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Louisiana Department of Environmental Quality

Via email to heather.alexander@la.gov, deq.publicnotices@la.gov

Comments on Hyundai-POSCO Title V Permit and PSD Permit Application, Agency Interest No. 248885

Please accept Sierra Club's 5th set of comments on Hyundai's permit application. Sierra Club submits this comment to describe the failures in Hyundai-POSCO Louisiana Steel LLC's public trust analysis and detail what LDEQ must address in a robust public trust analysis before issuing a permit. These comments address what LDEQ must consider in its alternative-sites and alternative-projects analyses, socio-economic balancing and public subsidies, toxic mercury emissions and public health risks, and water demand/risks of saltwater intrusion. Specifically,

- LDEQ must evaluate whether alternative locations could better support the project. Hyundai's application considers several alternative locations that are, like Ascension Parish, already overburdened with toxic pollution, and too similar to permit a meaningful comparison. It also rejects other locations without explanation.
- LDEQ must conduct a robust comparison of feasible alternatives and mitigation measures including electrification, green hydrogen, and toxic dust control measures.
- LDEQ's public trust duty requires a concrete, record-based answer to the central economic question: will the people who bear the environmental costs receive the economic benefits? LDEQ should also consider how Hyundai's public subsidies and

- tax arrangements reduce, delay, or eliminate the benefits that officials claim will flow to the community. LDEQ must also compare the alleged economic benefits to the economic costs of missed work and school days, increased hospitalizations and other public health harms of increased pollution.
- The proposed steel mill will emit 357.33 pounds of mercury and mercury compounds per year. Because even low levels of mercury can cause lifelong health impacts, the agency must require a rigorous, site-specific analysis of mercury deposition, wetland methylation, fish-consumption risk, cumulative toxic impacts, and feasible alternatives or pollution controls that would reduce this toxic load.
 - Finally, LDEQ lacks pivotal technical details for assessing the facility's long-term impact on local water infrastructure and the acceleration of regional saltwater intrusion. LDEQ must closely scrutinize and disclose the risk of permanent contamination of local drinking-water supplies.

As explained in detail in Sierra Club's July 19, 2026 comments (4th comments), the Louisiana Constitution article IX, § 1 establishes the public trust doctrine, which mandates that "[t]he natural resources of the state, including air and water," be "protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people," and directs the legislature to "enact laws to implement this policy." Before LDEQ grants approval for any proposed action affecting the environment, including an air permit, LDEQ must determine that adverse environmental impacts have been minimized or avoided as much as possible consistent with the public welfare.¹ *Save Ourselves, Inc. v. Louisiana Environmental*

¹ *Save Ourselves, Inc. v. Louisiana Environmental Control Commission*, 452 So. 2d 1152, 1157 (La. 1984) ("*Save Ourselves*").

Control Commission describes this obligation as a “rule of reasonableness” requiring a balancing process in which environmental costs and benefits receive “full and careful consideration along with economic, social and other factors.”² The court recognized that environmental costs may outweigh economic and social benefits in some circumstances, while in others they may not.³

Louisiana courts have translated *Save Ourselves* into the “IT Questions,” which require LDEQ’s written findings and reasons for decision to address: (1) whether the potential and real adverse environmental effects of the proposed project have been avoided to the maximum extent possible; (2) whether the cost-benefit analysis demonstrates that the project’s social and economic benefits outweigh its environmental-impact costs; and (3) whether alternative projects, alternative sites, or mitigating measures would offer more protection to the environment without unduly curtailing non-environmental benefits.⁴

LDEQ is mandated to act as a public trustee, ensuring that environmental costs and benefits are fully balanced against economic and social factors before any permit is issued. The application materials submitted for the Hyundai facility thus far demonstrate that the current permit application falls far short of satisfying these constitutional obligations in multiple areas.

I. LDEQ Must Rigorously and Fairly Conduct an Alternative-Sites and Alternative-Projects Analysis

The public trust duty requires LDEQ to conduct a rigorous balancing process that gives full and careful consideration to less-damaging alternatives (among other things).⁵ LDEQ must

² *Id.*

³ *Id.*

⁴ *In re Shintech, Inc.*, 2000-1984 (La. App. 1st Cir. 2/15/02), 814 So. 2d 20, 25, writ denied, 815 So. 2d 845; *In re Rubicon, Inc.*, 95-0108 (La. App. 1st Cir. 2/14/96), 670 So. 2d 475, 483.

⁵ See also *In re Browning-Ferris Indus. Petit Bois Landfill*, 1993-2050 (La. App. 1 Cir. 6/23/95), 657 So. 2d 633, 639.

consider whether alternate projects, alternate sites, or mitigation measures would protect the environment more effectively than the proposed project without unduly curtailing non-environmental benefits.⁶ LDEQ must make basic findings supported by the evidence, make ultimate findings that flow from those basic findings, and articulate a rational connection between the facts found and the order issued.⁷

a. LDEQ Cannot Treat the Ascension Parish Site as a Foregone Conclusion

The alternative sites analysis is central to LDEQ’s review of the proposed Hyundai facility. Because the facility is proposed to be located near communities already overburdened by industrial pollution, LDEQ must account for those cumulative environmental and public-health impacts in the alternative site balancing process required by *Save Ourselves*.⁸ LDEQ and the applicant therefore must do more than identify a preferred site; they must show that they considered reasonable alternatives in good faith and selected a site that minimizes or avoids potential and real adverse environmental effects as much as possible.

Public records and official announcements raise serious questions about whether Hyundai and the State selected the Modeste site in Ascension Parish before Hyundai submitted its air-permit application and before LDEQ completed any meaningful environmental justice or alternative site review. In March 2025, Governor Jeff Landry and Louisiana Economic Development announced Hyundai’s \$5.8 billion investment for a “first-of-its-kind” facility at the RiverPlex MegaPark.⁹ That announcement was followed by public reports describing a site-

⁶ *In re Rubicon, Inc.*, 95-0108 (La. App. 1 Cir. 2/14/96), 670 So. 2d 475, 482.

⁷ *Save Ourselves*, 452 So. 2d at 1157, 1159.

⁸ *See Save Ourselves*, 452 So. 2d at 1157 (requiring a “balancing process in which environmental costs and benefits must be given full and careful consideration along with economic, social and other factors” before LDEQ makes a permit decision).

⁹ “*Louisiana Wins Again*,” *Governor Jeff Landry & LED Secure \$5.8 Billion Hyundai Steel Mill* (Mar. 24, 2025), <https://www.opportunitylouisiana.gov/news/louisiana-wins-again-governor-jeff-landry-led-secure-5-8-billion-hyundai-steel-plant>, (*attached as Exhibit 1*).

specific package that included a \$1-per-year lease of state-owned land and substantial state-funded infrastructure. By the time LDEQ received the Hyundai application at the end of 2025, the record suggests that the Ascension Parish site had already become the location around which the state’s economic-development commitments were structured.¹⁰

The State’s early-2026 celebration of the Hyundai project as the “Platinum Deal of the Year” reinforces that concern.¹¹ The recognition emphasized the statewide effort to secure the Ascension Parish location and celebrated the project’s commitment to the RiverPlex MegaPark. LDEQ’s obligation to conduct a transparent, evidence-based alternatives analysis is especially important in light of these facts, which raise substantial questions about whether LDEQ can give full and fair consideration to alternative sites. Under the public trust doctrine, an alternative-site analysis cannot function as a procedural checklist completed after the applicant and state officials have effectively committed to a location. If the Hyundai Ascension Parish site was selected, funded, and publicly promoted before evaluating alternatives—particularly alternatives that EJSscreen data suggests may carry lower cumulative environmental burdens—LDEQ must explain why the selected site still represents the least-damaging feasible option. Without that explanation, LDEQ cannot fulfill its constitutional role as public trustee. LDEQ cannot simply adopt a site decision that other state actors had already promoted, funded, and celebrated unless

¹⁰ WBRZ Staff, *Lawsuit alleges Louisiana's deal with incoming Hyundai Steel plant broke state law*, WBRZ (Apr. 2, 2026), <https://www.wbrz.com/news/lawsuit-alleges-louisiana-s-deal-with-incoming-hyundai-steel-plant-broke-state-law-186249/>, (attached as Exhibit 2).

¹¹ Misty Taillon, *Hyundai Steel Project in Ascension Parish Wins Business Facilities 2025 ‘Deal of the Year’ Platinum Award*, Ascension Parish Economic Development Corp. (Jan. 5, 2026), <https://ascensionedc.com/hyundai-steel-project-in-ascension-parish-wins-business-facilities-2025-deal-of-the-year-platinum-award/#:~:text=Ascension%20Economic%20Development%20Corporation%20proudly,given%20by%20Business%20Facilities%20magazine>, (attached as Exhibit 3).

the record independently shows that the site minimizes environmental harm in light of feasible alternatives.

b. Hyundai's Alternate Sites Analysis Does Not Support a Meaningful Comparison

LDEQ must undertake a thorough balancing process that minimizes environmental costs consistent with public welfare. The record does not show that Hyundai's selection of the Ascension Parish location followed a comprehensive comparison with meaningfully distinct alternatives. Nor does the record explain why the project's asserted site needs—such as river access, rail access, highway access, parcel size, workforce availability, electrical capacity, gas supply, and proximity to customers or suppliers—could not be satisfied, or satisfied with reasonable mitigation, at a site with lower cumulative environmental burdens.

The record indicates that Hyundai initially identified five alternative properties and considered eight site-selection factors.¹² Hyundai narrowed its proposed sites by considering deepwater access, site acreage, locations outside of the Coastal Zone, zoning, and public lands, environmentally sensitive or protected areas, congested residential or commercial areas, and the presence of environmental justice factors when identifying alternative site locations for the proposed Steel Mill.¹³ LDEQ should not accept Hyundai's narrowing of those sites unless the application identifies which factors were essential, explains how each factor was weighted, and shows why a lower-impact site could not meet the project's legitimate operational requirements. Accepting Hyundai's conclusory comparison would not satisfy the public trust duty, especially

¹² Hyundai Steel Louisiana, LLC, Initial Title V Permit and PSD Permit Application, AI No. 248885, (Dec. 23, 2025), at pdf 141-142, [hereinafter "Application"], *available at* <https://edms.deq.louisiana.gov/app/doc/view?doc=15036873>.

¹³ Application at pdf 141.

where state economic-development commitments appear to have focused on the Ascension Parish property before the alternatives review was complete.

Hyundai's application considers alternative locations that are too similar to permit a meaningful public trust comparison. Three alternatives are in already overburdened St. James Parish, and two are in Caddo Parish.¹⁴ The five-mile EJScreen analyses for the St. James Parish alternatives show materially similar cumulative-burden concerns: elevated air-toxics indicators, particulate-matter indicators, proximity-to-facility indicators, and higher minority and low-income populations.¹⁵ Those similarities matter because LDEQ must determine whether an alternative site would reduce actual environmental and public-health harms, not merely whether it would shift the same harms to a nearby industrial corridor.

The Shreveport/Caddo Parish alternatives appear to present a more meaningful alternative because they have lower air-toxics cancer risk, lower respiratory hazard indicators, and fewer cumulative industrial-burden indicators than the Ascension/St. James cluster.¹⁶ However it is not clear why Hyundai rejected those alternatives. If Hyundai rejected those alternatives for operational reasons, the application should identify those reasons with specificity. For example, if factors like deepwater access, river frontage, rail configuration, grid capacity, gas supply, or parcel assemblage is necessary, and some sites have those factors and

¹⁴ Application at pdf 141-145.

¹⁵ *Id.*

¹⁶ EJScreen Community Report, Summary of Analysis (Jul. 16, 2026), *available at* <https://ejamapi-84652557241.us-central1.run.app/report?lon=-93.634527&lat=32.370724&buffer=5>, (*attached as Exhibit 4*); EJScreen Community Report, Summary of Analysis (Jul. 16, 2026), *available at* <https://ejamapi-84652557241.us-central1.run.app/report?lon=-90.699348&lat=29.976052&buffer=5>, (*attached as Exhibit 5*); EJScreen Community Report, Summary of Analysis (Jul. 16, 2026), *available at* <https://ejamapi-84652557241.us-central1.run.app/report?lon=-90.8323&lat=29.986&buffer=5>, (*attached as Exhibit 6*); EJScreen Community Report, Summary of Analysis (Jul. 16, 2026), *available at* <https://ejamapi-84652557241.us-central1.run.app/report?lon=-90.79366&lat=30.026072&buffer=5>, (*attached as Exhibit 7*).

others do not, Hyundai should support its claims with record evidence and explain whether infrastructure improvements or mitigation could make a lower-burden site feasible. LDEQ cannot satisfy *Save Ourselves* by accepting unsupported assertions that the preferred site is “best” without evidence-based analysis that tests those assertions against less harmful alternatives.

LDEQ also should evaluate whether alternative locations could better support cleaner project configurations. A site that can best accommodate additional electrification, renewable-power procurement, transmission upgrades, hydrogen-ready infrastructure, or other low-emission design features may reduce the project’s public-health and climate impacts. Conversely, approving a gas-heavy configuration in an already burdened community without comparing sites that could better support cleaner technologies would fall short of the public trust requirement to avoid or minimize harm as much as possible.

c. LDEQ Must Conduct a Meaningful Alternatives Analysis

Under the public trust doctrine, as well as the Clean Air Act, LDEQ must evaluate alternatives that could materially reduce the facility’s environmental footprint. As outlined in Sierra Club’s previous comments submitted on the Hyundai application, LDEQ must consider further electrification of project components and evaluate the use of green hydrogen instead of fracked gas to fuel its operations.¹⁷ LDEQ must also consider the best available methods to control toxic fugitive dust, which includes enclosing and covering major dust sources like outdoor storage piles, truck loads, and slag crushing operations, alongside standard industry practices such as paving roads, enforcing a 5 mph truck speed limit, and installing wheel-wash

¹⁷ Sierra Club Comments on Hyundai Steel Louisiana, LLC Title V Permit and PSD Permit Application, Agency Interest No. 248885, (May 4, 2026), Document ID: 15196730, *available at* <https://edms.deq.louisiana.gov/app/doc/view?doc=15196730>.

stations.¹⁸ LDEQ cannot satisfy the public trust doctrine by focusing only on end-of-pipe controls if feasible alternatives would avoid or substantially reduce emissions in the first place.

Hyundai describes the project as an “ultra-low carbon” mill, yet the record does not explain whether Hyundai evaluated electrified options for the DRI plant, pickling lines, reheating furnaces, ladle preheaters, boilers, and related process units. Expert analysis from Dr. Elizabeth Boatman demonstrates that electrified units, such as electric ladle preheaters or electric hot rolling mills, could reduce the facility’s greenhouse gas emissions by over 764,000 tons per year—a nearly 40% reduction from the proposed limit.¹⁹ Under the public trust doctrine, these “green steel” processes represent a viable alternative that Hyundai and LDEQ must evaluate to determine if the proposed gas-heavy project is truly the least damaging path for the public welfare. LDEQ should require Hyundai to explain the technical feasibility, cost, emissions benefits, grid implications (if any) of each alternative rather than dismissing them in conclusory terms.

Hyundai’s application fails to include the best available methods for controlling toxic dust, which can blow off uncovered trucks and storage piles, and have severe health impacts on workers and the neighboring community, which violates both Clean Air Act and the public trust. Hyundai’s proposal fails to consider or include covers for storage piles, crushing operations, or transport trucks that are transporting materials likely to become airborne, even though Hyundai’s own application appendices show these methods are employed at other facilities. Hyundai

¹⁸ Sierra Club Comments on Hyundai Steel Louisiana, LLC Title V Permit and PSD Permit Application, Agency Interest No. 248885 (May 21, 2026), Document ID: 15219805, *available at* <https://edms.deq.louisiana.gov/app/doc/view?doc=15219805>.

¹⁹ Sierra Club Comments on Hyundai Steel Louisiana, LLC Title V Permit and PSD Permit Application, Agency Interest No. 248885 (May 4, 2026), Document ID: 15196730, *available at* <https://edms.deq.louisiana.gov/app/doc/view?doc=15196730>.

proposes to store iron ore, scrap and slag “outdoors in large stockpiles.”²⁰ The application does not even quantify or evaluate controls for the toxic dust that blows off the trucks, as well as other dust-producing activities like slag crushing and screening, dumping/loading of carbon charge (coke) and lime, and the Electric Arc Furnace (EAF) dust. Without enclosures and covers, the wind will inevitably carry toxic dust into the lungs of Hyundai’s workers and neighbors, causing severe health impacts. LDEQ must require Hyundai to enclose and cover these sources.

The public trust doctrine requires LDEQ to protect environmental quality, public health, and the state’s natural resources for present and future generations. Electrified technologies and lower-emission alternatives like green hydrogen, and toxic dust control methods would reduce combustion-related pollutants, including NOx, SO2, particulate matter, greenhouse gases, and associated worker and community exposures. If Hyundai rejects those options, the record must show why, and LDEQ must independently verify. Without a robust comparison of feasible alternatives, LDEQ cannot determine whether the proposed gas-heavy design represents the least-damaging path consistent with the project’s asserted benefits under the public trust.

II. In its Economic Analysis, LDEQ Must Consider Hyundai’s public subsidies and tax breaks, and not consider job benefits without enforceable local job commitments

Hyundai and LDEQ have not shown that the Hyundai steel project will provide real, enforceable economic benefits to the local communities that will bear the project’s environmental burdens. LDEQ may not treat broad promises of jobs, investment, or future tax revenue as automatic public benefits. Under Louisiana’s public trust doctrine, LDEQ must give

²⁰ Application at 3-57 (pdf 87).

“full and careful consideration”²¹ of each factor, weigh the project’s adverse environmental effects, the costs those effects impose on the *local* public, the claimed social and economic benefits, and less harmful alternatives before issuing the permit.²²

LDEQ’s public trust duty requires a concrete, record-based answer to the central economic question: will the people who bear the environmental costs receive the economic benefits? It is not sufficient for LDEQ to answer that question through unsupported assumptions. Before LDEQ credits Hyundai’s job and tax claims, it must require Hyundai to provide enforceable commitments and project-specific evidence. Without this information, LDEQ cannot lawfully conclude that the project’s claimed social and economic benefits outweigh its environmental costs. The permit record would instead show a project that asks local residents to bear concentrated pollution and infrastructure burdens while Hyundai receives public subsidies and profit. LDEQ should deny the permit, or at minimum withhold approval unless Hyundai makes binding commitments that directly address these local economic harms and allow LDEQ to complete a lawful public trust analysis.

a. LDEQ must include local economic considerations in the public trust analysis.

Louisiana law requires LDEQ to give full and careful consideration to environmental costs and benefits alongside economic, social, and other factors.²³ Louisiana’s public trust doctrine requires that LDEQ must address the potential and real adverse environmental effects of the proposed activity. This includes a cost-benefit analysis that balances environmental impact costs against the activity’s social and economic benefits and demonstrate that the latter

²¹ *Save Ourselves, Inc.*, 452 So. 2d at 1157.

²² La. Const. art. IX, § 1; La. R.S. 30:2018(B); *Save Ourselves*, 452 So. 2d at 1157-58.

²³ *Save Ourselves*, 452 So. 2d at 1157.

outweighs the former. These requirements mean that LDEQ must scrutinize Hyundai's local economic claims, not simply repeat them. If the benefits do not flow to the communities that will experience the pollution, traffic, industrial disruption, and health risks, LDEQ cannot count those benefits as a sufficient offset to the project's local environmental costs.

b. Hyundai's job promises do not prove local economic benefits.

State officials have described the Hyundai project as a nearly \$6 billion steel mill on approximately 1,700 acres in Donaldsonville, anchoring the RiverPlex MegaPark on the West Bank of the Mississippi River. Louisiana Economic Development states that Hyundai expects to create more than 1,300 direct jobs with an average salary of \$95,000, and estimates about 4,100 indirect jobs in the Capital Region.²⁴ Those numbers do not answer the key local question: who will actually get those jobs? The permit record and public announcements do not guarantee that Ascension Parish residents, West Bank residents, or residents of nearby historically Black communities will receive the permanent, well-paid positions. LDEQ must determine who will receive those jobs, where those workers will live, if any barriers will prevent nearby residents from obtaining the better-paid positions, and whether Hyundai has made binding commitments to hire and train residents from the communities closest to the facility.

The record should not assume that nearby residents will receive the promised economic benefits. A 2025 study led by Tulane Environmental Law Clinic researchers found that people of color remain consistently underrepresented in the highest-paying petrochemical jobs and

²⁴ Louisiana Economic Development, "Louisiana Wins Again," Governor Jeff Landry & LED Secure \$5.8 Billion Hyundai Steel Mill (Mar. 24, 2025), <https://www.opportunitylouisiana.gov/news/louisiana-wins-again-governor-jeff-landry-led-secure-5-8-billion-hyundai-steel-plant>, (*attached as Exhibit 1*).

overrepresented in the lowest-paying jobs in Louisiana.²⁵ The study also found that disparities persist at the local level in Louisiana, including in parishes that provide large tax subsidies for job creation.²⁶ That evidence directly undermines the familiar claim that heavy industrial projects automatically create shared local prosperity. Another recent study of Louisiana industrial jobs reinforces those findings, concluding that “Black workers are underrepresented in both construction and manufacturing,” and “[t]he industrial workforce is predominantly male and disproportionately White.....”²⁷] These studies show why LDEQ must require Hyundai to provide enforceable local hiring commitments, workforce training commitments, transparent job reporting by parish and zip code, and penalties for noncompliance before crediting job creation as a public benefit.

c. Public subsidies and tax abatements reduce the claimed public benefit.

LDEQ should also consider how Hyundai’s public subsidies and tax arrangements reduce, delay, or eliminate the tax benefits that officials claim will flow to the community. Litigation challenging Hyundai’s subsidies alleges Louisiana agreed to spend up to \$100 million to buy land for Hyundai, up to another \$100 million to reimburse Hyundai for construction and infrastructure costs, and additional public money for an overpass, Louisiana Highway 1

²⁵ Tom Pelton, *After surviving brush with death, pastor fights to save his community from industrial 'MegaPark'*, Oil & Gas Watch (Apr. 20, 2026), <https://news.oilandgaswatch.org/post/after-surviving-brush-with-death-pastor-fights-to-save-his-community-from-industrial-megapark>, (attached as Exhibit 8).

²⁶ Kimberly Terrell et al., *Pervasive racial and ethnic disparities in the U.S. petrochemical workforce*, Ecological Economics (2025), <https://www.sciencedirect.com/science/article/pii/S0921800925001065?via%3Dihub>, (attached as Exhibit 9).

²⁷ University of Louisiana Lafayette, *Analysis of Industrial Job Uptake in Louisiana*, (Jan. 2026), available at https://blancocenter.louisiana.edu/sites/blancocenter/files/Blanco_Industrial_Uptake_CATF_executivesummary_Final.pdf, (attached as Exhibit 10).

modifications, and a rail extension.²⁸ The lawsuit also alleges a payment-in-lieu-of-taxes arrangement under which Hyundai would save an estimated \$1.2 billion over 32 years and make smaller lease payments totaling \$553 million instead of paying property taxes.²⁹

These alleged subsidies matter to LDEQ's public trust analysis because they affect the cost-benefit balance. If Louisiana, Ascension Parish, or local taxing bodies provide land, infrastructure, tax abatements, and/or reduced tax payments, then the public will absorb some of the project's costs while Hyundai receives the profits. LDEQ cannot treat future tax revenue as an economic benefit when the public may forgo substantial tax revenue or is paying for project infrastructure upfront.

d. Hyundai-Posco will benefit from the projects' profits and profits, but the project's environmental harms will fall locally

Hyundai's air permit application confirms that the facility would bring substantial emissions and environmental harms to Ascension Parish. These environmental burdens have economic consequences. More pollution, traffic, and industrial activity would reduce quality of life, strain local infrastructure, increase public health impacts including increased doctor visits, missed work and school days, hospitalizations and premature death,³⁰ and make nearby homes

²⁸ Petition for Declaratory and Injunctive Relief, *Rural Roots La. et al. v. State of Louisiana, et al.*, No. _____ (La. 19th Jud. Dist. Ct. Apr. 2, 2026), available at https://ccrjustice.org/sites/default/files/images/RRL_LBB_v_LED_CEA_04022026_Rd.pdf, (attached as Exhibit 11); see also *Lawsuit alleges Louisiana's deal with incoming Hyundai Steel plant broke state law*, WBRZ (Apr. 3, 2026), <https://www.wbrz.com/news/lawsuit-alleges-louisiana-s-deal-with-incoming-hyundai-steel-plant-broke-state-law-186249/>, (attached as Exhibit 2).

²⁹ Petition for Declaratory and Injunctive Relief, *Rural Roots La. et al. v. State of Louisiana, et al.*, No. _____ (La. 19th Jud. Dist. Ct. Apr. 2, 2026), available at https://ccrjustice.org/sites/default/files/images/RRL_LBB_v_LED_CEA_04022026_Rd.pdf, (attached as Exhibit 11).

³⁰ U.S. Environmental Protection Agency. (2011). *The Benefits and Costs of the Clean Air Act from 1990 to 2020: Second Prospective Study*. U.S. EPA Office of Air and Radiation, available at <https://www.epa.gov/clean-air-act-overview/clean-air-act-and-economy>.

harder to sell or less desirable to occupy. LDEQ must consider these local burdens and how they will impact nearby residents who will breathe the air, experience the traffic and industrialization, and rely on local roads, schools, emergency responders, and health systems to absorb the project's impacts.

LDEQ must compare in the balancing test those local harms in the same public trust balance as the claimed local economic benefits. As explained above, the analysis should only include job benefits if Hyundai commits to enforceable local hiring requirements. LDEQ should only consider local tax benefits if it also takes into account the public subsidies and tax breaks Hyundai is being given from public coffers.

III. LDEQ Must Consider Toxic Mercury Emissions, Public Health Threats, and Bioaccumulation Risks in Local Wetlands

Although Hyundai's permit application attempts to frame this project as a "minor source" of toxic air pollutants (TAPs)³¹, a closer examination of the facility's projected mercury emissions reveals a serious threat to public health and the environment that LDEQ cannot overlook in its capacity as a public trustee.

According to Hyundai's own permit application, the proposed steel mill will emit 357.33 pounds of mercury and mercury compounds per year.³² That amount is more than 14 times Louisiana's Minimum Emission Rate (MER) of 25 pounds per year.³³ If a facility emits a toxic air pollutant at or above its MER, it must determine its compliance status regarding ambient air

³¹ HPLS Air Permit Application Updates, AI 248885, May 27, 2026, 1-10 ("May 27 Addendum"), available at <https://edms.deq.louisiana.gov/app/doc/view?doc=15228170>.

³² May Addendum at 2-7.

³³ La. Admin. Code tit. 33, § III-5112; In Louisiana's air quality regulatory framework, the Minimum Emission Rate (MER) is a specific threshold value (measured in pounds per year) assigned to each regulated Toxic Air Pollutant (TAP) in the state's administrative code (LAC 33:III.5112, Table 51.1). It is not a "limit" that prohibits emissions, but rather a regulatory trigger used by the Louisiana Department of Environmental Quality (LDEQ) to determine the level of scrutiny and the specific requirements that apply to a facility.

standards *beyond* the facility's property line.³⁴ The applicant's reliance on regulatory exemptions to claim "minor source" status for TAPs does not eliminate the public trust concern: the permit would still authorize a substantial annual mass of mercury emissions into the local airshed, creating risks of deposition, methylation, and bioaccumulation.

Mercury is a potent neurotoxin with no known beneficial biological function, and even low-level exposures can pose long-term health risks.³⁵ Mercury emissions from this facility are particularly concerning because deposited mercury can be transformed in aquatic systems into methylmercury, the highly toxic form that bioaccumulates and biomagnifies through aquatic food webs.³⁶ Mercury vapor, once inhaled, is readily absorbed into the bloodstream and can cross the blood-brain barrier, leading to tremors, impaired cognitive skills, and emotional instability.³⁷ Prenatal exposure to even low levels of methylmercury poses a critical risk to fetuses and infants, potentially resulting in permanent neurological deficits, lower IQ, and developmental delays.³⁸ These risks are especially significant because the proposed Hyundai facility would be located adjacent to the Mississippi River and within Ascension Parish, where approximately 43 percent of parish land - about 84,000 acres - is designated wetland.³⁹ Once

³⁴ *Id.*

³⁵ Charkiewicz AE, Omeljaniuk WJ, Garley M, Nikliński J., Mercury Exposure and Health Effects: What Do We Really Know? *Int J Mol Sci.* 2025 Mar 5;26(5):2326. doi: 10.3390/ijms26052326. PMID: 40076945; PMCID: PMC11899758, *available at* <https://pmc.ncbi.nlm.nih.gov/articles/PMC11899758/pdf/ijms-26-02326.pdf>, (*attached as* Exhibit 12).

³⁶ U.S. Geological Survey (USGS), Mercury Contamination of Aquatic Environments, <https://www.usgs.gov/water-science-school/science/mercury-contamination-aquatic-environments>, (*attached as* Exhibit 13).

³⁷ Genchi, G., Sinicropi, M. S., Carocci, A., Lauria, G., & Catalano, A. (2017). Mercury exposure and heart diseases. *International Journal of Environmental Research and Public Health*, 14(1), 74. <https://doi.org/10.3390/ijerph14010074>, (*attached as* Exhibit 14).

³⁸ National Research Council (2000). *Toxicological Effects of Methylmercury*. Washington, DC: National Academies Press, *available at* <https://pubmed.ncbi.nlm.nih.gov/25077280/>, (*attached as* Exhibit 15).

³⁹ ASCENSION PARISH MASTER LAND USE PLAN (May 2019) 50, *available at*: https://www.ascensionparish.net/wp-content/uploads/2024/05/AP-Master-Land-Use-Plan_Adopted_Web.pdf, (*attached as* Exhibit 16).

emitted, mercury may deposit into surrounding wetlands and waterbodies, where microbial processes can convert it into methylmercury.⁴⁰ That compound then bioaccumulates through the food web, reaching toxic concentrations in predatory fish and the species that consume them, including piscivorous birds and mammals, which may suffer reduced reproductive success and behavioral changes.⁴¹ The concern is not theoretical: Louisiana has issued fish-consumption advisories for mercury in multiple waterways, including Blind River in Ascension Parish and nearby parishes.⁴²

Under the Louisiana Constitution and the *Save Ourselves, Inc.* decision, LDEQ must provide careful, even-handed, and thoughtful supervision of the environment. Approving this permit as proposed would violate that duty. Because the projected mercury emissions exceed the MER by more than 1,400%, and even low levels of mercury pose irreversible and serious public health impacts, LDEQ should not rely on the applicant's minor-source characterization alone. Instead, the agency must require a rigorous, site-specific analysis of mercury deposition, wetland methylation, fish-consumption risk, cumulative toxic impacts, and feasible alternatives or pollution controls that would reduce this toxic load.

Additional information is necessary for LDEQ's public trust review. At a minimum, LDEQ should require Hyundai to provide speciated mercury-emissions estimates; localized deposition modeling; an analysis of wetlands and waterbodies likely to receive deposition; a

⁴⁰ National Park Service, Mercury and Toxics in Nature - Air (Oct. 23, 2024), <https://www.nps.gov/subjects/air/nature-toxics.htm>, (*attached as Exhibit 17*).

⁴¹ *Id.*

⁴² Louisiana Department of Health, Mercury and fish advisories issued for 11 waterways (Apr. 17, 2024), <https://www.ldh.la.gov/news/7306> (*attached as Exhibit 18*); Louisiana Department of Environmental Quality, Louisiana Health/Fish Consumption Advisories (updated June 13, 2025), https://www.deq.louisiana.gov/assets/docs/Water/Fish_Swim_Advisories/AdvisoryListFinal6.13.25.pdf, (*attached as Exhibit 19*).

comparison with existing mercury fish-consumption advisories and fish-tissue monitoring data; and an evaluation of feasible mercury-reduction measures, including scrap-screening practices, material substitution, process changes, and add-on controls. Without that information, LDEQ cannot determine whether the project minimizes avoidable mercury pollution or protects the public's use of Louisiana's air, waters, wetlands, and fisheries.⁴³

LDEQ has a constitutional mandate to protect air and water resources for present and future generations. It therefore must deny the permit or, at a minimum, require enforceable mercury limits, monitoring, and controls sufficient to reduce emissions below the MER and protect nearby communities and ecosystems.

IV. LDEQ Must Consider the Facility's Substantial Long-Term Water Demand, Regional Aquifer Stress, and Accelerating Saltwater Intrusion

As part of LDEQ's public trust analysis, the Department must consider the facility's substantial long-term water demand, its effect on regional groundwater resources, and the accelerating threat of saltwater intrusion. Ascension Parish relies heavily on the Gonzales-New Orleans and Norco aquifers for public and industrial water supply. These aquifers are part of the Southern Hills regional aquifer system, which is already under significant stress.

Heavy industrial pumping in the region can create a "cone of depression" that pulls saltwater from the south across the Baton Rouge fault into freshwater sands.⁴⁴ The Gonzales-

⁴³ See Louisiana Department of Environmental Quality, Water Quality Monitoring Strategy, Revision 10 (Mar. 20, 2025) (describing fish-tissue sampling and mercury-advisory monitoring), https://www.deq.louisiana.gov/assets/docs/Water/WQ_Monitoring_Strategy_r10_Final_3-20-2025.pdf (attached as Exhibit 20).

⁴⁴ U.S. Geological Survey (2024). *Chloride concentrations in groundwater from the western part of the Southern Hills regional aquifer system, Louisiana, 2021–22*. <https://pubs.usgs.gov/publication/sir20245057/full>, (attached as Exhibit 21).

New Orleans aquifer already contains freshwater overlying saltwater in central Ascension Parish.⁴⁵ Additional withdrawals for an industrial facility of this scale are likely to accelerate the upward and northward migration of the saltwater wedge, increasing the risk of permanent contamination of local drinking-water supplies. Saltwater intrusion can significantly increase chloride and sodium levels, as recent saltwater-intrusion events farther south along the Mississippi River illustrate.⁴⁶ Elevated sodium levels in drinking water pose a health risk “associated with hypertension, and pregnant women are especially vulnerable.”⁴⁷

While exact figures for the facility’s cumulative daily or annual water usage have not been explicitly spotlighted in public materials, standard industrial requirements for Direct Reduced Iron (DRI) and Electric Arc Furnace (EAF) facilities of this magnitude provide a reliable framework for estimation. For an ultra-low carbon steel mill scaled to produce 2.7 million metric tons of steel annually, typical process cooling, dust suppression, and steam generation needs generally between 1.1 and 2.4 billion gallons of water per year.⁴⁸ This translates to a consistent operational draw of roughly 3 to 6.5 million gallons per day,⁴⁹ which would likely rely on a combination of surface water withdrawals from the adjacent Mississippi

⁴⁵ U.S. Geological Survey (2009), Water resources of Ascension Parish (Fact Sheet 2009-3063). https://pubs.usgs.gov/fs/2009/3063/pdf/Ascension_FS.pdf, (*attached as Exhibit 22*).

⁴⁶ Emilee Speck, Salt water continues advancing on Mississippi River as Orleans Parish explores drinking water options, FOX Weather (Sept. 28, 2023), *available at* <https://www.foxweather.com/weather-news/salt-water-intrusion-mississippi-river-orleans-parish-drinking-water-options>, (*attached as Exhibit 23*).

⁴⁷ *Id.*

⁴⁸ World Steel Association, *Water Management in the Steel Industry*, *available at*: <https://worldsteel.org/wp-content/uploads/Water-management-in-the-steel-industry.pdf> (Fact Sheet data mapping average EAF/DRI water consumption. EAF routes utilize a global average intake of approximately 28.1 m³ per metric ton of steel, with a net evaporative consumption/loss range of 1.6 m³ to 3.3 m³ per metric ton), (*attached as Exhibit 24*).

⁴⁹ *Id.* Volumetric conversion calculations based on a 2.7 million metric ton annual facility capacity (2,700,000 metric tons x 1.6 m³ to 3.3 m³ = 4.32 million m³ to 8.91 million m³ net consumption annually; converted at 1 m³ approx. 264.172 gallons).

River and regional groundwater networks. The baseline consumption could escalate significantly if Hyundai transitions to green hydrogen.⁵⁰ Consequently, evaluating whether future water requirements will be sustained via surface water or drawn from regional groundwater systems—such as the Gonzales-New Orleans aquifer—remains a pivotal technical detail for assessing the facility's long-term impact on local water infrastructure and the acceleration of regional saltwater intrusion.

LDEQ does not have sufficient information to assess the facility's water demands, and meet its public trust duties. Additional information necessary for LDEQ's public trust review includes: (1) the facility's projected daily, monthly, and annual groundwater withdrawals; (2) any proposed well locations, depths, and screened aquifers; (3) a hydrogeologic model evaluating whether project withdrawals would steepen hydraulic gradients toward production wells or accelerate chloride migration; (4) feasible alternatives that would reduce groundwater demand, including surface-water supply, water recycling, phased withdrawals, or enforceable withdrawal caps; and (5) monitoring, reporting, and mitigation conditions triggered by rising chloride or sodium concentrations.

LDEQ should also require the applicant to explain whether the project is subject to review, permitting, or coordination with the Capital Area Groundwater Conservation Commission⁵¹ or any other groundwater-management authority, and how the project would

⁵⁰ See generally *International Renewable Energy Agency (IRENA), Green Hydrogen Supply: A Guide to Policy Making (2021)*, available at https://www.irena.org/-/media/Files/IRENA/Agency/Publication/2021/May/IRENA_Green_Hydrogen_Supply_2021.pdf, (attached as Exhibit 25).

⁵¹ Capital Area Groundwater Conservation District, *Protecting Our Water*, available at <https://www.capitalareagroundwater.com/>.

remain consistent with regional efforts to halt saltwater encroachment while maintaining sustainable use of the Southern Hills regional aquifer system.

The Hyundai project may also be inconsistent with the 2023 Louisiana Coastal Master Plan. The 2023 Coastal Master Plan, developed by the Louisiana Coastal Protection and Restoration Authority (CPRA), is the state’s blueprint for a sustainable coast.⁵² LDEQ must ensure that the facility’s water use is consistent with the Plan’s core objectives.

The 2023 Master Plan emphasizes protecting coastal ecosystems and natural resources threatened by land loss, flood risk, and future environmental change; maintaining freshwater resources and limiting inland salinity movement are central to that objective.⁵³ Industrial groundwater overdrafting that may induce saltwater intrusion counteracts the state’s multibillion-dollar investments in freshwater diversions. Overdrafting of groundwater in coastal aquifers is a driver of land loss and environmental degradation.⁵⁴ Allowing a new, large industrial user to deplete these shared resources would undermine the Plan’s emphasis on regional-scale benefits to coastal ecosystems and communities. The 2023 Mississippi River saltwater-intrusion emergency demonstrates the region’s increasing vulnerability to salinity-related water-supply disruptions. Approving a facility that further stresses these aquifers ignores the lessons of recent climate-driven water crises. LDEQ cannot fulfill its duty as a public trustee by approving a project that threatens Ascension Parish’s water supply.

⁵² Coastal Protection and Restoration Authority (CPRA), (2023). *Louisiana's Comprehensive Master Plan for a Sustainable Coast*. <https://coastal.la.gov/our-plan/2023-coastal-master-plan/>, (attached as Exhibit 26).

⁵³ *Id.*

⁵⁴ Nolte, A., Bender, S., Hartmann, J. *et al.* Coastal groundwater-level trends reveal global susceptibility to seawater intrusion. *Nat Water* 4, 673–682 (2026), available at <https://doi.org/10.1038/s44221-026-00619-8> (attached as Exhibit 27).

V. Conclusion

Because the record demonstrates concentrated local environmental harm, unmitigated toxic exposure, and structural strain on regional resources without guaranteed, enforceable local benefits, LDEQ cannot fulfill its constitutional mandate through a permit approval. The permit must be denied, or at minimum withheld, until the LDEQ and Hyundai resolve these fundamental public trust deficiencies.

Please do not hesitate to contact us with any questions.

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