

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

SAVE OUR HILLS, LOUISIANA  
ENVIRONMENTAL ACTION NETWORK,  
and ONEIL COUVILLION

VERSUS

LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY

\*  
\* CASE NUMBER 653,060  
\*  
\* SECTION 27  
\*  
\* DIVISION A  
\*  
\*  
\*  
\*  
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POST PK \$ 25.00  
# 2380  
OCT 26 2017  
DEPUTY CLERK OF COURT

JUDGMENT

This Court heard this matter on August 28, 2017, on the Petition for Judicial Review filed by the Petitioners Save Our Hills, the Louisiana Environmental Action Network, and Oneil Couvillion.

Present were:

Elizabeth Livingston de Calderon, counsel for the Petitioners.

Courtney Burdette and Charlotte Goudeau, counsel for the Defendant, Louisiana Department of Environmental Quality.

Andrew Harrison and Camille Walther, counsel for the Intervenor-Defendant Southern Aggregates, LLC.

Having considered the Administrative Record, pleadings, briefs submitted by the parties, arguments of counsel, and the law, and for the reasons more fully described in this Court's October 12, 2017, Ruling on Judicial Review,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Air Permit No. 1740-00076-00 issued by the Louisiana Department of Environmental Quality to Southern Aggregates, LLC, regarding Plant #10 Easterly for a gravel and sand mining operation, is hereby **VACATED** and the matter **REMANDED** to the Louisiana Department of Environmental Quality, for further proceedings consistent with the opinion provided in the Ruling on Judicial Review.

THIS JUDGMENT WAS MADE AND SIGNED ON THIS 31 day of Oct, 2017, in Baton Rouge, Louisiana.

FILED  
EAST BATON ROUGE PARISH, LOUISIANA  
2017 OCT 26 PM 1:16  
Megan...  
CLERK OF COURT

I hereby certify that on this day a notice of the above judgment was mailed by me, with sufficient postage affixed, to:

JUDGE TODD HERNANDEZ

Done and signed on October 2, 2017  
Wendy...  
Deputy Clerk of Court

REC'D C.P.  
OCT 30 2017  
Lisa Jordan, Courtney Burdette, Charlotte Goudeau, Camille Walther, Elizabeth Livingston de Calderon, Andrew Harrison

EBR4404217

**RULE 9.5 CERTIFICATE**

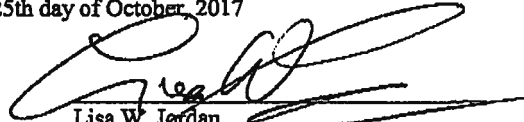
I certify that I circulated this proposed judgment to counsel for all parties by email on October 18, 2017, and that:

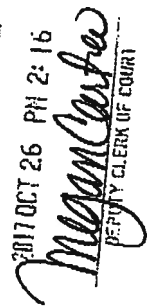
X no opposition was received; or

the following opposition was received:

I have allowed at least five (5) working days before presentation to the Court.

Certified this 25th day of October, 2017

  
Lisa W. Jordan  
Counsel for Petitioners

FILED  
EAST BATON BRIDGE PARISH, LA  
2017 OCT 26 PM 2:16  
  
DEPUTY CLERK OF COURT

**19<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA**

**12-OCT-2017**

**TO: LISA L JORDAN  
TULANE LAW CLINIC  
6329 FRERET ST  
NEW ORLEANS, LA 70118-5670**

**SAVE OUR HILLS ETAL VS LA STATE DEQ**

**CASE NUMBER: C653060**

**JUDGE: TODD HERNANDEZ**

**DIVISION: SECTION 27**

**YOU ARE HEREBY NOTIFIED OF THE FOLLOWING ACTION FOR THE  
AFOREMENTIONED CASE: THE COURT ENCLOSES A COPY OF THE RULING ON  
THE MATTER HELD AUGUST 28, 2017. (SEE DECREE)**

**WENDY RICHARDSON  
JUDICIAL ASSISTANT TO JUDGE  
TODD HERNANDEZ**

**NOTIFIED:**

SAVE OUR HILLS, LOUISIANA  
ENVIROMENTAL ACTION  
NETWORK and ONEIL COUVILLION

: NUMBER 653,060 SECTION 27

VS.

: 19TH JUDICIAL DISTRICT COURT

: PARISH OF EAST BATON ROUGE

LOUISIANA DEPARTMENT OF  
ENVIROMENTAL QUALITY

: STATE OF LOUISIANA

### RULING ON JUDICIAL REVIEW

This matter came before the Court on the 28<sup>th</sup> day of August, 2017 on the Plaintiff's Petition For Judicial Review of the Louisiana Department of Environmental Quality's decision granting the issuance of Air Permit No. 1740-00076-00 to Southern Aggregates, LLC. After argument of counsel, the court took the matter under advisement.

No evidence outside of the administrative record was considered by the trial court.

On September 27, 2016, The Louisiana Department of Environmental Quality issued the permit in question to Southern Aggregates after the department argued it appropriately performed its obligations as the public trustee of the environment and in accordance with law. Shortly thereafter, the plaintiffs filed this judicial review of that decision on November 18, 2016 claiming that the department failed to uphold its duty as public trustee because, among other reasons, to fully determine that all adverse impacts on the environment have been minimized or avoided as much as possible consistent with the public welfare.

This Court, having considered the briefings of counsel, argument of counsel, and the administrative record finds that the Louisiana Department of Environmental Quality failed as public trustee of the environment as required by law. Specifically, the court finds that the decision of the department is not supported and not sustainable by a preponderance of the evidence that the department upheld its public trustee duty by failing to weigh the cost to the neighboring landowners in the Oak Hills Community as required by law when performing its environmental cost analysis. The department's conclusion that the social and economic benefits of this permit significantly outweighed the environmental impact cost cannot be supported without determination of the economic impact the project will or may have upon neighboring landowners.



Accordingly, the court orders that the decision of the department to issue Air Permit No. 1740-00076-00 to Southern Aggregates, LLC be vacated and pursuant to the provisions of La. R.S. 49:964 this court remands this matter back to the Louisiana Department of Environmental Quality for further proceedings, to include, a thorough cost benefit analysis and determination of the environmental impact cost to the neighboring property owners in the Oak Hills Community.

A judgment shall be submitted in consistent with this ruling in accordance with Uniform Rule 9.5. Each party is to bear their own respective cost of this proceeding.

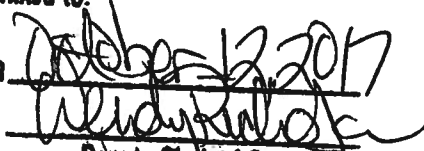
Baton Rouge, Louisiana, this 12<sup>th</sup> day of October, 2017.



Todd Hernandez, Judge  
19<sup>th</sup> Judicial District Court

I hereby certify that on this day a copy of the written reasons for Judgment was mailed by me, with sufficient postage affixed to.

Bore and signed on

October 12, 2017  
  
Deputy Clerk of Court

FILED

OCT 12 2017  
  
DEPUTY CLERK OF COURT

Lisa Jordan, Courtney Burdette,  
Charlotte Goudeau, Elizabeth DeCalderson,  
Carlyle Walther, Andrew Harrison