



TULANE LAW SCHOOL  
TULANE ENVIRONMENTAL LAW CLINIC

April 24, 2019

By facsimile to: 225-562-2401

St. James Parish Council  
5800 Hwy. 44  
Convent, LA 70723

RE: Appeal of Commission Approval of Item # 18-41,  
Syngas Energy Holding, LLC, Land Use Permit

---

Dear Members of the St. James Parish Council:

On behalf of Ms. Genevieve Butler, Pastor Harry Joseph, Mt. Triumph Baptist Church, RISE St. James, and the Louisiana Bucket Brigade (collectively, “the Residents”), we appeal the March 25, 2019, St. James Parish Planning Commission (“Commission”) approval of Syngas Energy Holding, LLC’s (“Syngas”) proposal to build a methanol production plant in St. James, Louisiana. The facility would be located on a site between La. Hwy 3127 to the south, Nustar’s terminal facility to the north, and the residential street Burton Lane to the east. This appeal is timely filed under Sections 86-37(f) and/or (m) of the St. James Parish Code of Ordinances (“Ordinance”), which gives aggrieved persons right to appeal the decision of the Planning Commission approving Syngas’s land use proposal within 30 days from the date of the decision. The Commission approved the Syngas application at its March 25, 2019, meeting.

The Residents represent citizens of St. James Parish District 5, where the proposal facility would be located, and include residents living within 2 miles of the land approved for the Syngas methanol plant.

The Council should grant this appeal and deny the Syngas land use permit. The Planning Commission’s approval of Syngas’s land use proposal will grant a land use permit allowing it to construct and operate a methanol plant with the capacity to produce 572,940 tons per year, and with planned increases to up to 600,000 tons of methanol per year. Syngas’s land use application as submitted to the Commission contains a limited list of the types of substances that the proposed facility is “projected to produce and/or store,” including, among others, methanol, ammonia, caustic, sulfuric acid, chlorine, biocine, and zinc oxide. This limited listing of emissions projected to be produced and/or stored on site (1) fails to inform the Planning Commission and residents of St. James Parish about the proposed plant’s production of substances, which affects emergency planning resources and the “Impact Area” of the facility,

Tulane Environmental Law Clinic

6329 Freret St., Ste. 130, New Orleans, LA 70118-6248 tel/ 504.865.5789 fax 504.862.8721 www.tulane.edu/~telc

(2) lacks information necessary to provide the Planning Commission with a basis upon which it can consider the project's physical and environmental impacts on the air, water, and land, and (3) violates Louisiana's Right-to Know Act.

Most importantly, the Commission has evaded addressing the critical question of whether the environmental impacts of the facility may impair the Parish's ability to attract "beneficial" future development, as required by the Ordinance. It is time for the Commission to answer the question of what is "beneficial" development and when enough is enough of polluting petrochemical facilities, particularly all situated in St. James. The Residents call on the Council and Commission to define "beneficial" development as development that does not increase health risks to the residents, does not pollute their air, water and land; and allows them a high quality of life free from health risks and pollution. Every permit granted at this point with the already-overwhelming burden imposed by past and recently-granted permits lowers any chance of attracting truly "beneficial" development.

**A. The Council Should Deny the Syngas Application Until an Emergency Evacuation Route Is In Place for the Burton Lane Community.**

As the Council is well aware, the Burton Lane community has no reliable evacuation route in the event of an accident, explosion, or other emergency at any facility in the area. Indeed, the Commission conditioned Syngas's land use permit on financial contribution and other cooperative efforts toward developing an "alternate access route" between Hwy 3127 and Hwy. 18. Resolution p. 2.

The lack of reliable evacuation route leaves Burton Lane residents trapped in the event of an emergency in the area, as Hwy. 18 is often closed off in the event of an emergency. Exacerbating the situation, a number of the residents' mobility is severely restricted by age, infirmity, and handicaps. The situation is so acute that Judge Alvin Turner of the 23rd Judicial District Court ordered resolution of the problem when the Bayou Bridge Pipeline permit was granted.<sup>1</sup>

The Parish should not continue to permit facilities before having resolved this severe threat to the health, safety, and welfare of its residents, including facilities like Syngas which would locate on the border of Burton Lane and along a potential alternate evacuation route. Simply put, the Parish needs to ensure the safety of all of its residents before permitting facilities which will add to the already excessive risk and potentially eliminate an otherwise-viable evacuation route.

**B. Syngas Did Not Provide the Commission the Information Required by Section 86-37(g) of the St. James Parish Code of Ordinances; Therefore, the Commission's**

---

<sup>1</sup> Harry Joseph, Sr., et al. v. La. Dept of Nat. Res., No. 38,163 E, 23<sup>rd</sup> Judicial District Court. Judge Turner's ruling was reversed on the law, but the dire situation his ruling addressed remains today.

**Decision Granting the Permit without this Information is Arbitrary and Must Be Reversed.**

Section 86-37(g)(3)(a) of the St. James Parish Code of Ordinances requires applicants for a land use permit to provide “a listing and a map of all parks, playgrounds, churches, schools, community or senior citizen centers, nursing homes, hospitals, other places of public assembly, and historic sites within the Impact Area of the use or activity for which approval is sought.” Section 86-37(g)(3)(a). Syngas did not provide any of this information, though its application lists the facility as being less than 2 miles from the nearest residence, Applic. p. 1, and though its application lists chemicals with reportable quantities established under the Right-to-Know Law of less than 1000 pounds. Ordinance Section 86-37(g)(3).

Aside from the fact that the information is mandatory for the Commission’s consideration of the application and thus its absence renders the approval arbitrary, the importance of this information is obvious. It is not only critical for emergency responders to know, but it is critical for the residents who live, work, and play in these areas to be aware of. Further, without this information, the Commission cannot fully evaluate the potential environmental impacts of this facility or the emergency responders’ ability to respond to an emergency release.

Further, aside from omitting this list of public places, Syngas failed to inform the Commission on the quantities of substances anticipated to be present on the site, in violation of Section 86-37(g)(3)(b). Once again, without this required information, the Commission’s approval is arbitrary. Additionally, without it the Commission cannot fully assess the Parish’s ability to ensure protection of its people or emergency responders’ ability to respond.

**C. The Application Did Not Provide the Commission With the Information It Needs to Support Its Conclusion That the Impacts of the Proposed Use Would Not Be Substantially Different From the Impacts of Allowable Uses for the Districts.**

In its Resolution approving the Syngas facility, the Commission concluded that the Syngas impacts would not be different from the impacts of allowable uses in the Industrial Use area in which it will be located. However, the ordinance section which requires this conclusion lists a number of impacts which Syngas provided the Commission with no information on, including air emissions, noise, lighting, traffic, effect on property values, and neighborhood. Not only is the Commission unaware of what the full impacts of the Syngas use would be, including in these listed areas, but there is no information that indicates that the Commission knows what impacts would come from allowable uses in the area. The Commission, therefore, has no basis for its unsupported conclusion that the Syngas impacts are no different than allowable impacts.

This specifically includes a dearth of information on the impacts of the Syngas facility, as opposed to other allowable uses, on the neighborhood. Though the Commission notes the facility would be “away from residential uses,” the distance from the nearest neighborhood is less than 2 miles. Since presumably the facility will have air emissions (though Syngas provided the

Commission with almost no information on air emissions), a two-mile distance from residences bears no relevance to this issue.

**D. The Commission’s Conclusion That the Public Benefits of the Project are Significant and Would Outweigh the Impacts is Arbitrary.**

The Commission concluded, based merely on Syngas’s fill-in-the-blank, unsupported figure in its application of 78 full time employees, that the public benefits of the project are “substantial.” Resolution at p. 3. The Commission should require support for that figure, which also does not tell the Commission anything about how many of those employees will be local. The requirement that Syngas give preference to local residents and firms “to the extent allowed by law” is unenforceable and, therefore, unreliable.

**E. The Commission’s Conclusion That the Benefits of the Syngas Proposal Outweigh the Impacts and That the Impacts Are Substantially Mitigated by the Location of the Site Is Unsupported and Arbitrary.**

The Commission’s cost benefit analysis conclusion lacks support. In addition to the point above about the lack of support for the jobs figure, Syngas provided the Commission with almost no useful information about the physical or environmental impacts of its facility. Without this information, the Commission’s conclusion is arbitrary.

First, Syngas provided almost no information about the types, quantities, and effects of air pollution it will emit from its facility. It provided a lot of detailed information about its processes, which bears little relevance to the ordinances’ demand for consideration of environmental impacts, but no detailed information about air emissions. It only stated briefly and indirectly, on page 2 of the Methanol Process Description portion of its application, that it will emit NOx, VOCs, and nitrogen. It did not purport that this was an exhaustive list of air emissions and did not provide amounts. Thus this Commission has little to no information about the pollutants the facility will be emitting into the air surrounding residences and what their impacts are, and cannot possibly rationally evaluate whether the facility’s environmental impacts are exceeded by the benefits nor can it rationally conclude that the facility location’s location substantially mitigates the impacts.

Nor did Syngas provide any useful information about water discharges. It describes process wastewater it will discharge via an outfall, but does not say which chemicals will be in the process wastewater in what amounts nor does it say where the outfall will ultimately discharge the pollutants.

**F. The Commission Has No Basis to Conclude That the Syngas Proposal Will Not Impair the Parish’s Ability to Attract Other Beneficial Development.**

The Ordinance requires the Commission to consider whether the environmental impacts of the facility may impair the Parish's ability to attract other beneficial development. . Ordinance Section 86-37(h)(3). At the outset, the Commission has failed to articulate a conclusion that meets the Ordinance's requirements because the Commission answered a different question, finding that "the proposal" will not impair the Parish's ability to attract other beneficial development when the Ordinance requires it to consider whether the "environmental impacts" will impair that ability.

Regardless, the Commission's blanket unsupported conclusion on this factor with no discussion of its basis is arbitrary. To start, how is the Commission interpreting "beneficial" development? Does the Commission believe that petrochemical facilities constitute "beneficial" development in every instance? In any instance?

These are not trivial issues when the Commission is permitting an explosion of new and expanding polluting facilities in the small area of St. James and with communities sandwiched in between: Syngas, Formosa, Wanhua, Ergon, Yuhuang, South Louisiana Methanol, and numerous pipelines connecting these facilities. The Commission must face and decide the issue of how "beneficial" such a massive buildout is for the residents of St. James Parish and, in particular, the residents of St. James. Surely the Commission recognizes that the point at which St. James currently stands, with so many giant polluting new and expanding facilities already permitted, the chances of anything other than more petrochemical facilities locating in St. James are slim to none.

The Residents call on the Council to decide this issue now, before permitting Syngas or any facility still pending land use approval. It is not hyperbole to say that the future of the Parish – and particularly the town of St. James – is at stake. The Council and Commission must decide now if they think a Parish full of polluting facilities is the kind of "beneficial" development they want as their legacy.

### **CONCLUSION AND REQUEST FOR STAY**

The Residents request that the Council reverse the Commission's approval of the Syngas Energy Holding, LLC., land use application and deny the Syngas land use permit. We also request that the Council stay the effect of the Syngas land use approval until all appeals area exhausted.

Thank you for taking the time to consider this appeal. Please contact the Tulane Environmental Law Clinic by e-mail or phone if you have any questions.

Respectfully submitted on April 24, 2019,

\_\_\_\_\_/s/ Lisa Jordan\_\_\_\_\_  
Lisa W. Jordan, Director

*Appeal of Permit to Syngas Holding, LLC*

*April 24, 2019*

*Page 6 of 6*

Tulane Environmental Law Clinic

6329 Freret St, Suite 130

New Orleans, LA 70118

Email: [lwjordan@tulane.edu](mailto:lwjordan@tulane.edu)

Direct: 504-314-2481

Main: 504-865-5789

*On behalf of Appellants Ms. Genevieve Butler,  
Pastor Harry Joseph, Mt. Triumph Baptist Church,  
RISE St. James, and the Louisiana Bucket Brigade*