

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2006 CA 1683

CAMERON PARISH POLICE JURY

VERSUS

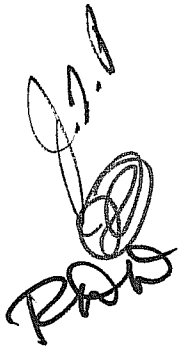
THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

**Judgment rendered June 8, 2007.**

\* \* \* \* \*

Appealed from the  
19<sup>th</sup> Judicial District Court  
in and for the Parish of East Baton Rouge, Louisiana  
Trial Court No. 531,149  
Honorable Kay Bates, Judge

\* \* \* \* \*



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LOUISIANA DEPARTMENT OF  
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\* \* \* \* \*

**BEFORE: PETTIGREW, DOWNING, AND HUGHES, JJ.**

**PETTIGREW, J.**

In this case, plaintiff, the Cameron Parish Police Jury ("Police Jury"), sought judicial review of the decision of the defendant, the Louisiana Department of Environmental Quality ("DEQ"), to issue a minor source air emissions permit to an environmental company for construction of a facility to store and treat exploration and production oil based drilling waste in Cameron Parish, Louisiana. The trial court rendered judgment affirming the DEQ's decision, finding as follows in its reasons for judgment:

This court finds that [the Police Jury] has not shown that the Louisiana D.E.Q.'s decision to grant the minor source air permit was in violation of the constitutional or statutory provisions and proper procedures, [or] that the decision was arbitrary and capricious. This court finds that the Louisiana [D.E.Q.'s] decision was supported and sustainable by a preponderance of the evidence, and therefore, the court is going to uphold the [D.E.Q.'s] decision.

It is from this judgment that the Police Jury has appealed. Following a thorough review of the record and relevant jurisprudence, we conclude the trial court was correct in its ruling. Applying the applicable standard of review as set forth in La. R.S. 49:964(G), we find the Police Jury has failed to demonstrate how the DEQ's decision to grant the permit was in violation of constitutional or statutory provisions; that the decision was made in excess of the statutory authority of the agency; that the decision was made upon unlawful procedure or affected by other error of law; that the decision was either arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or that the decision was not supported and sustainable by a preponderance of evidence. Thus, in accordance with Uniform Rules--Courts of Appeal, Rule 2-16.2A(5), (6), (7), and (8), the trial court's judgment is affirmed. Appeal costs in the amount of \$955.48 are assessed against the Cameron Parish Police Jury.

**AFFIRMED.**