19th JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

RISE ST. JAMES LOUISIANA and SIERRA CLUB, Petitioners,	*	Case No.: _____
	*	Section: _____
v.	*	
	*	Judge: _____
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY, Defendant.	*	

PETITION FOR JUDICIAL REVIEW

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1. Petitioners RISE St. James Louisiana and Sierra Club (Petitioners) seek judicial review of the Louisiana Department of Environmental Quality's (LDEQ) final decision granting a Prevention of Significant Deterioration Permit PSD-LA-872 and Part 70 Operating Permit 0180-00243-VO (Permit) to Hyundai-POSCO Louisiana Steel LLC (Hyundai) to construct and operate a large integrated iron- and steelmaking facility in Ascension Parish, Louisiana.

2. Hyundai is constructing the plant on the site of former plantations in the predominately Black village of Modeste, which is populated by descendants of people who were enslaved on that same land.

3. The Permit authorizes the facility to emit substantial quantities of greenhouse gases, nitrogen oxides, particulate matter, carbon monoxide, lead, mercury, ammonia, and other

pollutants. Many of these pollutants cause significant and irreversible damage to human health even at low levels.

4. The area around the planned facility already bears a toxic air pollution burden greater than 96% of the rest of the country, and ranks high across a range of environmental and socioeconomic indicators. The Hyundai Steel Plant is one of multiple polluting facilities planned as part of the 17,000-acre Riverplex MegaPark.

5. Louisiana Constitution Article IX Section 1 mandates that LDEQ, as a public trustee of the environment, to give full and careful consideration to environmental costs and benefits, as well as economic and social factors, before issuing a final permit to protect against the harm the activity would bring to the health, safety, and welfare of the people of Ascension Parish and Louisiana. LDEQ must address in an environmental justice analysis whether the proposed facility's pollution will disproportionately impact communities already overburdened with pollution, and explain how that consideration supports its conclusions.

6. Petitioners challenge LDEQ's decision to issue the Permit without conducting an environmental justice analysis of the affected communities, their existing pollution burdens, or the cumulative effects of the proposed facility and nearby industrial development. Hyundai initially included such an analysis in its application, then removed it without explanation.

7. Petitioners further challenge LDEQ's public-trust analysis because LDEQ did not assess *any* environmental costs in its cost-benefit analysis, did not adequately evaluate feasible pollution-reducing alternatives and mitigation measures—including electrified equipment and incremental green-hydrogen blending—and released its public-trust

analysis only in its final decision, after the public-comment period had closed.

8. Petitioners also challenge LDEQ's best available control technology (BACT) analysis. LDEQ approved Hyundai's BACT determination without conducting and documenting the case-by-case analysis required for evaluating electrified technologies or incremental blending of green hydrogen - technologies which would significantly decrease greenhouse gas and combustion pollution. LDEQ also failed to address Petitioners' expert analysis of the feasibility of these technologies, including their potential for emissions-reduction and operating cost savings.

9. Finally, Petitioners challenge LDEQ's conclusion that the Hyundai plant will not cause or contribute to exceedances of the ozone National Ambient Air Quality Standards (NAAQS) by relying on the Dutchtown neighborhood-scale ozone monitor rather than the closer Carville regional-scale monitor. LDEQ did not adequately address evidence that Dutchtown was not designed to represent ozone conditions at the Hyundai facility.

10. These failures prevented the individualized, record-supported decision required by LDEQ's constitutional, statutory, and regulatory duties. Petitioners therefore ask the Court to reverse LDEQ's final decision and vacate the Permit.

JURISDICTION AND VENUE

11. Jurisdiction and venue are proper in this Court pursuant to La. R.S. 30:2050.21(A), as this is an appeal of a LDEQ final permit action. LDEQ's decision is a final permit action under La. R.S. 30:2024(A) because, upon notice and belief, Hyundai did not request a hearing on the decision within 30 days following final notice of the action.

12. This Petition is filed in accordance with La. R.S. 30:2050.21(A), 2050.23(D) and thus timely, because it was filed within 30 days of LDEQ's notice of the final permit action

marked October 26, 2026.

PARTIES

13. Petitioners are persons aggrieved by LDEQ's final decision to issue the Permit under the meaning of La. R.S. 30:2050.21(A); *see also* La. R.S. 30:2004(3), (11). Petitioners, by and through counsel, submitted timely and extensive comments before and during the public comment period detailing a wide array of serious deficiencies with Hyundai's application and LDEQ's proposed permit. Petitioners' members participated in the public hearing to provide supporting testimony based on firsthand experience as residents of the impacted communities.

14. Petitioner RISE St. James Louisiana (RISE) is a non-profit corporation organized and operating under the laws of Louisiana. RISE comprises of individuals who live, work, own property, recreate, and enjoy the environment in and near Modeste, Donaldsonville, and Ascension Parish. RISE members organized the non-profit corporation for the purpose of preserving, protecting and enhancing the environmental, health, and safety interests of its members, the River Parishes, and its surroundings.

15. Petitioner Sierra Club is a non-profit organization whose mission is to explore, enjoy and protect the wild and beautiful places of the Earth; to practice and promote the responsible use of the Earth's ecosystems and resources; to educate and enlist people to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. Sierra Club has thousands of members in Louisiana, including residents who live, work, or recreate in Ascension Parish and throughout Louisiana's Gulf Coast. Members of Sierra Club live, work, or recreate in the area affected by LDEQ's decision to issue a Permit that authorizes Hyundai to construct and operate an

integrated steel plant.

16. Mekaylyn Lavigne, a 21-year-old resident of Modeste, Louisiana, is a member of RISE and Sierra Club. She lives on fifth-generation family land approximately one mile from the proposed Hyundai Steel Plant site, and can see the facility's office from her backyard. Ongoing construction from Hyundai has caused her injuries including disruption of outdoor family activities due to truck traffic, loss of water and power without notice resulting in unsafe cloudy water, long delays in traveling to or from her house, and vehicle damage from construction-related potholes and debris requiring costly repairs. She is concerned that the plant's mercury emissions will contaminate fish from the river and poison local wildlife including bald eagles and deer, that additional air pollution will worsen health impacts in an already overburdened area, and that LDEQ failed to conduct a proper environmental justice analysis. She believes that vacating the Permit could cause project abandonment or mitigation measures that protect her health, and improve her quality of life, and enjoyment of birdwatching and outdoor activities.

17. Louis Boudreaux is a 89-year old member of RISE St. James and Sierra Club who lives at 34181 Highway 1 North in Donaldsonville, Louisiana 70346. Louis enjoys sitting on his front porch in the evening, but if the Hyundai plant is constructed, he will not be able to enjoy the porch anymore because of the plant's air pollution and noise. Hyundai's construction noise is keeping Louis awake at night, and the construction traffic makes it very difficult for him to leave or return to his home. Since it is difficult to live so close to a large industrial plant, Louis is concerned the Hyundai plant will decrease the property value of his 150-year-old home, which he and his wife renovated together, and where he has lived for 25 years. He is also concerned about all the pollution the plant will bring to

his area, which is already overburdened with pollution.

18. Cherie Fernandez is a 72-year-old member of RISE St. James who lives downriver of Modeste in Donaldsonville, Louisiana. He has a heart condition, and is concerned that the Hyundai plant will worsen air quality around his home, and make it unsafe for him to continue enjoying working in his yard and growing vegetables in his garden. He is concerned that Hyundai's construction will worsen traffic conditions, and is frustrated that LDEQ did not take a close look at environmental justice impacts or conduct a full cost-benefit analysis that evaluated whether the plant will employ locals.

19. LDEQ is the primary agency charged with environmental protection and regulation in the State of Louisiana. La. R.S. 30:2011(A)(1). It has the authority to issue air permits and has the affirmative obligation to consider the environmental impacts of its permitting decisions. LDEQ is the agency that made the final decision to issue the Permits in this matter.

LEGAL FRAMEWORK

Louisiana Public Trustee Duty

20. Under Article IX, § 1 of the Louisiana Constitution, LDEQ has an affirmative duty as a public trustee to protect the environment "insofar as possible and consistent with the health, safety, and welfare of the people." La. Const. art. IX, § 1.

21. The Supreme Court of Louisiana has interpreted Article IX, § 1 as requiring LDEQ to "determine that adverse environmental impacts have been minimized or avoided as much as possible consistently with the public welfare . . . before granting approval of proposed action affecting the environment." *Save Ourselves, Inc. v. La. Env't Control Comm'n*, 452 So. 2d 1152, 1157 (La. 1984).

22. The First Circuit has further clarified that *Save Ourselves* articulates five factors, commonly referred to as the "IT factors," that must be affirmatively addressed by LDEQ to show that it has satisfied its public trustee duty when issuing permits. Specifically, LDEQ must satisfy the following issues:

i. Have the potential and real adverse environmental effects of the proposed facility been avoided to the maximum extent possible?
ii. Does a cost benefit analysis of the environmental impact costs balanced against the social and economic benefits of the proposed facility demonstrate that the latter outweighs the former?
iii. Are there alternative projects which would offer more protection to the environment than the proposed facility without unduly curtailing non-environmental benefits?
iv. Are there alternative sites which would offer more protection to the environment than the proposed facility site without unduly curtailing non-environmental benefits?
v. Are there mitigating measures which would offer more protection to the environment than the facility as proposed without unduly curtailing non-environmental benefits?

In re Am. Waste & Pollution Control Co., 633 So. 2d 188, 194 (La. App. 1 Cir. 1993).

23. To be "in conformity" with the public trustee duty, a decision must "at least contain[ ]: 1) a general recitation of the facts as presented by all sides; 2) a basic finding of facts as supported by the record; 3) a response to all reasonable public comments; 4) a conclusion or conclusions on all issues raised which rationally support the order issued; and 5) any and all other matters which rationally support the [agency's] decision. This is not an exclusive listing, but merely illustrative." *In re Rubicon, Inc.*, 95-0108, pp. 9-10 (La. App. 1 Cir. 2/14/96), 670 So. 2d 475, 483; *see also In re Am. Waste & Pollution Control Co*., 93-3163, pp. 18-19 (La. 9/15/94), 642 So. 2d 1258, 1266.

24. Because LDEQ has an affirmative obligation to demonstrate through the administrative record that it has fulfilled its public trustee duty, a reviewing court will examine whether LDEQ has adequately demonstrated that it has satisfied each IT

factor irrespective of whether the factor has been challenged. *Rise St. James v. La. Dep't of Env't Quality*, 2023-0578 (La. App. 1 Cir. 1/19/24), 383 So. 3d 956, 982, *reh'g denied* (2/15/24).

25. The reviewing court must reverse LDEQ's permit decision "if the decision was reached procedurally, without individualized consideration and balancing of environmental factors conducted fairly and in good faith." *Save Ourselves*, 452 So. 2d at 1159.

26. The Louisiana Environmental Quality Act expressly incorporates LDEQ's public trustee duty, and mandates that "as the primary public trustee of the environment, [LDEQ] shall consider and follow the will and intent of the Constitution of Louisiana and Louisiana statutory law in making any determination relative to the granting or denying of permits." La. R.S. 30:2014(A)(4).

Environmental Justice

27. An environmental justice analysis is a required part of LDEQ's public trust analysis. *RISE St. James*, 383 So. 3d at 962.

28. As LDEQ has recognized, "[e]nvironmental justice is defined by the EPA as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial operations. Meaningful involvement means that people have an opportunity to participate in decisions about activities that may affect their environment and/or health, the public's contribution can influence the permitting authority's decision, community concerns will be considered in the decision-making process, and

decisionmakers will seek out and facilitate the involvement of those potentially affected." *Rise St. James*, 383 So. 3d at 963 (footnotes omitted).

Cost-Benefit Analysis

29. The second IT question "requires a balancing process in which environmental costs and benefits must be given full and careful consideration along with economic, social[,] and other factors." *Rise St. James*, 383 So. 3d at 962 (quoting *Save Ourselves*, 452 So. 2d at 1157).

30. The First Circuit further recognized that "[i]n some instances environmental costs may outweigh economic and social benefits and in other instances they may not." *Rise St. James*, 383 So. 3d at 962 (quoting *Save Ourselves*, 452 So. 2d at 1157).

31. A decision can be reversed if it is shown that the agency "clearly gave insufficient weight to environmental protection in balancing the costs and benefits of the proposed action." *In re Shintech, Inc.*, 2000-1984, p. 8 (La. App. 1 Cir. 2/15/02), 814 So. 2d 20, 26; *Save Our Hills v. La. Dep't of Env't Quality*, 2018-0100, p. 13 (La. App. 1 Cir. 11/05/18), 266 So. 3d 916, 927.

Federal Clean Air Act and Louisiana State Implementation Plan

32. The Clean Air Act establishes a rigorous program for regulating new and existing sources of air pollution through a state and federal partnership. The Environmental Protection Agency (EPA) establishes National Ambient Air Quality Standards (NAAQS) for six of the most common air pollutants— carbon monoxide, lead, ground-level ozone, particulate matter, nitrogen dioxide, and sulfur dioxide, and states retain primary responsibility for implementing programs necessary to attain and maintain those standards. 42 U.S.C. §§ 7407(a), 7409, 7410.

33. Areas designated as in attainment (or unclassifiable) for the NAAQS (like Ascension Parish) are subject to the Clean Air Act's Prevention of Significant Deterioration (PSD) program, which is aimed at preventing areas that meet the NAAQS from developing unhealthy air by managing industrial growth. *See* 42 U.S.C. §§ 7470-7479. Louisiana's EPA-approved PSD regulations are part of Louisiana's State Implementation Plan (SIP) and are codified principally at LAC 33:III.509. LDEQ has been delegated authority to administer these programs and to issue permits required under them. La. R.S. 30:2011(D)(12).

34. NAAQS do not include all pollutants that can cause health concerns.

PSD Requirements

35. Under the Clean Air Act and Louisiana's regulations, in order to obtain a permit to construct, a new major stationary source of air pollution like the Hyundai Steel plant must demonstrate compliance with PSD requirements. 42 U.S.C. § 7475(a); LAC 33:III.509.A.3. The core goals of the PSD preconstruction permitting program are to ensure that new sources of air pollution incorporate state-of-the-art pollution controls and do not contribute to air pollution in excess of health-based air quality standards. *See Nat'l Parks Conservation Ass'n v. Tenn. Valley Auth*., 480 F.3d 410, 412 (6th Cir. 2007); 42 U.S.C. §§ 7470-7492.

Best Available Control Technology

36. In order to obtain a PSD permit, the plant's emissions of air pollutants must be limited to a rate consistent with the use of the best available methods, systems, and techniques of pollution control called the "Best Available Control Technology" (BACT). 42 U.S.C. § 7475(a)(4); LAC 33:III.509.J.2.

37. BACT is a broad concept, defined as "an emissions limitation, including a visible emission standard, based on the maximum degree of reduction for each pollutant subject to regulation under this Section that would be emitted from any proposed major stationary source or major modification that the administrative authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant." LAC 33:III.509.B. (definition of Best Available Control Technology); 40 C.F.R. § 52.21(b)(12).

38. To ensure that a BACT determination is "reasonably moored" to the Clean Air Act's statutory requirement that BACT represent the maximum achievable reduction, EPA established the top-down process described in the 1990 New Source Review (NSR) Manual. *Alaska Dep't of Env't Conservation v. EPA*, 540 U.S. 461, 476 (2004); *Sierra Club v. La. Dep't of Env't Quality*, 100 F.4th 555, 570 (5th Cir. 2024).

39. As the U.S. Environmental Appeals Board (EAB) explained:

> The NSR Manual's "top-down" method is simply stated: assemble all available control technologies, rank them in order of control effectiveness, and select the best. So fixed is the focus on identifying the "top," or most stringent alternative, that the analysis presumptively ends there and the top option selected — "unless" technical considerations lead to the conclusion that the top option is not "achievable" in that specific case, or energy, environmental, or economic impacts justify a conclusion that use of the top option is inappropriate.

In re N. Mich. Univ. Ripley Heating Plant, 14 E.A.D. 283, 292 (E.A.B. 2009).

40. As the EAB has emphasized, the term "available is used in its broadest sense under the first step and refers to control options with a 'practical potential for application to the

emission unit' under evaluation." *In re Knauf Fiber Glass*, 8 E.A.D. 121, 130 (E.A.B. 1999).

41. A control technology can only be excluded from initial BACT consideration if it would "call into question the facility's existence" and result in a "fundamentally different" facility. *See In re Ariz. Pub. Serv. Co. Ocotillo Power*, 17 E.A.D. 323, 335 (E.A.B. 2016); *In re N. Mich. Univ. Ripley Heating Plant*, 14 E.A.D. at 302. A control technology redefines the source only if it prevents an applicant from achieving the basic purpose of a proposed facility. *In re Desert Rock Energy Co.*, 14 E.A.D. 484, 529-30 (E.A.B. 2009); *In re Ariz. Pub. Serv. Co.*, 17 E.A.D. at 336.

42. The Supreme Court has recognized that the definition of BACT contains the "strong, normative terms 'maximum' and 'achievable.'" *Alaska Dep't of Env't Conservation*, 540 U.S. at 484-87. Documentation in the record is essential to a proper BACT analysis, and an agency must articulate a sound basis with supporting documentation to select anything other than the most stringent emissions limit achievable. *Id.* at 497-99; *In re Knauf Fiber Glass*, 8 E.A.D. at 131.

Air Quality Modeling Requirements

43. The Clean Air Act also conditions issuance of a PSD permit on a demonstration that the source "will not cause, or contribute to, air pollution in excess of any" NAAQS. 42 U.S.C. § 7475(a)(3); LAC 33:III.509.K.1.

44. Louisiana's PSD regulations require that ambient air quality demonstrations be supported by appropriate air quality modeling. Specifically, "[a]ll estimates of ambient concentrations required under this Subsection shall be based on applicable air quality models, databases, and other requirements specified in Appendix W of 40

CFR Part 51." LAC 33:III.509.L.1.

45. Appendix W to 40 C.F.R. Part 51 establishes EPA's Guidelines on Air Quality Models and provides the procedures governing air quality analyses performed in support of PSD permitting decisions.

LDEQ's Duty to Deny Noncompliant Permit Applications

46. Louisiana regulations require permit applicants to demonstrate compliance with applicable air quality requirements before a permit may be issued.

47. LDEQ "shall deny the permit" where a proposed source or modification would prevent attainment or maintenance of federal or state ambient air quality standards, violate Louisiana's SIP, or otherwise fail to comply with applicable air quality requirements. LAC 33:III.519.C.5.

STANDARD OF REVIEW

48. The judicial review provisions in the Louisiana Environmental Quality Act provide that the standard of review in the Louisiana Administrative Procedure Act (APA) applies to an appeal of a final permit action. La. R.S. 30:2050.21.F.

49. The APA provides that:

> The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of the administrative findings, inferences, conclusions, or decision are: (1) In violation of constitutional or statutory provisions; (2) In excess of the statutory authority of the agency; (3) Made upon unlawful procedure; (4) Affected by other error of law; (5) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or (6) Not supported and sustainable by a preponderance of evidence as determined by the reviewing court.

La. R.S. 49:978.1.G. The last ground, subpart (G)(6), empowers the reviewing court to "make its own determination and conclusions of fact . . . based upon its own evaluation

of the record reviewed in its entirety." *Id.*

50. "In interpreting a state statute or rule, a court, administrative judge, or hearing officer presiding over a contested case, hearing, or appeal shall not defer to the agency's interpretation of the statute or rule. The court, administrative judge, or hearing officer shall interpret the meaning of the statute or rule de novo." La. R.S. 49:978.1.H.

51. If the Court finds that LDEQ acted in violation of its constitutional public trustee duty, the permit must be vacated. *In re Rubicon, Inc.*, 670 So. 2d at 483.

52. "[I]f [LDEQ's] decision was reached procedurally, without individualized consideration and balancing of environmental factors conducted fairly and in good faith, it is the court['s] responsibility to reverse." *Save Ourselves*, 452 So. 2d at 1159.

53. "A conclusion of a public body is 'capricious' when the conclusion has 'no substantial evidence to support it, or [is] contrary to substantiated competent evidence. The word 'arbitrary' implies a disregard of evidence or of the proper weight thereof.'" *Warren Energy Res., Inc. v. La. Tax Comm'n*, 2002-0115, p. 8 (La. App. 3 Cir. 8/28/02), 825 So. 2d 572, 578 (alteration in original) (quoting *Coliseum Square Ass'n v. City of New Orleans*, 544 So. 2d 351, 360 (La. 1989)).

FACILITY AND SITE DESCRIPTION

54. This appeal concerns LDEQ's decision to issue the Permit and approve the construction of a new integrated steel plant that will reduce iron and produce steel.

55. The Permit authorizes the construction and operation of a large facility that will generate a substantial amount of pollution including 1.6 million tons per year (tpy) of greenhouse gas emissions, 824 tpy of nitrogen oxides (NOx), 208 tpy of particulate matter (PM10), 195 tpy of fine particulate matter (PM2.5), 6,205 tpy of carbon

monoxide (CO), 23.81 tpy of ammonia, 1,760 pounds per year of lead (.88 tpy), and 366 pounds per year of mercury (.183 tpy).

56. The Hyundai Steel Plant includes four main categories of activities that generate pollution: ironmaking, steelmaking, steel finishing, and material handling and storage. Each of these activities is composed of different components:

a. a Direct Reduction Plant (DRP) to produce reduced iron from iron ore;
b. a Steel Melting Plant/ Melt Shop that will utilize reduced iron, scrap steel, or both;
c. a Hot Mill and a Cold Mill;
d. Miscellaneous Operations that produce fugitive dust emissions including material storage piles and trucks.

57. Modeste is a small, rural, unincorporated community in Ascension Parish. Many families have lived on ancestral land there for five generations or more.

58. Ascension Parish is varied in its land use, with Hyundai's plant located in a "Heavy Industrial" zoning that directly abuts rural, agricultural "Conservation" areas. Ascension Parish and neighboring parishes already host numerous existing major manufacturers that produce chemicals, plastics, fertilizers, and other products, along with associated pollution.

59. Studies and emissions data document elevated cancer risk from hazardous air pollutants in Ascension Parish.

Public Health Impacts of Pollutants at Issue

60. Mercury is a potent neurotoxin and even low-level exposures can pose long-term health risks. Prenatal and early childhood exposure to even low levels of methylmercury poses a critical risk, potentially resulting in permanent neurological deficits, lower IQ, and developmental delays. Mercury bioaccumulates through the food web, reaching toxic concentrations in predatory fish and the species that consume them, including

piscivorous birds and mammals. Louisiana has issued fish-consumption advisories for mercury in multiple waterways, including the Blind River in Ascension Parish and nearby parishes. There is no known safe level of mercury exposure for humans.

61. Ground-level ozone is created by chemical reactions between oxides of nitrogen (NOx) and volatile organic compounds (VOC). Ozone can also be transported long distances by wind. Breathing in ozone can cause health problems, especially in children with developing lungs, including asthma attacks, and lead to increased emergency room visits and premature death. EPA established National Ambient Air Quality Standards (NAAQS) for ozone of 70 parts per billion (ppb). There is no known safe level of human exposure to ozone.

62. Nitrogen oxides (NOx) are primarily released by burning fossil fuels. During childhood, exposure to even low levels of NOx can cause permanent damage to the lungs, leading to the development of asthma. Adults and children with asthma who are exposed to NOx can have an asthma attack. People without asthma can experience shortness of breath, cough, lung damage, and increased risk of respiratory infections. Increases in NOx levels have been shown to result in an increase in hospitalizations for asthma.

63. Lead is a toxic air pollutant that accumulates in the body and impairs the nervous, renal, immune, reproductive, and cardiovascular systems, with infants and young children most sensitive to neurological effects including lowered IQ and learning deficits. There is no known safe level of lead exposure for humans.

64. Fine particulate matter (PM2.5) can penetrate deep into the lungs, and enter the bloodstream, and is associated with chronic respiratory disease and lung cancer. There is no known safe threshold for human exposure to fine particulate matter.

PROCEDURAL HISTORY & FACTS

Hyundai's Permit Applications

65. Hyundai submitted an application for an air permit to LDEQ on December 23, 2025.

66. Hyundai's December 2025 application included its Environmental Assessment Statement (EAS), which contained a brief environmental justice analysis that included EJScreen's Environmental Justice Index and Supplemental Environmental Justice Index rankings within a limited radius of the plant site. That analysis disclosed that the communities surrounding the proposed facility already bear significant air pollution, ranking between the 80th and the 96th percentiles for multiple EJScreen environmental and socioeconomic indicators.

67. The iron-making direct reduction plant (DRP) is the largest source of greenhouse gas emissions at the facility. Hyundai's December 2025 application explains that the DRP has "the flexibility to use up to 90% pure H2 [hydrogen]," which does not have any greenhouse gas emissions. Hyundai evaluated renewable-based green hydrogen as a possible control technology, and stated that it intends to utilize green hydrogen in the future. Yet in its analysis, Hyundai eliminated green hydrogen as infeasible, and did not provide any additional documentation or support for this conclusion.

68. Hyundai declared its intent in the December 2025 application to build an "ultra-low carbon steel production steel mill," "produc[e] an environmentally sustainable, efficient, and reliable steel", "minimize and avoid adverse environmental impacts . . . to the maximum extent possible," as well as "advance sustainable energy solutions," and to "hold[] itself to environmental excellence."

69. Hyundai's website declares its "proactive approach to adopting advanced steelmaking technologies" and its intention to transition to hydrogen-based steelmaking by 2050. The website also states that "it is actively promoting green hydrogen production," and Hyundai has a hydrogen business arm that aims to "accelerate the transition to a hydrogen society" and includes green hydrogen production, distribution and logistics, green steel, hydrogen storage and transportation. Hyundai also states its "plan[s] to expand renewable energy sourcing" to Hyundai Steel America.

70. Following the December 2025 application, Hyundai submitted multiple revisions, corrections, and amended applications and emission calculations to LDEQ.

71. On May 9, 2026, Hyundai submitted an addendum to its permit application. The cover letter states that nine "natural gas heaters have been replaced with electric heaters in the proposed facility design."

72. On May 27, 2026, Hyundai submitted another addendum to its permit application. The cover letter states that Hyundai removed the environmental justice analysis from its application. Hyundai did not provide any explanation for removing this section.

Proposed Permit

73. On July 31, 2026, LDEQ issued a public notice of Hyundai's proposed permit. The public notice package included over 2,100 pages of application materials, including the December 2025 application and all amendments to the application, the proposed PSD and Title V permits, and LDEQ's Statement of Basis.

74. LDEQ's July 31, 2025, public notice states: "The EAS submitted by the applicant addresses avoidance of potential and real environmental effects, balancing of social

and economic benefits against environmental-impact costs, and alternative sites, projects, and mitigative measures." Across all the draft permitting materials released for public review, LDEQ addressed its public trust duties in only this single sentence.

75. LDEQ did not analyze or make any findings regarding the public trust factors in the draft permitting materials.

76. The proposed permitting materials disclosed that Hyundai's modeled 8-hour ozone impact is 2.09 ppb, and LDEQ selected the background design monitor at Dutchtown at 67 ppb, producing a cumulative value of 69.09 ppb, which is .91 ppb less than the ozone NAAQS of 70 ppb.

Public Participation Opportunities for the Proposed Permit

77. LDEQ granted an extension of the public comment period on Hyundai's proposed permit which resulted in a 45-day comment period ending on September 15, 2026.

78. The Sierra Club and RISE St. James separately submitted comments during the comment period.

79. Sierra Club's comments explicitly adopt and reference anonymous comments submitted to LDEQ on August 20, 2026.

80. These comments are part of the record, and they raise all the issues discussed in this petition.

Electrification, Green Hydrogen and BACT

81. The comments describe why the Clean Air Act and the Public Trust Doctrine require LDEQ to evaluate commercially-available electrified components as best available control technology and mitigating measures for multiple components located throughout the plant: package/utility boilers (Direct Reduction Plant and Cold Mill),

ladle preheaters and dryers (Steel Melting Plant/Melt Shop), and galvanizing line furnaces (Cold Mill), as well as green hydrogen for the Direct Reduction Plant. These measures can significantly reduce the facility's greenhouse gas and combustion pollution.

82. The comments include expert analysis, supported by numerous references attached as exhibits, detailing multiple advantages of electrified technologies, including estimated potential operating cost savings of almost $2 million a month by switching plant components from gas to electricity.

83. The comments also include expert analysis concluding that incremental blending-in of green hydrogen is technically and economically feasible at the proposed facility.

Public Trust - Environmental Justice

84. The comments explained that LDEQ must conduct an environmental justice analysis that includes a description of the affected communities, the expected cumulative impacts of existing pollution burdens, potential project emissions and foreseeable nearby projects, as well as assess feasible mitigation. The comments ask LDEQ to evaluate EJScreen analyses, census data including race and income of nearby residents, public health studies, permitting and public materials, and emission and enforcement data from nearby facilities. The comments specifically ask LDEQ to analyze data including cumulative risk to residents from the combined pollution from CF Industries' Donaldsonville Nitrogen Complex, BASF's Geismar Chemical Complex, Shell Geismar, Air Liquide, and expected RiverPlex MegaPark facilities including CF Industries Blue Point, Linde ASU and NEMO Ironworks I. The comments also explain that pollution levels that comply with Clean Air Act requirements can cause harm to

human health and have disproportionate adverse impacts.

85. The comments specifically point to emissions data from EPA's Toxic Release Inventory showing that industries surrounding the Modeste community emit over 3,600 pounds per year of mercury.

86. The comments explained that although EPA removed the public-facing EJScreen application in 2025, EJScreen remains publicly accessible. The comments also described how LDEQ utilized EJScreen in environmental justice analyses in recent permitting decisions.

Cost-Benefit Analysis

87. The comments detailed multiple flaws with Hyundai's cost-benefit analysis. First, Hyundai failed to consider or quantify any environmental costs including more ozone pollution and 1.6 million tpy of greenhouse gas emissions that would increase public health impacts, including increased doctor visits, missed work and school days, hospitalizations and premature death, traffic that would cause delays and strain local infrastructure, and property value impacts. The comments detail studies of mercury pollution, which estimate economic cost impacts ranging from $17,661.86 to $1,468.51 per pound annually, meaning Hyundai's expected mercury emissions of 366 pounds per year would impose a cost on the economy ranging from $6 million to $524,560 annually. The comments also point to federal studies on the economic benefits of controlling pollution.

88. Second, the comments detail how Hyundai's cost-benefit analysis did not consider how Hyundai's public subsidies and tax arrangements – including $200 million in incentives and avoiding an estimated $1.2 billion in property taxes – will reduce, delay, or

eliminate the tax benefits that Hyundai claims will flow to the community. Instead, Hyundai recites expected economic and social benefits that come directly from a Louisiana economic development website without any supporting documentation.

89. Thirdly, the comments address flaws in LDEQ's methodology of conducting its cost-benefit analysis. LDEQ used *gross* economic benefits instead of *net*, failing to consider economic costs to the Ascension parish government for increased strain on public resources and the probable economic cost of lower IQs and diminished productivity resulting from mercury exposure.

Ozone-monitor Selection

90. The comments also detail why LDEQ's selection of Dutchtown instead of Carville for the background design value for ozone was incorrect according to Appendix W and EPA guidance, and that using Carville would demonstrate that the facility would contribute to ozone exceedances. Carville is the most representative monitor because it is the only regional-scale monitor in the area, which means it characterizes ozone across 50-100s of kilometers, and it is the closest monitor to the Hyundai Plant site. Dutchtown is a neighborhood-scale monitor that only represents 500 meters- 4 kilometers from the monitor, and the Hyundai site is outside of that area. The comments included the following two images to support this point:

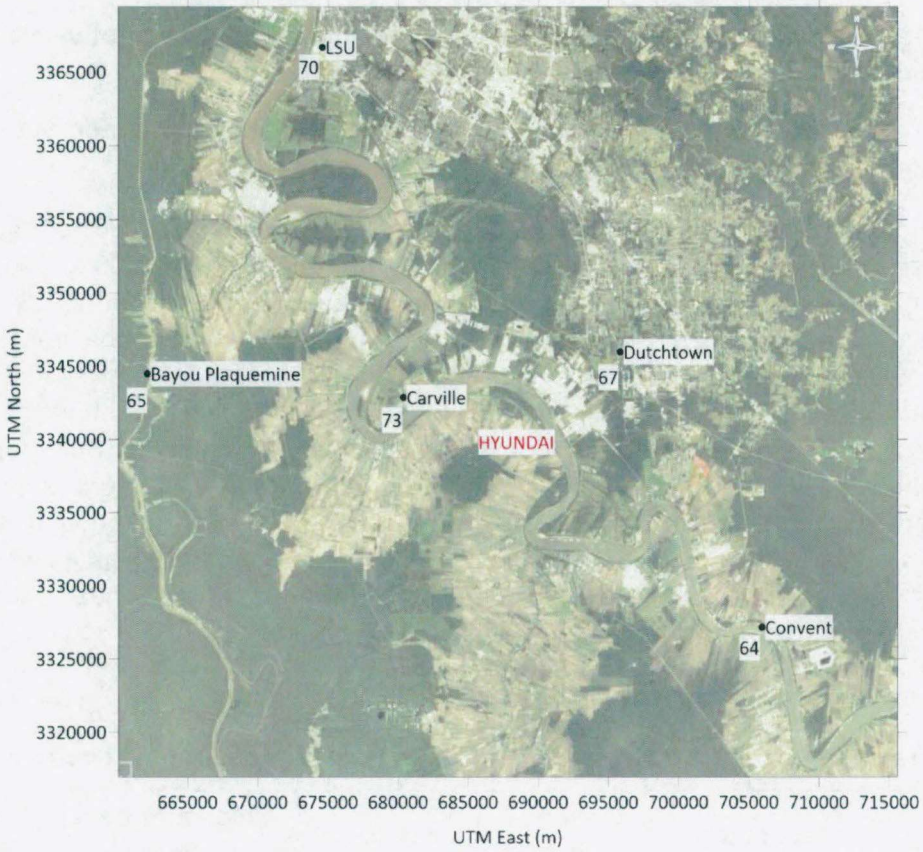
The area's monitors and their current design values are as follows:

Table 1: Ozone Monitors in the Vicinity of the Proposed HPLS Location

AQS Site ID	Local Site Name	Distance From HPLS (km)	Measurement Scale	Measurement Scale Definition	2023-25 Design Value (ppb)
220470012	Carville	8*	Regional	50 to 100s of km	73
220050004	Dutchtown	10*	Neighborhood	500 m to 4 km	67
220930002	Convent	22	Neighborhood	500 m to 4 km	64
220470009	Bayou Plaquemine	26	Neighborhood	500 m to 4 km	68
220330003	LSU	30	Middle	100 m to 500 m	70

Source: EPA design value website, https://www.epa.gov/air-trends/air-quality-design-values
*LDEQ appears to have measured Dutchtown from the property line at 5 miles (8.05 km). From the property line, Carville measures at 6.89 km.

Figure 1: Ozone Monitor Locations and Current Design Values



91. The comments request that LDEQ complete the required environmental justice, cost-benefit, mitigating measure and BACT, and ozone analyses, release the revised analyses and allow the public an opportunity for public notice and comment.

Public Hearing

92. On September 1, 2026, LDEQ held a public hearing to receive comments on Hyundai's draft permit.

93. The hearing was well attended, with over 100 individuals in attendance.

94. Many residents of Modeste, including Petitioners' members, expressed concerns and frustration in oral and written comments about how the expected pollution of the plant would impact their health, safety, and quality of life, and asked LDEQ to conduct an environmental justice analysis and fully evaluate and disclose the cumulative impacts of existing and planned sources. Modeste residents also voiced concerns over transparency.

95. RISE's Chief Operating Officer, Shamell Lavigne spoke at the hearing, urging LDEQ to "consider the cumulative impact" of the proposed plant in an area where "industry ha[s] already put people's [health] on the line" and that "already carry one of the highest toxic pollution burdens in the country."

96. A Sierra Club representative spoke at the hearing about the lack of an environmental justice analysis including cumulative impacts, transparency concerns, and urged LDEQ not to rush the permitting process.

97. Petitioners raised all reasonably ascertainable issues and submitted all reasonably available evidence supporting their position in the comments that they submitted to LDEQ prior to the issuance of LDEQ's final decision. La. R.S. 30:2014.3.B.

LDEQ's Final Decision and Response to Comments

98. On October 26, 2026, LDEQ issued a final decision granting the Permit. The final decision includes a PSD permit, Title V permit, a Basis for Decision, and a Public Comments Response Summary.

Electrification, Green Hydrogen and BACT

99. LDEQ did not evaluate commercially-available electrified components as best available control technology on a case-by-case basis for the several types of polluting components at the proposed facility: package/utility boilers, ladle preheaters and dryers, or galvanizing line furnaces. LDEQ did not respond to Petitioners' expert analysis and comments on this issue, including references, exhibits, estimated pollution reduction and operating cost savings from these components, nor to its analysis of the economic and other risks of reliance on gas. Instead, LDEQ stated that replacing gas-fired components with electric components would redefine the source, and claimed that "[e]lectrification would also shift, rather than eliminate, emissions to the electric generating units (EGUs) serving the grid."

100. LDEQ did not properly evaluate incremental blending-in of green hydrogen. LDEQ did not respond to Petitioners' comments that detailed the feasibility of incremental blending-in of green hydrogen, including the potential to use grid-connected renewable resources in Louisiana and other states, and explained that Hyundai itself has a hydrogen business that includes green hydrogen production, storage and transportation. Instead, LDEQ stated that green hydrogen is not available because "[t]he record identifies no supply of hydrogen produced by renewable electrolysis (or other "green" method) at the volume the reduction furnace requires." LDEQ also claimed BACT does not require an applicant to

develop or procure a new renewable electricity supply or the infrastructure required to produce hydrogen.

101. LDEQ did not conduct or review any cost analysis of incremental blending-in of green hydrogen. LDEQ nonetheless stated that "the cost of 'green hydrogen' would unduly curtail non-environmental benefits, effectively negating the economic viability of the project altogether."

Public Trust - Process

102. In the final Basis for Decision LDEQ provided its evaluation of the public trust IT factors.

103. LDEQ's public trust analysis was not available for public notice and comment.

Public Trust- Environmental Justice

104. LDEQ did not undertake an environmental justice analysis. Instead, LDEQ claimed that operation of the Hyundai Steel Plant in compliance with its permits "will not result in any adverse impacts to surrounding communities."

105. In response to Petitioners' comment that Hyundai's expected pollution will cause adverse impacts even if it is in compliance with its Permit, LDEQ stated the NAAQS are set to protect public health with an "adequate margin of safety."

106. LDEQ also contended that it "provided an opportunity for all parties to be meaningfully involved in the permit process."

107. In response to comments, LDEQ stated "LDEQ does not utilize nor rely upon any current reproductions of EJScreen that are not supported by its creator, the EPA."

108. LDEQ did not include in an environmental justice analysis or respond to Petitioners' comments about the information, other than EJScreen, that is freely

available and should be considered in an environmental justice analysis, including census data, public health studies, emissions, enforcement, and permitting data about existing and planned facilities, among other things.

Public Trust- Cost-Benefit Analysis

109. In the Statement of Basis, LDEQ provided a cost-benefit analysis that did not include any environmental costs. LDEQ did not consider in its cost-benefit analysis, nor respond to Petitioners' comments, that a cost-benefit analysis should include the environmental costs of mercury, greenhouse gas and other pollution, including increased doctor visits, missed work and school days, hospitalizations and premature death, as well as increased traffic, strains on local infrastructure, and property value impacts. LDEQ did not consider in its cost-benefit analysis how Hyundai's public subsidies and tax arrangements reduce the claimed benefits, nor consider the net economic benefits. LDEQ claimed "this matter is beyond the purview of LDEQ."

110. LDEQ found "The social and economic benefits of the HPLS Steel Mill will outweigh its potential adverse environmental impacts."

Public Trust - Mitigating Measures

111. LDEQ did not evaluate electrified components or blending in green hydrogen on an incremental basis as mitigating measures in the public trust analysis. LDEQ nevertheless concluded "there are no mitigating measures that would offer more protection to the environment than the project as proposed without unduly curtailing non-environmental benefits."

Ozone-Monitor Selection

112. In response to comments about the ozone background monitor, LDEQ stated "the

label ‘regional’ does not establish that data from LDEQ’s Carville monitor better represents background concentrations of ozone.” LDEQ did not respond to Petitioners’ comment that a neighborhood monitor like Dutchtown is not designed to represent ozone conditions beyond 4 kilometers.

ASSIGNMENTS OF ERROR

113. Based on the facts alleged in the preceding paragraphs, which Petitioners incorporate herein, Petitioners assert the following assignments of error.

114. LDEQ’s final decision prejudices substantial rights of Petitioners because LDEQ’s decision is in violation of constitutional and statutory provisions. La. R.S. 49:978.1(G)(1).

115. LDEQ’s final decision has prejudiced substantial rights of the Petitioners because LDEQ’s decision is in excess of the statutory authority of the agency. La. R.S. 49:978.1(G)(2).

116. LDEQ’s final decision has prejudiced substantial rights of the Petitioners because its decision is made upon unlawful procedure or affected by other error of law. La. R.S. 49:978.1(G)(3) & (4).

117. LDEQ’s final decision has prejudiced substantial rights of Petitioners because LDEQ’s decision is arbitrary and capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. La. R.S. 49:978.1(G)(5).

118. LDEQ’s final decision has prejudiced Petitioners’ substantial rights because the decision is not supported or sustainable by a preponderance of evidence. La. R.S. 49:978.1(G)(6).

119. The foregoing assignments of error include, without limitation, errors relating to BACT,

air quality modeling and NAAQS compliance, public participation requirements, public trustee obligations, and the sufficiency of the administrative record.

DESIGNATION OF RECORD FOR APPEAL

120. Petitioners designate as the Administrative Record all information produced by, considered by, and submitted to LDEQ in connection with Hyundai's application for a PSD/Title V Permit (AI 248885).

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court:

1. Enter judgment in favor of Petitioners against Louisiana Department of Environmental Quality reversing its decision to issue Permit PSD-LA-872 and Part 70 Operating Permit 0180-00243-VO, vacating the permits, and remanding the matter; and
2. Award all other relief the Court finds proper.

Respectfully submitted this the 20th day of November, 2026,

WALTZER WIYGUL GARSIDE & WILD LAW FIRM

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