



## Lawsuits & Administrative Adjudications



### Current Docket

*Industrial Pipe, Inc. v. Plaquemines Parish Council, et al.*, No. 00059189 (25th Jud. Dist. Ct. La. Nov. 3, 2011) (Counsel for Intervenors Oakville Community Action Group, Louisiana Environmental Action Network, and Gloria Mayfield in a challenge to Plaquemines Parish Council's decision to deny a Coastal Use Permit to Industrial Pipe for its landfill expansion project) (104-029)

*Louisiana Environmental Action Network et al. v. Louisiana Department of Environmental Quality*, No. 598943 (La. 1 Cir., Aug. 19, 2011) (Appealing a 19<sup>th</sup> Judicial District Court judgment that dismissed a challenge to an LDEQ decision to allow experimental recirculation and application of collected leachate to the working face of the Woodside landfill in Walker (Livingston Parish) without conducting an environmental assessment) (101-093.7)

*Louisiana Environmental Action Network v. City of Baton Rouge and Parish of East Baton Rouge*, No. 11-30549 (5th Cir. June 27, 2011) (Appealing dismissal of a citizen suit that alleged ongoing Clean Water Act violations at three Baton Rouge sewage treatment plants and also alleging that the plants violate interim limits set in a federal consent decree) (101-117.1)

*In re: Louisiana Department of Environmental Quality Permitting Decision: LPDES Permit to Vanguard SynFuels*, (La. 1st Cir., June 2, 2011) (Appealing denial of Intervention on behalf of Louisiana Environmental Action Network and Mr. Howard Charrier for judicial review of water permit for discharge of wastewater into an Outstanding Natural Resource Water) (101-109.1)

*ENSCO Offshore Company v. Salazar*, No. 11- 30491 (5th Cir. May. 23, 2011) (Appeal on behalf of Sierra Club and Center for Biological Diversity of summary judgment order requiring the U.S. Bureau of Ocean Energy Management, Regulation and Enforcement to make decisions about permits for deepwater oil wells in the Gulf of Mexico within 30 days) (126-019.4)

*Atchafalaya Basinkeeper v. Sandra Thompson-Decoteau*, No. 11-30471 (5th Cir., May 23, 2011) (Appeal of trial court dismissal of citizen suit against Atchafalaya Basin Program for failure to comply with a Clean Water Act Section 404 permit when dredging Bayou Postillion) (155-003.1)

*Louisiana Crawfish Producers Association – West, Atchafalaya Basinkeeper, and Louisiana Environmental Action Network v. U.S. Army Corps of Engineers, et al.*, No. 11-cv-461 (W.D. La., March 22, 2011) (Alleging that the U.S. Army Corps of Engineers violated the Endangered Species Act and the National Environmental Policy Act when it issued after-the-fact permits for a project that altered over 600 acres of swamp in Louisiana black bear critical habitat in the Atchafalaya Basin without consulting the U.S. Fish & Wildlife Service) (155-004)

*Center for Biological Diversity v. Salazar*, No. 10-60417 (5<sup>th</sup> Cir., May 27, 2010) (challenging approval by the Department of Interior's Minerals Management Service of 11 plans for offshore drilling in the Gulf of Mexico without the consideration of environmental impacts that the National Environmental Policy Act requires) (169-001)

*Sierra Club, Alliance for Affordable Energy, Louisiana Environmental Action Network, and O'Neil Couvillion v. Louisiana Department of Environmental Quality*, No. C583878 (19<sup>th</sup> Jud. Dist. Court, Oct. 23, 2009) (Appealing LDEQ's modification of Louisiana Generating's Clean Air Act permit for the Big Cajun I power plant to allow release of hazardous air pollutants from burning higher sulfur coal and petroleum coke—fuels associated with global warming) (126-014.3)

*Louisiana Environmental Action Network and Mr. O'Neil Couvillion v. Tommy Martinez*, No. 93387B (23rd Jud. Dist., July 31, 2009) (Alleging that the Ascension Parish President drained Alligator Bayou and Spanish Lake without legal authority) (101-118)

*Louisiana Environmental Quality Act v. Exxon Mobil Corporation*, No. 578304 (19th Jud. Dist., May 13, 2009) (Alleging that Exxon's Baton Rouge chemical plant discharges toxic air pollutants and other air contaminants without a permit to cover those discharges) (101-055)

*Sierra Club, Louisiana Environmental Action Network, Alliance for Affordable Energy, and Mr. O'Neil Couvillion v. Louisiana Department of Environmental Quality*, No. 576989 (19th Jud. Dist., Apr. 1, 2009) (Appealing LDEQ's modification of Entergy's Clean Air Act permit for the Little Gypsy power plant to allow release of hazardous air pollutants from burning higher sulfur coal and petroleum coke—fuels associated with global warming) (126-016.4)

*In re: Louisiana Department of Environmental Quality Air Permitting Decision Re: Louisiana Generating, LLC Big Cajun I Power Plant*, No. 564241 (19th Jud. Dist., March 19, 2008) (Appealing Clean Air Act permits allowing the Big Cajun I power plant to burn higher sulfur coal, a fuel associated with global warming) (126-014)

*Louisiana Environmental Action Network, Citizens for a Strong New Orleans East, and the Green Zone Task Force v. Louisiana Department of Environmental Quality*, No. 559,256 (19th Jud. Dist., Sept. 14, 2007) (Appeal of LDEQ decision approving Waste Management's plan to "close" the unpermitted Chef Menteur landfill—located between a Vietnamese-American community in East New Orleans and Bayou Sauvage National Wildlife Refuge—by leaving waste in place without adequate monitoring) (101-111)

*In re: Louisiana Department of Environmental Quality Permitting Decision: Permit for Water Discharges from West Baton Rouge Westport Waste Water Facility (AI 43915)*, No. 558298 (19th Jud. Dist., Aug. 17, 2007) (Alleging that a renewed permit for a sewage treatment plant allows unlawful degradation of impaired waters and that LDEQ failed to respond to significant public comments) (157-010.1)

*Louisiana Environmental Action Network v. Louisiana Department of Environmental Quality*, No. 543,232 (19th Jud. Dist., July 31, 2006; intervention filed Oct. 12, 2006) (A consolidation of two cases: one (No. 545,758) filed by Waste Management against LDEQ (to prevent the agency from withdrawing its emergency authorization for the Chef Menteur landfill, and one (No. 543,232) filed by Louisiana Environmental Action Network and Citizens for a Strong New Orleans East against LDEQ to challenge LDEQ's authority to issue an emergency authorization for the landfill to operate without a permit) (101-096)

#### **Historical Docket\***

*Holy Cross Neighborhood Association, Gulf Restoration Network, Louisiana Environmental Action Network, Citizens Against Widening the Industrial Canal, and Sierra Club v. U.S. Army Corps Of Engineers*, No. 10-cv-1715 (E.D. La., June 10, 2010) (Alleging that the U.S. Army Corps of Engineers' Industrial Canal lock replacement project violates the National Environmental Policy Act and the Clean Water Act because, among other things, the Corps failed to consider reducing disposal of contaminated dredged spoil by about half by implementing a "shallow draft" alternative—even though the Corps assumed there will be "no deep draft benefits associated with the authorized plan over the period of analysis.") (2011 WL 4015694; 774 F.Supp.2d 806), (112-004.1) Favorable Judgment Sept. 13, 2011.

*Concerned Citizens Around Murphy v. Jackson*, No. 2:10-cv-04444 (E.D. La. Dec. 1, 2010) (Seeking an injunction to require EPA to respond to Plaintiff's petition to EPA asking the agency to object to an air

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\* Case descriptions include statements about final disposition (for example, noting favorable or adverse judgments). A final disposition, however, does not necessarily reflect a client's overall success due, for example, to interim rulings or agreements or to voluntary changes in a defendant's behavior.

permit for Murphy Oil USA's Meraux Refinery because the permit fails to require pollution controls mandated by the Clean Air Act) (161-006.1) Dismissed after settlement Sept. 6, 2011

*Hornbeck Offshore Services, L.L.C. et al. v. Salazar*, 10-cv-01663 (E.D. La., June 7, 2010) (Counsel for Intervenor-Defendant Sierra Club in a challenge by various companies to the U.S. Department of Interior's six-month moratorium on new deepwater oil wells in the Gulf of Mexico) (126-019) Dismissed Aug. 4, 2011

*ENSCO Offshore Company v. Salazar*, No. 10-cv-01941 (E.D. La. Aug. 23, 2010) (Counsel for Intervenor-Defendant Sierra Club in a challenge to the U.S. Department of Interior's revised moratorium on new deepwater oil wells in the Gulf of Mexico) (126-019.2) Adverse judgment Aug. 4, 2011

*Gulf Restoration Network v. Hancock County Development, LLC and Joshua Ladner*, No. 1:08-cv-00186-LG-RHW (S.D. Miss., May 8, 2008) (Citizen suit against developers for failure to obtain a Clean Water Act Section 404 permit before filling wetlands for planned development on 700 acres near Stennis, Mississippi) (772 F. Supp.2d 761, 2011 WL 482520, 2009 WL 3841728, 2009 WL 259617) (157-019) Settled Aug. 23, 2011

*Oakville Community Action Group & Louisiana Environmental Action Network v. Industrial Pipe, Inc. and Riverside Recycling & Disposal, L.L.C.*, No. 2:11-cv-00100 (E.D. La. Jan. 18, 2011) (Resource Conservation and Recovery Act citizen enforcement suit seeking compliance with solid waste safety requirements and state prohibition on disposal of Regulated Asbestos Containing Materials) (104-025) Settled Aug. 2, 2011

*Louisiana Environmental Action Network et al. v. Louisiana Department of Environmental Quality*, No. 598943 (19<sup>th</sup> Jud. Dist. Court, Feb. 2, 2011) (Appealing LDEQ's decision to allow experimental recirculation and application of collected leachate to the working face of the Woodside landfill in Walker (Livingston Parish) without conducting an environmental assessment) (101-093.6) Adverse ruling, June 13, 2011.

*In re Louisiana Department of Environmental Quality Permit Decision re: Harrelson Materials Management, Inc. Type III Construction & Demolition Debris*, No. 2010-ca-1950 (La. 1st Cir., July 26, 2010) (appealing – on behalf of Louisiana Environmental Action Network and others - La. 19<sup>th</sup> JDC decision affirming LDEQ's issuance of a permit to the Harrelson landfill that appellants allege is illegal because of improper zoning, lack of an adequate environmental assessment, and the agency's failure to consider the permittee's poor compliance history, among other things) (101-113.2) (Adverse Judgment, June 10, 2011)

*James H. Welch v. Jan Bernhardt et al.*, No. 2011-CA-0096 (1st Cir., Nov. 5, 2010) (The Department of Natural Resource's appeal of a trial court judgment that vacated an Underground Injection Control permit for disposal of oil & gas production wastes in the Gueydan Canal Field, Vermillion Parish) (168-001.1) Appeal dismissed May 2011

*ENSCO Offshore Company v. Salazar*, No. 11-30225 (5th Cir. Mar. 9, 2011) (Appeal on behalf of Sierra Club and Center for Biological Diversity of preliminary injunction order requiring the U.S. Bureau of Ocean Energy Management, Regulation and Enforcement to make decisions about permits for deepwater oil wells in the Gulf of Mexico within 30 days) (126-019.3) Dismissed as moot May 23, 2011

*Louisiana Environmental Action Network v. City of Baton Rouge and Parish of East Baton Rouge*, No. 10-cv-187 (M.D. La. Mar. 22, 2010) (Alleging ongoing Clean Water Act violations at three Baton Rouge sewage treatment plants and also alleging that the plants violate interim limits set in a federal consent decree) (101-117) Adverse ruling May 17, 2011

*In re Consolidated Env'tl. Mgmt., Inc.*, 2011-6229-EQ, La. Division of Administrative Law (April 12, 2011) (Intervention on behalf of Louisiana Environmental Action Network, Sierra Club, and O'Neil Couvillion in an administrative hearing in which Nucor seeks review of permit decision requiring company to meet new

air quality standards at its pig iron facility in St. James Parish) (101-115.6) Intervention denied May 3, 2011

*Atchafalaya Basinkeeper and Louisiana Environmental Action Network v. David Fruge, in his official capacity as Interim Director of the Atchafalaya Basin Program, and Sandra Thompson-Decoteau*, No. 6:08-1155 (W.D. La., Aug. 8, 2008) (Citizen suit against Atchafalaya Basin Program for failure to comply with a Clean Water Act Section 404 permit when dredging Bayou Postillion) (155-003) Adverse Judgment April 20, 2011

*Louisiana Environmental Action Network v. Sun Drilling Products Corp.*, No. 09-cv-7389 (E.D. La., Nov. 19, 2009) (Seeking civil penalties and injunctive relief for alleged violations of a Clean Water Act permit at a Belle Chasse, Louisiana drilling mud lubricant manufacturing facility) (101-120) (716 F.Supp.2d 476; 2010 WL 5055900; 2011 WL 52529) Settled April 15, 2011

*In re: Louisiana Department of Environmental Quality Permitting Decision: LPDES Permit to Vanguard SynFuels (AI 3133)*, No. 551,238, Section 26 (19th Jud. Dist., April 5, 2007) (Intervention on behalf of Louisiana Environmental Action Network and Mr. Howard Charrier for judicial review of water permit for discharge of wastewater into an Outstanding Natural Resource Water) (101-109) Adverse judgment April 12, 2011

*Concerned Citizens Around Murphy v. Murphy Oil USA, Inc.*, No. 08-4986 (E.D. La. Nov. 21, 2008) (Seeking civil penalties and injunctive relief for alleged violations of Clean Air Act permit emission limitations at a Meraux, Louisiana oil refinery) Settled March 18, 2011 (161-003) (686 F. Supp. 2d 663)

*Bogue Lusa Water Works v. Louisiana Department of Environmental Quality*, No. 474-677 (19th Jud. Dist., Nov. 20, 2000) (Seeking remand of LDEQ's approval of a Clean Air Act permit to construct a ground-water cooled merchant power plant in Bogalusa, Washington Parish, Louisiana) In February 2001, the Court remanded the permit decision to LDEQ, but retained jurisdiction over the case. LDEQ reaffirmed its permit decision in May 2002 but, at Calpine's request, rescinded Calpine's air permit on June 19, 2009. (125-001) Order of Voluntary Dismissal March 4, 2011

*Louisiana Environmental Action Network v. Jackson*, No. 09-cv-01333 (D.D.C. July 17, 2009) (Seeking an injunction to require EPA and the Louisiana Department of Environmental Quality to implement Clean Air Act provisions to protect Louisiana residents from dangerous levels of ozone pollution) (101-100) Settled Nov. 23, 2010)

*Louisiana Environmental Action Network et al. v. Martinez*, No. 2010-CC-2338 (La. Sup Ct. Oct. 14, 2010) (Requesting appellate review of the District Court's failure to issue summary judgment that the Ascension Parish President drained Alligator Bayou and Spanish Lake without legal authority) writ denied Dec. 10, 2010 (101-118.2)

*Louisiana Environmental Action Network, State Of Louisiana, Save The Ouachita, and Kent Stegall v. Arkansas Pollution Control & Ecology Commission, City Of El Dorado Water Utilities, El Dorado Chemical Company, Lion Oil Company, and Great Lakes Chemical Company*, Nos. 0283-6 (consolidated) (Arkansas Supreme Court, April 28, 2009) (Appealing aspects of an Arkansas Pollution Control & Ecology Commission order regarding a water quality permit for a joint pipeline for four industrial polluters to discharge into the Ouachita River in Arkansas, which flows into Louisiana) Adverse ruling Oct. 7, 2010 (101-105.3)

*Louisiana Environmental Action Network et al. v. Martinez*, No. 2010-CW-1199 (1st Cir. July 2, 2010) (Requesting appellate review of the District Court's failure to issue summary judgment that the Ascension Parish President drained Alligator Bayou and Spanish Lake without legal authority) Adverse ruling Sept. 14, 2010 (101-118.1)

*Jan Bernhardt, et al. v. James Welch*, No. 587065 (19th Jud. Dist., Feb. 1, 2010) (Alleging that the Department of Natural Resource's issuance of a permit to drill an injection well for disposal of oil & gas

production wastes in the Gueydan Canal Field in Vermillion Parish is illegal because of the agency's failure to analyze environmental impacts on neighboring agriculture and residences and to consider alternatives) (168-001) Favorable Judgment (September 9, 2010)

*Hornbeck Offshore Services, L.L.C. et al. v. Salazar*, 10-30585 (5th Cir., June 25, 2010) (Appeal of District Court preliminary injunction against enforcement of the U.S. Department of Interior's six-month moratorium on new deepwater oil wells in the Gulf of Mexico) (126-019.1) dismissed as moot (favorable result) Sept. 29, 2010

*Pioneer Americas, No. 2007-1712-EQ, La. Division of Administrative Law* (June 21, 2007) (Intervention on behalf of Louisiana Environmental Action Network and O'Neil Couvillion in an administrative hearing in which Pioneer Americas is challenging an LDEQ enforcement action regarding unlawful emissions of mercury) (dismissed Aug. 24, 2010) (101-110.1)

*In re Louisiana Department of Environmental Quality Permit Decision re: Harrelson Materials Management, Inc. Type III Construction & Demolition Debris, No. 585242* (19th Jud. Dist., Dec. 7, 2009) (Alleging—on behalf of Louisiana Environmental Action Network and others—that LDEQ's issuance of a permit to the Harrelson landfill is illegal because of improper zoning, lack of an adequate environmental assessment, and the agency's failure to consider the permittee's poor compliance history, among other things) (101-113.1) Adverse Judgment June 30, 2010

*Louisiana Environmental Action Network, Citizens for a Strong New Orleans East, Sierra Club, and Father Van Lukenguyen v. Louisiana Department of Environmental Quality, No. 2009-CA-2259* (La. App. 1st Cir., Dec. 10, 2009) (Appealing a 19th Judicial District Court's judgment affirming LDEQ's issuance of a water quality certification for the Chef Menteur landfill, an unpermitted landfill located between a Vietnamese-American community in East New Orleans and Bayou Sauvage National Wildlife Refuge) (101-103.2) Adverse ruling June 25, 2010

*Louisiana Environmental Action Network and O'Neil Couvillion v. Louisiana Department of Environmental Quality, No. 587263* 19th Jud. Dist., Feb. 5, 2010) (Appealing LDEQ's issuance of three Administrative Orders modifying solid waste permits for CWI Oaks Landfill, LLC, LaSalle/Grant Parish Landfill, and River Birch Inc. to allow disposal of oil and gas exploration and production waste at those landfills without providing an opportunity for public notice and comment) (101-122) Adverse Judgment June 14, 2010

*Concerned Citizens of Independence v. DoRan Seafood, LLC, No. 09-cv-2833* (E.D. La., Feb. 19, 2009) (Alleging that DoRan Seafood discharges waste that passes through and interferes with a municipal sewage treatment plant in the Town of Independence, Tangipahoa Parish, Louisiana, causing violations of Clean Water Act standards for discharges into the Tangipahoa River) (162-001) Stipulated Dismissal May 27, 2010 (following installation of a pretreatment system and odor control technology)

*Petroplex International, LLC, et al. v. Calabro, No. 33693* (23th Jud. Dist., Jan. 13, 2010) (Defending a community organization, its officers, and its members in a "SLAPP Suit" (Strategic Lawsuit Against Public Participation) that alleges defamation and interference with contractual relations for statements at a public permits hearing) (101-121.2) Voluntary Dismissal Motion Filed May 19, 2010 (favorable result)

*Little Tchefuncte River Association, Gulf Restoration Network, and Matthew Allen v. Louisiana Department of Environmental Quality, No. 583984* (19<sup>th</sup> Jud. Dist., Oct. 28, 2009) (Appealing LDEQ's decision to reissue a Clean Water Act permit that allows a private wastewater treatment facility at Penn Mill Lakes Subdivision to discharge into Horse Branch Creek and the Tchefuncte River—streams designated as Outstanding Natural Resource Waters—without regard to the availability of alternatives) (167-001.1) Favorable Judgment May 5, 2010

*Louisiana Environmental Action Network and Concerned Citizens of Livingston Parish v. Jackson, No. 42:7604* (D.D.C. Oct. 13, 2009) (Seeking to compel EPA to rule on the Plaintiffs' petition for an EPA objection to an LDEQ air permit for Waste Management of Louisiana's Woodside Landfill. The underlying petition alleges that LDEQ's permit 1) fails to require sufficient monitoring to assure that Waste

Management complies with the permit's emission limits and 2) fails to impose emission controls that the Clean Air Act requires for new major sources in areas, like Livingston Parish, that have not attained federal health protection standards for ozone pollution) (101-093.3) Settlement Signed April 28, 2010

*Sierra Club, Louisiana Environmental Action Network, Alliance for Affordable Energy, and Mr. O'Neil Couvillion v. Louisiana Department of Environmental Quality*, No. 574318 (19th Jud. Dist., Jan. 14, 2009) (Appealing LDEQ's modification of the Big Cajun II power plant's Clean Air Act permit to allow burning of higher sulfur coal, a fuel associated with health impacts and global warming) (126-018.1) Voluntary Dismissal Motion Filed April 27, 2010 (following LDEQ rescission of the permit modification)

*In re: Louisiana Department of Environmental Quality Permitting Decision: Air Permit for Waste Management of Louisiana, L.L.C.'s Woodside Landfill*, No. 574282 (19th Jud. Dist. Intervention filed July 30, 1996) (Challenging LDEQ's issuance of a Clean Air Act permit that petitioners Louisiana Environmental Action Network, Concerned Citizens of Livingston Parish, Mr. Harold Wayne Breaud and Mr. O'Neil Couvillion allege violates provisions of the Clean Air Act and Louisiana air regulations) (101-093.4) Adverse Judgment March 29, 2010 (but permit remanded by EPA May 27, 2010)

*Alliance for Affordable Energy v. Louisiana Public Service Commission (LPSC)*, No. 568378 (19th Jud. Dist., June 30, 2008) (Appealing the LPSC's approval of Entergy Louisiana, LLC's plan to repower the Little Gypsy power plant, Unit 3, in Montz, Louisiana, to burn coal and petroleum coke, fuels that will increase emissions of global warming gases) (126-016.1) Dismissed March 23, 2010 (following LPSC suspension of project and Entergy application to cancel project)

*U.S. v. Sewerage and Water Board Of New Orleans*, No. 93-cv-3212 (E.D. La., Jan. 27, 2010) (Negotiations on behalf of intervenors League of Women Voters of New Orleans, Lake Pontchartrain Basin Foundation, Orleans Audubon Society, and Louisiana Environmental Action Network regarding modifications (post-Hurricane Katrina) to a Clean Water Act consent decree originally entered on June 22, 1998 to improve sewage treatment in Orleans Parish) (135-001). Modified Consent Decree Entered March 23, 2010

*In re: Louisiana Department of Environmental Quality Permitting Decision: Permit for Timber Branch Sewage Treatment Facility*, No. 577799 (19th Jud. Dist., April 28, 2009) (Appealing a Clean Water Act permit that allows Southeastern Louisiana Water and Sewer Company to discharge treated sewage into Timber Branch and the Tchefuncte River, which are Outstanding Natural Resource Waters) (110-006.2) Adverse Judgment March 10, 2010

*Louisiana Environmental Action Network, v. Louisiana Department of Environmental Quality*, No. 2009-CA-1244 (La. App. 1st Cir., July 8, 2009) (Appealing a 19th Judicial District Court's judgment affirming LDEQ's issuance of a water discharge permit for the Chef Menteur landfill, an unpermitted landfill located between a Vietnamese-American community in East New Orleans and Bayou Sauvage National Wildlife Refuge) (101-111.2) Adverse Judgment Feb. 8, 2010

*In re Kennett Stewart*, No. 2009-7154-EQ (La. Div. of Admin. Law, Oct. 16, 2009) (Intervention on behalf of Oakville Community Action Group, Louisiana Environmental Action Network ("LEAN"), and Anne Marie Higgins in Louisiana Department of Environmental Quality enforcement action against landowner for violation of solid waste laws in Belle Chasse, Louisiana) (104-023) (Adverse Judgment, Jan. 6, 2010)

*Louisiana Environmental Action Network and Mr. O'Neil Couvillion v. Louisiana Department of Environmental Quality*, No. 581665 (19<sup>th</sup> Jud. Dist., Aug. 20, 2009) (Alleging that when LDEQ issued a water quality certification for Nucor Corporation to clear and excavate wetlands in St. James Parish, LDEQ failed to perform an environmental assessment or to determine whether the project would comply with state water quality standards) (101-115.3) Adverse Judgment Dec. 1, 2009

*Louisiana Environmental Action Network, v. Louisiana Department of Environmental Quality*, No. 560,711 (19th Jud. Dist., July 28, 2008) (Challenging LDEQ water quality certifications regarding waste disposal in the Chef Menteur landfill, an unpermitted landfill—located between a Vietnamese-American community in

East New Orleans and Bayou Sauvage National Wildlife Refuge—that received storm debris following Hurricane Katrina) (101-103) Adverse Judgment July 29, 2009

*In re: Application Of Entergy Louisiana, LLC For Approval To Repower Little Gypsy*, No. U-30192 (La. Public Service Commission, July 27, 2007) (Phase II) (Intervention on behalf of a coalition of clients to convince the LPSC to disapprove Entergy's application to recover costs on construction work in progress on repowering its Montz, Louisiana facility to burn coal and petroleum coke) (126-016.2) Dismissed (favorable result) July 6, 2009

*Gulf Restoration Network, Louisiana Audubon Council, Louisiana Environmental Action Network, and Sierra Club v. EnerVest Operating, L.L.C.*, No. 07-817 (W.D. La., May 9, 2007) (Seeking cleanup of hazardous waste released from more than 600 sites of leaking mercury meters in Union, Ouachita, and Morehouse parishes) (101-092) Settled July 2, 2009

*Concerned Citizens of Assumption Parish, Paincourtville Volunteer Fire Department, Louisiana Environmental Action Network, Andrea Williams, and O'Neil Couvillion v. Louisiana Department of Environmental Quality* (19th Jud. Dist. No. 569,424, Aug. 4, 2008) (Challenging LDEQ's issuance of solid waste permit to Belle Company to construct and operate a landfill in Assumption Parish) (111-004.2) Adverse Judgment May 20, 2009

*Oakville Community Action Group, Louisiana Environmental Action Network, and Anne Higgins v. Louisiana Department of Environmental Quality* No. 573974 (19th Jud. Dist., Jan. 5, 2009) (Challenging LDEQ's decision to allow the Industrial Pipe landfill to accept waste directly from barges in a manner that, LDEQ has found, poses contamination risks to area soils and the Hero Canal) (104-020) Adverse ruling May 18, 2009

*Oakville Community Action Group v. Plaquemines Parish Council*, No. 2009-C-621 (La. Sup. Ct., May 1, 2009) (Opposing Plaquemines Parish Council's application for a Louisiana Supreme Court writ to review an appellate court's revocation of a coastal use permit for expansion of the Industrial Pipe landfill into coastal wetlands) (104-014.1) Favorable ruling May 1, 2009

*Louisiana Environmental Action Network, State Of Louisiana, Save The Ouachita, and Kent Stegall v. Arkansas Pollution Control & Ecology Commission, City Of El Dorado Water Utilities, El Dorado Chemical Company, Lion Oil Company, and Great Lakes Chemical Company*, Nos. 2008-0296-6, 0283-6, & 0292-6 (consolidated) (Union County Cir. Court, Ark., July 28, 2008) (Appealing aspects of an Arkansas Pollution Control & Ecology Commission order regarding a water quality permit for a joint pipeline for four industrial polluters to discharge into the Ouachita River in Arkansas) (101-105.2) Adverse Judgment March 31, 2009

*Louisiana Environmental Action Network, v. Louisiana Department of Environmental Quality*, No. 571,466 (19th Jud. Dist., Oct. 8, 2008) (Challenging LDEQ's issuance of a water discharge quality permit for the Chef Menteur landfill, an unpermitted landfill located between a Vietnamese-American community in East New Orleans and Bayou Sauvage National Wildlife Refuge) (101-111.1) Adverse Judgment March 25, 2009

*Louisiana Environmental Action Network v. Louisiana Department of Environmental Quality*, No. 2009 CC 0314 (La. Sup. Ct., Feb. 9, 2009) (Opposing Waste Management's application for a Louisiana Supreme Court writ to prevent plaintiffs from challenging LDEQ's issuance of water quality certifications regarding waste disposal in the Chef Menteur landfill following Hurricane Katrina) (101-103.1) Favorable ruling April 3, 2009

*Oakville Community Action Group v. Plaquemines Parish Council*, No 2008-CA-1286 (La. App. 4th Cir., Sept. 9, 2008) (Appealing the 25th Judicial District Court's denial of the Oakville Community Action Group's petition for review of a Plaquemines Parish coastal use permit for the Industrial Pipe landfill) (104-014) Favorable ruling Feb. 18, 2009 (7 So.3d 25)

*Save Our Wetlands v. Terrebonne Levee and Conservation District*, No. 08-2159 (E.D. La., April 29, 2008) (Citizen suit against levee district for failure to obtain a Clean Water Act Section 404 permit before filling wetlands to build Reach J1 of the Morganza-to-the-Gulf Levee Project) (163-001) Settled Feb. 11, 2009

*Louisiana Environmental Action Network v. Louisiana Department of Environmental Quality*, No. 2008 CW 1970 (La. App. 1st Cir., Sept. 22, 2008) (Opposing a Waste Management writ application which argued that environmental plaintiffs have no right to challenge LDEQ's issuance of water quality certifications regarding waste disposal in the Chef Menteur landfill following Hurricane Katrina) (101-103.1) Favorable ruling Jan. 9, 2009

*Louisiana Environmental Action Network v. Louisiana Department of Environmental Quality*, Nos. 2008-CC-2461, 2462 (La. Sup. Ct., July 7, 2008) (Opposing a Waste Management writ application that challenged a Louisiana First Circuit Court of Appeal's decision declining to review a trial court order transferring, rather than dismissing, an appeal of LDEQ's approval of a plan to leave waste in place at the Chef Menteur landfill without adequate monitoring) (101-111) Favorable ruling Jan. 9, 2009

*Louisiana Environmental Action Network v. Louisiana Department of Environmental Quality*, No. 2008 CW 1116 & 1438 (La. App. 1st Cir., June 9 & July 16, 2008) (Writ applications by intervener Waste Management regarding the 19th Judicial District Court's decision to transfer, rather than dismiss, the Plaintiffs' challenge to LDEQ's approval of a plan to "close" Chef Menteur landfill by leaving waste in place without adequate monitoring) (101-111) Favorable rulings Sept. 12, 2008

*Holy Cross Neighborhood Association v. U.S. Army Corps of Engineers*, No. 08-30758 (5th Cir. Appeal Docketed 7/30/08) (U.S. Army Corps appeal of attorney fee award to TELC) (112-002.2) Dismissed August 27, 2008

*In re: Louisiana Department of Environmental Quality Permitting Decision: Guste Island Wetland Assimilation Project*, No.563932 (19 Jud. Dist., Feb. 8, 2008) (Challenging a LDEQ Clean Water Act permit, alleging excessive allowable discharges of nitrogen, ammonia, phosphorus, biochemical oxygen demanding-substances (BOD), and total suspended solids (TSS) into the Lower Tchefuncte River system) (157-014) Settled Aug. 8, 2008

*Oakville Community Action Group v. Plaquemines Parish Council*, No. 50-697 (25<sup>th</sup> Jud. Dist., Dec. 15, 2003) (Challenging a decision by the Plaquemines Parish Council to approve Industrial Pipe, Inc.'s coastal use permit application) (104-011) Adverse Judgment July 31, 2008; Favorable Judgment on Remand Oct. 29, 2009

*St. Bernard Citizens For Environmental Quality and Louisiana Bucket Brigade v. Chalmette Refining, LLC*, No. 04-0398 (E.D. La., Feb. 12, 2004) (Citizen suit seeking civil penalties and an injunction against 1) excessive oil refinery emissions due to equipment breakdowns; 2) violations of permit limits for benzene; 3) violations of performance standards for flares; and 4) reporting violations, under the Clean Air Act and the Emergency Planning and Community Right to Know Act) (151-001) Settled June 30, 2008 (348 F.Supp.2d 765; 399 F.Supp.2d 726; 354 F.Supp.2d 697; 500 F.Supp.2d 592)

*Opposition to Petition for Writ of Certiorari, In Re Waste Management of Louisiana, L.L.C., Woodside Landfill Air Permitting Decision*, No. 2007-C-2419 (Sup. Ct. La., Jan. 2, 2008) (Opposing review of a Louisiana First Circuit decision vacating a Clean Air Act permit for the Woodside Landfill where the permit did not implement the Act's provisions for preventing significant deterioration of air quality) (101-093.1) Favorable ruling June 18, 2008

*Natural Resources Defense Council and Louisiana Environmental Action Network v. EPA*, No. 07-1053 (D.C. Cir., Feb. 20, 2007) (Challenging EPA's decision not to strengthen technology-based air emission standards for the Synthetic Organic Chemical Manufacturing Industry) (101-102) Adverse Judgment June 6, 2008

*Safeland Storage, LLC v. Carl Monica; Elixia Henderson and Save Our Neighborhoods* (4th Jud. Dist., April 23, 2008) (Defending a community organization, and two of its members in a "SLAPP Suit" (Strategic Lawsuit Against Public Participation) that Louisiana. Safeland brought against them, alleging defamation and interference with contractual relations for statements at a public permits hearing (156-004) Settled June 3, 2008

*In re: Arkansas Department of Environmental Quality Decision: Joint El Dorado Pipeline* (Arkansas Pollution Control & Ecology Commission, March 29, 2007) (Challenging on behalf of Louisiana Environmental Action Network ADEQ's issuance of a NPDES permit for a joint pipeline for four industrial polluters to discharge into the Ouachita River in Arkansas, which flows into Louisiana) (101-105) Ruling with both favorable and unfavorable aspects May 30, 2008

*Ogeechee-Canoochee Riverkeeper v. U.S. Army Corps of Engineers*, No. 606CV102 (S.D. Ga., Nov. 13, 2006) (Amicus Curie, on behalf of Sierra Club, Louisiana Environmental Action Network, Gulf Restoration Network, Lake Pontchartrain Basin Foundation, Lower Mississippi Riverkeeper, Atchafalaya Riverkeeper, and Surfrider Foundation) (Supporting the Riverkeeper's efforts to invalidate a Clean Water Act permit exemption the Corps granted Cypress Lake, Inc. for a cypress logging project in Georgia) (Jan. 15, 2008) (126-015) Favorable ruling May 27, 2008

*In re: Southeastern Louisiana Water & Sewer Association*, No. 2008-3361, (Division of Administrative Law, April 22, 2008) (Intervening on behalf of Gulf Restoration Network, Louisiana Environmental Action Network, Hazel Sinclair, Loretto O'Reilly, Jr. and Kelly Fitzmaurice to participate in an administrative hearing in which SELA is challenging a Louisiana Department of Wildlife and Fisheries' denial of its Scenic Rivers permit application for the Terra Bella Waste Water Treatment Plant for discharging into the Timber Branch and the Tchefuncte River) (110-005) Intervention denied May 12, 2008

*Louisiana Environmental Action Network v. U.S. Army Corps of Engineers*, No. 06-9147 (E.D. La., Oct. 27, 2006) (Seeking to enjoin the Corps to investigate and, as necessary, abate risks posed by contaminated sediments spread in the Vista Park neighborhood due to the failure of the Corps' levees during Hurricane Katrina) (101-089) Adverse Judgment April 16, 2008

*Gertown Neighborhood Watch v. Board of Zoning Adjustments*, No. 07-14825 (New Orleans Civil Dist Ct., Nov. 14, 2007) (Seeking review of a New Orleans Board of Zoning Adjustment decision granting a zoning variance for reopening of a bar associated with stabbings, shootings, vandalism, drugs, and prostitution in a lower-income New Orleans neighborhood) (160-001) Favorable stipulated judgment April 2, 2008

*In Re Belle Co., LLC, Type I & II Solid Waste Landfill Proceedings Under La. Env'tl. Quality Act*, No. 2008-C-229 (Sup. Ct. La., Jan. 28, 2008) (Seeking certiorari review of a Louisiana First Circuit decision requiring LDEQ to issue a solid waste permit on a record the agency considered inadequate) (111-004.1) Adverse ruling March 24, 2008

*In re: Application Of Entergy Louisiana, LLC For Approval To Repower Little Gypsy*, No. U-30192 (La. Public Service Commission, July 27, 2007) (Phase I) (Intervention on behalf of a coalition of clients to convince the LPSC to disapprove Entergy's proposal to burn coal and petroleum coke at its Montz, Louisiana facility) (126-016) Adverse decision March 19, 2008 (appeal dismissed after project cancelled)

*In re: Belle Co., LLC, Type I & II Solid Waste Landfill Proceedings under the Louisiana Environmental Quality Act*, No. 2006-CA-1077 (La. App. 1st Cir., April 19, 2006) (Belle Co.'s appeal of the district court's dismissal of its Petition for Writ of Mandamus to require LDEQ to issue it a solid waste permit) (111-004) Adverse Judgment Dec. 28, 2007 (978 So.2d 977)

*Louisiana Environmental Action Network v. Jefferson Parish*, No. 06-4769 (E.D. La., Aug. 25, 2006) (Clean Water Act citizen suit against Jefferson Parish for violations of its water discharge permit at its Marrero, Louisiana waste water treatment plant. Jefferson Parish had been exceeding since 2002, and continued to exceed, discharge limits set in its permit for biological oxygen demand, total suspended solids and fecal coliform) (101-091) Dismissed (favorable result) Dec. 12, 2007

*Louisiana Environmental Action Network and Sierra Club v. McDaniel*, No. 06-4161 (E.D. La., Aug. 9, 2006) (Seeking enforcement of the Supremacy Clause of the U.S. Constitution to invalidate LDEQ "emergency orders" that purport to waive federal health and environmental standards) (101-095) Adverse Judgment Sept. 5, 2007

*In re: Louisiana Department of Environmental Quality Permitting Decision: General Permit for Water Discharges from Light Commercial Facilities (AI 84683)*, No. 546678 (19th Jud. Dist., Aug. 25, 2006) (Appeal of final decision approving general permit for Light Commercial Facilities on the basis that the permit allows discharges of pollutants into Outstanding Natural Resource Waters and that LDEQ has not done sufficient analysis of environmental impacts) (101-056) Settled Sept. 18, 2007

*In re: Waste Management of Louisiana, LLC, Woodside Landfill Air Permitting Decisions*, No. 2006-1011 (La. App. 1st Cir., Feb. 16, 2006) (Challenging the district court's affirmation of LDEQ's issuance of an exemption from the obligation to obtain Clean Air Act "prevention of significant deterioration" review for a landfill gas collection and control system and issuance of a Part 70 permit for that system and for a bioremediation area) (101-093) Favorable ruling Aug. 22, 2007

*Holy Cross Neighborhood Association, Louisiana Environmental Action Network, and Gulf Restoration Network v. U.S. Army Corps of Engineers*, No. 03-0370 (E.D. La., Feb. 6, 2003) (Seeking abatement under the Resource Conservation and Recovery Act of the Corps' plans to dredge contaminated sediments in the Inner Harbor Navigational Canal and seeking a supplemental environmental impact statement under the National Environmental Policy Act to analyze the effects of dredging and disposal of dredged sediments) (112-002) Favorable ruling Oct. 6, 2006 (455 F. Supp.2d 532) Appeal dismissed July 30, 2007

*In re: Tree Enterprises*, No. 536676 (19th Jud. Dist., Sept. 23, 2005) (Appealing a Division of Administrative Law hearing officer's remand to LDEQ of that agency's denial of a permit to a solid waste facility that LDEQ concluded "may result in the fallout of ash to neighboring properties, causing an excessive and unnecessary nuisance") (101-086) Tree Enterprises withdrew its application for a permit on April 9, 2007. Favorable Judgment June 27, 2007

*Schoeffler et al v. Kempthorn*, No. 6:05-cv-01573 (W.D. La. Sept. 6, 2005) (Amicus Curie on Behalf of Sierra Club (filed Aug. 11, 2006) supporting plaintiffs' efforts to compel the Secretary of the Interior to designate critical habitat for the Louisiana Black Bear) (126-013) Favorable ruling June 26, 2007

*Loretto O'Reilly and Kelly Fitzmaurice v. U.S. Army Corps of Engineers*, No. 06-10788 (E.D. La., Dec. 5, 2006) (Challenging the Corps' approval of a proposed subdivision ("Terra Bella") that would destroy 65 acres of wetlands in St. Tammany Parish along the Tchefoncté River without considering cumulative impacts of the project, without analyzing alternatives, and without showing that sufficient mitigation will occur) (110-005) Settled May 14, 2007

*Industrial Pipe, Inc., No. 2006-3156-EQ, Division of Administrative Law* (Sept. 5, 2006) (Intervention on behalf of Oakville Community Action Group, Louisiana Environmental Action Network, and Anne Marie Higgins to participate in an administrative hearing in which Industrial Pipe is challenging a Louisiana Department of Environmental Quality Compliance Order and Notice of Potential Penalty) (104-016) LDEQ and Industrial Pipe Settled March 9, 2007

*Loretto O'Reilly, Hazel Sinclair and Kelly Fitzmaurice v. U.S. Army Corps of Engineers*, No. 04-31026, 5<sup>th</sup> Cir., Oct. 21, 2004) (Defending the district court's finding that the Corps erred in approving a proposed subdivision ("Timber Branch II") that would destroy 85 acres of forest, including 39.5 acres of wetlands, in St. Tammany Parish, without preparing an Environmental Impact Statement) (110-004) Favorable ruling Jan. 21, 2007 (477 F.3d 225)

*Louisiana Environmental Action Network v. U.S. Environmental Protection Agency and Michael O. Leavitt*, No. 04-1206 (D.C. Cir., June 29, 2004) (consolidated with *South Coast Air Quality Management*

*District v. EPA*) (Challenging EPA's plan to roll back Clean Air Act protections for areas that fail to comply with the health protection standard for ozone pollution) (101-078) Favorable ruling Dec. 22, 2006 (472 F.3d 882 (D.C. Cir. 2006), clarified on denial of reh'g, 489 F.3d 1245 (D.C. Cir. 2007), cert. denied 128 S. Ct. 1065 (Jan 14, 2008))

*Oakville Community Action Group and Louisiana Environmental Action Network v. Industrial Pipe, Inc.*, No. 05-30462 (5<sup>th</sup> Cir., April 28, 2005) (Appealing the district court's decision to dismiss a citizen enforcement suit against Industrial Pipe for failing to comply with federal and state solid waste regulations) (104-012) Adverse Judgment Dec. 13, 2006 (2006 WL 3627142)

*St. Bernard Citizens for Environmental Quality and Louisiana Bucket Brigade v. Louisiana Department of Environmental Quality*, No. 542707 (19th Jud. Dist., April 24, 2006) (Appealing a Louisiana Department of Environmental Quality settlement with Chalmette Refining, LLC) (151-005) Adverse Judgment Dec. 11, 2006

*Oakville Community Action Group v. Plaquemines Parish Council*, No 2005-CA-1501 (La. App. 4th Cir., Aug. 2, 2005) (Appeal of the 25th Judicial District Court's transfer to LDEQ of the Oakville Community Action Group's petition for review of a Plaquemines Parish coastal use permit for the Industrial Pipe landfill) (104-014) Favorable ruling Sept. 27, 2006 (942 So.2d 1152)

*Waste Management of Louisiana v. City of New Orleans*, No. 06-11056 (Civil Dist. Court, Oct. 12, 2006) (Intervention on behalf of Citizens for a Strong New Orleans East, Louisiana Environmental Action Network, and Nguyet Nguyen to prevent reopening of the Chef Menteur landfill, an unlined landfill located between a Vietnamese-American community in East New Orleans and Bayou Sauvage National Wildlife Refuge) (101-099) Favorable ruling denying temporary restraining order Aug. 15, 2006

*Gulf Restoration Network, Sierra Club-Delta Chapter and Louisiana Charter Boats Association v. U.S. Department of Transportation*, No. 05-60321 (5<sup>th</sup> Cir., April 15, 2005) (Appealing the Department of Transportation's approval of Shell Gas & Power's application for its Gulf Landing offshore liquefied natural gas (LNG) terminal in the Gulf of Mexico) (126-011) Adverse Judgment June 8, 2006 (452 F.3d 362)

*Oakville Community Action Group, Glynn Mayfield and Louisiana Environmental Action Network v. Louisiana Department of Environmental Quality*, No. 2005-CA-1365 (La. App. 1st Cir., May 4, 2005) (Appealing the District Court's decision to uphold LDEQ's issuance of solid waste processing and disposal permits to Industrial Pipe, Inc.) (104-013) Adverse Judgment May 5, 2006 (935 So.2d 175)

*Louisiana Environmental Action Network v. Johnson*, No. 05-CV-184 (M.D. La., March 18, 2005) (Seeking to compel EPA to rule on LEAN's petition for an EPA objection to an LDEQ air permit that allows ExxonMobil to increase emissions in the Baton Rouge area based on speculative future reductions) (101-076) Settled Dec. 13, 2005

*In re: Waste Management of Louisiana, LLC, Woodside Landfill Air Permitting Decisions*, No. 529640 (19th Jud. Dist., Feb. 24, 2005) (Challenging LDEQ's issuance of an exemption from the obligation to obtain Clean Air Act "prevention of significant deterioration" review for a landfill gas collection system) (101-083) Adverse Judgment Dec. 12, 2005 (reversed 8/22/07)

*Alliance for Affordable Energy and Susan Vuillemot v. Louisiana Public Service Commission*, No. 533644 (19th Jud. Dist., June 23, 2005) (Petition challenging the Louisiana Public Service Commission's approval of a Formula Rate Plan without giving the public adequate notice as required by the Louisiana Constitution) (115-012) Dismissed Dec. 6, 2005

*In re: Tree Enterprise, Inc.* (Intervention in an administrative adjudication on behalf of the Louisiana Environmental Action Network and two individuals to support a state decision to deny a solid waste permit which LDEQ determined would cause "an excessive and unnecessary nuisance") (May 17, 2005) (101-086) Adverse decision Aug. 25, 2005 (vacated by the 19th Jud. Dist. June 27, 2007)

*Loretto O'Reilly, Hazel Sinclair and Kelly Fitzmaurice v. Louisiana Department of Environmental Quality*, No. 523895 (19th Jud. Dist., Aug. 4, 2004) (Challenging LDEQ's second issuance of a water quality certification for a proposed subdivision that would destroy 85 acres of forest of which 39.5 acres are wetlands in St. Tammany Parish and negatively impact the water quality of the Little Tchefoncte River and Timber Branch Creek) (110-003) Adverse Judgment July 20, 2005

*Louisiana Environmental Action Network v. Ormet Primary Aluminum Corporation*, No. 05-213-D-M3 (M.D. La., March 28, 2005) (Seeking declaratory judgment, injunctive relief and civil penalties under the Clean Water Act for permit violations and unauthorized discharges) (101-082) Settled July 11, 2005

*Louisiana Environmental Action Network v. U.S. Environmental Protection Agency*, No. 03-1041 (M.D. La., Dec. 23, 2003) (transferred to D.C. District, No. 03-02411, & consolidated with *Sierra Club v. Johnson*, No. 04-00484) (Seeking EPA decision on whether to allow facilities to continue to rely on inadequate flare technology despite the fact that current boilers, process heaters, and incinerators have destruction efficiencies greater than 99%) (101-048) Settled July 15, 2005

*Concerned Citizens Coalition v. Federal Highway Administration*, No. 04-30991 (5<sup>th</sup> Cir., Oct. 11, 2004) (Appealing the district court's judgment for the Federal Highway Administration in a case alleging that the agency violated the National Environmental Policy Act, the National Historic Preservation Act and § 4(f) of the Department of Transportation Act in approving construction of an elevated highway through the historic heart of Lafayette) (145-002) Adverse Judgment June 22, 2005

*George Washington, Concerned Citizens of St. Helena Parish and Louisiana Environmental Action Network v. St. Helena Parish Police Jury*, No. 18370 (21<sup>st</sup> Jud. Dist., Nov. 7, 2003) (Seeking to have a 50-year contract with MMR St. Helena, LLC for a landfill set aside as outside the powers of the police jury and for violations of the Open Meetings Law) (101-077) Favorable Judgment June 7, 2005

*Juanita Stewart and Louisiana Environmental Action Network v. Michael O. Leavitt*, No. 04-0650 (M.D. La., Sept. 10, 2004) (Seeking to compel EPA to terminate, modify or revoke and reissue an air permit granted by LDEQ to the Georgia-Pacific facility in Zachary, Louisiana) (101-042) Dismissed May 9, 2005

*Oakville Community Action Group, Glynn Mayfield and Louisiana Environmental Action Network v. Louisiana Department of Environmental Quality*, No. 517017 (19th Jud. Dist., Feb. 9, 2004) (Petition challenging LDEQ's issuance of a solid waste permit to a Industrial Pipe, Inc., to allow processing of industrial and household waste as close as 50 feet from the Oakville community) (104-010) Adverse Judgment April 8, 2005

*Oakville Community Action Group & Louisiana Environmental Action Network v. Industrial Pipe, Inc.*, No. 02-1258 (E.D. La., April 29, 2002) (Resource Conservation and Recovery Act and Louisiana Environmental Quality Act citizen enforcement suit seeking compliance with financial assurance and buffer zone requirements and an award of civil penalties, payable to the U.S. Treasury) (104-006) Adverse Judgment March 30, 2005

*Louisiana Environmental Action Network v. T.T. Coatings, Inc.*, No. 03-1628 (E.D. La., June 6, 2003) (Seeking declaratory and injunctive relief, civil penalties and other appropriate relief from T.T. Coatings' documented and unresolved violations of the Clean Water Act, including excess discharges of total purgeable halocarbons) (101-066) Settled Feb. 7, 2005

*Lake Pontchartrain Basin Foundation v. Madisonville Properties, Inc., d/b/a T Rivers, Inc.*, No. 04-0541 (E.D. La., Feb. 25, 2004) (Citizen enforcement suit seeking injunctive relief and civil penalties under the Clean Water Act for T Rivers' failure to comply with the requirements of its water permit) (128-010) Dismissed Feb. 2, 2005

*Faith Farlough and E.B. Robinson Neighborhood Improvement Coalition v. Roussel Welding & Metal Works, Inc.*, No. 47868 (40<sup>th</sup> Jud. Dist., Oct. 22, 2003) (Seeking declaratory and injunctive relief against

the operation of a welding shop in a residentially zoned neighborhood that is both a nuisance at law and a nuisance in fact) (148-001) Adverse Judgment Feb. 2, 2005

*In re Waste Management*, No. 517477 (19th Jud. Dist.) (Challenging issuance of a permit for lateral expansion of a solid waste landfill) (101-054) Adverse Judgment Dec. 6, 2004

*Louisiana Environmental Action Network v. Leavitt*, No. 04-CV-00370 (M.D. La., June 4, 2004) (Seeking to compel EPA to rule on LEAN's petition asking EPA to veto LDEQ's granting of an air permit that would allow Dow Chemical to increase emissions of volatile organic compounds in Iberville Parish, which already violates federal health protection standards for ozone pollution) (101-074) Settled Nov. 9, 2004

*Louisiana Environmental Action Network v. Daybrook Fisheries*, No. 03-1627 (E.D. La., June 6, 2003) (Seeking declaratory and injunctive relief, civil penalties and other appropriate relief from Daybrook Fisheries' documented and unresolved violations of the Clean Water Act, including excess discharges of substances that contain or affect total suspended solids and biological oxygen demand) (101-069) Dismissed Oct. 2004

*In re: Dow Chemical Company, Louisiana Operations Complex*, No. 2003-2278 (La. App. 1 Cir.) (Appealing a 19th Judicial District Court ruling upholding a LDEQ permit for increased emission of volatile organic compounds in Iberville Parish, which already violates federal health protection standards for ozone pollution) (101-053) Adverse Judgment Sept. 17, 2004

*Louisiana Environmental Action Network v. U.S. Environmental Protection Agency*, No. 02-60991 (5th Cir., Nov. 22, 2002) (Appealing EPA approval of an LDEQ plan to implement the federal health protection standard for ozone air pollution, raising three major issues: 1) whether EPA could legally extend Louisiana's deadline for meeting the standard; 2) whether EPA could approve inter-pollutant trading (NOx for VOCs); and 3) whether a pollution reduction from outside of the Baton Rouge area could qualify as a "contingency measure" to protect the public in the face of the area's failure to meet the November 1999 deadline for attaining the ozone standard) (101-040) Favorable rulings Feb. 25, 2002 (granting partial remand), Nov. 20, 2003 (granting partial vacatur) Favorable ruling Sept. 8, 2004 (382 F.3d 575)

*Loretto O'Reilly and Kelly Fitzmaurice v. U.S. Army Corps of Engineers*, No. 04-940 (E.D. La., Dec. 6, 2006) (Challenging the Corps' approval of a proposed subdivision ("Timber Branch II") that would destroy more than 39 acres of wetlands in St. Tammany Parish near the Little Tchefoncté River without considering cumulative impacts of the project, without analyzing alternatives, and without showing that sufficient mitigation would occur) (110-002) Favorable ruling Aug. 10, 2004

*Concerned Citizens Coalition v. Federal Highway Administration*, No. 03-292-A-M2 (M.D. La., April 16, 2003) (Alleging that the Federal Highway Administration violated the National Environmental Policy Act, the National Historic Preservation Act, and § 4(f) of the Department of Transportation Act when approving construction of an elevated highway through the heart of Lafayette's historic district) (145-001) Adverse Judgment Aug. 9, 2004 (330 F. Supp.2d 787)

*Louisiana Environmental Action Network v. CII Carbon, LLC*, No. 03-1626 (E.D. La., June 6, 2003) (Clean Water Act citizen enforcement suit seeking declaratory and injunctive relief and civil penalties for the calcined coke facility's excessive discharges of pollution into the Mississippi River) After the Clinic filed suit, the Louisiana Department of Environmental Quality commenced an enforcement action and levied civil penalties (101-058) Settled July 6, 2004

*Louisiana Environmental Action Network v. Whitman*, No. 02CV226-B-2 (M.D. La. Mar. 1, 2002) (Seeking a court order that U.S. EPA must respond to two petitions under Clean Air Act § 505: 1) for an EPA veto of a modified Title V permit that LDEQ issued to Dow Chemicals, Inc. for a High Density Polyethylene facility in Plaquemine, Iberville Parish, Louisiana, and 2) for an EPA veto of a Title V permit that LDEQ issued to Borden Chemicals, Inc. for a formaldehyde facility in Geismar, Ascension Parish, Louisiana. (101-030) Dismissed (favorable result) May 11, 2004

*Loretto O'Reilly, Hazel Sinclair, and Kelly Fitzmaurice v. Louisiana Department of Environmental Quality*, No. 509564 (19th Jud. Dist., July 9, 2003) (Challenging LDEQ's issuance of a water quality certification for a proposed subdivision that would destroy 85 acres of forest of which 39.5 acres are wetlands in St. Tammany Parish and negatively impact the water quality of the Little Tchefuncte River and Timber Branch Creek) (110-001) Favorable Judgment March 5, 2004

*In re Waste Management*, No. 504269 (19th Jud. Dist., Feb. 5, 2003) (challenging issuance of a solid waste permit for allegedly inadequate response to remand of Case. No. 492277) (101-036) Adverse Judgment Nov. 7, 2003

*Louisiana Environmental Action Network v. Louisiana Department of Environmental Quality*, 02-2377 (La. App. 1 Cir.) (19th Jud. Dist. Sep. 21, 2001) (Appeal of trial court judgment upholding air emission permit for the Georgia-Pacific Port Hudson paper mill in Eunice, La.) ((101-037) Adverse Judgment Sept. 26, 2003 (857 So.2d 541)

*In re: Dow Chemical Company, Louisiana Operations Complex*, No. 502251 (19th Jud. Dist., Dec. 9, 2002) (challenging a LDEQ permit for increased emission of volatile organic compounds in Iberville Parish, which already violates federal health protection standards for ozone pollution) (101-053) Adverse Judgment June 24, 2003

*Coalition for Louisiana Animal Advocates v. U.S. Department of Agriculture*, No. 01-31361 (5th Cir. Nov. 19, 2001) (Appealing the district court's dismissal of a challenge to the U.S. Army's efforts to eradicate wild horses in the Kisatchie National Forest) (137-001) Partial settlement July 25, 2002; Adverse Judgment on remaining claim March 11, 2003

*Juanita Stewart & LEAN v. Whitman*, No. 02-1030-C-M1 (M.D. La., Oct. 31, 2002) (Seeking to compel EPA to rule on Ms. Stewart's and LEAN's petition asking EPA to veto LDEQ's granting of an air permit that would allow Georgia-Pacific to illegally offset and bank emission reduction credits for volatile organic compounds in an area that fails to meet minimum health protection standards for ozone pollution) (101-042) Settled Feb. 14, 2003

*Sierra Club, Clean Air and Water, and Community In-Powerment Development Association v. U.S. EPA*, No. 01-60537 (5th Cir. July 13, 2001) (Local counsel on challenge to extension of deadline for attaining the health protection standard for ozone pollution in the in the area of Beaumont and Port Arthur, Texas) (126-003) Favorable ruling Dec. 31, 2002

*Concerned Citizens of New Sarpy v. Louisiana Department of Environmental Quality*, No. 492276 (19th Jud. Dist. Feb. 8, 2002) (Challenging LDEQ's issuance of an air emissions permit to a refinery on the grounds that the refinery's neighbors were entitled to comment on changed circumstances and events that occurred during the more than 450 days between the close of public comment and issuance of the permit) (143-002) Settled Dec. 19, 2002

*Concerned Citizens of New Sarpy v. Orion Refining Corp*, No. 01-3704 (E.D. La., Dec. 11, 2001) (Clean Air Act citizen suit to enforce permit at oil refinery) (143-001) Settled Dec. 19, 2002

*In re Waste Management*, No. 492277 (19th Jud. Dist., Feb. 2002) (challenging issuance of a solid waste permit to a company that had bribed LDEQ employees) (101-036) Favorable Judgment Sept. 16, 2002

*Rudy Mills, Louisiana Audubon Council, and Sierra Club v. Louisiana Department of Environmental Quality*, No. 486412 (19th Jud. Dist., Aug. 1, 2001) (challenging a state water quality certification for dredging a navigation channel in Little Lake, within the Pearl River drainage basin in St. Tammany Parish) (131-002) Favorable Judgment June 6, 2002

*North Baton Rouge Environmental Association v. Exxon*, No. 00/CA/1878 (La. Sup. Ct. Feb. 7, 2002) (Certiorari petition regarding LDEQ's approval of an Exxon permit for increased air emissions of volatile

organic compounds in an area that already violates federal health-protection standards for ozone pollution) (101-003) Adverse ruling April 19, 2002

*Louisiana Environmental Action Network v. Louisiana Department of Environmental Quality*, No. 488025 (19th Jud. Dist. Sep. 21, 2001) (Seeking remand of an air emission permit for the Georgia-Pacific Port Hudson paper mill in Eunice, La. because of LDEQ's failure to conduct an environmental assessment before authorizing increased air emissions of volatile organic compounds in an area that already violates federal health-protection standards for ozone pollution) (101-037) Adverse Judgment April 18, 2002

*Louisiana Environmental Action Network v. Whitman*, No. 00-879-A (M.D. La. Nov. 22, 2000) (Clean Air Act citizen suit to compel EPA to reclassify the Baton Rouge area as "severe" for failing to attain the federal health protection standard for ozone pollution) (101-001) Favorable Judgment Feb. 27, 2002

*Bartholomew Woods Community Association. v. Louisiana Department of Environmental Quality*, No. 486568 (19th Jud. Dist. Aug. 10, 2001) (Challenging issuance of Louisiana Pollutant Discharge Elimination System Permit by LDEQ to Cleco Midstream Resources, L.L.C./Perryville Power Station to construct and operate a natural gas power plant in Ouachita Parish) (136-001) Settled Dec. 27, 2001

*Bartholomew Woods Community Association v. Louisiana Department of Environmental Quality*, No. 476646 (19th Jud. Dist., Sept. 27, 2000) (challenging a Clean Air Act permit for construction of a ground water cooled power plant in Perryville, La.) (136-002) Settled Dec. 27, 2001

*Louisiana Environmental Action Network v. EPA*, No. 99-60570 (5th Cir. Aug. 30, 1999) (challenge to EPA approval of Louisiana's state implementation plan for attainment of the ozone standard in the Baton Rouge area, including an emission-credit banking scheme) (101-004) Settled Dec. 10, 2001

*North Baton Rouge Environmental Association v. Louisiana Dept. of Environmental Quality*, No. 00/CA/1878 (La. App. 1 Cir.) (Seeking remand of the Louisiana Department of Environmental Quality's approval of an Exxon permit for increased air emissions of volatile organic compounds in an area that already violates federal health-protection standards for ozone pollution) (101-003) Adverse Judgment Nov. 14, 2001 (805 So.2d 255)

*Louisiana Environmental Action Network v. Louisiana Department of Environmental Quality (consolidated with Acadia-Eunice Citizens for a Health Future, Inc. v. Louisiana Department of Environmental Quality)*, Nos. 475287, 475123 (19th Jud. Dist., Jan. 3, 2001)) (challenging a permit for construction of a ground-water cooled power plant) (101-022) Settled Oct. 10, 2001

*In re Belle Co., L.L.C.*, No. 2000-0504 (La. App. 1 Cir.) (Appeal of challenge to a Louisiana Department of Environmental Quality permit for a landfill based on the state's failure to require proper fire response guidelines and analyze the need for the proposed facility with respect to Louisiana's landfill capacity requirements) (111-001) Favorable Judgment June 27, 2001 (809 So.2d 225).

*Coalition of Louisiana Animal Advocates v. U.S. Department of Agriculture*, No.00-3539 (E.D. La. 2000) (Seeking an injunction to prevent the U.S. Army and U.S. Forest Service from removing an entire population of wild horses from the Kisatchie National Forest alleging violations of the Wild Horses and Burros Act and the National Environmental Protection Act) (137-001) Adverse Judgment Aug. 17, 2001

*Riverfront Garden v. USA*, No. 00-cv-00544 (E.D. La. Feb. 22, 2000) (Challenging the Tchoupitoulas Corridor Project to protect historic homes on Religious Street) (118-001) Adverse Judgment Dec. 11, 2000

*Mayfield v. Givens*, No. 447993 (19th Jud. Dist.) (Challenging a LDEQ modification to the Industrial Pipe landfill's permit for a transfer station) (104-001) (Favorable Judgment Dec. 8, 2000)

*In re Natural Resources Recovery, Inc.*, No. 446,408 (19th Jud. Dist.) (Appealing LDEQ decision to grant a solid waste permit to Natural Resources Recovery, Inc. for a construction and demolition debris and woodwaste landfill and recycling facility in Alsen, Louisiana) (105-001) Adverse Judgment Nov. 20, 2000

*In re BASF Corporation's Exemption Permit From Hazardous Waste Land Disposal Restrictions*, 1999-0302 (La.App. 1 Cir.) (Appealing a 19th Judicial District Court decision upholding exemption for land disposal of hazardous waste to injection well operator for disposal of waste acid) (101-019) Adverse Judgment July 31, 2000 (765 So.2d 1171)

*Louisiana Environmental Action Network, Citizens Protecting the Good Earth v. Fleet*, No. 445,019 (19th Jud. Dist.) (Challenging a permit for a Non-Hazardous Oilfield Waste treatment, storage, and disposal facility near Gibson, Louisiana) (102-001) Favorable Judgment Aug. 24, 2000

*Robinson v. Ieyoub*, 727 So.2d 579, No. 97-CA-2204 (La.App. 1 Cir.) (Challenging—on behalf of intervenors Louisiana Coalition for Tax Justice and Louisiana Environmental Action Network—the Louisiana Board of Commerce and Industry's grant of an industrial tax exemption to Rollins Environmental Services for a hazardous waste incinerator facility in East Baton Rouge Parish) (105-004) Favorable ruling Dec 28, 1998 (727 So.2d 579)

*Baton Rouge Audubon Society v. Sandifer*, 97-464 (La.App. 3 Cir.) (Seeking to enjoin enforcement of a Cameron Parish Police Jury "grass and weeds" ordinance against the Baton Rouge Audubon Society for a project to restore protective chenier habitat for migratory songbirds and butterflies on 21 lots in the Little Florida Subdivision. (10922) Favorable ruling Oct. 29, 1997 (702 So.2d 997).