



Tulane Environmental Law Clinic

January 30, 2015

Reference No. 101-055.1

CERTIFIED MAIL

7013 0600 0001 9892 2440

RETURN RECEIPT REQUESTED

ExxonMobil Chemical Co.
ATTN: Mr. Bob Johnston, Site Manager
Baton Rouge Chemical Plant
4999 Scenic Highway, P.O. Box 241
Baton Rouge, LA 70805-3359

CERTIFIED MAIL

7013 0600 0001 9892 2464

RETURN RECEIPT REQUESTED

Ms. Gina McCarthy, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, DC 20460-0001

CERTIFIED MAIL

7013 0600 0001 9892 2495

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Exxon Mobil Corporation
5959 Las Colinas Boulevard
Irving, TX 75039-2298

CERTIFIED MAIL

7013 0600 0001 9892 2488

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Ms. Peggy M. Hatch, Secretary
Louisiana Department of Environmental
Quality
Office of the Secretary
P.O. Box 4301
Baton Rouge, LA 70821-4301

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7013 0600 0001 9892 2501

RETURN RECEIPT REQUESTED

Corporation Service Company
(As registered agent for Exxon Mobil
Corporation)
320 Somerulos St.
Baton Rouge, LA 70802-6129

Re: Supplemental Notice of Violations and Intent to File Citizen Suit against Exxon Mobil Corporation regarding the ExxonMobil Baton Rouge Chemical Plant (AI #286)

Dear Mr. Johnston, Ms. McCarthy, and Ms. Hatch:

On behalf of the Louisiana Environmental Action Network (LEAN) and Ms. Stephanie Anthony, this letter supplements—but does replace or supersede—the “60-Days Notice of Violations and Intent to File Citizen Suit Against Exxon Mobil Corporation,” dated April 22, 2013.

Tulane Environmental Law Clinic

6329 Freret St., Ste. 130, New Orleans, LA 70118-6231 tel/ 504.865.5789 fax 504.862.8721 www.tulane.edu/~telc

This supplemental notice provides an illustrative, but not exhaustive, list of Exxon's further and continuing Clean Air Act violations at the Baton Rouge Chemical Plant and shows that Exxon continues to violate the Clean Air Act following its January 9, 2014, out-of-court settlement (EDMS 9144522) with the Louisiana Department of Environmental Quality (LDEQ). The supplemental, illustrative list is attached as Table 4 to this letter. Upon information and belief, each incident listed in Table 4, along with other, similar incidents, is a violation of the Clean Air Act. These incidents flow from in part from Exxon's ongoing violation of 40 C.F.R. § 60.11(d), as described in the April 22, 2013 notice.

LEAN and Ms. Anthony support Exxon's out-of-court settlement with LDEQ as an important first step in moving the Baton Rouge Chemical Plant toward compliance with the Clean Air Act. Standing alone, however, that out-of-court settlement is not sufficient to lead to compliance.

First, Exxon's history of ongoing violations following finalization of the January 9, 2014, out-of-court settlement shows that the settlement's terms are not sufficient. It is telling in this regard, that in its out-of-court settlement, Exxon did not even admit to having violated the Clean Air Act and/or the Louisiana Environmental Quality Act.

Second, an adequate settlement would include sufficient monitoring at the fence line and in the surrounding community to ensure that residents are not put at risk by Exxon's ongoing emission of pollutants in excess of permitted amounts.

Third, LDEQ has a history of waiving and failing to enforce provisions of such settlements. To provide just a few examples: On September 9, 2009, LDEQ issued a Clean Water Act compliance order to Sun Drilling Products Corp. ordering that company "to immediately take any and all steps necessary to meet and maintain compliance" with its water discharge permit. EDMS Doc. 6551535 at 35, ¶ X (Sept. 9, 2009). Sun Drilling, however, did not comply until at least November 2010, when the company faced summary judgment in a LEAN citizen suit. *See* 2010 WL 5055900. Similarly, despite years of violations by the Baton Rouge North Wastewater Plant of a state-enforceable consent decree in federal case No. 01-978 (M.D. La.), as of at least June 2012, LDEQ did not require payment of any of the stipulated penalties provided for in that decree. Although LDEQ provides for public notice and comment on entry of settlements, LDEQ extends or waives compliance with such settlements without notice to the public. *See, e.g.*, EDMS Doc. 9269883 (Apr. 7, 2014) (extending a compliance date for the LDEQ/Exxon Settlement).


As noted in the April 22, 2013 notice, LEAN and Ms. Anthony would be pleased to use the 60-day waiting period that follows submission of this supplemental notice to explore a cooperative resolution of the violations we have alleged here, and in the earlier notice.

If Exxon, LDEQ, or EPA believes that any part of this supplement or the original notice is inaccurate or otherwise inappropriate, please contact us as soon practical. We would welcome the opportunity to discuss any part of this letter during the notice period. LEAN and Ms. Anthony recognize that they are likely to remain Exxon's neighbors for the foreseeable future and would like to develop as cooperative and productive a relationship as reasonably possible.

ExxonMobil Chemical Plant
Notice of Violation
January 30, 2015
Page 3 of 3

Prepared by student attorneys at the
Tulane Environmental Law Clinic

Respectfully submitted by:



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Fax: (504) 862-8721
Counsel for Louisiana Environmental
Action Network and Stephanie Anthony

Cc:

CERTIFIED MAIL No.
7013 0600 0001 9892 2549
RETURN RECEIPT REQUESTED
Ron Curry, Administrator for Region Six
United States Environmental Protection
Agency, Region Six
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2711

CERTIFIED MAIL No.
7013 0600 0001 9892 2556
RETURN RECEIPT REQUESTED
Governor Bobby Jindal
Office of the Governor
PO Box 94004
Baton Rouge, LA 70804-9004

Doc ID	Incident Date	Source	Comments	Pollutant	Release (lbs)	Permit No
9577457	11/6/14			Benzene Flammable Vapor	4 163	
9473638	8/7/14	Aromatics unit	Undetermined as to preventable	Benzene Flammable Vapor	149 1009	
9460240	8/4-5/14	EPLA-W unit	Preventable	Propylene Ethylene 1,3-Butadiene Benzene Nitric Oxide Flammable Vapor	1359 199,632 46 16 3297 245,100	
9431571	7/29/14 – ongoing as of 8/5/14	BPLA unit	Undetermined as to preventable	MTBE Isobutylene Flammable Vapor Total VOC	16.5 per day 533.5 per day 550 per day 550 per day	
9353672	6/2/14			VOC	40	
9353672	6/2/14			Propylene	~20	
9299217	4/23/14	Leak on inlet flange of safety at Escorez Unit		Flammable vapor	~375	
9278041	4/19-21/14	Tube plug failure on exchanger at Neo Acid unit	Preventable	Benzene	6,133	
9278041	4/19-21/14	Tube plug failure on exchanger at Neo Acid unit	Preventable	Boron trifluoride	6,133	
9285284	4/9/14	Flare stack		Ethylene	69	
9264641	4/7/14	Power outage; unit upsets and flaring	Undetermined as to preventable	Propylene	363	
9245678	3/19/14	Hole in pipe valve		Flammable vapor	110	
9245678	3/19/14	Hole in valve		Isoprene	19	
9229369	3/5/14 – ongoing as of 3/12/14	Flare line leak at the RLA-1 unit		VOC	36 per day	
9229291	2/24/14	Isopropyl Alcohol Unit pinhole leak in weld	Preventable	Propylene	10,931	

9205355 9273718	2/15-18/14	Sample station at TK1661 left open	Preventable	Butadiene	24.5	
9204162	2/12/14			Sodium Hypochlorite	88	
9192686	2/2/14	Pinhole leak in solvent line		Flammable Vapor	284	
9160668	1/7-8/14	Vapor leak on outlet Emergency Isolation Valve flange of a Finishing Clay Bed Treater	Undetermined as to preventable	Benzene	101	
9115174 9422510	11/20-21/13	OLA-2X gas compressor tripped; drain line from compressor coupling guard		Ethylene	1476	
9115174 9422510	11/20-21/13	"		Propylene	588	
9115174 9422510	11/20-21/13	"		Butadiene	382	
9115174 9422510	11/20-21/13	"		Isoprene	165	
9115174 9422510	11/20-21/13	"		Benzene	338	
9115174 9422510	11/20-21/13	"		Nitrogen Oxide	1628	
9115174 9422510	11/20-21/13	"		Sulfur Dioxide	11,979	
9110713	10/11/13	Flange between two pipes		Bromine	178	
9076288	10/5/13	Ethylene Refrigeration compressor motor shut down; flare gas system		Ethylene	7392	
9076288	10/5/13	"		Butadiene	249	
9076288	10/5/13	"		Nitrogen Oxide	4648	
9076288	10/5/13	"		Propylene	2028	
9076288	10/5/13	"		Sulfur Dioxide	23, 626	
9066698 9076101	9/29/13	OLA-2X gas turbine tripped, material released to flare gas system	Undetermined as to preventable	Benzene	792	
9066698 9076101	9/29/13	"	"	Propylene	1376	
9066698 9076101	9/29/13	"	"	Butadiene	893	
9066698 9076101	9/29/13	"	"	Isoprene	386	
9066698	9/29/13	"	"	Ethylene	3456	

9076101						
9066698 9076101	9/29/13	"	"	Nitrogen Oxide	3810	
9066698 9076101	9/29/13	"	"	Sulfur Dioxide	28,041	
8999487 9079145 8988652	8/9-20/13	EPLA-S Unit		Propylene	5985	
9107044 9107054	8/5/13	EPLA-W cracker compressor		Ethylene	213	
8959397	8/4/13	BELA-5 Unit		1,3 – Butadiene	38	
8916455	6/25-26/13	level instrument malfunction on water/butadiene separation drum during startup of the BELA-5 unit caustic scrubber system	Preventable	Benzene	33	2390-V3
8916455	6/25-26/13	"	"	1,3 - Butadiene	2100	2390-V3
9096442 9066700	6/17-30/13	AWT Waste Water Treatment Unit	Preventable	Benzene	6577	
8891893	6/4/13	Starting plant valve		Benzene	3	
8891893	6/4/13	"		Propylene	11	
8891893	6/4/13	"		Butadiene	6	
8891893	6/4/13	"		Ethylene	26	
8902110 8884267 8999489	5/24/13 – 6/6/13	BELA-5	Preventable	Dimethyl Formamide (DMF)	932	2031-V8
8902112	5/21/13	RLA-1 Unit		Methyl Chloride (MeCl)	810	
8857466 8884271 8902114	5/21-23/13	OLA-2X Unit	Preventable	Propylene	1477	2031-V8
8857466 8884271 8902114	5/21-23/13	"	"	1,3 Butadiene	959	2031-V8
8857466 8884271 8902114	5/21-23/13	"	"	Ethylene	3709	2031-V8
8857466 8884271 8902114	5/21-23/13	"	"	Nitrogen Oxide	4089	2031-V8
8857466 8884271 8902114	5/21-23/13	"	"	Benzene	850	2031-V8
8857466 8884271 8902114	5/21-23/13	"	"	Isoprene	414	2031-V8

8857466 8884271 8902114	5/21-23/13	"	"	Sulfur Dioxide	30,097	2031-V8
8857466 8884271 8902114	5/21-23/13	"	"	VOC	5267	2031-V8
8850386	5/5/13	ECLA-W unit HC-01 compressor	Preventable	Ethylene	333	2031-V8
8850386	5/5/13	"	"	Flammable Vapor	2712	2031-V8
9220139	4/20/13	#8 Pipestill Unit	Undetermined as to preventable	VOC	Up to 5000	2755-V4
8722786	2/10/13	Steam Cracking Furnace C		Ethylene	6.7	
8695240	1/15/13	Ethylene Purification Unit EPLA-S		Propylene	35,590	2361-V1
8695240	1/15/13	EPLA-S		Flammable Vapor	37,820	2361-V1
8709523	1/12/13	IPA flange on downstream control valve		Propylene	203	1924-V4
8950459	1/10/13	RLA-3 C-201 compressor tripped. Resulted in flaring		Propylene	32	
8684555	1/1/13 – 1/3/13	Cooling tower water chiller UE-07 to GFLA-3 cooling tower		Propylene	64,179	2361-V2
8660528	12/11/12	Refinery Gas Recovery units OLA-1X and EPLA- S shut down due to water line leak.	Undetermined as to preventable	Ethylene	122	2361-V2
8660528	12/11/12	"	"	Propylene	5535	2361-V2
8660528	12/11/12	"	"	Flammable Gas (much of which was propylene)	5817	2361-V2
8775419	12/5/12	EPLA-W KC-01 Compressor hydraulic valve		Ethylene	464.1	2030-V8; 2031-V8
8775419	12/5/12	"		Propylene	109.4	2030-V8; 2031-V8
8775423	11/30/12 – 12/2/12	RLA-1 C-751 Compressor tripped. Safety valve 828-023 (D-571) and 769-021		Hydrochloric Acid	62,480	2166-V2

		(D-100) vented MeCl to the flare system.				
8775423	11/30/12 – 12/2/12	"		Methyl chloride	438	2166-V2
8801975	11/9-10/13	OLA-2X gas turbine tripped, material released to the flare gas system		VOCs	12,208	2031-V8
8801975	11/9-10/13	"		Benzene	819	2031-V8
8801975	11/9-10/13	"		Ethylene	3572	2031-V8
8801975	11/9-10/13	"		Propylene	1423	2031-V8
8801975	11/9-10/13	"		Isoprene	399	2031-V8
8801975	11/9-10/13	"		Nitrogen Oxide	3938	2031-V8
8801975	11/9-10/13	"		Sulfur Dioxide	28,986	2031-V8
8801975	11/9-10/13	"		1,3 Butadiene	924	2031-V8
8804021	10/24/12	GT-601		Nitrogen Oxide	Maximum hourly Nitrogen Oxide permit limit exceeded during three 20-minute periods	2166-V3; Halobutyl