the Parish denies that § 82-25(e) applies. Instead, the approval of the Application was considered under § 82-25(f).</p>
<p>6. The proposed Project will significantly increase permitted emissions of criteria pollutants: particulate matter (PM10 and PM2.s) and nitrogen oxides (NOx) 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.</p>	<p>The Parish denies Paragraph #6. Without limiting this denial, the Parish particularly denies Petitioners' characterization that the project would "significantly" increase emissions. The emissions involved are moderate in comparison to other industrial projects historically considered under the land use ordinance, and are commensurate with the type of development proposed under the Application. The Parish further notes that air emissions are regulated by the Louisiana Department of Environmental Quality ("LDEQ"), not the Parish.</p>
<p>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.</p>	<p>The Parish denies Paragraph #7. The term "power to approve" is a misnomer. The ordinance affords the Parish the power to <i>restrict</i>, and since the land use ordinance was enacted in 2014, the Parish has used the power to restrict (and on occasion, to deny) every industrial proposal in the 5th District that has come before it.</p>

Petitioners' Allegation	Parish's Response
<p>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.</p>	<p>The Parish denies Paragraph #8 regarding its allegation that the Parish failed in its obligations under constitutional, statutory, and ordinance authorities. The general statement of law in Paragraph #8 does not require a response from the Parish, but the Parish acknowledges it as a generality.</p>
JURISDICTION AND VENUE	
<p>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).</p>	<p>The Parish admits Paragraph #9, except to deny that ordinance § 82-25(e) applies. Instead, the Application at issue here falls under the purview of § 82-25(f), and the criteria for approving land use applications under § 82-25(f) are different from (and less restrictive) than those under § 82-25(e). The rationale for the difference is that when an industrial project locates in an area designated for industry, it should be evaluated under the less restrictive criteria in § 82-25(f), but when locating in an area reserved for other uses (such as residential), the approval criteria are more strict. The overall result is that the land use ordinance encourages development where it should be located and discourages development where it should not be.</p>
<p>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.</p>	<p>The Parish denies Paragraph #10's implication that § 82-25(e) applies here. Instead, § 82-25(f) applies. The Parish denies Ms. Alexander's exposure for lack of sufficient information to justify otherwise.</p>
<p>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.</p>	<p>The Parish denies Paragraph #11's implication that § 82-25(e) applies here. Instead, § 82-25(f) applies. The Parish admits that at its September 27, 2023 meeting, the Council denied the appeal of the planning commission's approval rather than approved the Application. The Parish admits that petitioners' appeal is timely.</p>
<p>12. Venue is proper pursuant to La. Code. Civ. P. Art. 42.</p>	<p>The Parish admits Paragraph #12.</p>

Petitioners' Allegation	Parish's Response
PARTIES	
<p>13. Petitioner BEVERLY ALEXANDER is a resident of St. James Parish's District 5.</p>	<p>Paragraph #13 does not require a response by the Parish, but to the extent a response is required, the Parish denies this paragraph for lack of sufficient information to respond otherwise.</p>
<p>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.</p>	<p>Paragraph #14 does not require a response by the Parish, but to the extent a response is required, the Parish denies this paragraph for lack of sufficient information to respond otherwise.</p>
<p>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.</p>	<p>Paragraph #13 does not require a response by the Parish, but to the extent a response is required, the Parish denies this paragraph for lack of sufficient information to respond otherwise.</p>
<p>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.</p>	<p>Paragraph #13 does not require a response by the Parish, but to the extent a response is required, the Parish denies this paragraph for lack of sufficient information to respond otherwise. The Parish acknowledges the long-term presence of Mount Triumph Baptist Church in St. James Parish, and acknowledges its mission and contributions to the community, and acknowledges Pastor Joseph's role in carrying out the mission of his church.</p>
<p>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.</p>	<p>The Parish admits Paragraph #17, except the final clause of the paragraph, which asserts that the St. James Parish Council "made the final decision to approve Koch Methanol's land use application." The council merely denied the appeal of the decision to approve the Application, which decision was made by the planning commission.</p>

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.	The Parish denies Paragraph #18 because it does not accurately describe the Application. In addition to the description asserted by the petitioners, the Application also included reliability improvements in the form of a backup oxygen supply that would reduce disruptive process interruptions and the flaring that results from those disruptions, thus mitigating adverse impacts.
19. On July 31, 2023, the Parish Planning Commission approved Koch Methanol St. James' land use proposal.	The Parish admits Paragraph #19.
20. On August 30, 2023, Petitioners submitted an appeal of the Planning Commission's decision to the St. James Parish Council.	The Parish admits Paragraph #20.
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.	The Parish admits Paragraph #21, except its characterization as approving Koch Methanol's land use application. That approval was rendered by the planning commission. The council merely denied the appeal.
LEGAL FRAMEWORK	
<p>22. La. Const. Art. VI, § 17 confers the general authority for local governments to regulate land use providing in part:</p> <p style="padding-left: 40px;">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.</p> <p>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).</p>	The Parish admits Paragraph #22 as a general description of applicable law, but notes the delineation of allowable uses permitted in each section of the Parish is more accurately described in land use ordinance § 82-25(c)

<p>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 <i>shall</i> be interpreted by the Parish Planning Commission and the Parish Council to ensure that “physical development within each use is compatible with <i>and</i> 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).</p>	<p>The Parish admits Paragraph #23 as a general description of applicable law, but denies any implication that the Parish did not comply with it.</p>
<p>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).</p>	<p>The Parish admits Paragraph #24 as a general description of applicable law, but denies any implication that the Parish did not comply with it.</p>
<p>25. The Land Use Ordinance provides: “Uses <i>not specifically listed as allowable</i> in a use category in subsection (c) of this section are prohibited <i>unless</i> the planning commission considers the use in accordance with subsections (g), (h) and (i), <i>and</i> the parish council approves the use.” Art. II, § 82-25(e) (emphasis added).</p>	<p>The Parish admits Paragraph #25 as a general description of the ordinance provision cited, but denies the implication that § 82-25(e) applies here. Instead, the applicable provision is § 82-25(f)</p>
<p>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).</p>	<p>The Parish admits Paragraph #26 as a general description of the ordinance provision cited, but denies the implication that § 82-25(e) applies here. Instead, the applicable provision is § 82-25(f)</p>
<p>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.”</p>	<p>The Parish admits that Paragraph #27 is a generally accurate statement of the cited provision of Parish ordinances.</p>
<p>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.” <i>Id.</i></p>	<p>The Parish admits that Paragraph #27 is a generally accurate statement of the cited provision of Parish ordinances.</p>

<p>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”:</p> <ul style="list-style-type: none"> (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. <p>Art. II, §§82-25(h)(1)-(4).</p>	<p>The Parish admits that Paragraph #29 is a generally accurate statement of the cited provision of Parish ordinances.</p>
<p>BACKGROUND</p>	
<p><i>St. James Parish & the Disproportionately Impacted Fifth District</i></p>	
<p>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.</p>	<p>The Parish admits Paragraph #30, except to note that the site is a large parcel of land to which multiple addresses may apply.</p>
<p>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.</p>	<p>The Parish denies Paragraph #31. By way of explanation and not in limitation of this denial, the Parish affirmatively states that the Parish has heard Petitioners’ concerns, as well as the concerns and opinions of others, and has considered those concerns in making land use decisions. The fact that petitioners disagree with the Parish’s ultimate decisions does not mean that the Parish has refused to heed them where appropriate.</p>

<p>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.</p>	<p>The Parish denies Paragraph #32. By way of explanation but not in limitation of this denial, the EPA “database” cited is not actually data but is instead a theoretical calculation of risk, combined with socio-economic indicators and not a measure of actual risk. Petitioners’ use of the term “toxic air pollution” is misleading in that not all air pollution is toxic. Further, the Parish denies any implication in Paragraph #32 that the Parish improperly considered impacts.</p>
<p>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.</p>	<p>The Parish denies Paragraph #33. By way of explanation, but not in limitation of this denial, the Parish denies the Paragraph #33’s implication of a cause-and-effect relationship between the decision at issue and heightened levels of carcinogens or pollutants, and deny such a relationship with increased risk of cancer and other diseases,</p>
<p><i>Koch Methanol St. James Facility and Proposed Project</i></p>	
<p>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”).</p>	<p>The Parish admits Paragraph #34, with the caveat that the production rates are estimates.</p>
<p>35. The current Koch Methanol plant is on a site zoned Industrial but immediately abuts an area of the Parish designated as Residential Growth.</p>	<p>The Parish admits Paragraph #35, except to deny the characterization that the property is “zoned.” The land use ordinance implicated here is not a zoning ordinance, even though it bears some similarities to customary zoning ordinances, and selected jurisprudence interpreting zoning law provides judicial guidance for evaluating the Parish’s land use ordinance.</p>
<p>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.</p>	<p>The Parish admits Paragraph #36, except as to the use of the term “zoned.”</p>

<p>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 PM2.s), and nitrogen oxide and dioxide (NOx) 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: [tabular material omitted]</p>	<p>The Parish denies Paragraph #37, particularly with respect to characterizing emission increases as significant, and conflating permitted emissions with actual emissions.</p>
<p>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.</p>	<p>The Parish admits Paragraph #38 only to the extent that the petitioners stated to the council that the proposed project would bring the Parish closer to nonattainment for nitrogen dioxide. The Parish denies any implication in Paragraph #38 that the project would violate National Ambient Air Quality Standards, and affirmatively states that the information presented in connection with the Application shows clearly that such standards would be satisfied.</p>
<p>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.</p>	<p>The Parish denies Paragraph #39 as written, but acknowledges that the Parish does not intend to reach a nonattainment status.</p>
<p>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%. PM2.s 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.</p>	<p>The Parish denies Paragraph #40 as written because it implies a cause-and-effect relationship between the approval of the Application and the maladies described in Paragraph #40. The Parish further asserts that the land use process is not an air emission regulatory system, which is the responsibility of LDEQ. The Parish’s approval of the Application mandates compliance with all LDEQ requirements as a condition of approval. On information and belief, LDEQ has issued the requisite air permits for the proposed work covered by the Application.</p>
<p>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.</p>	<p>The Parish denies Paragraph #41 because it implies significant growth in the air emissions resulting from the approval of the application when, in fact, the difference is minimal overall impacts to the Parish.</p>

<p>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.</p>	<p>The Parish admits Paragraph #42 only to the extent that petitioners made statements about heavy metals. The Parish otherwise denies Paragraph #42 as a sensationalize exaggeration of the heavy metal emissions that may result from the approval of the Application. The regulatory baseline from which the exaggerated 3,000% increase is calculated is trivial because when the original air permit was issued, heavy metals were not tracked. Consequently, the asserted 3,000% increase gives a false impression because it is calculated from a trivial baseline. In contrast, heavy metals will be tracked under the newly issued permit. Accordingly, Paragraph #42 is misleading, and is therefore denied except as expressly admitted above.</p>
<p>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.</p>	<p>The Parish denies Paragraph #43 to the extent that it implies that approval of the Application will have the health effects identified in Paragraph 43. The Parish acknowledges that inhaled heavy metals can cause health impacts, if inhaled in sufficient concentrations and quantities, and over a sufficient duration. But the Parish denies that the approval of the Application will result in such concentrations, quantities, or duration.</p>
<p>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.</p>	<p>The Parish denies Paragraph #44 for lack of sufficient information to respond otherwise. The Parish notes that projects are underway to increase the monitoring of air quality in St. James Parish, and that monitoring activities are the responsibility of LDEQ.</p>
<p>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.</p>	<p>The Parish denies Paragraph #45 to the extent that it implies that heavy metals are a realistic issue in the consideration of the land use aspects of Koch Methanol’s current facility, or of the facility’s original construction in 2015.</p>
<p>46. Koch Methanol has not disclosed how much its actual emissions of these toxic metals will increase as a result of its proposed Project.</p>	<p>The Parish denies Paragraph #46 for lack of sufficient information to respond otherwise. The Parish notes that air emissions are regulated by LDEQ, not by the Parish, and that consideration of heavy metal emissions is an appropriate aspect of the consideration by LDEQ of Koch Methanol’s air permit application. On information and belief, LDEQ has issued all required air permits for the facilities covered by the Application.</p>

<p>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.</p>	<p>The Parish admits Paragraph #47, but denies any implication that the Parish should have denied the Application based on the history noted.</p>
<p>48. Koch did not provide the Council with its violation history or its incident reports.</p>	<p>With respect to Paragraph #48, the Parish admits that a violation history was not included with the Application, but denies any implication that the Parish should have denied the Application based on the absence of such history.</p>
<p>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.</p>	<p>The Parish denies Paragraph #49 for lack of sufficient information to respond otherwise.</p>
<p>50. For Carbon Monoxide, Koch Methanol has exceeded its permit by almost 49 tons within the last two years.</p>	<p>The Parish denies Paragraph #50 for lack of sufficient information to respond otherwise.</p>
<p>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.</p>	<p>The Parish denies Paragraph #51 for lack of sufficient information to respond otherwise. The Parish further notes that Paragraph #51 is speculation, and is contrary to the findings of LDEQ, which is responsible for regulating air emissions.</p>
<p><i>Wetlands</i></p>	
<p>52. The proposed Project will expand into land that has been zoned Wetlands.</p>	<p>The Parish denies Paragraph #52 because it mischaracterizes the Application. The facility site will not “expand” into the wetlands in the sense that industrial production facilities will be constructed in the wetlands. Rather, only an 8” ethane pipeline will cross wetlands to connect with an existing ethane pipeline that is already located in the wetlands.</p>
<p>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.</p>	<p>The Parish admits Paragraph #53, but denies any implication that the Parish failed to consider the value of wetlands and the minimal impact on wetlands in its consideration of the Application.</p>
<p>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.</p>	<p>The Parish admits Paragraph #54, but denies any implication that the Parish failed to consider the value of wetlands and the minimal impact on wetlands in its consideration of the Application.</p>

<p>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).</p>	<p>The Parish denies Paragraph #55. Unique situations requiring a location in the wetlands are allowable under the Parish’s land use ordinance. In approving the application, the planning commission expressly considered the issue and determined that the 8” ethane pipeline connection is an allowable land use in the wetlands under the circumstances presented in the Application because the existing pipeline to which the 8” connection is to be made is, itself, located in wetlands. The planning commission’s determination is reasonable.</p>
<p>56. Because any kind of development in Wetlands is a non-allowable use, the Parish Council was required to make “<i>affirmative findings</i> 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).</p>	<p>The Parish denies Paragraph #56, and more specifically denies that § 82-25(e) applies to the Application.</p>
<p>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.</p>	<p>With respect to Paragraph #57, the Parish admits that it did not make an affirmative finding regarding the 8” ethane pipeline in the wetlands, but denies that such a finding is required.</p>
<p>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.</p>	<p>The Parish denies Paragraph #58, and denies that evidence noted in Paragraph #58 is required in connection with the Application review process.</p>
<p>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.</p>	<p>The Parish denies Paragraph #59 as written. While ethane is flammable and more emergency evacuation routes are desirable, neither of these points merits denial of the Application. The approval of the Application does not increase the risk from an ethane pipeline that is already in the ground (except for the de minimis, time limited risk attendant to the act of making a connection to the existing pipeline, nor does the approval affect the availability of emergency evacuation routes. The parish also notes that the location of the ethane pipeline connection is remote from populated areas, which mitigates the already de minimis risk.</p>

<p>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.</p>	<p>The Parish denies Paragraph #60.</p>
<p>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.</p>	<p>The Parish denies Paragraph #61 and its implication that wetlands would be degraded in the manner described. The Parish also notes that one of the conditions of the Application’s approval is that construction in the wetlands is subject to any permits required under the St. James Parish Code of Ordinances, Chapter 18, Article V, Coastal Zone Resource Management Program. The coastal use permit system – which is integrated with Louisiana’s wetlands regulatory regime administered by the Department of Natural Resources, Office of Coastal Management – is the appropriate process by which wetlands impacts are evaluated.</p>
<p>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.</p>	<p>The Parish denies Paragraph #62.</p>
<p>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.</p>	<p>The Parish denies Paragraph #63.</p>
<p>64. The Council failed to evaluate whether the <i>public</i> 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.</p>	<p>The Parish denies Paragraph #64. By way of explanation and not in limitation of this denial, the land use ordinance does not require parsing out individual components of a project, such as an 8” pipeline, and evaluating whether the impacts of that individual component are commensurate with the public benefits of that component.</p>
<p><i>Purported Public Benefits of the Proposed Project</i></p>	
<p>65. Koch Methanol introduced evidence that the proposed Project <i>may</i> create two permanent jobs and 400 temporary construction jobs.</p>	<p>The Parish admits Paragraph #65, but denies the implied skepticism about job creation.</p>
<p>66. Koch Methanol made no representations to the Council that jobs from its proposed Project would go to local residents.</p>	<p>The Parish admits Paragraph #66, but denies the implication that there is any requirement for jobs to go to local residents.</p>

<p>67. 75 percent of Koch Methanol’s current employee base is made up of non-Parish residents.</p>	<p>The Parish denies Paragraph #67 as written. On information and belief, the Parish understands that Koch’s workforce is composed of St. James Parish residents and nonresidents.</p>
<p>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.</p>	<p>The Parish admits Paragraph #68 as a general proposition, but notes that the job numbers are a snapshot in time and do not necessarily represent the long term.</p>
<p>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.</p>	<p>The Parish admits Paragraph #68 only to the extent that Petitioners spoke about a job posting. The Parish denies any implication that the job posting is relevant, or that a response from Koch Methanol was required.</p>
<p>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.</p>	<p>With respect to Paragraph #70, the Parish admits that Koch Methanol applied for an ITEP, and that the Parish approved it. The Parish denies the implication that such approval results in a loss of tax revenue and thereby a diminution of the benefits expected from an approval of the Application. In reality the project will result in a net gain in taxes, even before considering the tax revenue to be produced by the sales and use taxes that would benefit the Parish as a consequence of the Application’s approval. Additionally, the Parish’s experience with capital intensive industries such as Koch is that they remain in the Parish over the long term, and continue to produce economic benefits for the Parish for many decades after the maximum 10-year property tax exemption expires.</p>
<p><i>St. James Parish, Council’s Decision to Deny the Appeal</i></p>	
<p>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.</p>	<p>The Parish denies Paragraph #71.</p>

<p>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.”</p>	<p>The Parish denies Paragraph #72 as written. The Parish admits the Councilmember Cooper made the remarks quoted (or remarks substantially similar), but asserts that the remarks reflect the multi-faceted considerations that go in making decisions such as the approval at issue in this proceeding.</p>
<p>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.</p>	<p>The Parish denies Paragraph #72 as written. The Parish admits the Councilmember Bland made the remarks quoted (or remarks substantially similar), but asserts that the remarks reflect the multi-faceted considerations that go in making decisions such as the approval at issue in this proceeding.</p>
<p>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.</p>	<p>The Parish admits Paragraph #74.</p>
<p>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?”</p>	<p>With respect to Paragraph #75, the Parish admits the Councilmember St. Pierre made the remarks quoted (or remarks substantially similar), but asserts that the remarks reflect the multi-faceted considerations that go in making decisions such as the approval at issue in this proceeding, and the Parish denies any implication that the remarks were inappropriate or that they undermine the lawfulness of the Application’s approval.</p>
<p>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.</p>	<p>The Parish denies Paragraph #76. Air permitting enforcement is the responsibility of LDEQ, and the Application’s approval is conditioned on compliance with LDEQ requirements.</p>
<p>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.”</p>	<p>The Parish denies Paragraph #77.</p>
<p>78. Despite being presented with Koch Methanol’s history of violations, Councilman St. Pierre relayed his own prior industrial experience at a <i>different</i> 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.”</p>	<p>With respect to Paragraph #78, the Parish admits the Councilmember St. Pierre made the remarks quoted (or remarks substantially similar), but asserts that the remarks reflect the multi-faceted considerations that go in making decisions such as the approval at issue in this proceeding, and the Parish denies any implication that the remarks were inappropriate or that they undermine the lawfulness of the Application’s approval.</p>

<p>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.</p>	<p>The Parish denies Paragraph #79.</p>
<p>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.”</p>	<p>With respect to Paragraph #80, the Parish admits the Councilmember Nash made the remarks quoted (or remarks substantially similar), but asserts that the remarks reflect the multi-faceted considerations that go in making decisions such as the approval at issue in this proceeding, and the Parish denies any implication that the remarks were inappropriate or undermine the lawfulness of the Application’s approval.</p>
<p>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.”</p>	<p>With respect to Paragraph #81, the Parish admits the Councilmember St. Pierre made the remarks quoted (or remarks substantially similar), but asserts that the remarks reflect the multi-faceted considerations that go in making decisions such as the approval at issue in this proceeding, and the Parish denies any implication that the remarks were inappropriate or that they undermine the lawfulness of the Application’s approval.</p>
<p>ASSIGNMENTS OF ERROR</p>	
<p>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.</p>	<p>The Parish denies Paragraph #82.</p>
<p>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.</p>	<p>The Parish denies Paragraph #83.</p>
<p>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.</p>	<p>The Parish denies Paragraph #84.</p>

<p>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.</p>	<p>The Parish denies Paragraph #85.</p>
<p>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.</p>	<p>The Parish denies Paragraph #86.</p>
<p>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.</p>	<p>The Parish denies Paragraph #87.</p>
<p>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.</p>	<p>The Parish denies Paragraph #88.</p>
<p>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.</p>	<p>The Parish denies Paragraph #89.</p>
<p>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.</p>	<p>The Parish denies Paragraph #90. Without limiting this denial, the Parish states that § 82-25(e) does not apply to the Application, and that § 82-25(f) is the governing provision.</p>
<p>91. The Parish acted arbitrarily in approving the proposed Project by disregarding evidence or the proper weight thereof.</p>	<p>The Parish denies Paragraph #91.</p>
<p>92. The Parish acted capriciously by approving the proposed Project with no substantial evidence to support it and contrary to substantiated competent evidence.</p>	<p>The Parish denies Paragraph #92.</p>

DESIGNATION OF RECORD FOR APPEAL	
<p>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.</p>	<p>In response to Paragraph #93, the Parish agrees to the components of the record designated by Petitioners, subject to:</p> <ul style="list-style-type: none"> a. Review and verification by the Parish of the transcript and videorecordings of the September 27, 2023 council meeting proffered by the Petitioners. b. The additional materials identified by the Parish later in this response.
RELIEF REQUESTED	
<p>WHEREFORE, Petitioners respectfully request that this Court:</p> <ul style="list-style-type: none"> 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. 	<p>The Parish denies that Petitioners are entitled to the relief requested.</p>

In addition to the foregoing paragraph-by-paragraph responses, the Parish asserts the following in response to the Petition for Judicial Review.

A. The Application proposes exactly the type of development that the land use ordinance and the Parish’s comprehensive plan encourages as a matter of public policy. It represents an industrial use in an area designated for industrial development. Because the industrial facilities would be developed within the footprint of the existing Koch plant, and

because the 8” ethane pipeline connection is a fundamentally minor component of the Application, the work depicted in the Application has minimal external land use impact, and has significant long-term benefits for the Parish.

B. The July 31, 2023 decision of the St. James Parish Planning Commission to approve the Application was reasonable and proper, and the St. James Parish Council’s decision to deny the appeal of that decision was correct.

C. The Parish urges the court to order that the record on appeal shall consist of the following materials requested by petitioners, with the additions indicated at the request of the Parish, and such other additions as may come to light as this action proceeds. The Parish notes that the volume of these materials could be substantially reduced by agreement among the parties to eliminate materials that do not bear directly on the Application’s approval (such as voluminous Material Data Safety Sheets and the like).

#	Item	Proffered By
1.	Petitioners’ August 30, 2023 Appeal, including Exhibits 1-7	Petitioners
2.	Koch Methanol’s September 22, 2023, revised Land Use Permit application	Petitioners
3.	Petitioners’ September 26, 2023, Supplement to the Appeal, including Exhibits A-D	Petitioners
4.	Parish Council’s September 27, 2023, Final Agenda Packet	Petitioners
5.	Parish Council’s Minutes of the September 27, 2023, Council Meeting	Petitioners
6.	Parish Council’s audiotape of the September 27, 2023, hearing on the Koch Methanol Land Use Appeal, including public comment and Council discussion	Petitioners
7.	Transcript of the September 27, 2023, Koch Methanol Appeal proceedings, prepared for the Petitioners (subject to review and verification by the Parish)	Petitioners
8.	Videorecordings of the September 27, 2023, Koch Methanol Land Use Appeal proceedings prepared by or for the Petitioners (subject to review and verification by the Parish)	Petitioners
9.	Original Application submitted by Koch Methanol	Parish
10.	July 31, 2023 presentation by Koch Methanol to the St. James Parish Planning Commission	Parish
11.	Minutes of the July 31, 2023 meeting of the St. James Parish Planning Commission.	Parish
12.	September 27, 2023 presentation by Koch Methanol to the St. James Parish Council	Parish

D. The Parish further requests the Court to set a reasonable return date to complete the record, set a briefing schedule for this judicial review, conduct a hearing, and render a decision affirming the decision of the planning commission to approve the Application.

Respectfully submitted, this the 21st day of December 2023.



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Certificate of Service

I certify that I served a true and correct copy of the foregoing on the following counsel of record at the addressed stated below by email on this the 21st day of December, 2023:

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