



Tulane Environmental Law Clinic

April 6, 2009

*Reference No. 101-055*

*CERTIFIED MAIL*

7007 0710 0004 6289 2665

RETURN RECEIPT REQUESTED

Mr. Dan L. Schuessler, Site Manager  
ExxonMobil Chemical Co.  
Baton Rouge Chemical Plant  
P.O. Box 241  
Baton Rouge, LA 70821-0241

*CERTIFIED MAIL*

7007 0710 0004 6289 2672

RETURN RECEIPT REQUESTED

Dr. Harold Leggett, Secretary  
Louisiana Department of Environmental  
Quality  
Office of the Secretary  
P.O. Box 4301  
Baton Rouge, LA 70821-4301

*CERTIFIED MAIL*

7007 0710 0004 6289 2689

RETURN RECEIPT REQUESTED

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

Re: Notice of Violations and Intent to File Citizen Suit Against Exxon Mobil Corporation d/b/a ExxonMobil Chemical Co. under the Louisiana Environmental Quality Act, section 2026, La. Rev. Stat. § 30:2026.

Dear Messrs. Schuellser and Leggett:

Louisiana Environmental Action Network (“LEAN”) and Ms. Stephanie Anthony respectfully provide ExxonMobil Corporation d/b/a ExxonMobil Chemical Company (“ExxonMobil”) with this Notice of Violation of the Louisiana Air Control Law, La. Rev. Stat. sections 30:2055, 30:2060.L and 30:2057, and Louisiana Emission Control Regulations, La. Admin. Code tit. 33, pt. III, § 905.A.

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

LEAN and Ms. Anthony intend to file a citizen enforcement suit under the Louisiana Environmental Quality Act to enforce ExxonMobil's violations of the Louisiana Air Control Law and regulations LDEQ promulgated to implement that statute. The Louisiana Environmental Quality Act authorizes "any person having an interest, which is or may be adversely affected, [to] commence a civil action on his own behalf against any person whom he alleges to be in violation of [the Louisiana Environmental Quality Act] or of the regulations promulgated [t]hereunder." La. Rev. Stat. § 30:2026.A(1).

The law requires us to provide advance notice of this lawsuit in part to give the parties an opportunity to try to resolve the issues raised in this notice without litigation. We would be pleased to use this time to explore a cooperative resolution of the violations we allege here.

**Persons Giving Notice:**

Louisiana Environmental Action Network  
P.O. Box 66323  
Baton Rouge, Louisiana 70896  
Phone: (225) 928-1315

Ms. Stephanie Anthony  
5878 Ruby Avenue  
Baton Rouge, Louisiana 70805

LEAN is an incorporated, non-profit community organization whose purpose is to preserve and protect Louisiana's land, air, water, and other natural resources, and to protect the organization's members—who live, work, and recreate within the state—from threats of pollution, including harmful emissions from chemical plants. LEAN has members who live, work, and recreate in or near Baton Rouge, an area designated as non-attainment for ozone. ExxonMobil's unpermitted discharges of air contaminants, which include toxic air pollutants and potent ozone precursors, contribute to air pollution that impairs LEAN members' quality of life, health, and enjoyment of the area.

Ms. Anthony is a long-time resident of Baton Rouge and resided at 4070 Fairwoods Drive, less than 1.5 miles from the ExxonMobil Chemical Plant. Ms. Anthony currently resides at 5878 Ruby Avenue, less than 2 miles from the plant. Ms. Anthony suffers from asthma and other respiratory illnesses known to be caused and exacerbated by air pollution and elevated ozone levels. Ms. Anthony is concerned about the health, safety, and negative environmental impacts associated with ExxonMobil's unpermitted discharges of air contaminants.

**LEAN and Ms. Anthony's Counsel:**

Adam Babich, La. Bar No. 27177  
Tulane Environmental Law Clinic  
6329 Freret Street  
New Orleans, LA 70118  
Phone: (504) 862-8818  
Fax: (504) 862-8721

**Person Responsible for Alleged Violations:**

ExxonMobil Corporation d/b/a/ ExxonMobil Chemical Company (ExxonMobil), as owner and operator of the ExxonMobil Baton Rouge Chemical Plant, is responsible for the violations that this Notice discusses.

**Location of the Violations:**

ExxonMobil's violations have occurred and continue to occur at the ExxonMobil Baton Rouge Chemical Plant located at 4999 Scenic Highway, Baton Rouge, Louisiana 70805-3359.

**Dates of Violations:**

The violations began by at least May 13, 2008, and are ongoing.

**Description of ExxonMobil's Louisiana Environmental Quality Act Violations:**

- A. ExxonMobil Violates La. Rev. Stat. § 30:2055 By Discharging Air Contaminants From its Facility Without a Permit for Such Discharges.

Section 30:2055 of the Louisiana Environmental Quality Act provides: "No person shall conduct any activity which results in the discharge of air contaminants without the appropriate permit or license." La. Rev. Stat. § 30:2055.

La. Rev. Stat. 30:2004(10) defines "discharge" as "the placing, releasing, spilling percolating, draining, pumping, leaking, seeping, emitting, or other escaping of pollutants into the air, (...) as a result of a prior act or omission." La. Rev. Stat. § 30:2053(1) defines "air contaminant" as "particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any combination thereof produced by other than natural processes."

ExxonMobil violates La. Rev. Stat. § 30:2055 when it discharges air contaminants such as, but not limited to, nitrogen oxide, nitrogen dioxide, flammable gas, syngas, volatile organic compounds, and highly reactive volatile organic compounds without a permit covering the release of such contaminants.

LEAN and Ms. Anthony present the following illustrative list, based on publicly available information, of ExxonMobil's unauthorized discharges that violate the Louisiana Environmental Quality Act, section 30:2055. Based on a review of the permits and/or based on a review of ExxonMobil's own statements,<sup>1</sup> the emissions in the table below are not covered by any permit. LEAN and Ms. Anthony also provide notice that they will include in the suit other violations discovered after submission of this notice.

<b>Incident Date</b>	<b>Source of Release</b>	<b>Pollutant Released</b>	<b>Released Quantities (lbs)</b>	<b>Release Duration (minutes)</b>
2/17/09	Olefin's Maintrain	SO2	3,774.00	Not Reported
2/17/09	Olefin's Maintrain	Ethylene	3,463.00	Not Reported
2/17/09	Olefin's Maintrain	1,3-Butadiene	20.00	Not Reported
2/17/09	Olefin's Maintrain	Propylene	1,417.00	Not Reported
2/17/09	Olefin's Maintrain	NOX	2,362.00	Not Reported
2/17/09	BHLA	Benzene	339	Not Reported
12/15/2008	Isopropyl Alcohol Line	VOC	1,089.00	Not Reported
10/29/2008	Ethylene Purification Unit (ELPA)	Ethylene	104.00	60
9/23/2008	Wastewater Improvement Unit (WILA)	1.3-Butadiene	36.00	14
9/23/2008	WILA	Benzene	548.00	14
9/23/2008	WILA	Flammable Vapor	3,139.00	14
9/23/2008	WILA	Isoprene	415.00	14
9/23/2008	WILA	1,3-Pentadiene	191.00	14
9/20/2008	Aromatics Unit	Benzene	19.00	39
9/17/2008	WILA Unit	1.3-Butadiene	48.00	565
9/17/2008	WILA Unit	Benzene	40.00	565
9/17/2008	WILA Unit	Flammable Vapor	4,029.00	565
9/12/2008	Ethylene Purification West Unit	ethylene	600.00	15

<sup>1</sup> ExxonMobil is required to report any unauthorized discharge to LDEQ. La. Rev. Stat. § 30:2025.J.2; La. Admin. Code tit. 33, pt. I, § 3917; La. Admin. Code tit. 33, pt. I, § 3925.

9/12/2008	Ethylene Purification West Unit	Flammable vapor	12,000.00	15
9/1/2008	Flare System	Nitrogen Oxide	1,342.00	790
9/1/2008	Flare System	NO2	149.10	790
9/1/2008	Flare System	Benzene	88.00	790
9/1/2008	Flare System	1,3-Butadiene	79.00	790
9/1/2008	Flare System	Ethylene	1,169.00	790
9/1/2008	Flare System	Propylene	6,915.00	790
9/1/2008	Flare System	VOCs	12,612.00	790
9/1/2008	Baton Rouge Turbine Generator	NOX	Not Reported	3,000
9/1/2008	Storage Tanks	VOCs	5,054.00	10,080
9/1/2008	Storage Tanks	Benzene	166.00	10,080
9/1/2008	Storage Tanks	Cumene	12.80	10,080
9/1/2008	Storage Tanks	N-Hexane	406.00	10,080
9/1/2008	Storage Tanks	Styrene	19.30	10,080
9/1/2008	Storage Tanks	Toluene	23.00	10,080
9/1/2008	Storage Tanks	Xylenes	13.00	10,080
9/1/2008	Storage Tanks	MEK	1.80	10,080
7/30/2008	LE-01 exchangers	Benzene	<i>At Least</i> 525.00	<i>At Least</i> 31,890
7/22/2008	WILA Unit	1,3-Butadiene	44.00	2
7/22/2008	WILA Unit	Benzene	23.00	2
7/21/2008	Olefin's Unit	Sulfur Dioxide	1,390.00	1129
7/21/2008	Olefin's Unit	Ethylene	662.00	1129
7/21/2008	Olefin's Unit	Propylene	451.00	1129
7/21/2008	Olefin's Unit	1,3-Butadiene	182.00	1129
7/21/2008	Olefin's Unit	Benzene	167.00	1129
7/21/2008	H furnace	VOCs	29.47	80
6/29/2008	WILA Unit	1,3-Butadiene	244.00	6
6/29/2008	WILA Unit	Benzene	123.00	6
6/29/2008	WILA Unit	"flamable vapor"	1,050.00	6
6/27/2008	Olefin's Unit	Sulfur Dioxide	2,658.00	499
6/27/2008	Olefin's Unit	Ethylene	1,267.00	499
6/27/2008	Olefin's Unit	Propylene	862.00	499
6/27/2008	Olefin's Unit	1.3-Butadiene	264.00	499
6/27/2008	Olefin's Unit	Benzene	274.00	499
6/1/2008	Light ends Unit Poly Section	Propylene	At Least 672.00	At Least 85
5/25/2008	Partial Oxidation Unit (POX)	Flammable Gas	At Least 4,610.00	At Least 69

5/14/2008	Ethylene Splitter Tower	Ethylene	880.00	140
5/14/2008	Ethylene Splitter Tower	Propylene	1,295.00	140
5/14/2008	Ethylene Splitter Tower	Flammable Gas	4,911.00	140
5/14/2008	Ethylene Splitter Tower	NO	12.10	140
5/13/2008	AIF-100	Benzene	32.00	10
4/21/2008	ECLA-W furnace "D"	NO	47.20	642
4/12/2008	Aromatics Unit	Benzene	41.00	183
3/23/2008	ECLA-W furnace "D"	NO	32.40	480
3/19/2008	flare drum vapor space	1,3 Butadiene	72.00	25
3/19/2008	flare drum vapor space	HRVOC	167.00	25
3/3/2008	off spec ethylene gas control valve	NOX	13.60	197
2/6/2008	clay treater drum outlet manifold	Benzene	10.90	1315
2/4/2008	control valve on furnace fuel gas system	NO	19.00	309
1/29/2008	Halobutyl Unit	n-hexane	3,230.00	72
1/29/2008	Halobutyl Unit	flammable gas	4,700.00	72
1/7/2008	LT-03, OLA-2X	Benzene	51.50	500
10/1/2007	LOLA-T1	VOC	13,413.00	5
10/1/2007	LOLA-T1	Benzene	134.00	5
8/28/2007	SCLA regen.olefin line	Butylene	164.00	528
7/23/2007	ECLA W furnace	NO2	13.30	1440
7/12/2007	EPLA-W, XRU	HRVOC	108.00	22
6/28/2007	RLA-3, VXE-203D	propylene	22,319.00	2880
5/22/2007	halobutyl unit	Methyl Chloride	102.00	5

4/21/2007	RGR ethylene recovery train	NO	51.00	60
4/20/2007	ECLA-W furnace "D"	NO2	79.00	10078
3/27/2007	EPLA-W, SCD-04	NO	34.30	314
3/20/2007	Partial Oxidation Unit (POX)	syngas (flammable gas)	2,339.00	2160
2/28/2007	Ethylene purification unit (ELPA)	propylene	436.00	170
2/21/2007	Ethylene purification unit (ELPA)	HRVOC	114.70	19 seconds
2/19/2007	Vapor Recovery System-Tanks 8 and 9	Benzene	15.60	not reported
2/19/2007	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	22.00	not reported
2/16/2007	Isopropyl Alcohol Unit	Propylene	479.30	227
2/8/2007	EPLA-W, SC-01	NO	11.40	60
1/27/2007	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	10.55	not reported
1/25/2007	Aromatics Unit	Benzene	230.00	89
1/25/2007	Aromatics Unit	Toluene	119.00	89
12/27/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.50	not reported
12/27/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	27.80	not reported
12/27/2006	Maxon Valve	Propylene	296.00	1515
12/27/2006	Maxon Valve	flammable gas	18,937.00	1515
12/23/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.30	not reported
12/23/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	27.40	not reported
12/9/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.30	not reported
12/9/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	27.30	not reported

12/5/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	19.00	not reported
11/23/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.80	not reported
11/23/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	28.50	not reported
11/22/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.70	not reported
11/22/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	28.20	not reported
11/3/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	19.00	not reported
10/19/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.20	not reported
10/19/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	27.10	not reported
10/10/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.20	not reported
10/10/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	27.20	not reported
10/9/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	12.90	not reported
10/9/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	24.70	not reported
10/8/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.90	not reported
10/8/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	28.50	not reported
10/5/2006	Aromatics Unit	Benzene	202.00	191
10/4/2006	EPLA-S, C-04A	ethylene	240.00	122
9/29/2006	POX unit, GUP-107 & GBP-150	syngas (flammable gas)	19,140.00	862
9/14/2006	RLA-1	VOC	13,300.00	13
9/11/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	19.00	not reported
8/5/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	17.50	not reported
8/4/2006	SCLA Unit	Butylene		238



			120.00	
8/4/2006	SCLA Unit	NO	48.60	238
8/4/2006	SCLA Unit	HRVOC	119.77	238
7/30/2006	SCLA RO Pump, WB-30A	Butylene	202.00	46
7/28/2006	EPLA-W, M-07	Ethylene	121.00	29
7/28/2006	EPLA-W, M-07	NO	65.00	29
7/18/2006	flare	NO	13.00	54
7/17/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	16.00	not reported
7/17/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	30.60	not reported
7/14/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	16.00	not reported
7/14/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	30.70	not reported
7/11/2006	ECLA-W, C furnace	ethylene	413.00	19
7/11/2006	ECLA-W, C furnace	Benzene	29.00	19
7/11/2006	ECLA-W, C furnace	1,3 Butadiene	24.00	19
7/9/2006	OXO Alcohol unit, C-3	syngas (flammable gas)	7,538.00	1560
7/4/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	19.00	not reported
5/23/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	19.00	not reported
5/21/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	15.60	not reported
5/21/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	29.90	not reported
5/20/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	15.60	not reported
5/20/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	29.90	not reported
5/16/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	19.00	not reported

5/1/2006	C-551 compressor	SO2	1,983.00	6
5/1/2006	C-551 compressor	NO	25.40	6
1/12/2006	Aromatics Unit	Benzene	18.00	10
12/30/2005	OLA-1X	Ethylene	903.00	2
12/30/2005	OLA-1X	propylene	1,755.00	2
12/30/2005	OLA-1X	flammable gas	1,300.00	2
12/22/2005	ECLA-W	NO	35.00	26
8/10/2005	Aromatics Unit	Benzene	64.00	8
6/22/2005	Isopropyl Alcohol Unit	Propylene	180.00	200
6/22/2005	Isopropyl Alcohol Unit	flammable gas	1,910.00	200
5/25/2005	Isopropyl Alcohol Unit	Propylene	511.00	200
3/22/2005	Isopropyl Alcohol Unit	Propylene	117.20	350
2/25/2005	tower bleeder (operator error)	butene	237.00	88
10/13/2004	SBA Crude unit, WBD-07	Butene	354.00	360
10/10/2004	EPLA-W, M-07 / not reported	NO	134.00	55
10/10/2004	EPLA-W, M-07 / not reported	NO2	15.00	55
10/10/2004	EPLA-W, M-07 / not reported	1,3 Butadiene	10.00	55
10/10/2004	EPLA-W, M-07 / not reported	Benzene	13.00	55
10/10/2004	EPLA-W, M-07 / not reported	Ethylene	249.00	55
9/24/2004	Isopropyl Alcohol Unit	Propylene	629.00	35
6/13/2004	RLA-1	Ethylene	215.00	10 sec.
6/9/2004	EPLA-W	Benzene	31.00	1890
6/9/2004	EPLA-W	Ethylene	5,727.00	1890

6/9/2004	EPLA-W	Propylene	2,019.00	1890
6/9/2004	EPLA-W	Butane	307.00	1890
6/9/2004	EPLA-W	1,3 butadiene	278.00	1890
6/9/2004	EPLA-W	NO	3,581.00	1890
6/9/2004	EPLA-W	NO2	398.00	1890
6/9/2004	EPLA-W	SO2	4,902.00	1890
6/3/2004	M-07 / not reported	Ethylene	4,883.00	510
6/3/2004	M-07 / not reported	NO	1,404.00	510
6/3/2004	M-07 / not reported	NO2	156.00	510
5/20/2004	OXO Alcohol unit	Syngas	2,061.00	8
5/3/2004	OLA-2X, M-07	Benzene	530.40	1698
5/3/2004	OLA-2X, M-08	1,3 Butadiene	501.20	1698
5/3/2004	OLA-2X, M-09	NO	2,764.00	1698
5/3/2004	OLA-2X, M-10	NO2	307.00	1698
5/3/2004	OLA-2X, M-11	Ethylene	3,831.50	1698
5/3/2004	OLA-2X, M-12	Propylene	1,602.80	1698
5/3/2004	OLA-2X, M-13	Butenes	325.50	1698
5/3/2004	OLA-2X, M-14	Isoprene	121.20	1698
5/3/2004	OLA-2X, M-15	Toluene	322.60	1698
5/3/2004	OLA-2X, M-16	SO2	4,384.00	1698
5/3/2004	OLA-2X, M-17	flammable gas	1,129.00	1698
4/20/2004	DILA unit	Benzene	433.17	160
4/20/2004	DILA unit	HRVOC	279.60	160
4/10/2004	EPLA-W safety valve	Ethylene		1

	release		13,183.00	
4/10/2004	EPLA-W flare release	Ethylene	6,706.00	1360
4/10/2004	EPLA-W flare release	Propylene	197.00	1360
4/10/2004	EPLA-W flare release	NO	2,481.00	1360
4/10/2004	EPLA-W flare release	NO2	248.00	1360

B. ExxonMobil Violates La. Rev. Stat. § 30:2060.L By Discharging Toxic Air Pollutants From its Facility Without a Permit to Cover Such Discharges.

Louisiana’s Toxic Air Pollutant Emission Control Program provides that: “There shall be no discharge of a toxic air pollutant into the atmosphere of Louisiana except that allowed by permit, license, variance, or compliance schedule or in accordance with the rules and regulations adopted pursuant to this Section.” La. Rev. Stat. § 30:2060.L.

Under La. Rev. Stat. § 30:2053 (3)(a), "toxic air pollutant" means an “air pollutant which, based on scientifically accepted data, is known to cause or can reasonably be anticipated to cause either directly or indirectly through ambient concentrations, exposure levels, bioaccumulation levels, or deposition levels, adverse effects in humans, including but not limited to: (i) Cancer; (ii) Mutagenic, teratogenic, or neurotoxic effects; (iii) Reproductive dysfunction; (iv) Acute health effects; and (v) Chronic health effects.” La. Rev. Stat. 30:2053 (3)(b) also defines “toxic air pollutant” to include “all air pollutants which are identified and listed pursuant to these criteria under La. Rev. Stat. 30:2060.”

ExxonMobil violates La. Rev. Stat. § 30:2060.L when it discharges toxic air pollutants listed in La. Admin. Code tit. 33, pt. III, § 5112 Tables 51.1, 51.2, and 51.3 into the atmosphere from its facility with having a permit that covers such discharges. Toxic air pollutants include, but are not limited to, benzene; 1,3 butadiene; n-hexane; toluene and xylene. LEAN and Ms. Anthony present the following illustrative list, based on publicly available information, of ExxonMobil’s unauthorized discharges that violate the Louisiana Environmental Quality Act, section 30:2060.L. Based on a review of the permits and/or based on a review ExxonMobil's own statements,<sup>2</sup> the emissions in the illustrative table below are not covered by any permit. LEAN and Ms. Anthony also provide notice that they will include in the suit other violations discovered after submission of this notice.

<sup>2</sup> ExxonMobil is required to report any unauthorized discharge to LDEQ. La. Rev. Stat. § 30:2025.J.2; La. Admin. Code tit. 33, pt. I, § 3917; La. Admin. Code tit. 33, pt. I, § 3925.

<b>Incident Date</b>	<b>Source of Release</b>	<b>Pollutant Released</b>	<b>Released Quantities (lbs)</b>	<b>Release Duration (minutes)</b>
2/17/09	Olefin's Maintrain	1,3 butadiene	20.00	Not reported
2/17/09	EPLA-W compressor	benzene	339	Not reported
9/23/2008	WILA	1.3-Butadiene	36.00	14
9/23/2008	WILA	Benzene	548.00	14
9/20/2008	P-160B	Benzene	19.00	39
9/17/2008	WILA Unit	1.3-Butadiene	48.00	565
9/17/2008	WILA Unit	Benzene	40.00	565
9/1/2008	flare system	Benzene	88.00	790
9/1/2008	flare system	1,3 Butadiene	79.00	790
9/1/2008	storage tanks	Benzene	166.00	10080
9/1/2008	storage tanks	n-hexane	406.00	10080
9/1/2008	storage tanks	Toluene	23.00	10080
9/1/2008	storage tanks	xylenes	13.00	10080
7/30/2008	LE-01 exchangers	Benzene	525.00	31890
7/22/2008	WILA Unit	1,3 Butadiene	44.00	2
7/22/2008	WILA Unit	Benzene	23.00	2
7/21/2008	SACC	1,3 Butadiene	182.00	1129
7/21/2008	SACC	Benzene	167.00	1129
6/29/2008	knockout drum	1,3 Butadiene	244.00	6
6/29/2008	knockout drum	Benzene	123.00	6
6/27/2008	Charge gas compressor	1.3-Butadiene	264.00	499
6/27/2008	Charge gas compressor	Benzene	274.00	499
5/13/2008	AIF-100	Benzene	32.00	10
4/12/2008	Aromatics Unit (fire)	Benzene	41.00	183
3/19/2008	flare drum vapor space	1,3 Butadiene	72.00	25
2/6/2008	clay treater drum outlet manifold	Benzene	10.90	1315
1/29/2008	halobutyl rubber manufacture parallel filter system	n-hexane	3,230.00	72
1/7/2008	LT-03, OLA-2X	Benzene	51.50	500
10/1/2007	LOLA-T1	Benzene	134.00	5
7/12/2007	XRU, T-3 Tower reflux	xylenes		22

	line		92.00	
2/19/2007	Vapor Recovery System-Tanks 8 and 9	Benzene	15.60	not reported
2/19/2007	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	22.00	not reported
1/27/2007	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	10.55	not reported
1/25/2007	Aromatics Unit	Benzene	230.00	89
1/25/2007	Aromatics Unit	Toluene	119.00	89
12/27/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.50	not reported
12/27/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	27.80	not reported
12/23/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.30	not reported
12/23/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	27.40	not reported
12/9/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.30	not reported
12/9/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	27.30	not reported
12/5/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	19.00	not reported
11/23/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.80	not reported
11/23/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	28.50	not reported
11/22/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.70	not reported
11/22/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	28.20	not reported
11/3/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	19.00	not reported
10/19/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.20	not reported
10/19/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	27.10	not reported
10/10/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.20	not reported
10/10/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	27.20	not reported
10/9/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	12.90	not reported
10/9/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	24.70	not reported

10/8/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	14.90	not reported
10/8/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	28.50	not reported
10/5/2006	Aromatics Unit	Benzene	202.00	191
9/11/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	19.00	not reported
8/5/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	17.50	not reported
7/17/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	16.00	not reported
7/17/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	30.60	not reported
7/14/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	16.00	not reported
7/14/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	30.70	not reported
7/11/2006	ECLA-W, C furnace	Benzene	29.00	19
7/11/2006	ECLA-W, C furnace	1,3 Butadiene	24.00	19
7/4/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	19.00	not reported
5/23/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	19.00	not reported
5/21/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	15.60	not reported
5/21/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	29.90	not reported
5/20/2006	Vapor Recovery System-Tanks 8 and 9	Benzene	15.60	not reported
5/20/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	29.90	not reported
5/16/2006	Vapor Recovery System-Tanks 8 and 9	1,3 Butadiene	19.00	not reported
1/12/2006	Aromatics Unit	Benzene	18.00	10
8/10/2005	Aromatics Unit	Benzene	64.00	8
10/10/2004	EPLA-W, M-07 / not reported	1,3 Butadiene	10.00	55
10/10/2004	EPLA-W, M-07 / not reported	Benzene	13.00	55
6/9/2004	EPLA-W	Benzene	31.00	1890
6/9/2004	EPLA-W	1,3 butadiene		1890

			278.00	
5/3/2004	OLA-2X, M-07	Benzene	530.40	1698
5/3/2004	OLA-2X, M-08	1,3 Butadiene	501.20	1698
5/3/2004	OLA-2X, M-15	toluene	322.60	1698
4/20/2004	DILA unit	benzene	433.17	160

C. ExxonMobil Violates La. Admin. Code tit. 33, pt. III, § 905.A By Failing to Diligently Maintain Its Emission Control Equipment.

ExxonMobil has violated and continues to violate the La. Admin. Code tit. 33, part III, § 905.A. This provision provides that, “When [air pollution control] facilities have been installed on a property, **they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities**, even though the ambient air quality standards in affected areas are not exceeded.” La. Admin. Code tit. 33, pt. III, § 905 (emphasis added).

La. Admin. Code, part III, § 905.A imposes an affirmative duty on ExxonMobil to properly maintain its facility so as to prevent or limit releases. ExxonMobil’s pattern of repeated unauthorized discharge violations<sup>3</sup> shows that ExxonMobil does not diligently maintain the pollution control facilities at the ExxonMobil Baton Rouge Chemical Plant, and therefore is violating La. Admin. Code, part III, § 905.A.

D. In the Alternative, ExxonMobil Violates La. Rev. Stat. § 30:2057 By Discharging Air Contaminants From its Facility in excess of Approved Permit Limits.

Should ExxonMobil discover applicable permitted emission limits (despite its reports to the contrary) for any of the unpermitted pollutant discharges listed in the charts above, LEAN and Ms. Stephanie Anthony intend to file suit under La. Rev. Stat. § 30:2057 where the discharges exceed permit limits. La. Rev. Stat. § 30:2057 provides that “[n]o person shall discharge air contaminants or noise pollution into the air of this state in violation of regulations of the secretary or the terms of any permit, license, or variance issued hereunder.”

<sup>3</sup> As illustrated in the previous tables.



**Relief Sought by LEAN and Ms. Anthony:**

LEAN and Ms. Anthony may seek declaratory and injunctive relief and civil penalties of up to \$10,000 for each day of the continued noncompliance under the Louisiana Environmental Quality Act and its regulations. La. Rev. Stat. § 30:2026.A(2).

We believe this notice of violation and intent to sue sufficiently states the grounds for a suit against ExxonMobil under the Louisiana Environmental Quality Act, La. Rev. Stat. § 30:2026A(1). This notice covers violations since April, 2004. LEAN's suit, when filed, will also address any violations revealed during the discovery process. As noted above, during the notice period, we would be pleased to discuss this matter further. Please contact us immediately if anything in this notice is incorrect.

Substantially prepared by:



Aurora Villegas, Student Attorney  
Tulane Environmental Law Clinic  
6329 Freret Street  
New Orleans, Louisiana 70118  
Phone: (504) 862- 8818  
Fax: (504) 862-8721

Respectfully submitted by:



Adam Babich, La. Bar No. 27177  
Tulane Environmental Law Clinic  
6329 Freret Street  
New Orleans, Louisiana 70118  
Phone: (504) 862- 8818  
Fax: (504) 862-8721  
Counsel for Louisiana Environmental  
Action Network and Stephanie Anthony

Cc:

*CERTIFIED MAIL*  
7003 2260 0004 5942 7878  
RETURN RECEIPT REQUESTED  
Mr. Richard Greene, Regional Administrator  
E.P.A. Region 6  
1445 Ross Avenue  
Suite 1200  
Mail Code: 6RA  
Dallas, TX 75202

*CERTIFIED MAIL*  
7007 0710 0004 6289 2696  
RETURN RECEIPT REQUESTED  
The Honorable Bobby Jindal,  
Governor of Louisiana  
P.O. Box 94004  
Baton Rouge, LA 70804-9004

*CERTIFIED MAIL*  
7003 2260 0004 5942 7885  
RETURN RECEIPT REQUESTED  
Mr. James D. Caldwell, Attorney General  
Louisiana Office of the Attorney General  
P.O. Box 94005  
Baton Rouge, LA 70804-9004