



December 13, 2021

Louisiana Department of Environmental Quality
Public Participation Group
602 N. 5th Street
Baton Rouge, LA 70802
By email to: deq.publicnotices@la.gov

Re: *Supplemental Comments* - South Louisiana Methanol, AI No. 188074, Permit No. 2560-00292-V3 (Activity No. PER20190002) and Permit No. PSD-LA-780(M-2) (Activity No. PER20190003)

Dear Public Participation Group:

RISE St. James, Louisiana Bucket Brigade, and Healthy Gulf (“Commenters”) submit these supplemental comments regarding the proposed Title V Permit No. 2560-00292-V3 and Prevention of Significant Deterioration (“PSD”) permit No. PSD-LA-780(M-2), along with the associated Environmental Assessment Statement (“EAS”), for South Louisiana Methanol’s (“SLM”) planned St. James Methanol Plant. For additional context, please see Commenters’ [initial comments](#) on the pending modifications that they submitted on November 23, 2020.¹

As Commenters already discussed in their initial comments, the PSD permit and any authorization to construct the plant has expired, requiring SLM to apply for a new stand-alone PSD permit that includes a full alternative sites analysis.² As earlier explained, the company has simply engaged in non-PSD oriented work such as the construction of an office building, but no work on any “emissions unit” that is permanent in nature or otherwise satisfies regulatory requirements that could

¹ Commenters’ Nov. 23, 2020 Comments, EDMS Doc. ID 12457395, <https://edms.deq.louisiana.gov/app/doc/view?doc=12457395>.

² See RISE St. James, et al. May 1, 2020 Comments, EDMS Doc. ID 12195426, pdf. pp. 4-6, <https://edms.deq.louisiana.gov/app/doc/view?doc=12195426>; RISE St. James, et al. July 28, 2020 Comments, EDMS Doc. ID 12291459, <https://edms.deq.louisiana.gov/app/doc/view?doc=12291459>.

maintain construction authorization under its 2013 PSD permit.³ Commenters provide these supplemental comments to alert the agency that as of at least October 22, 2021, 18 months have passed since SLM announced that it had ceased all purported construction activities on its site,⁴ thus removing any debate that SLM has no authorization to construct the plant under its PSD permit.

It is clear that SLM is merely attempting to hold onto its 2013 PSD permit to avoid a full analysis of its project and slip through against the St. James Parish Master Land Use Plan. The Parish converted the area where SLM's vast site exists to "Residential Growth" in 2018 to protect area residents of the historically Black community from even more harmful exposure to industrial facilities.⁵ In fact, EJSCREEN currently ranks the St. James community of more than 1500 people, 96 percent of whom are Black or identify with another minority group, among the most overburdened places in the state due to particulate matter and air toxics exposures.⁶ But LDEQ has failed to take any meaningful steps to address this serious matter. For instance, instead of contacting the Parish directly about whether SLM has land use approval, LDEQ merely asked SLM whether it has approval—and then the agency instructed the company not to respond to its question in writing.

Furthermore, not only has LDEQ failed to uphold its public trustee duty by not taking any active measures to investigate land use issues that raise serious environmental justice concerns,⁷ the agency has frustrated public involvement by issuing a misleading and inadequate public notice on the proposed permit modifications without first addressing the threshold issue related to the status of the PSD permit. That is, on May 1, 2020, and again on July 28, 2020, Commenters presented evidence to LDEQ showing

³ *Id.*

⁴ Letter from Paul Moore of SLM to LDEQ Assistant Secretary, Elliot Vega, April 22, 2020, EDMS Doc ID 12144013, <https://edms.deq.louisiana.gov/app/doc/view?doc=12144013>.

⁵ St. James Parish Council, Ordinance 18-02, https://library.municode.com/la/st._james_parish_council/ordinances/code_of_ordinances?nodeId=890523. See also St. James Planning Commission, Council Minutes, pp. 2, https://www.stjamesla.com/AgendaCenter/ViewFile/Minutes/_03282018-141 (Asserting the need to change zoning designation for the safety of the majority Black District 5 residents).

⁶ See Commenters' Nov. 23, 2021 Comments, Exhibit L, EDMS Doc. ID 12457395, <https://edms.deq.louisiana.gov/app/doc/view?doc=12457395>.

⁷ See *Save Ourselves v. La. Env'tl. Control Comm'n*, 452 So. 2d 1152, 1157 (La. 1984) (requiring the agency to "act with diligence, fairness and faithfulness" in carrying out its constitutionally mandated duty).

that SLM's PSD permit expired on December 30, 2018.⁸ Commenters urged LDEQ to deny SLM's April 22, 2020 request to extend its PSD construction authorization because the PSD permit—which LDEQ issued on December 13, 2013 and extended several times⁹—had expired when the company had not commenced construction within the meaning of the Louisiana State Implementation Plan (“SIP”) by the PSD permit construction commencement deadline of December 30, 2018.¹⁰ But without responding to SLM's latest extension request or Commenters' objections—or making any determination about the status of the SLM's construction authorization under the PSD permit—LDEQ issued a public notice on October 16, 2020 announcing proposed modifications for both the PSD and Title V permits.¹¹ LDEQ should have made a determination about the PSD permit first. And now that SLM has ceased all construction for more than 18 months, that determination is clear: The PSD permit has expired and LDEQ cannot modify an expired permit, thus it must withdraw its public notice and require that SLM apply for a new stand-alone PSD permit.

⁸ RISE St. James, et al. May 1, 2020 Comments, EDMS Doc. ID 12195426, pdf. pp. 4-6, <https://edms.deq.louisiana.gov/app/doc/view?doc=12195426>; RISE St. James, et al. July 28, 2020 Comments, EDMS Doc. ID 12291459, <https://edms.deq.louisiana.gov/app/doc/view?doc=12291459>.

⁹ RISE St. James, et al. May 1, 2020 Comments, p.2, n.3, EDMS Doc. ID 12195426, pdf. p. 5, <https://edms.deq.louisiana.gov/app/doc/view?doc=12195426> (detailing the series of PSD permit extensions); EDMS Doc. ID 9786463, <https://edms.deq.louisiana.gov/app/doc/view?doc=9786463>; EDMS Doc. ID 12195426, <https://edms.deq.louisiana.gov/app/doc/view?doc=12195426>; EDMS Doc. ID 10410068, <https://edms.deq.louisiana.gov/app/doc/view?doc=10410068>; EDMS Doc. ID 10433100, <https://edms.deq.louisiana.gov/app/doc/view?doc=10433100>; EDMS Doc. ID 11187471, <https://edms.deq.louisiana.gov/app/doc/view?doc=11187471>; EDMS Doc. ID 11359891, <https://edms.deq.louisiana.gov/app/doc/view?doc=11359891>

¹⁰ See RISE St. James, et al. May 1, 2020 Comments, EDMS Doc. ID 12195426, pdf. pp. 4-6, <https://edms.deq.louisiana.gov/app/doc/view?doc=12195426>; RISE St. James, et al. July 28, 2020 Comments, EDMS Doc. ID 12291459, <https://edms.deq.louisiana.gov/app/doc/view?doc=12291459>. Further to the facts submitted by Commenters, a report recently obtained from Louisiana Economic Development states that as of June 30, 2019, some six months after the deadline to commence construction, “[SLM] had not begun construction of the facility nor had any capital expenditures been reported.” Louisiana Economic Development, LED Semi-Annual Status Report – Economic Incentives CEA, July 1, 2018 – June 30, 2019 (Mar. 2020) (Information in report is compiled from cooperative endeavor agreements, LED contract monitors, company/contract reports, LED's Fiscal Section, and LED press releases), Exhibit A.

¹¹ Public Notice, EDMS Doc. ID 12386129, <https://edms.deq.louisiana.gov/app/doc/view?doc=12386129>.

I. **LDEQ’s procedure for ascertaining land use approval in this matter deviates from past practice, fails to comply with public trustee requirements, and suggests racial bias.**

As Commenters explained in their initial comments, SLM does not have Parish approval to build its marine terminal because it is outside the area that the Parish had authorized in 2014 for the facility and is on land that the Parish converted to “Residential Growth” in May 2018 pursuant to a Parish ordinance.¹² Commenters also explained that because SLM’s entire facility is considered a non-conforming use under the Parish’s plan, it is likely that its 2014 land use approval is no longer valid for any of the facility due to non-use.¹³ Yet, while Commenters have raised these serious issues that LDEQ must address to carry out its public trustee mandate under Art. 1, section 9 of the Louisiana Constitution and statutory mandate under La. R.S. § 33:109.1, requiring the agency to consider the Parish’s master plan, LDEQ has failed to require proof of land use approval. Instead, LDEQ has instructed SLM not to create a paper trail on the issue. Not only does this deviate from LDEQ’s past practice, but it also raises ethical concerns and violates public trustee requirements.

As public trustee, LDEQ must ensure that “the rights of the public [] receive active and affirmative protection” when making decisions that affect the environment. *Save Ourselves v. La. Env’tl. Control Comm’n*, 452 So. 2d 1152, 1157 (La. 1984). The Louisiana Supreme Court made clear that LDEQ’s “role as the representative of the public interest does not permit it to act as an umpire passively calling balls and strikes for adversaries appearing before it.” *Id.* Indeed, the agency must “act with diligence, fairness and faithfulness.” *Id.* LDEQ has failed to meet this duty here.

After receiving comments showing that the proposed facility modification would violate Parish land use, LDEQ’s permit writer emailed SLM and stated: “I have been going through the comments and one issue has been standing out to me. This issue has to do with zoning. Did South Louisiana Methanol get the required zoning approval for the land where the proposed terminal is to be built?”¹⁴ SLM responded to the permit writer stating, “We are putting together several documents along with a short

¹² Commenters’ Nov. 23, 2020 Comments, pp. 22-29, EDMS Doc. ID 12457395, <https://edms.deq.louisiana.gov/app/doc/view?doc=12457395>.

¹³ *Id.*

¹⁴ Email from LDEQ Air Permit Staff Christopher Smith to SLM, Dec. 14, 2020 1:28 pm (obtained via a Public Records Request – not available on the EDMS), Exhibit B.

response to your question.”¹⁵ The LDEQ permit writer then forwarded SLM’s response to LDEQ’s Air Permit Administrator, stating that “[t]he land zoning issue keeps coming up and I’ve asked SLM to look at . . . the land where the terminal will sit. The big question is, was it zoned residential or industrial by St. James Parish.”¹⁶ The next day, the permit writer sent an email to SLM marked with high importance, instructing SLM as follows: “I was recently discussing the Response to Comments with [the LDEQ Air Permits] Administrator. He strongly stated to me ‘Do Not let South Louisiana Methanol submit their Response to the Comments to LDEQ by either mail or email.’”¹⁷ The permit writer sent a follow-up email also marked with high importance, reiterating the instructions as follows: “Again, the message regarding comments from [the Administrator] is do not submit SLM’s response to public comments to LDEQ by mail or email.”¹⁸

Not only is it highly irregular and improper for a permitting agency to counsel an applicant not to create a paper trail, LDEQ’s actions are in direct contrast to the agency’s review of a minor source air permit for Wolverine Terminals’ proposed crude oil and storage facility in the predominantly White St. James Parish community of Paulina.¹⁹ There, when LDEQ had become aware that the St. James Parish Council had passed an ordinance adopting a land use plan, the agency told Wolverine that “approval from the Parish may now be necessary for [the] facility,” citing its duty under La. R.S. 33:109.1.²⁰ LDEQ required Wolverine to “provide documentation” showing that it has “received all necessary approvals from St. James Parish.”²¹ This correspondence was posted on the EDMS for public review. LDEQ sent the correspondence to Wolverine after receiving comments from Paulina residents opposing the facility that included photos of White children who live in the area with a statement that the terminal would

¹⁵ Email from Jay Hass SLM Technical Writer to LDEQ Air Permit Staff Christopher, Dec. 15, 2020 8:34 am; <https://www.zoominfo.com/pic/south-louisiana-methanol-lp/358351754> (showing Jay Hass is a technical writer for SLM), Exhibit B.

¹⁶ Email from LDEQ Air Permit Staff Christopher Smith to LDEQ Air Permit Administrator Bryan Johnston, Dec. 15, 2020 10:40 am, Exhibit C.

¹⁷ LDEQ Air Permit Staff Christopher Smith to SLM, Dec. 16, 2020 4:21 pm (initial caps in original), Exhibit B.

¹⁸ LDEQ Air Permit Staff Christopher Smith to SLM, Dec. 17, 2020 10:20 am, Exhibit B.

¹⁹ <https://www.louisiana-demographics.com/paulina-demographics> (showing Paulina is nearly 85 percent White).

²⁰ Letter from LDEQ Assistant Secretary Sam Phillips to Wolverine General Manger, May 8, 2014, EDMS 9402119

²¹ LDEQ Letter to Wolverine, May 8, 2014, EDMS 9402119, <https://edms.deq.louisiana.gov/app/doc/view.aspx?doc=9402119&ob=yes&child=yes>.

cause “danger to these innocent children”²² This is strikingly different from how LDEQ has handled SLM’s application after receiving notice about the land use change and detailed expert comments on the dangers posed to area residents.²³ LDEQ had also received a petition from hundreds of residents of predominantly Black District 5 where SLM wants to locate objecting to the plant because of its location within a residential area of St. James near homes, schools, churches, public park, senior center, and recreation building.²⁴ But not only did LDEQ fail to require SLM to provide proof of parish land use approval for its project, it instructed the company to not submit anything. LDEQ’s disparate handling of the land use issues in the predominantly White community compared to the predominantly Black community raises serious equity concerns and highlights a practice that fuels systematic racism in the state’s air permitting program.

II. SLM’s non-conforming use status for the portion of the plant that had been approved by the Parish has since expired due to the company’s failure to construct.

Commenters alerted LDEQ that SLM may have lost its nonconforming use under the Parish’s land use ordinance.²⁵ Commenters explained that because the Parish changed the land use designation for the area where SLM’s site is located, the portion of the plant that had received Parish construction approval is now a “nonconforming use.” The land use plan provides: “A nonconformity that discontinues operation or use for more than six continuous months shall lose its status as a nonconformity, and shall thereafter be treated as a new use subject to the provisions of this section.”²⁶ The subsection goes on to state that “the burden of proving that a nonconformity is continuing or has continued operations shall be borne by the owner, operator, or similarly situated person responsible for the nonconformity.”²⁷ It has been over 19 months since SLM notified LDEQ on April 22, 2020 that the company had “been forced to suspend further site construction for an indefinite period,” citing market

²² See letter from St. James Parish Council to LDEQ, Dec. 5, 2013, EDMS 9120612, <https://edms.deq.louisiana.gov/app/doc/view?doc=9120612> (forwarding comments from Paulina residents opposing Wolverine’s project and providing photos of White children who live in the area, stating that the terminal would cause “danger to these innocent children” (at pdf 17)).

²³ Commenters’ Nov. 23, 2020 Comments, p. 2, n.5, EDMS Doc. ID 12457395, <https://edms.deq.louisiana.gov/app/doc/view?doc=12457395>; *id.* at Pless Aff. Attach. B, pp. 61-189.

²⁴ December 16, 2013 Petition from St. James District 5 Residents to LDEQ, EDMS 9126521.

²⁵ Commenters’ Nov. 23, 2020 Comments, pp. 29-30, EDMS Doc. ID 12457395, <https://edms.deq.louisiana.gov/app/doc/view?doc=12457395>.

²⁶ *Id.* at (k)(4).

²⁷ *Id.*

concerns, COVID, and lack of financial backing.²⁸ There is no indication that SLM has resumed any use of the site since that time.

III. The expansion provision in the 2014 land use approval does not cover the terminal, nor does SLM have any other authorization from the Parish to construct the terminal.

SLM's 2014 land use approval is for "the proposed methanol plant, as it is currently permitted by the Louisiana Department of Environmental Quality (Permit Nos. 2560-00292-V0 and PSD-LA-780)."²⁹ As Commenters explained, this approval restricts any expansion to the "Potential to Expand" area shown on Figure 3 in SLM's application package and the terminal is outside this area.³⁰ In addition, Commenters are alerting LDEQ that the 2014 land use approval also limits expansions to "uses similar to the currently permitted plant, including processing natural gas into liquid products." The terminal that SLM now seeks to build is not a plant that processes natural gas into liquid products, nor is it similar to the plant as permitted in 2014. Therefore, the terminal is not a similar use that can be included as part of an expansion.

IV. LDEQ must withdraw its public notice on the proposed PSD and Title V permit modifications, and associated Environmental Assessment Statement, because the notice is misleading and inadequate.

LDEQ's public notice on the proposed PSD permit modification is misleading and inadequate because LDEQ cannot propose a modification to a PSD permit that has already expired.³¹ The notice is also misleading and inaccurate because it explicitly states that the plant is "currently under construction" when LDEQ's records show that the company suspended all alleged construction activities. Moreover, SLM has suspended its construction for more than 18 months confirming the fact that its construction authorization has expired.

²⁸ Letter from Paul Moore of SLM to LDEQ Assistant Secretary, Elliot Vega, April 22, 2020, EDMS 12144013 at 1, <https://edms.deq.louisiana.gov/app/doc/view?doc=12144013>.

²⁹ *Id.*

³⁰ Commenters' Nov. 23, 2020 Comments, Exhibit D, EDMS Doc. ID 12457395, <https://edms.deq.louisiana.gov/app/doc/view?doc=12457395> (St. James Parish Planning Commission, Minutes from Special Meeting, April 23, 2014).

³¹ See 42 U.S.C. § 7470(5); La. Admin. Code tit. 33, pt. III §§ 509.Q.2.a&c, 519.A.2&C.2-4, 527.B.4, 531.A; La. Admin. Code tit. 33, pt. I § 1505 La. R.S. 30:2018 (providing public notice and participation requirements).

First, the notice is for a “PSD[] Permit Major Modification[]” but as commenters explained, LDEQ cannot modify an expired permit,³² and it is improper for LDEQ to propose such a modification without at least making a statement on the record about the status of the permit.³³ In fact, LDEQ did not even make plans to investigate SLM’s construction status until several months after the agency issued the public notice and Commenters raised the PSD expiration for the third time in their initial comments on the pending air permit modifications.³⁴ More specifically, on February 25, 2021, an LDEQ Administrator stated: “I will travel to St. James this morning to view status of SLM. Commenters state construction has not started (per Google Earth); SLM says the entire foundation of the plant has been completed. Should be back in a few hours.”³⁵ But there is no report from this visit on the EDMS, nor were any other records pertaining to this visit made available pursuant to a public records request.³⁶ However, photos from a flyover mission (see Figures 1 & 2 below) conducted two months later show no such foundation. No concrete has been poured, nor has any other foundational material been applied to the ground. There is no rebar or any kind of structural support. Figure 2 only shows an area that has been cleared and graded,

³² Commenters submitted comments on the proposed permit modifications, again providing evidence showing that SLM’s PSD permit had expired on December 30, 2018. Commenters’ Nov. 23, 2020 Comments, pp. 8-9, EDMS Doc. ID 12457395, <https://edms.deq.louisiana.gov/app/doc/view?doc=12457395> (re-submitting evidence showing that SLM’s PSD permit expired on December 30, 2018 and explaining that LDEQ cannot modify an expired permit).

³³ The EPA “interprets existing law and regulations to require an opportunity for state judicial review of PSD permit actions under approved PSD SIPs by permit applicants and affected members of the public in order to ensure an adequate and meaningful opportunity for public review and comment on all issues within the scope of the permitting decision, including environmental justice concerns and alternatives to the proposed source.” Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia—Prevention of Significant Deterioration Program, 61 Fed. Reg. 1880 (Jan. 24, 1996) (to be codified at 40 C.F.R. pt. 52).

³⁴ Commenters’ Nov. 23, 2020 Comments, pp. 8-9, EDMS Doc. ID 12457395, <https://edms.deq.louisiana.gov/app/doc/view?doc=12457395> (re-submitting evidence showing that SLM’s PSD permit expired on December 30, 2018 and explaining that LDEQ cannot modify an expired permit).

³⁵ Email from Bryan Johnston, LDEQ Air Permits Administrator to Elliot Vega, LDEQ Assistant Secretary Office of Environmental Services, Mar. 18, 2021, Exhibit D (obtained by Earthjustice through a public records request – not on the EDMS).

³⁶ Earthjustice sent Public Records Request 0045800 to LDEQ on Mar. 11, 2021, requesting any record that relates to South Louisiana Methanol’s planned methanol complex that LDEQ has received or sent, or that was otherwise generated since November 23, 2020 that is not already available on the EDMS. LDEQ submitted responsive documents to the request on April 1, 2021 and no document relates to LDEQ’s inspection of the SLM site.

which is not enough to satisfy SIP requirements for commencing construction.³⁷ Figure 2 shows an office building, but as Commenters explained in their initial comments on the pending air permit modifications, that building is not an “emissions unit” as it has no emissions source and is not the sort of construction activity that requires a PSD permit and therefore SLM has not “commenced” or otherwise begun construction to maintain its construction approval under the Louisiana PSD SIP requirements. In other words, this office building is irrelevant to this or any air permit proceeding.³⁸

³⁷ See La. Admin. Code tit. 33, tit. III §§ 509.R.2 (“Approval to construct [under a PSD permit] shall become invalid if construction is *not commenced* within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time.”) (emphasis added); 509.B (defining “commence” as “[having] all necessary preconstruction approvals or permits and either has: a. begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or b. entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.”); *id.* (defining “begin actual construction as “initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures.”).

³⁸ SLM sometimes refers to the office building as the Central Control Building. In its LPDES Notice of Intent to Discharge Sanitary Wastewater at p. 3, SLM provides the following description: “Two office buildings and construction trailers will be served by these sanitary systems. The buildings will be used as construction offices during the construction of the methanol process. After they will be used as a control room and administrative offices.” EDMS Doc ID 11684932, <https://edms.deq.louisiana.gov/app/doc/view?doc=11684932>. See also St. James Parish Building Permit 18054, Oct. 29, 2018 (describing construction of building), Exhibit E.



Figure 1 – SLM site April 11, 2021



Figure 2 – Close up view of vacant parking/staging lot, office building, and graded/cleared area at SLM site on April 11, 2021.

Furthermore, had SLM engaged in any construction activities requiring a PSD permit *after* December 30, 2018 when its PSD permit had expired, such activities would violate the Clean Air Act and Louisiana SIP and would be subject to enforcement in federal court.³⁹ Indeed, LDEQ was required to have determined whether SLM had commenced construction by December 30, 2018, rendering the late site inspection in February 2021 meaningless.

Second, the public notice states that SLM’s “[p]lant [is] *currently under construction*,”⁴⁰ but this statement directly contradicts SLM’s written notice to LDEQ on April 22, 2020 that the company had

³⁹ See 42 U.S.C. § 7604(a)(3) (authorizing an enforcement action “against any person who proposes to construct or constructs any new or modified major emitting facility without a [PSD] permit.”). This means that had SLM constructed after its PSD permit expired on December 30, 2018, it is subject to enforcement. SLM is also subject to enforcement for proposing to construct and there is *no requirement for advanced notice of intent to file such a suit*.

⁴⁰ Public Notice, EDMS Doc. ID 12386129, <https://edms.deq.louisiana.gov/app/doc/view?doc=12386129>.

“been forced to suspend further site construction for an indefinite period,” citing market concerns, COVID, and lack of financial backing.⁴¹ There is nothing on file with LDEQ that shows SLM has resumed any alleged construction activities.⁴² Moreover, for LDEQ to say that the plant is “currently under construction” is misleading since the term “construction” has a specific meaning in the PSD context. As noted above, LDEQ has failed to make any investigation or determination on the record about SLM’s construction status within the PSD context. Furthermore, it gives the public the impression that construction activities that are authorized under the PSD permit are under way when in fact SLM had admitted that it had only engaged in clearing and grubbing activities, performed work on an office building, among some other miscellaneous activities.⁴³ That type of construction does not require a PSD permit, nor is it the type of construction that can maintain authorization under a PSD permit, which Commenters explain in detail in their initial comments.⁴⁴

V. **It has been more than 18 months since SLM told LDEQ that it had suspended any construction activities at its site, removing any debate that the PSD permit has expired.**

Even if LDEQ believed that the PSD permit had not expired when it issued the public notice (though as discussed above LDEQ has made no such determination), it is abundantly clear now that the permit has expired due to inactivity.

The Louisiana SIP provides that approval to construct shall expire “if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time.”⁴⁵ However, the regulations go on to provide that LDEQ may extend the 18-month period, “upon a satisfactory showing that an extension is justified.”⁴⁶ After the 18-month period has run, whether as initially established by

⁴¹ Letter from Paul Moore of SLM to LDEQ Assistant Secretary, Elliot Vega, April 22, 2020, EDMS Doc ID 12144013 at 1, <https://edms.deq.louisiana.gov/app/doc/view?doc=12144013>.

⁴² See EDMS files for AI 188074, <https://edms.deq.louisiana.gov/edmsv2/quick-search-results>.

⁴³ See SLM letter to LDEQ, Feb. 12, 2019, EDMS Doc. ID 11521502, <https://edms.deq.louisiana.gov/app/doc/view?doc=11521502>.

⁴⁴ Commenters’ Nov. 23, 2020 Comments, pp. 8-9, EDMS Doc. ID 12457395, <https://edms.deq.louisiana.gov/app/doc/view?doc=12457395>.

⁴⁵ 40 C.F.R. § 52.21(r)(2); La. Admin. Code tit. 33, pt. III § 509.R.2.

⁴⁶ La. Admin. Code tit. 33, pt. III § 509.R.2. See also EPA Guidance on PSD extensions, indicating that “the benefits of conducting an updated substantive review of the PSD requirements after 36 months from the initial issuance of the PSD permit would outweigh the considerations [] that favor an initial extension without such

regulation, or upon extension, the permit expires.⁴⁷ No administrative action is required to effectuate the termination, the permit becomes invalid by automatic expiration. *Id.*

On April 22, 2020, in a letter to LDEQ requesting its fourth extension of the PSD deadline to construct, SLM admitted that it had “been forced to suspend further site construction for an indefinite period.”⁴⁸ We reassert that previous construction was not construction within the PSD regulatory meaning. Nonetheless, while SLM failed to indicate when it had suspended any purported construction, it had at least halted any purported construction activities by April 22, 2020, when it sent the letter. SLM has not provided any indication to LDEQ that it has resumed construction. And if it does, it will be in violation of the Clean Air Act as explained above. Further, if LDEQ has information to the contrary, it must make that information available to the public and not shield it as it is attempting to do by urging SLM not submit its responses to comments to LDEQ in writing, as explained in detail above.

VI. SLM admits that it had plans to build a marine terminal all along, making this modification request improper project segmentation.

The proposed modification is a classic example of improper project segmentation or piecemealing. According to correspondence recently obtained from the Parish, SLM admits that “it always intended to provide Loading [i.e., a methanol terminal] and Storage on site,” referring to its 2014 Parish land use application.⁴⁹ But SLM did not include this methanol terminal in any permit application with LDEQ or any other agency until it applied for the pending modifications in 2019, asserting now that the plant is not viable without the terminal.⁵⁰ This is akin to applying for a permit to build an airport

analysis.” Guidance on Extension of Prevention of Significant Deterioration (PSD) Permits under 40 CFR 52.21(r)(2) (EPA 2014) <https://www.epa.gov/sites/default/files/2015-07/documents/extend14.pdf>.

⁴⁷ 40 C.F.R. § 124.5(g)(2); *see also* La. Admin. Code tit. 33, pt. III § 509.W.1 (“Any permit issued under this Section or a prior version of this Section shall remain in effect, unless and until it expires under Subsection R of this Section or is rescinded.”).

⁴⁸ Letter from Paul Moore of SLM to LDEQ Assistant Secretary, Elliot Vega, April 22, 2020, EDMS Doc ID 12144013 at 1, <https://edms.deq.louisiana.gov/app/doc/view?doc=12144013>.

⁴⁹ Email from Paul Moore of Todd Corporation, SLM parent company, to St. James Parish President Pete Dufresne, Dec. 17, 2020, attaching SLM Timeline, Exhibit F (see bulleted information under Nov. 2019 in attached timeline).

⁵⁰ *See* Letter from Paul Moore of SLM to LDEQ Assistant Secretary, Elliot Vega, April 22, 2020, EDMS Doc ID 12144013 at 1, <https://edms.deq.louisiana.gov/app/doc/view?doc=12144013>; SLM Environmental Assessment Statement, Oct. 16, 2019, pp. 1, 6, <https://edms.deq.louisiana.gov/app/doc/view?doc=11904270>. Furthermore, SLM’s claim that it is only now seeking to build a methanol terminal because it could not reach an agreement with

terminal and then years later asking for another permit to build a runway to serve the terminal next to a public park⁵¹ – knowing full well that the full project would not have been approved had it been revealed that the necessary runway would be next to a park. Here, it is highly doubtful that LDEQ would have accepted SLM’s site analysis, or that a decision to grant the permits would have survived judicial review, had the company revealed the full plan to build a methanol terminal next to a public park. Given that the terminal is a necessary component to make the plant viable, SLM was required to include the plan for its terminal from the start instead of applying for a terminal-less methanol plant in 2013 where SLM had no way to get the methanol product to market. SLM cannot now try to piggyback the terminal onto the incomplete project by trying to locate the terminal right next to a public park.

For the foregoing reasons and for the reasons expressed in Commenters’ November 23, 2020 comments, LDEQ must deny the proposed PSD and Title V permits for SLM’s proposed methanol plant.

Respectfully submitted by,



Zora Yede Djenohan, Fellow, La. Bar 39865
Corinne Van Dalen, Senior Attorney, La. Bar 21175
Earthjustice
900 Camp Street, Unit 303
New Orleans, LA 70130
cvandalen@earthjustice.org
*Counsel for RISE St. James, Louisiana Bucket Brigade, and
Healthy Gulf*

Cc:

Brad Toups, Louisiana Air Program Contact
U.S. EPA Region 6, Air Permitting

a third-party to handle shipment and storage is in direct contradiction to SLM’s statement to St. James Parish President on December 17, 2020 that the company had always intended to include a loading and storage facility onsite. Exhibit F.

⁵¹ Commenters’ Nov. 23, 2020 Comments, pp. 28-29, Pless Aff. Attach. B., p. 28 (pdf 89) EDMS Doc. ID 12457395, <https://edms.deq.louisiana.gov/app/doc/view?doc=12457395>.

RISE St. James, and La. Bucket Brigade, & Healthy Gulf Supplemental Comments

Re: Proposed SLM PSD & Title V Modification

Dec. 13, 2021

Page 15 of 15

toups.brad@epa.gov

Jeff Robinson, Chief

U.S. EPA Region 6 Air Permits Section

robinson.jeffrey@epa.gov

Mike Koerber, Deputy Director

U.S. EPA Office of Air Quality Planning and Standards

koerber.mike@epa.gov

Matt Tejada, Director

U.S. EPA Office of Environmental Justice

tejada.matthew@epa.gov



LED SEMI-ANNUAL STATUS REPORT

ECONOMIC INCENTIVES COOPERATIVE ENDEAVOR AGREEMENTS

JULY 1, 2018 TO JUNE 30, 2019

Prepared by: Mysti Shaw
Louisiana Economic Development
March 2020

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BACKGROUND

The Louisiana Economic Development (LED) Semi-Annual Status Report for Economic Incentives Cooperative Endeavor Agreements (CEA) provides LED upper-management with a summarized status of all active LED CEAs as of June 30, 2019. The report is divided into two sections:

1. **Private Sector Economic Incentive Projects** – provides the status of CEAs where LED has offered economic incentive grants to private entities to spur economic growth in the State.
2. **Public Sector Economic Incentive Projects** – provides the status of CEAs where LED has offered economic incentive grants to public entities, such as colleges, universities, and other governmental agencies, to spur economic growth in the State.

For each CEA, this report provides the following information:

1. Descriptive information, such as: contract numbers, project locations, contract periods, LED assigned contract monitors, and LED expenditures (CEA obligated and actual amounts expended)
2. Contractors' CEA performance obligations (i.e., jobs/payroll, capital investments, etc.)
3. Contractors' actual performance in relation to CEA performance requirements
4. Project status including company construction, company relocation, and status of operations
5. LED clawback status where contractors were not meeting CEA obligations
6. Status of CEA required reporting by contractors to LED

Information for report is compiled from the following sources:

- Cooperative endeavor agreements
- LED contract monitors
- Company/contractor reports
- LED's Fiscal Section
- LED Press Releases

All information presented in this report is obtained from the individual contract monitor.

PRIVATE SECTOR ECONOMIC INCENTIVE PROJECTS

SOUTH LOUISIANA METHANOL

LED Contract#: 15047-PC
Location: St. James Parish
Sponsor: N/A
Contract Monitor: Charlie Romaine
Project Description: Methanol production facility

Contract Term: 3/1/13 - 12/31/27
Employment Period: 1/1/22 - 12/31/27
Contract Amount: \$5,000,000
LED Expenditures: \$0

PAYROLL PERFORMANCE BY PROJECT YEAR			
Project Year	Total Payroll		
	Required Payroll	Actual Payroll	Over/ -Under
2022	\$2,125,000		
2023	\$5,355,000		
2024	\$5,462,100		
2025	\$5,571,342		
2026	\$5,682,769		
2027	\$5,796,424		

JOBS PERFORMANCE BY PROJECT YEAR			
Project Year	Total Jobs		
	Required Jobs	Average Actual Jobs	Over/ -Under
2022	35		
2023	75		
2024	75		
2025	75		
2026	75		
2027	75		

South Louisiana Methanol committed to invest in a new methanol production facility in St. James Parish creating 75 new direct jobs paying an average salary of \$66,500 a year, plus benefits, by 2023. LED offered South Louisiana Methanol a performance-based grant for land acquisition and infrastructure costs.

The CEA between the State of Louisiana/LED and South Louisiana Methanol commits the company to begin operations by December 31, 2022 and expend \$366.0 million in capital expenditures by December 31, 2021.

Status as of the Reporting Period End-Date:

- South Louisiana Methanol experienced a major delay in the construction of the facility. Prior to the reporting period, LED and South Louisiana Methanol negotiated an amendment to the CEA, which pushes back the timelines of the company's capital expenditure requirements, operations date, and its jobs/payroll obligations. These changes are reflected above.
- The company had not begun construction of the facility nor had any capital expenditures been reported.
- South Louisiana Methanol is expected to start meeting jobs and payroll obligations in 2022.
- The company was not current on all reporting required by the CEA. South Louisiana Methanol did not send the following required reports:
 - Quarterly Payroll Reports for the 1st Quarter 2015 through the 1st Quarter 2019
 - Progress Reports for the 1st and 2nd Half of 2013 and 2014, 1st Half of 2015, 1st and 2nd Half of 2017, and the 1st and 2nd Half of 2018
 - Annual Certification of Compliance for Project Years 2015, 2016, 2017, and 2018
 - SEC Form 10-K/Audited Financial Statements for Fiscal Years 2015, 2016, 2017, and 2018

From: [Christopher Smith \(DEQ\)](#)
To: "[Jay Hass](#)"
Subject: RE: Note from Bryan: Public Comments Review
Date: Monday, January 4, 2021 9:45:00 AM

I'm sorry Jay. That's 225 219-3450.

Still processing comments.

-----Original Message-----

From: Jay Hass [<mailto:jhass@southlouisianamethanol.com>]
Sent: Monday, January 4, 2021 9:40 AM
To: Christopher Smith (DEQ) <Christopher.Smith@LA.GOV>
Subject: RE: Note from Bryan: Public Comments Review

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Chris, the phone number I called states it is an unallocated number. Is that correct?

Regards,
Jay Hass, P.E.
SLM Technical Services Manager
(c) 225.588.3505

This e-mail message is confidential and intended to be read only by the intended recipient. Please do not read, copy, or distribute the e-mail message if you are not the intended recipient. If you believe that you are not the intended recipient, please delete the message and notify the sender. Any views or opinions presented are solely those of the author and not the author's employer.

-----Original Message-----

From: Christopher Smith (DEQ) <Christopher.Smith@LA.GOV>
Sent: Thursday, December 17, 2020 10:20 AM
To: Price Howard <phoward@SouthLouisianaMethanol.com>; Jay Hass <jhass@southlouisianamethanol.com>; Brian Jones <bjones@SouthLouisianaMethanol.com>; Karen Brignac <Karen.Brignac@ppmco.com>; Andrew Tolan <atolan@southlouisianamethanol.com>
Subject: Note from Bryan: Public Comments Review
Importance: High

Just re-sending this message.

Again, the message regarding comments from Bryan is do not submit SLM's response to the public comments to LDEQ by mail or e-mail.
LDEQ will prepare a Basis of Decision and Response to Comments based on the documents submitted before the close of the public notice period.

If you have questions about this e-mail please contact Bryan Johnston 225-319-3450.

Thank you.

Christopher Smith
Louisiana Department of Environmental Quality Christopher.smith@la.gov
225-219-3439

-----Original Message-----

From: Christopher Smith (DEQ)
Sent: Wednesday, December 16, 2020 4:21 PM
To: 'Price Howard' <phoward@SouthLouisianaMethanol.com>; 'Jay Hass' <jhass@southlouisianamethanol.com>; Brian Jones <bjones@SouthLouisianaMethanol.com>; Karen Brignac <Karen.Brignac@ppmco.com>; Andrew Tolan <atolan@southlouisianamethanol.com>
Subject: Note from Bryan: Public Comments Review
Importance: High

I was recently discussing the Response to Comments with Bryan Johnston, Administrator.

He strongly stated to me 'Do Not let South Louisiana Methanol submit their Response to the Comments to LDEQ either by mail or e-mail.

If you have questions about this, then you can direct your phone calls to him."

I apologize for the confusion.

Christopher Smith
Louisiana Department of Environmental Quality Christopher.smith@la.gov
225-219-3439

-----Original Message-----

From: jay5738@att.net [<mailto:jay5738@att.net>]
Sent: Tuesday, December 15, 2020 8:34 AM
To: Christopher Smith (DEQ) <Christopher.Smith@LA.GOV>
Subject: RE: Public Comments Review

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Chris,

We are putting together several documents along with a short response to your question. Price will be responding to your question soon.

By the way, this is my personal email address, not the SLM email address. Not sure how it got on your document. Just for reference.

-----Original Message-----

From: Christopher Smith (DEQ) <Christopher.Smith@LA.GOV>
Sent: Monday, December 14, 2020 1:28 PM
To: Price Howard <phoward@SouthLouisianaMethanol.com>
Cc: Jay Hass <jay5738@att.net>; Brian Jones <bjones@SouthLouisianaMethanol.com>; Karen Brignac <Karen.Brignac@ppmco.com>; Andrew Tolan <atolan@southlouisianamethanol.com>
Subject: Public Comments Review

Good afternoon

I have been going through the comments and one issue has been standing out to me.

This issue has to do with zoning.

Did South Louisiana Methanol get the required zoning approval for the land where the proposed terminal is to be built?

Christopher Smith

Louisiana Department of Environmental Quality Christopher.smith@la.gov
225-219-3439

-----Original Message-----

From: Price Howard [<mailto:phoward@SouthLouisianaMethanol.com>]
Sent: Wednesday, November 25, 2020 12:45 PM
To: Christopher Smith (DEQ) <Christopher.Smith@LA.GOV>
Cc: Jay Hass <jay5738@att.net>; Brian Jones <bjones@SouthLouisianaMethanol.com>; Karen Brignac <Karen.Brignac@ppmco.com>; Andrew Tolan <atolan@southlouisianamethanol.com>
Subject: Re: Public Comments

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Thanks kindly Mr Smith. Lots of holiday reading. Hope you have a restful Thanksgiving.
Price

Sent from my iPhone

> On Nov 25, 2020, at 1:33 PM, Christopher Smith (DEQ) <Christopher.Smith@la.gov> wrote:

>

> AI 188074 SLM

> 11.23.2020 public comments

> 376 pgs

> EDMS DOC 12457395

>

> -----Original Message-----

> From: Jay Hass [<mailto:jay5738@att.net>]

> Sent: Tuesday, November 24, 2020 12:39 PM

> To: Christopher Smith (DEQ) <Christopher.Smith@LA.GOV>

> Subject: Public Comments

>

> EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

>

>

> I am following up by asking if there have been any further public comments. My bosses are anxious. Thanks for all the help.

>

> Regards,

> Jay Hass

> 225.588.3505

From: [Christopher Smith \(DEQ\)](#)
To: [Bryan Johnston](#)
Subject: SLM comments review
Date: Tuesday, December 15, 2020 10:40:00 AM

Just forwarding to let you know both SLM and I are working to address these comments (376 pg submitted). Hopefully it won't take as long as last time.

The land zoning issue keeps coming up and I've asked SLM to look at it. That is, the land where the terminal will sit. The big question is, was it zoned residential or industrial by St. James Parish?

I was wondering, do you have a recent copy of a Basis for Decision we did? I have the old one. For some reason, I can't find the 'Basis for Decision' in the TEMPO Word Document.

Oh can you tell me the AI for the Formosa Plant in St. James Parish. The one with the 'areas of concern.' I assume it has a Response to Comments and Basis of Decision.

-----Original Message-----

From: jay5738@att.net [<mailto:jay5738@att.net>]
Sent: Tuesday, December 15, 2020 8:34 AM
To: Christopher Smith (DEQ) <Christopher.Smith@LA.GOV>
Subject: RE: Public Comments Review

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Chris,

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Subject: Public Comments Review

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Louisiana Department of Environmental Quality Christopher.smith@la.gov
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Subject: Re: Public Comments

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> Subject: Public Comments

>

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>

>

> I am following up by asking if there have been any further public comments. My bosses are anxious. Thanks for all the help.

>

> Regards,

> Jay Hass

> 225.588.3505

From: [Elliott Vega \(DEQ\)](#)
To: [Deidra Johnson](#)
Subject: FW: St. James
Date: Thursday, March 18, 2021 12:00:58 PM

FYI-

From: Bryan Johnston
Sent: Thursday, February 25, 2021 9:10 AM
To: Elliott Vega (DEQ)
Subject: St. James

I will travel to St. James this morning to view status of SLM. Commenters state construction has not started (per Google Earth); SLM says that the entire foundation of the plant has been completed. Should be back in a few hours.

St. James Parish Permit

Permit Number 18054
Permit Date 10/25/2018

Address 7719-1 Hwy 18 St James LA 70086

Owner South Louisiana Methanol, LP Price Howard 13413 Galleria Circle Austin TX 78738	Applicant/Tenant South Louisiana Methanol, LP Price Howard 13413 Galleria Circle Austin TX 78738
Home Phone: (864) 735-4570	Home Phone: (864) 735-4570

Section 23	Flood Zone X2
Township T12S	Base Flood Elevation
Range R16E	Lot
Block	Comm. Panel Number 22093C0100C
District District 5	
Subdivision Name	

Description of Work New commercial construction- Control building consisting of a pile supported concrete slab; single slope pre-engineered metal building structure;	Surveyor
	Valuation of Work \$3,375,000.00
	Contractor Arkel Constructors

Notice
This permit is issued subject to the party to whom it is issued fully complying with all requirements of the building code and all pertinent laws and ordinances regulating the use and construction of structures and the work authorized by this permit, or otherwise it shall become void and the party liable to such penalties as may be provided for violation of said ordinances.
This permit shall be void if not kept at approved location of work. This permit is valid for 6 months, permit must be updated and after 1 year the permit must be renewed.
I hereby certify that I have read and examined the application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulations construction or the performance of the construction.
New development in St. James Parish must meet a minimum elevation of 6' msl, or the FEMA BFE + 12 inches - whichever is higher.

Const.	Use	Commercial
Acc. Sq. Ft.	Sq. Ft. Area	
Total Sq. Ft. 9445		
Stories	Foundation	
Bathrooms	Bedrooms	
Work Type New Commercial		

Parcel Number 0500075500
Legal Description

Comments
New commercial construction- Control building consisting of a pile supported concrete slab; single slope pre-engineered metal building structure; exterior envelope is a combination of metal wall panels and aluminum storefront, standing seam metal roof. Interior consists non-loadbearing metal stud walls for office space for the site facility operators, restrooms, common space and site support spaces.

Permit Fee	\$4,722.50
Fees Paid	\$4,722.50

Timothy P. Roussel
Timothy P. Roussel, Parish President **Date**
10/27/18
Applicant **Date**
Permit Validated By **Date**

BUILDING PERMIT APPLICATION

ST. JAMES PARISH GOVERNMENT
P.O. BOX 106
CONVENT, LA 70723-0106
225/562-2264
225/562-2422 (fax)

FOR OFFICE USE ONLY	
Date Received: _____	
Permit #: _____	

PROJECT LOCATION

PROJECT STREET ADDRESS: 7719-1 HIGHWAY 18			LOT	BLOCK	SUBDIVISION						
CITY/ZIP CODE: ST. JAMES, LA 70086			SEE ATTACHED PROPERTY DESCRIPTION			SECTION	TOWNSHIP	RANGE			
<input type="checkbox"/> CONTACT OWNERSHIP				<input type="checkbox"/> CONTACT CONTRACTOR							
Owner's Name PRICE HOWARD		Daytime Number 864-735-4570		Contractor's Name ARKEL CONSTRUCTORS		Daytime Number 225-344-1023					
Address 13413 GALLERIA CIRCLE, BLDG Q, STE 150		Evening Number 864-735-4570		Address 1048 FLORIDA BLVD		Evening Number 225-344-1023					
City AUSTIN	STATE TX	ZIP 78738	Fax Number		City BATON ROUGE	STATE LA	70802				
Email PHOWARD@SOUTHLOUISIANAMETHANOL.COM				Email NICKZ@ARKELCONSTRUCTORS.COM							
DESCRIBE THE PROJECT							VALUATION (\$)				
New construction control building consisting of a pile supported concrete slab; single slope pre-engineered metal building structure; exterior envelope is a combination of metal wall panels and aluminum storefront, standing seam metal roof. Interior consists non-loadbearing metal stud walls for office space for the site facility operators, restrooms, common space and site support spaces.							\$3,375,000.00				
PROJECT INCLUDES: <input checked="" type="checkbox"/> Plumbing <input checked="" type="checkbox"/> Electrical <input checked="" type="checkbox"/> Mechanical											
TYPE OF PROJECT: (√ ONE)				TYPE OF STRUCTURE: (√ ONE)							
(01) <input checked="" type="checkbox"/> New Structure (02) Addition To: (03) Remodel (04) <input type="checkbox"/> Electrical (05) Demolition of Structure (06) <input type="checkbox"/> Change of Use (07) <input type="checkbox"/> Moved-in Structure				(01) One Family Dwelling (02) Two Family or Attached Dwelling (including Townhouse) (03) Three and Four Family Dwelling (04) Hotel or Motel (05) Amusement & Recreation Building (06) Church & Other Religious Building (07) <input checked="" type="checkbox"/> Industrial Building, Manufacturing Plant, Factory (08) Service Station & Repair Garage (09) Detached Garage				(10) <input type="checkbox"/> Office, Bank, and Professional Building (11) School (12) Store, Customer Service (13) Barn, Storage Shed, Outbuilding (14) Mobile/Manufactured Home (15) Public Works, Utility Building (16) Pool, Hot Tub, Fence, Retaining Wall, Pump (Non-structure) (17) Other: _____			
Sq. Ft. of Existing Building	New Construction	Existing & New Construction Total		PROPOSED NEW BUILDING OR ADDITION							
N/A	9,445	9,445		CONTRACTORS		REGISTRATION		PERMIT #			
				Electrical							
				Mechanical							
				Plumbing							
				Roofing							
(SETBACKS (DISTANCE OF PROJECT TO PROPERTY LINES))											
Front Setback Existing N/A FT	Side Setback Existing N/A FT	Side Setback Existing N/A FT	Rear Setback Existing N/A FT								
Front Setback Proposed 6200 FT	Side Setback Proposed 675 FT	Side Setback Proposed 1300 FT	Rear Setback Proposed 9500 FT								
WATER SERVICE (√ ONE)		SEWER SERVICE (√ ONE)		ELECTRICAL SERVICE (√ ONE)		GAS SERVICE (√ ONE)		ACCESS (√ ONE)			
<input type="checkbox"/> Individual Well <input type="checkbox"/> Community Well <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Public ST. JAMES PARISH UTILITIES		<input checked="" type="checkbox"/> Individual Waster Water Treatment Plant <input type="checkbox"/> Community <input type="checkbox"/> N/A <input type="checkbox"/> Public _____		<input checked="" type="checkbox"/> Entergy		<input type="checkbox"/> St. James Parish Government <input type="checkbox"/> Propane <input type="checkbox"/> Atmos <input checked="" type="checkbox"/> Other: N/A		<input checked="" type="checkbox"/> Existing Driveway <input type="checkbox"/> New Driveway <input type="checkbox"/> State/Public/Private <input type="checkbox"/> N/A <input type="checkbox"/> Other: _____			
CERTIFICATION											
I certify that the above information is correct and agree to construct this building in accordance with the plot, building plans and specifications submitted herewith, an in strict compliance with all the provisions of the Building Code, Electrical Code, and Health and Plumbing Regulations of the St. James Parish.											
APPLICANT (PLEASE PRINT) C. Price Howard				DATE		TITLE					
APPLICANT'S SIGNATURE 				10/22/18		Project Manager					

WASTEWATER TREATMENT SYSTEM INSTALLATION AND PLANS REVIEW FORM

PARISH HEALTH UNIT _____

PERMIT NO. _____

Name Of Property Owner / Applicant: SOUTH LOUISIANA METHANOL, LP

Site Address: 7719-1 HWY 18, ST. JAMES, LA 70086

Manufacturer of ATU To Be Installed: Gainey's Concrete Products Brand of ATU To Be Installed: MoDad 1

Size of System (GPD): 1,500

Model of Aerator To Be Used: ~~Blue Diamond~~ Hiblow HP100

Aerator Alarm: Yes _____ No

Length of Effluent Reducer (ER Field) To Be Installed: ~~300~~ 180' Brand of ER field: ~~Tanastar~~ EQ36

10/5/18 JHA

Alternate Effluent Reduction (Check One If Applicable): Spray Irrigation _____ Overland Flow _____ Other (describe) _____

Effluent Backflow Prevention Device Installed: Yes No _____

If Yes, Location of Backflow Prevention Device. Point of Discharge In-Line _____

Lift Pump / Station To Be Installed: Yes No _____

If Yes, Capacity Of Lift Station: 1250 GAL

High Water Alarm for Lift Pump: Yes No _____ Not Applicable _____

Chlorinator Included: Yes No _____

Discharge Point Location: SEE ATTACHED SITE PLANS

Detailed Site Plan Included: Yes No _____

(The Site Plan includes property boundaries and shape, location of proposed sewage system and components(aerator, ER, discharge point), distances of sewage system and components from property lines, elevations of property, sewage system, and components (discharge piping, ER), locations of important features such as buildings, water wells, water meter and lines, drive ways, trees and shrubs, swimming pools, etc.)

Installation of the wastewater treatment system can proceed once the installer receives his copy of this approval.

Any installation of a wastewater treatment system without a Sanitarian approval signature as indicated on this form below may not be approved.

I agree and understand that the above wastewater treatment system will be installed in accordance with the attached site plan which has been submitted.

Signature of the Property Owner: _____

Date: 10/5/18

Signature of Installer: Greg Roache

License No. 31390

Date: 10/4/18

Approval Signature of Sanitarian: Huanez

License No. 3110

Date: 10/19/18



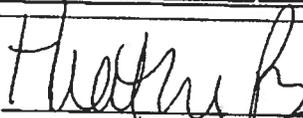
**Temporary Permit
for On-Site Wastewater Treatment System**
Department of Health and Hospitals
Office of Public Health

**IMPORTANT
DO NOT DESTROY
KEEP WITH HOUSE
DOCUMENTS**

Permit Number:	1296500	Date Temp Issued:	10/10/2018
Applicant's Name:	SOUTH LOUISIANA METHANOL,	Phone Number:	(864)9180315
Mailing Address:	13413 GALLERIA CIRCLE Q150 SUITE, AUSTIN, Texas 78738 -		

Lot/Square Number:	Subdivision:		
Site Address:	7719-1 HWY 18, ST. J AMES, ST JAMES, Louisiana 70086 -		
Property Latitude:	Property Longitude:	Parish:	St. James
Section:	Township:	Range:	
Dimensions:	Square Feet:		
Notes:	1 CONTROL BUILDING W/ 3 OFFICE TRAILERS, NO SHOWERS, NO WASHING MACHINES, 45 EMPLOYEES		

Percolation Avg:	Not Run	Water Supply:	Community
Design Basis:	1 CONTROL BUILDING W/ 3 O	Proposed Use:	Commercial
Average Flow:	1372GPD	Type System:	ATU with ER and Chlorination
Discharge Location:	SIDE DITCH		
System Specifications:	300 FT ER FIELD AND CHLORINATOR		
Sanitarian's Number:	3110	Sanitarian's Name:	Bourg Heather


Signature Of Sanitarian

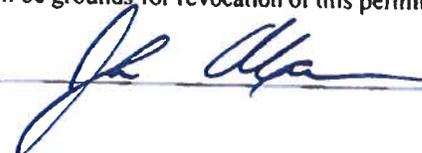
OPH and DHH do not assume any liability or responsibility for electrical components of this sytem.

I have read and understood Affidavit of Perpetual Maintenance (SF-11) JHA

I have read and understood Applicant Notification and Acknowledgment (SF-10) JHA

I have read and understood Consumer Alert (SF-15) JHA

Affidavit: I hereby affirm that the above information is true and correct to the best of my knowledge and understand that failure to have the above system installed and maintained in accordance with the provisions of the Louisiana State Sanitary Code will be grounds for revocation of this permit.

 Date: 10 / 23 / 2018



John Bel Edwards
GOVERNOR

Office of State Fire Marshal

8181 Independence Blvd. Baton Rouge, LA 70806
(225) 925-4911 (800) 256-5452 Fax (225) 925-4241

PLAN REVIEW REPORT



H. "Butch" Browning
FIRE MARSHAL

ADAM L. FISHBEIN GRACE & HEBERT ARCHITECTS
501 GOVERNMENT STREET, SUITE 200
BATON ROUGE LA 70802

Project Number: **AR-18-017042**
Review Type: **Architectural Review**
Status: **Released**
Date Completed: **10/23/2018**
Code Edition: **2015**

In accordance with L.R.S. 40:1574 et seq., satisfactory compliance with the requirements of the laws, rules, regulations and codes of the state that are entrusted to the State Fire Marshal to uphold must be achieved before any work is performed. As such, a permit shall not be issued or construction or installation of the scope of work identified herein shall not commence until the Status of this review is "Released" and the requirements of other state and local entities have been satisfied.

Project Description: NEW CONSTRUCTION CENTRAL CONTROL OFFICE BUILDING - PRE-ENGINEERED METAL BUILDING STRUCTURE WITH EXTERIOR METAL PANELS, STANDING SEAM METAL ROOF, SLAB ON GRADE.			
Project Name: SOUTH LOUISIANA METHANOL - CENTRAL CONTROL BUILDING		Address: 7719-1 HWY 18, SAINT JAMES, LA 70086	
Funding Type: Private Project	Within City Limits? NO	Number of Stories:	High Rise Building:
Occupancy Separation Type: Non-separated Occupancies	Total Occupancy Square Feet: 9445	Project on which Floor(s): 1	Construction Type: II-B / II(000)
Additional Features (if applicable):	Sprinkler System - 13, Kitchen Hood Fire Suppression System, Clean Agent, Fire Alarm System, Special Locking System(s)		

Occupancy Type(s) and Square Feet		
Occupancy Type: Assembly - Group A	Square Feet: 1130	Details: OCCUPANCY RATING: 50 TO 299 OCCUPANTS; ASSEMBLY TYPES: GROUP A-2
Business	5030	
Factory/Industrial	3285	TYPE OF FACTORY/INDUSTRIAL BUILDING: GROUP F-1 (MODERATE HAZARD)

Architectural Review Type: New Construction	New Construction Type: Complete Build-out
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Facility Licensed By DHH Health Standards Section: **No**

Energy Compliance	
Method of Compliance Used:	COMcheck
Energy Code Requirements are Complied With:	Yes
Reason for Exception (if Applicable):	

Louisiana State Uniform Construction Code Review	
Review for the LSUCCC performed by: Parish or Municipal Permitting Office	3rd Party Provider's Registration Number:

Individuals Involved in this Project		
Name: ADAM L. FISHBEIN	Role: Professional of Record (A-5202)	Address: 501 GOVERNMENT STREET, SUITE 200, BATON ROUGE, LA 70802
PRICE HOWARD	Owner	13413 GALLERIA CIRCLE, BLDG Q, SUITE 150, AUSTIN, TX 78738
NICHOLAS ZAEFF	Contractor	1048 FLORIDA STREET, BATON ROUGE, LA 70802
JOHN ALEXANDER	Additional Contact (OWNER CONTACT)	13413 GALLERIA CIRCLE, BLDG Q, SUITE 150, AUSTIN, TX 78738

Changes that are inconsistent with the reviewed documents are not authorized unless reviewed by this office for compliance with adopted codes, rules and laws. The changes must be submitted to this office by the Professional of Record where required by law, otherwise by the Owner, for review prior to construction and inspection. Minor changes may be submitted as supplemental information amended to this assigned project number. Changes that alter the scope of work, or that otherwise will require another full review of the project, will require a complete resubmittal of the entire scope of work with application, revised plans, and applicable review fee.

This review shall in no way permit or authorize any omissions or deviations from the specific requirements of the adopted codes, rules and regulations of the state. Construction permits must be issued or installation must commence within 180 days from the date of the "Released" Status for this submittal.

Occupancy of the project will not be permitted until a satisfactory inspection of the completed construction has been made by this office. Please allow at least two (2) weeks advanced notice to schedule inspections.

Review Completed By	
Signature:	
Name: Khalid Thalji	Badge No.: 488

Distribution List		
Name	Firm Name	Role

From: [Paul Moore](#)
To: pete.dufresne@stjamesla.com
Cc: [Price Howard](#); [Jay Hass](#); [Brian Jones - SLM](#); [Sandra Bell - SLM](#); [Mallory Poirrier](#); courtney.tomlinson@stjamesla.com
Subject: SLM Land-use/South Louisiana Methanol St. James Parish Methanol Plant History
Date: Thursday, December 17, 2020 12:34:32 PM
Attachments: [High-Level History of SLM Final 12_17_20.docx](#)

Dear Pete,

Hope you are doing well and looking forward to some downtime this Christmas and New Year.

As we discussed the dossier we discussed turned out to be larger than expected, so apologies for the delay.

We have finished compiling the documents and will be delivering the dossier to Amber today in St. James Parish. The package includes the following:

- Detail highlight of the history of permitting and approvals for SLM.
- A Hard copy dossier of our prior requests/approval with St James Parish Council and other State Agencies.
- An electronic copy on a USB, with the summary and documents provided in the Hard copy containing hyperlinks/hotlinks so the reader can navigate through the various interrelated matters

The above will be delivered by Jay Hass, who has already spoken with Amber to schedule a time for delivery.

Additionally, I would appreciate an opportunity to meet virtually and review the documents along with Price Howard and Jay Hass.

I have attached a short summary of the information contained in the dossier highlighting key activities over the long road we have traveled.

Merry Christmas and a Happy New Year to you and your team

Paul Moore

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South Louisiana Methanol St. James Parish Methanol Plant History— Executive Summary

The attached South Louisiana Methanol (SLM) history document is provided for general information and reference. It contains a summary of the St. James Parish Methanol Plant status and progress to date.

The key milestone events, which are contained in the attached SJMP history document, are summarised as follows:

- **December 2012—January 2013** – SLM Secures Site in St. James Parish.
- **December 2013** – LDEQ issues Air Permits (Part 70 Operating Permit and PSD) for the SLM project.
- **April 2014** – St. James Parish adopts its Land Use Ordinance.
- **April 2014** – The St James Parish Planning Commission grants a Land Use Approval for the SLM Project consistent with the recently adopted Parish Land Use Plan. This Land Use Approval also included future expansions.
- **June 2017** – LDEQ issues Modified Air Permits (Part 70 Operating Permit and PSD) for the SLM project.
 - Carbon dioxide was not available on a predictable basis, consequently SLM had to reengineer the facility to include, at the estimated cost of \$250MM, an Econamine unit that captures half of the carbon dioxide produced by the facility and reuses it in the production of Methanol.
- **May 2018** – In a meeting to discuss the existing Land Use Ordinance, the St. James Parish Council decided to amend its complete Land Use Plan from 2014, changing the area encompassing the SLM site to Residential Growth Following a public hearing to consider a change recommended by the St. James Parish Planning Commission that included a change to the land use designation for the SLM site to Residential Growth, the Parish Council voted and adopted this change, but agreed this change did not apply to SLM's 2014 Land Use Approval or the previously permitted uses.
- **August 2018** – Construction on the SLM project commences in Q3 2018.
- **November 2019** – SLM submits an Air Permit Modification application to LDEQ and a Joint Permit Application to Army Corps of Engineers and LDNR for on-site methanol product storage and loading facilities
 - SLM could not obtain a usable agreement for third party Loading and Storage.
 - Loading and Storage is required to have an operating plant – SLM was required to develop its own facilities.
 - While SLM planned to initially to contract with a third party for Loading and Storage, it always intended to provide Loading and Storage on site for the long term. SLM advised the Planning Commission when it sought its land use approval in 2014.
 - SLM expended best effort to minimize the potential impact to the surrounding residential communities by locating storage over one mile off of HWY-18 and ensured that lighting and noise are mitigated with buffer zones, sound lowering equipment and stack height design.