



July 23, 2020

*Via Email: [marrill.mckarry@stjamesla.gov](mailto:marrill.mckarry@stjamesla.gov)*

St. James Parish Coastal Zone Advisory Board  
c/o Mr. Marrill McKarry  
St. James Parish Planning & Permitting Office  
P.O. Box 106  
Convent, Louisiana 70723-0106

Re: South Louisiana Methanol CUP Application, P20191180, for construction of a Methanol Terminal and Storage Facilities in St. James, Louisiana

Dear Coastal Zone Advisory Board:

I am writing on behalf of Healthy Gulf, RISE St. James, and Louisiana Bucket Brigade regarding South Louisiana Methanol's ("SLM's") pending Coastal Use Permit ("CUP") application P20191180. I am providing information sought at the last Coastal Zone Advisory Board meeting for the Board to determine whether SLM's proposed project to construct a methanol terminal and storage facility at its planned methanol complex would extend beyond the "expansion area" under the Planning Commission's 2014 land use approval.<sup>1, 2</sup>

I am also requesting to make a presentation on this subject at upcoming Coastal Zone Advisory Board meeting schedule for Monday, July 26, 2021.

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<sup>1</sup> Proceeding of the Coastal Zone Management Advisory Commission, June 1, 2021, pdf. p. 4, <https://www.stjamesla.com/AgendaCenter/ViewFile/Agenda/06282021-296>. The minutes from that meeting provide: "Parish Council Mr. Victor Franckiewicz gave background on [SLM's modified CUP application for its proposed Methanol and Terminal Storage]. Yvette Melancon moved to defer because more information was needed to determine whether the project would extend beyond the expansion area approved in 2014 under the land use ordinance. The motion was seconded by Carl Vicknair and carried unanimously." *Id.*

<sup>2</sup> St. James Parish Planning Commission, Minutes from Special Meeting, April 23, 2014 (approving SLM's land use application), available on the CUP Database as Attachment C to Letter from B. Jones to J. Pecot, re. Response to Public Comments on Joint Application Permit, dated July 20, 2020, [https://sonlite.dnr.state.la.us/sundown/cart\\_prod/cart\\_crm\\_view\\_cmnt?pcup\\_num=P20191180&authorization=N&psort=2%20\(click%20on%20CommentResponseAttachmentsC-H.pdf](https://sonlite.dnr.state.la.us/sundown/cart_prod/cart_crm_view_cmnt?pcup_num=P20191180&authorization=N&psort=2%20(click%20on%20CommentResponseAttachmentsC-H.pdf) (click on CommentResponseAttachmentsC-H.pdf, dated 7/22/2020 @ 14:36:21).

### Introduction

SLM recently redesigned a portion of its proposed project in an attempt to comply with the St. James land use ordinance.<sup>3</sup> However, as detailed below, the proposed project still does not comply with the parish land use ordinance. As shown in the maps below, several project features would extend beyond the “expansion area” on land that is designated as “Residential Growth” in violation of the ordinance.

The land use ordinance restricts uses for “Residential Growth” areas to “[d]wellings and uses customarily associated with dwellings (such as garages, carports, patios, outbuildings used by residences of the dwellings.”)<sup>4</sup> Industrial uses are not allowable uses for this land use category. The land use ordinance further provides that “[u]ses not specifically listed as allowable in a use category in subsection (c) of this section are prohibited unless the planning commission considers the use in accordance with subsections (g), (h), and (i), and the parish council approves the use.”<sup>5</sup> The Planning Commission has not considered SLM’s proposal to extend its facility beyond the “expansion area,” and therefore any such construction would violation the land use ordinance.

Indeed, not only would the proposed project violate the land use ordinance unless SLM is somehow able to obtain Planning Commission and Council approval, it poses health and safety threats to the immediately adjacent public park and nearby residences. That is, SLM seeks to construct its methanol terminal directly next to Welcome Park, which is a large public complex that includes a walking path, playground equipment, ball field, all-purpose building that is under construction, senior program center, and community meeting hall for District 5. Several hundred residents from predominantly Black District 5 voiced opposition to SLM’s plans from the start, asserting concerns about the “possibility of a leak, fire or explosion” and “toxic emissions” that could endanger nearby residences and people who use the public park.<sup>6</sup> Petra Pless, D.Env., an environmental engineer and safety specialist, reviewed the proposed project and confirmed what the residents’ concerns. She found that a methanol terminal and storage facility is simply not compatible with the adjacent recreational and residential uses, and that siting an export terminal

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<sup>3</sup> *Id.* (referencing SLM’s CUP application modification providing updated plats showing dock redesign).

<sup>4</sup> SJP Land Use Plan, 82-25(c), available on the St. James Parish website and Municode at [https://library.municode.com/la/st.\\_james\\_parish\\_council/codes/code\\_of\\_ordinances?nodeId=PTI\\_ICOOR\\_CH82PL\\_ARTIIPAPLCO\\_S82-25LAUSPL](https://library.municode.com/la/st._james_parish_council/codes/code_of_ordinances?nodeId=PTI_ICOOR_CH82PL_ARTIIPAPLCO_S82-25LAUSPL)

<sup>5</sup> *Id.* at (e).

<sup>6</sup> See Petition of District 5 residents to LDEQ, Dec. 16, 2013, <https://edms.deq.louisiana.gov/app/doc/view?doc=9126521&ob=yes&child=yes> (providing hundreds of signatures protesting the location of SLM’s proposed methanol facility).

in this area would create safety and health hazards.<sup>7</sup> She explains that “[m]ethanol is [] a highly flammable and explosive substance and is susceptible to ignition and fire from seasonal lightning strikes, and notes the volatile substance has been “involved in catastrophic and lethal industrial and transportation incidents in the past.”<sup>8</sup> Dr. Pless further explains that “[a] tanker truck accident on the main facility road could easily result in ambient concentrations of methanol high enough to cause serious injuries or death,” and she also provides a long list of examples of catastrophic events involving methanol – including a major explosion at a docked methanol-filled tanker ship.<sup>9</sup>

Furthermore, SLM’s request to now build a terminal and storage facility, which it had planned to do from the start but failed to obtain the necessary approval at that time, is an improper segmentation of its project. Moreover, it is unlikely that SLM has any approval under the 2014 Planning Commission decision as its non-comforming use status probably expired due to non-use.

For these reasons, which are detailed below, the Coastal Zone Advisory Board should urge the LDNR Office of Coastal Management to deny SLM’s CUP application P20191180.

#### Detailed Comments

- I. SLM’s proposed project extends beyond the “expansion area” in the Planning Commission’s April 23, 2014 land use approval.

The Planning Commission’s 2014 land use approval specifically limits any construction or future expansions to the area identified as “Potential to Expand” in “Figure Number 3” of SLM’s application package.<sup>10</sup> Below is an image of Figure 3 from SLM’s Land Use application package. It shows that the “Potential to Expand” area is limited to the area inside the then-

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<sup>7</sup> See Affidavit of Dr. Petra Pless, Nov. 23, 2020, Attach. B, pp. 30-47, 59-63 (Comments on Air Permits for SLM’s Proposed Methanol Terminal and Storage Facility), uploaded to the Coastal Use Permit Database on Jan. 11, 2021 and available at this link:

[https://sonlite.dnr.state.la.us/sundown/cart\\_prod/cart\\_crm\\_view\\_cmnt?pcup\\_num=P20191180&pauthorization=N&psort=2](https://sonlite.dnr.state.la.us/sundown/cart_prod/cart_crm_view_cmnt?pcup_num=P20191180&pauthorization=N&psort=2).

<sup>8</sup> *Id.* at 39.

<sup>9</sup> *Id.* 45-60.

<sup>10</sup> St. James Parish Planning Commission, Minutes from Special Meeting, April 23, 2014 (approving SLM’s land use application), available on the CUP Database as Attachment C to Letter from B. Jones to J. Pecot, re. Response to Public Comments on Joint Application Permit, dated July 20, 2020, [https://sonlite.dnr.state.la.us/sundown/cart\\_prod/cart\\_crm\\_view\\_cmnt?pcup\\_num=P20191180&pauthorization=N&psort=2%20\(click%20on%20CommentResponseAttachmentsC-H.pdf](https://sonlite.dnr.state.la.us/sundown/cart_prod/cart_crm_view_cmnt?pcup_num=P20191180&pauthorization=N&psort=2%20(click%20on%20CommentResponseAttachmentsC-H.pdf) (click on CommentResponseAttachmentsC-H.pdf, dated 7/22/2020 @ 14:36:21).

existing site footprint as shown by the dashed line that runs alongside the orange site boundary.<sup>11</sup>

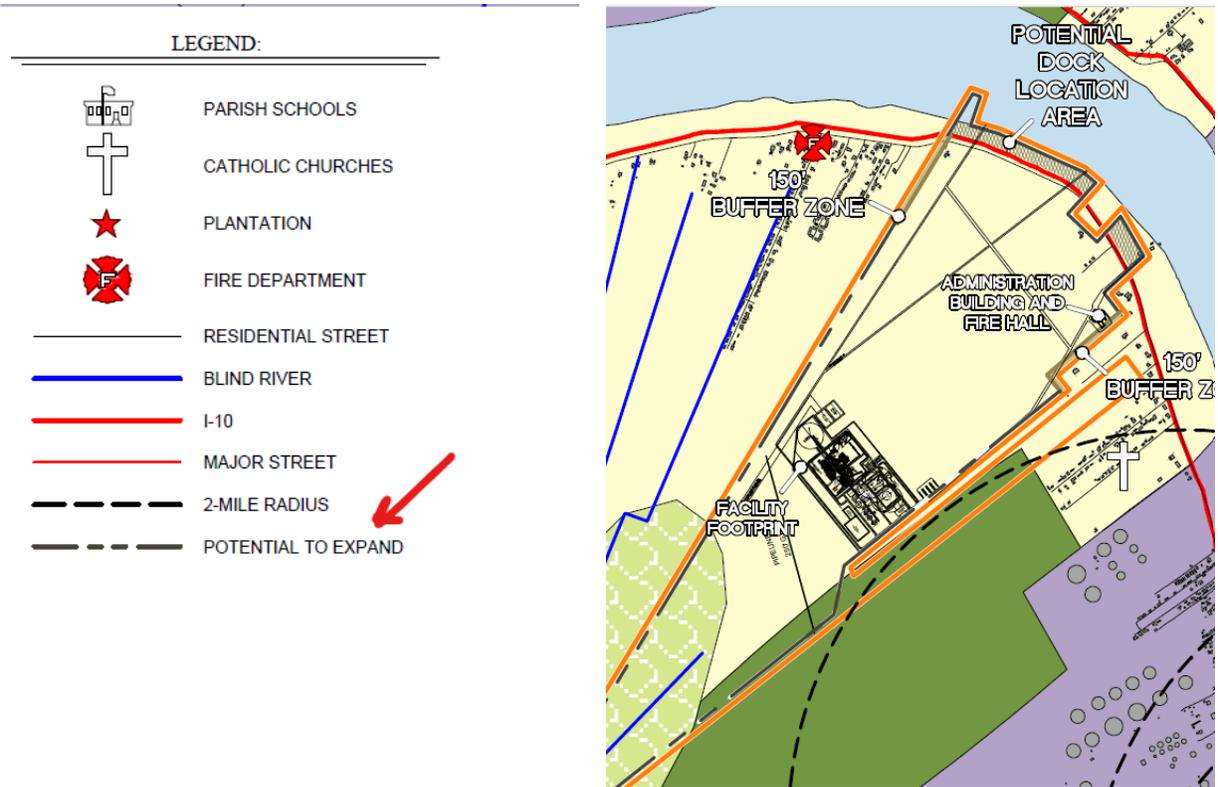
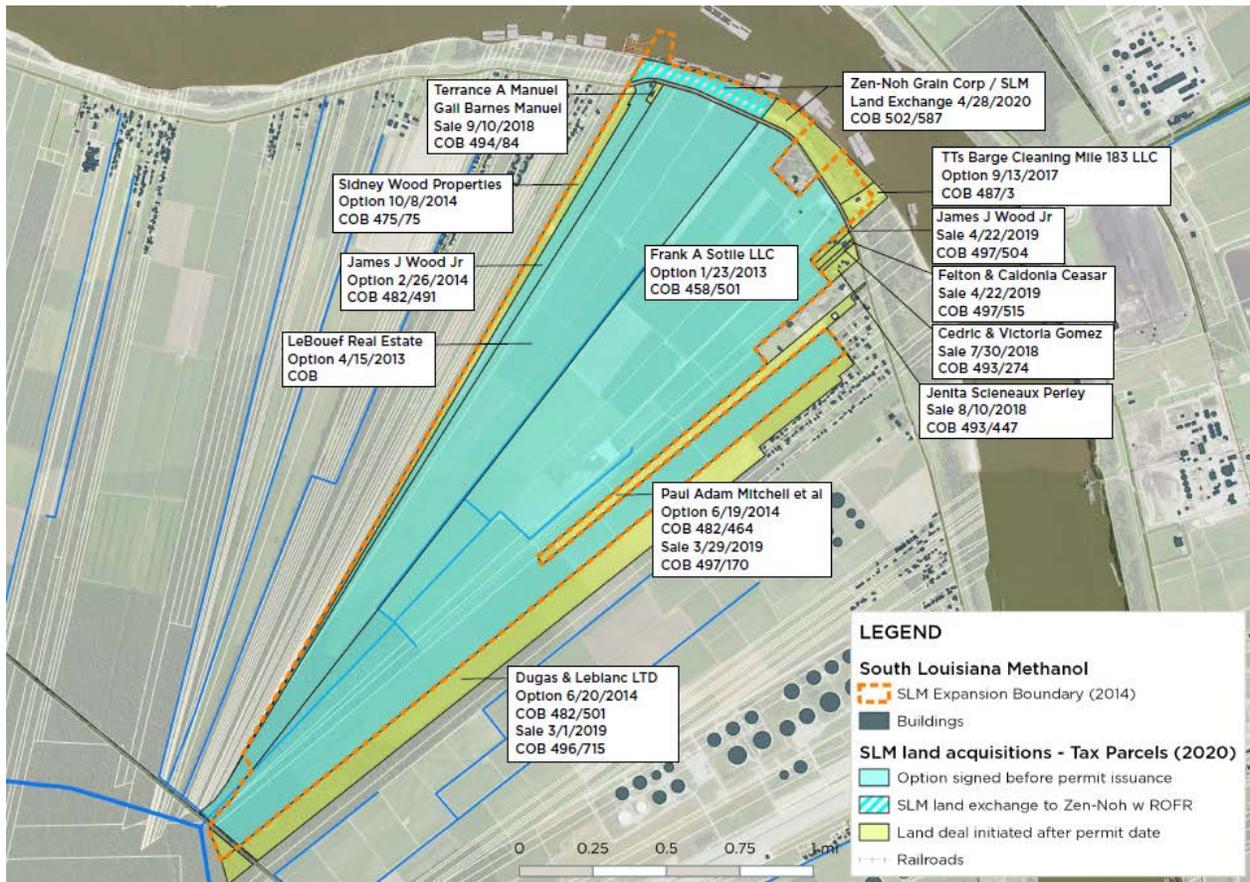


Figure 3 from SLM's Parish Application Package

The Expanded Site Map below shows the same site footprint and expansion boundary as Figure 3, but with clearly delineated lines in accordance with the relevant parish property records.

<sup>11</sup> Full document available on CUP Database as Attachment D to Letter from B. Jones to J. Pecot, re. Response to Public Comments on Joint Application Permit, dated July 20, 2020, p. 3, [http://sonlite.dnr.state.la.us/sundown/cart\\_prod/cart\\_crm\\_view\\_cmnt?pcup\\_num=P20191180&pauthorization=N&psort=2](http://sonlite.dnr.state.la.us/sundown/cart_prod/cart_crm_view_cmnt?pcup_num=P20191180&pauthorization=N&psort=2) (click on CommentResponseAttachmentsC-H.pdf, dated 7/22/2020 @ 14:36:21).

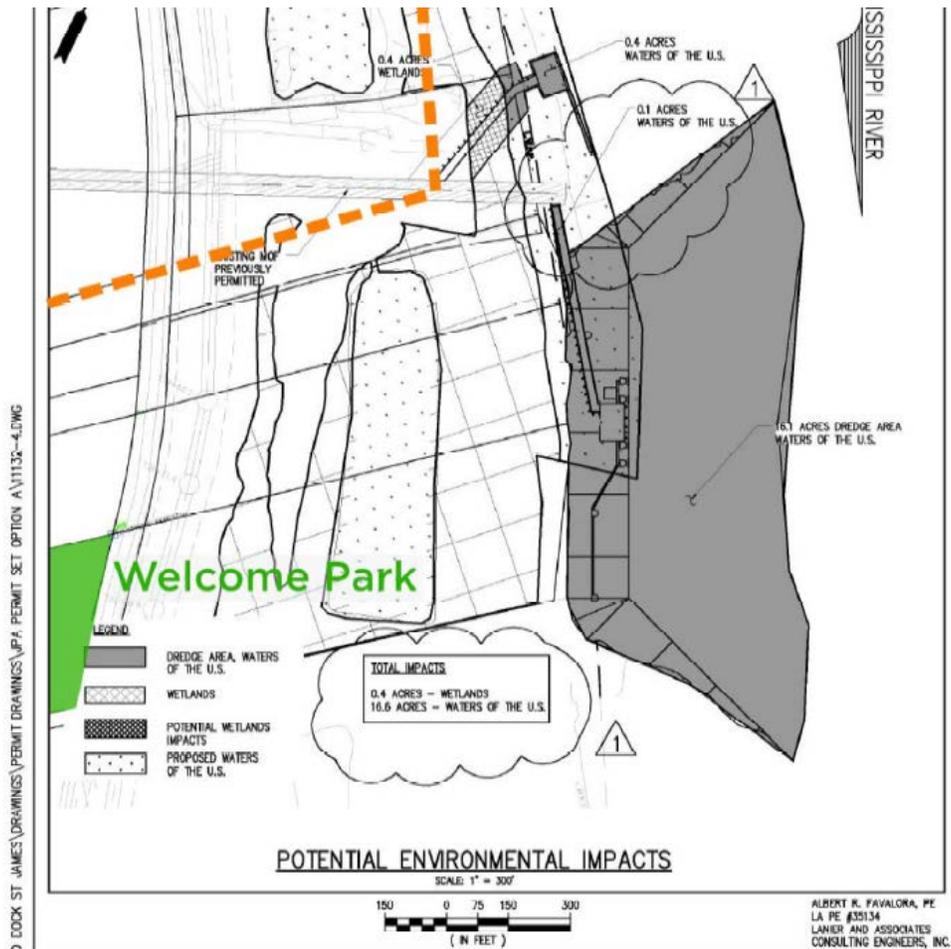


*Expanded Site Map (created by Justin Kray)*

The green shaded area in SLM’s Expanded Site Map shows land that is now part of the SLM site that is outside of the expansion area, which SLM acquired after it received land use approval. Any attempt to expand the methanol facility into this area, which is designated as “Residential Growth,” is not authorized and would violate the parish land use ordinance.

The Marine Terminal Map below is an image of SLM’s recently reconfigured marine terminal/dock from its CUP application drawings with an overlay of the expansion boundary.<sup>12</sup> The Marine Terminal Map shows that the proposed project is outside the approved expansion area. Apparently, SLM moved part of its terminal out into the Mississippi River to avoid parish jurisdiction, but much of the terminal infrastructure still exists on land that is outside the expansion area as shown below.

<sup>12</sup> SLM CUP Application (P20191180), 5/14/2021, Sheet No. 4 (click on JPAPermitsSet2020511r.pdf, pdf. 7), [https://sonlite.dnr.state.la.us/sundown/cart\\_prod/cart\\_crm\\_application?pcup\\_num=P20191180&line\\_id=6&pshow\\_appl\\_email=N](https://sonlite.dnr.state.la.us/sundown/cart_prod/cart_crm_application?pcup_num=P20191180&line_id=6&pshow_appl_email=N)



*Marine Terminal Map (overlay by Justin Kray)*

In its CUP application, SLM claims that because “Figure 3 specifically provides for a potential dock located along the stretch of batture,” its proposed terminal “is consistent with the 2014 Land Use Approval.”<sup>13</sup> But what SLM fails to disclose is that the potential dock area in Figure 3 is more than 1/2 mile upriver away from Welcome Park and is within the area approved for expansion (i.e., within the Potential to Expand area in Figure 3), whereas the location for the proposed marine terminal at issue in the pending CUP application is clearly outside the area approved for expansion and is adjacent to Welcome Park.

Moreover, this is a classic example of improper project segmentation, or piecemealing. According to recent correspondence with the parish, SLM admits that “it always intended to provide Loading [i.e., a methanol terminal] and Storage on site,” and further claims that it

<sup>13</sup> Letter from B. Jones to J. Pecot, re. Response to Public Comments on Joint Application Permit, dated July 20, 2020, p. 3, CUP Database Doc. 13465125, [http://sonlite.dnr.state.la.us/sundown/cart\\_prod/cart\\_crm\\_view\\_cmnt?pcup\\_num=P20191180&pauthorization=N&psort=2](http://sonlite.dnr.state.la.us/sundown/cart_prod/cart_crm_view_cmnt?pcup_num=P20191180&pauthorization=N&psort=2) (click on SLMResponsetoCUPCommentsP20191180.pdf, dated 7/22/2020 @ 14:35:28).

“advised the Planning Commission [of this plan] when it sought its land use approval in 2014.”<sup>14</sup> But what SLM actually discussed with the parish in 2014 was the vague idea of a “potential” dock far upriver away from Welcome Park. Today, SLM claims that the area it identified for its “potential” dock is not a possible site due to various factors such as interference with river navigation.<sup>15</sup> This is certainly something SLM could have figured out in 2014 but it failed to do so, or if it did, it did not reveal the problem to the parish. Today, SLM asserts that the plant that the parish authorized in 2014 is not even viable without the terminal and storage.<sup>16</sup> This is akin to applying for a permit to build an airport terminal and then years later asking for another permit to build a runway to serve the terminal next to a park – 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 the parish would have ever approved SLM’s land use application 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 required for a viable project, SLM was required to obtain parish authorization for that portion of the project instead of applying for a terminal-less methanol plant in 2014 where SLM had no way to get the methanol product to market. SLM cannot now try to piggyback the terminal onto the failed project by trying to locate the terminal right next to Welcome Park. Likewise, SLM improperly segmented its CUP permit application. The Coastal Zone Advisory Board should urge LDNR Office of Coastal Management to deny SLM’s pending application and require the company to apply anew for the full project that includes the processing plant plus the necessary terminal and storage.

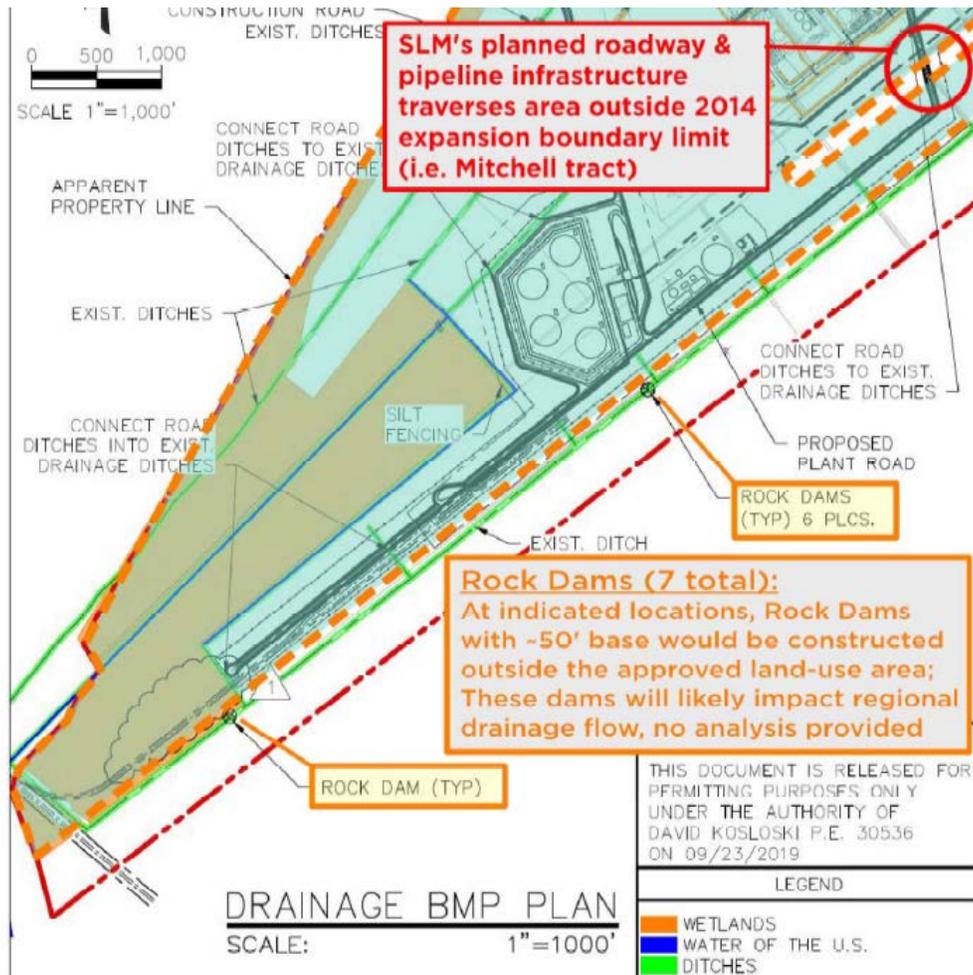
Beyond the marine terminal, other features of the proposed project also exceed the land use-approved expansion area. For instance, the Drainage Map below shows that the rock dams extend beyond the expansion area into land designated for “Residential Growth,” and pipeline infrastructure/road traverses land that is also not included in SLM’s 2014 approved area.

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<sup>14</sup> Email from Paul More of Todd Corporation, which owns SLM, to St. James Parish President Pete Dufresne, Dec. 17, 2020.

<sup>15</sup> See SLM’s Alternatives Analysis for its Joint Army Corps 404 permit application for the proposed terminal, stating that “pilots from the Maritime Navigation Safety Association (MNSA) expressed opposition to this location,” described as “the St. Alice Revetment” that appears to be the “proposed” dock location shown in the 2014 land use application.

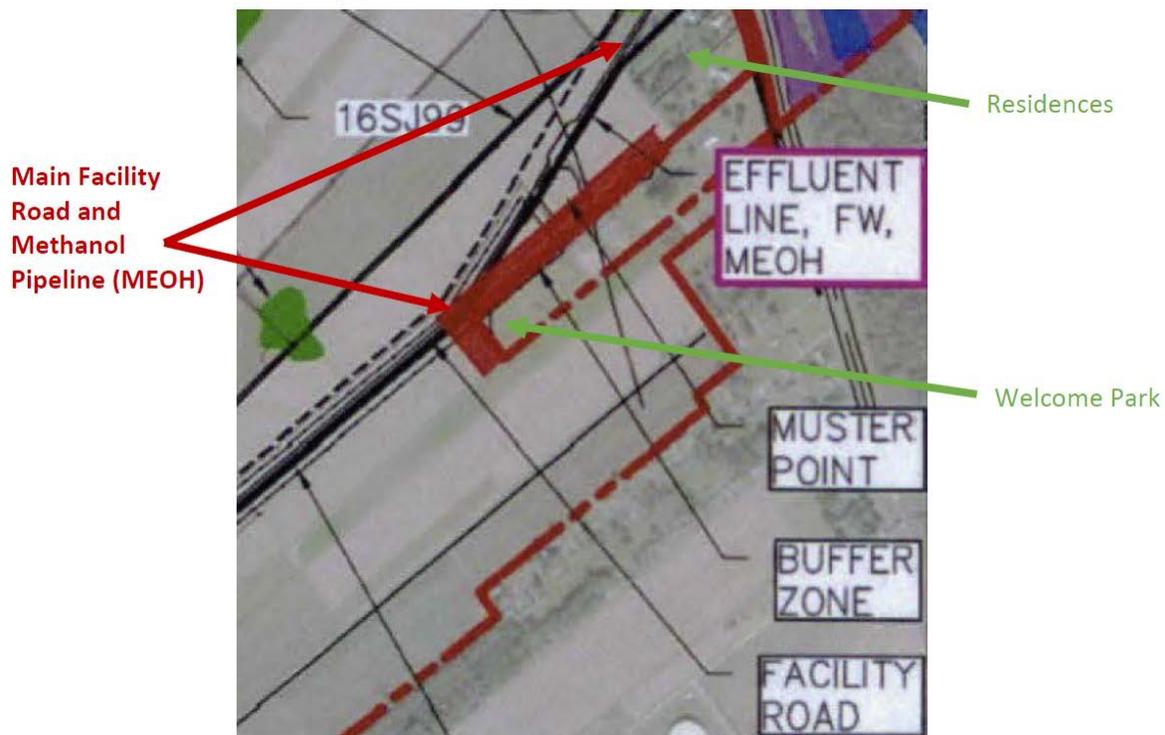
<sup>16</sup> Letter from SLM to LDEQ, April 22, 2020, <https://edms.deq.louisiana.gov/app/doc/view?doc=12144013&ob=yes&child=yes> (asserting that “SLM will be unable to secure any new partner interest in its project” unless it receives a permit to build the terminal and storage components).



*Drainage Map (overlay by Justin Kray)*

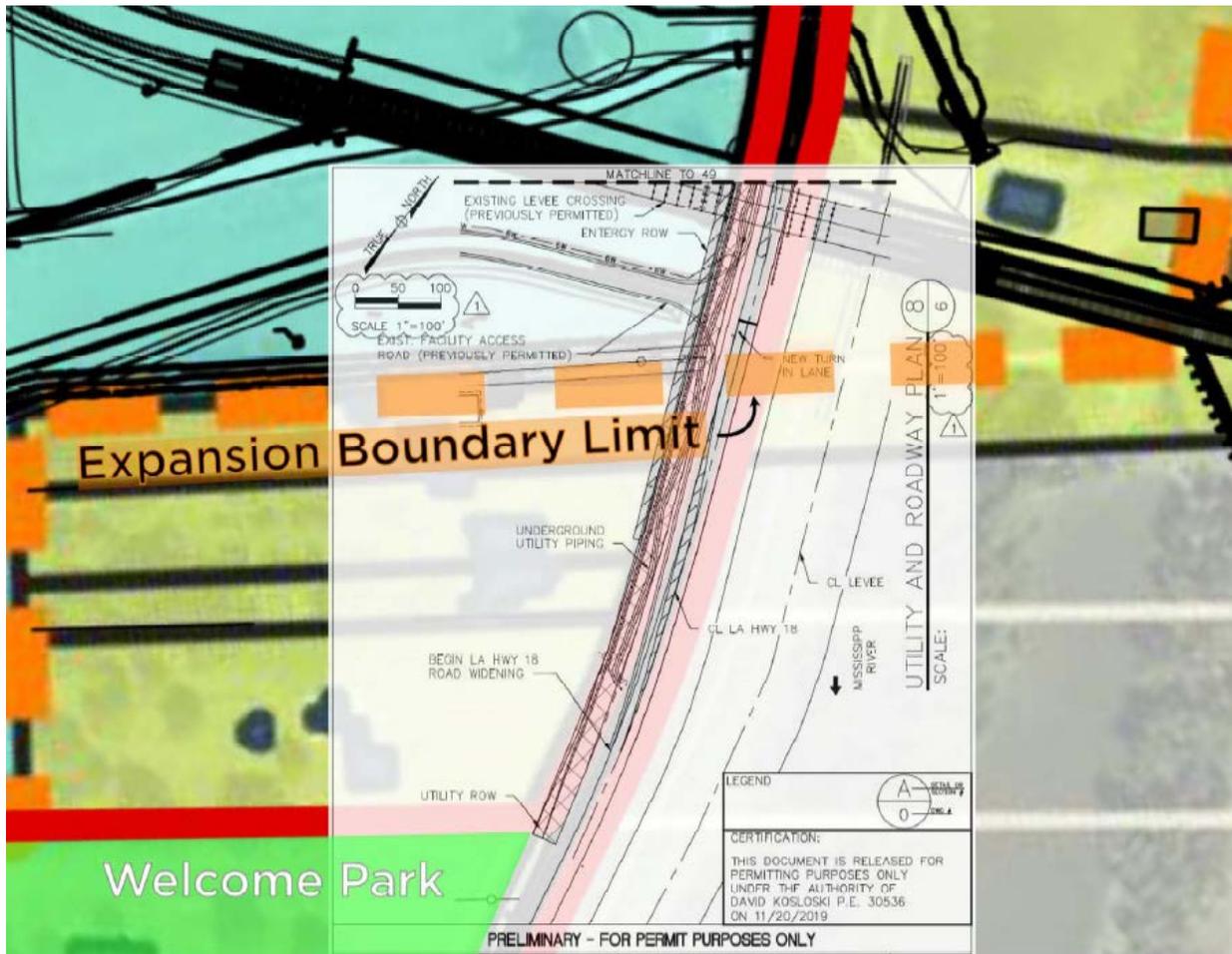
Furthermore, the pipeline slated to delivery methanol to the marine terminal, along with the road for methanol-filled tanker trucks, would run directly next to Welcome Park and straight through the meager 50-foot tree buffer mandated in the 2014 authorization.<sup>17</sup>

<sup>17</sup> St. James Parish Planning Commission, Minutes from Special Meeting, April 23, 2014, available on the CUP Database as Attachment C to Letter from B. Jones to J. Pecot, re. Response to Public Comments on Joint Application Permit, dated July 20, 2020, [https://sonlite.dnr.state.la.us/sundown/cart\\_prod/cart\\_crm\\_view\\_cmnt?pcup\\_num=P20191180&authorization=N&psort=2%20\(click%20on%20CommentResponseAttachmentsC-H.pdf](https://sonlite.dnr.state.la.us/sundown/cart_prod/cart_crm_view_cmnt?pcup_num=P20191180&authorization=N&psort=2%20(click%20on%20CommentResponseAttachmentsC-H.pdf) (click on CommentResponseAttachmentsC-H.pdf, dated 7/22/2020 @ 14:36:21) (“[A] 50 foot tree buffer shall be planted and maintained around the site where the facility adjoins any residential property or public park.”). It is impossible to have both a 50-foot tree buffer and a major road in the same space.



*Excerpted from SLM Air Application EAS*

Another example is the portion of the proposed project shown in the Utility Map below, which extends beyond the expansion boundary.



*Utility Map (overlay by Justin Kray)*

In sum, the proposed project exceeds the area approved by the Planning Commission and SLM must apply for new approval.

- II. SLM has likely lost any authorization under the Parish’s April 23, 2014 land use approval due to the failure to construct and operate.

It also appears that SLM no longer has parish approval to construct any part of the proposed project that is within the “Potential to Expand” area in Figure 3. To explain, the Parish amended its land use ordinance in 2018, converting the land use designation for the area around and including SLM’s site from “Residential/Future Industrial” to “Residential Growth.”<sup>18</sup> The

<sup>18</sup> St. James Parish Code of Ordinances, Sec. 82-25 (a) (incorporated land use map amended by Ord. No. 18-02), [https://library.municode.com/la/st.\\_james\\_parish\\_council/codes/code\\_of\\_ordinances?nodeId=PTICOOOR\\_CH82PL](https://library.municode.com/la/st._james_parish_council/codes/code_of_ordinances?nodeId=PTICOOOR_CH82PL) (see link to Ord. No. 18-02 at end of Sec. 82-25, formerly codified at Sec. 86-37).

amendment was introduced to make the area “safer for families.”<sup>19</sup> And while the “Residential/Future Industrial” land use category allows for industrial uses subject to certain conditions, the “Residential Growth” category does not allow for industrial uses.<sup>20, 21</sup> This means that the methanol plant and related facilities that the Planning Commission authorized on April 23, 2014 are now “nonconformities” since they “would not constitute an allowable use” under the land use ordinance as amended.<sup>22</sup> “Nonconformities” lose their nonconforming status if they “discontinue[] operations for more than six continuous months.”<sup>23</sup> Here, SLM has not constructed, much less operated, its methanol plant since acquiring nonconforming use status over three years ago when the parish changed the land use designation to “Residential Growth” on May 2, 2018.<sup>24</sup> Indeed, SLM has been struggling for over eight years to get its project off the ground. It has postponed its operation date, originally promising the parish it would be operational by 2016 and have 63 permanent employees. Meanwhile, to date, SLM has only managed to build an office building and grade some areas of the site (see recent aerial image below). Furthermore, the company is still seeking a “project partners and a new debt financing package.”<sup>25</sup>

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<sup>19</sup> SJP Planning Commission, Regular Session, Mar. 28, 2018, Minutes, [https://www.stjamesla.com/AgendaCenter/ViewFile/Minutes/\\_03282018-141](https://www.stjamesla.com/AgendaCenter/ViewFile/Minutes/_03282018-141) (Councilmember Cooper’s remarks).

<sup>20</sup> *Id.* at (c).

<sup>21</sup> The land use ordinance provides that “[u]ses not specifically listed as allowable in a use category . . . are prohibited” unless approved by both the Planning Commission and Council on a case-by-case basis after public notice and hearing and pursuant to heightened criteria that recognizes a one to two-mile “impact area” for “parks, playgrounds, churches, schools, community or senior citizen centers, nursing homes, hospitals, other places of public assembly, and historic sites.” *Id.* at (e) & (g).

<sup>22</sup> *Id.* at (k)(1).

<sup>23</sup> *Id.* at (k)(4).

<sup>24</sup> SLM claims that it began to construct at the site sometime prior to December 2018 that included site clearing and grubbing, preliminary work on an office building, and surveying activities. *See* SLM letter to LDEQ, Feb. 12, 2019, EDMS Doc. ID 11521502, <https://edms.deq.louisiana.gov/app/doc/view.aspx?doc=11521502&ob=yes&child=yes>. On April 22, 2020, SLM told LDEQ that it has “suspend[ed] further site construction for an indefinite period,” citing COVID-19, decrease in global market demand for methanol, and need for “new project partners and a new debt financing package.” SLM Letter to LDEQ, April 22, 2020, EDMS Doc. ID 12144013, <https://edms.deq.louisiana.gov/app/doc/view.aspx?doc=12144013&ob=yes&child=yes>. SLM has not announced that it has resumed construction.

<sup>25</sup> K. Mosbrucker, *Methanol plant in St. James construction on hold indefinitely*, The Advocate, May 6, 2020, [https://www.theadvocate.com/baton\\_rouge/news/coronavirus/article\\_317e2190-8fb9-11ea-ab25-9345b418f366.html](https://www.theadvocate.com/baton_rouge/news/coronavirus/article_317e2190-8fb9-11ea-ab25-9345b418f366.html).



*Aerial image taken April 11, 2021*

For these reasons, SLM has likely lost any nonconforming status that it claims it has for any part of its project, inconsistent with the land use designation for the area.

For the foregoing reasons, the Coastal Zone Advisory Board must notify LDNR Office of Coastal Management that it should deny SLM's CUP application.

Respectfully submitted by,

A handwritten signature in blue ink, appearing to read "C. Van Dalen".

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Healthy Gulf, RISE St. James, and La. Bucket Brigade  
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