

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LOUISIANA ENVIRONMENTAL)
ACTION NETWORK AND)
STEPHANIE ANTHONY,)
Plaintiff,)
v.)
EXXON MOBIL CORP. d/b/a/)
EXXONMOBIL CHEMICAL CO.)
Defendant.)

COMPLAINT

For their complaint, Plaintiffs Louisiana Environment Action Network and Stephanie Anthony make the following allegations against the Defendant Exxon Mobil Corporation.

INTRODUCTION

1. This is a citizen enforcement suit concerning Exxon Mobil Corporation's continued violation of Clean Air Act regulations designed to protect human health and the environment. The case concerns violations at Exxon's Baton Rouge Chemical Plant, which is adjacent to a predominantly African American and lower income residential area in Baton Rouge, Louisiana.

2. Exxon emits thousands of pounds of harmful and hazardous air pollutants above permitted limits. These pollutants include, but are not limited to, dangerous and carcinogenic chemicals and gases such as benzene, toluene, propylene, ethylene, sulfur dioxide, nitrogen oxide, 1,3-butadiene, hexane, methylene chloride, and other volatile organic compounds that are precursors to dangerous ground-level ozone.

3. Exxon's violations continue despite a 2013 administrative settlement with the Louisiana Department of Environmental Quality ("LDEQ") and continue after Plaintiffs sent a

Supplemental Notice of Violations on January 30, 2015.

4. When violations occur, Exxon often fails to lawfully notify LDEQ about the violations because Exxon's reports usually lack enough detail to comply with regulations and provide residents useful information about their potential exposures to dangerous pollution.

JURISDICTION, VENUE, AND NOTICE

5. This Court has original subject matter jurisdiction over this case under the Clean Air Act's citizen suit provision, 42 U.S.C. § 7604(a), federal question jurisdiction, 28 U.S.C. § 1331, and the Declaratory Judgment Act, 28 U.S.C. § 2201.

6. Venue lies in this District pursuant to the Clean Air Act, 42 U.S.C. § 7604(c)(1), because Exxon's Baton Rouge Chemical Plant is a stationary source located within this District at 4999 Scenic Highway, Baton Rouge, Louisiana.

7. Pursuant to the Clean Air Act's citizen-suit provision, 42 U.S.C. § 7604(b), Plaintiffs gave notice of the violations alleged in this Complaint in a letter sent by certified U.S. Mail on April 22, 2013, more than 60 days prior to the commencement of this action. Plaintiffs sent their notice to Exxon, the EPA, and the State of Louisiana. Plaintiffs attach and incorporate by reference a copy of this notice as Exhibit A to this Complaint. Plaintiffs sent a supplemented notice letter to the same parties by U.S. Mail on January 30, 2015. Plaintiffs attach and incorporate by reference this supplemental notice as Exhibit B to this Complaint.

8. The plaintiff's 4/22/13 notice and 1/30/15 supplement meet all of the requirements of 42 U.S.C. § 7604(b) and sufficiently put Exxon on notice of the allegations in this Complaint.

9. This citizen suit is not precluded by government action. Neither EPA nor the State of Louisiana is diligently prosecuting a civil or criminal action in a court of the United States to redress Exxon's continuing violations of the Clean Air Act.

10. Exxon's plant continues to violate the Clean Air Act and, upon information and belief, these violations will continue until enjoined by this Court.

PARTIES

Plaintiffs

11. Plaintiff LEAN is a nonprofit community corporation organized under the laws of the State of Louisiana, falling within the meaning of "person" under 42 U.S.C. § 7602(e).

LEAN's mission is to foster cooperation and communication between individual citizens and corporate and government organizations in an effort to assess and mend the environmental problems in Louisiana. LEAN's goal is the creation and maintenance of a cleaner and healthier environment for all of the inhabitants of Louisiana. LEAN provides its member groups, as well as individual citizens, with the support and resources required to accomplish their environmental goals. LEAN's office is in Baton Rouge, Louisiana.

12. Plaintiff Stephanie Anthony is an individual who lives, works, and recreates near Baton Rouge and Exxon's chemical plant. Ms. Anthony is a long-time resident of Baton Rouge and lives approximately ten miles from Exxon's chemical plant. Ms. Anthony is concerned about the health, safety, and negative environmental impacts associated with Exxon's violations. Ms. Anthony is also a member of LEAN.

13. Ms. Anthony and other LEAN members, are injured by Exxon's unpermitted emission of 1,3 butadiene, benzene, propylene, ethylene, and other air pollutants Exxon emits in violation of the Clean Air Act.

14. Exxon's violations pose risks to public health and the environment in areas where Ms. Anthony and other LEAN members, work, and recreate.

15. Exposure to Exxon's illegal emissions interferes with Ms. Anthony and other LEAN members' ability to enjoy life in their community. Odors from Exxon's illegal emissions

aggravate these Louisiana residents and, at times, deter and prevent them from engaging in activities they might otherwise pursue and enjoy.

16. Ms. Anthony, LEAN, and LEAN's members are injured by Exxon's reporting violations because these violations 1) deny them information that would help them more effectively participate in the regulatory and enforcement process concerning Exxon's Chemical Plant, and 2) deny LDEQ information it needs to more effectively protect Ms. Anthony and other LEAN members' health and welfare from risks posed by Exxon's emissions. Ms. Anthony and other LEAN members are concerned about potential health risks from inhaling harmful pollutants released by Exxon and are entitled to be fully informed of the risks they face by living, working, and recreating near the Chemical Plant. Exxon's failure to properly report unauthorized discharges exacerbates these concerns because Plaintiffs do not know how much harmful pollution they are exposed to as a result of Exxon's emissions. Further, one purpose of the Clean Air Act is to facilitate public participation in environmental decisions, including enforcement and settlement decisions. *See, e.g.*, 42 U.S.C. §§ 7470(5), 7413(g), 7607(h).

17. Plaintiffs are entitled to relief from Exxon's ongoing violations at the Chemical Plant. Plaintiffs and other members of the Baton Rouge community suffered, are suffering, and will continue to suffer injury from Exxon's violations. These injuries are actual, concrete, irreparable, and traceable to Exxon, and the relief sought in this action would redress the injuries.

Defendant

18. ExxonMobil Corporation is domiciled at 830 Bear Tavern Road, West Trenton, New Jersey 08628, with its principal offices at 5959 Las Colinas Blvd., Irving, Texas 75039.

19. Exxon is a corporation and, therefore, a "person" under 42 U.S.C. § 7602(e).

20. At all times relevant to this lawsuit, Exxon has owned and operated the Baton Rouge Chemical Plant located at 4999 Scenic Highway, Baton Rouge, Louisiana. Exxon still

owns and operates the Chemical Plant.

RISK TO PUBLIC HEALTH AND THE ENVIRONMENT

21. Exxon releases harmful pollutants from the Chemical Plant that threaten public health and welfare.

22. Volatile organic compounds (“VOCs”) react in the atmosphere with oxygen and sunlight to form harmful ground-level ozone. Ozone can cause airway irritation, coughing, breathing difficulties, aggravation of asthma, and increased susceptibility to respiratory illnesses like pneumonia and bronchitis, as well as permanent lung damage. The Baton Rouge area fails to comply with current health-protection ambient standard for ozone pollution (amended in 2015, 80 Fed. Reg. 65,292 (Oct. 26, 2015)).

23. Oxides of nitrogen react in the atmosphere with oxygen and sunlight to form ozone.

24. Toxic air pollutants, such as benzene, are known to cause cancer and other neurological, reproductive, developmental, and respiratory problems.

25. Exxon’s emissions contribute to the harmful air quality near the Chemical Plant and elsewhere in the surrounding area.

26. Upon information and belief, without issuance of injunctive relief and the assessment of civil penalties, Exxon will continue to release harmful pollutants into the atmosphere in violation of the Clean Air Act, further injuring Plaintiffs and the environment.

27. Injunctive relief and civil penalties are necessary to deter Exxon from further violating emission permits.

STATUTORY AND REGULATORY BACKGROUND

Federal Statutes and Regulations

28. Congress enacted the Clean Air Act “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare.” 42 U.S.C. § 7401(b)(1).

29. The Clean Air Act directs EPA to establish National Ambient Air Quality Standards (“NAAQS”) for pollutants considered harmful to public health and the environment. *Id.* § 7409; 40 C.F.R. § 50. The EPA set ambient air quality standards for six criteria pollutants: carbon monoxide, nitrogen dioxide, ozone, particle pollution, and sulfur dioxide. 40 C.F.R. § 50.

30. The Clean Air Act also established National Emission Standards for Hazardous Air Pollutants (“NESHAPs”), which are known or expected to cause cancer or other serious health effects. *Id.* § 63. The EPA regulates more than 190 hazardous air pollutants, including benzene, 1,3 butadiene, hexane, and propylene. *Id.* §§ 61, 63.

31. Under the Clean Air Act, states promulgate state implementation plans that meet minimum federal requirements. 42 U.S.C. § 7410(a). These plans must include plans for implementation, maintenance, and enforcement of primary and secondary air quality standards, *Id.* § 7410(a)(1), as well as “enforceable emission limitations and other control measures, means, or techniques [and] schedules and timetables for compliance” *Id.* § 7410(a)(2)(A). Upon EPA approval, a state implementation plan becomes federally enforceable. *Id.* § 7413.

32. EPA approved Louisiana’s implementation plan. 40 C.F.R. § 52.970.

33. Louisiana’s implementation plan applies to any source of emission existing partially or wholly within the State of Louisiana. LA. ADMIN. CODE tit. 33, **pt. III**, § 103.A. Major sources, as defined in LA. ADMIN. CODE tit. 33, **pt. III**, § 502.A.k, must obtain air permits that meet the requirements of Louisiana’s Part 70 operating permit program. *Id.* § 507.A.1. Part 70 permits include both state and federal requirements. *Id.* § 507.B.2.

34. Louisiana’s implementation plan mandates that “[t]he Part 70 source shall be operated in compliance with all terms and conditions of the permit.” *Id.* “Noncompliance with any federally applicable term or condition of the permit shall constitute a violation of the Clean Air Act and shall be grounds for enforcement action” *Id.*

Clean Air Act Citizen Suit Provision

35. The Clean Air Act includes a citizen enforcement provision authorizing citizens to bring a civil action “against any person . . . who is alleged to have violated . . . or to be in violation of any condition of . . . an emission standard or limitation [or] an order issued by the Administrator or a State with respect to such a standard or limitation.” 42 U.S.C. § 7604(a)(1).

36. Under this citizen suit provision, courts may apply appropriate civil penalties, payable to the United States Treasury, *Id.* § 7604(a), (g)(1), or to “be used in beneficial mitigation projects which . . . enhance the public health or the environment.” *Id.* § 7604(g)(2).

Defendant’s Part 70 Permits

37. Federal regulations mandate that each Part 70 permit contain a provision stating that “[a]ny permit noncompliance constitutes a violation of the Act and is therefore grounds for enforcement action” 40 C.F.R. § 70.6(a)(6)(i). According to these regulations, “[a]ll terms and conditions in a part 70 permit, including any provisions designed to limit a source’s potential to emit, are enforceable by the Administrator and citizens under the Act.” *Id.* § 70.6(b)(1).

38. Federal regulations also mandate that Part 70 permits require “prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.” *Id.* § 70.6(a)(3)(iii)(B). Pursuant to this mandate, Louisiana’s SIP stipulates that “[t]he unauthorized discharge of any air pollutant into the atmosphere shall be reported in accordance with the provisions of LAC 33:I.Chapter 39, Notification Regulations and

Procedures for Unauthorized Discharges” to LDEQ. LA. ADMIN. CODE tit. 33, pt. III, § 927.A. Chapter 39 of title 33 subsection I of Louisiana’s Administrative Code provides specific reporting criteria for unauthorized discharges. LA ADMIN. CODE tit. 33, pt. I, § 3925.

39. The LDEQ issued multiple permits to Exxon, including permits numbered: 2013-V10, 1924-V5, 2361-V3, 2166-V6, 2123-V1, 3006-V3, 2281-V4, 2299-V7, 2396-V2, 2365-V4, 1200-V4, 2012-V3, 2031-V9, 2390-V3, 1911-V3, 2376-V4, 2379-V1, 2393-V3, and 2367-V2.

40. These permits incorporate federal and state air quality requirements including numerical emission limits for sulfur dioxide, 1,3 butadiene, benzene, and a variety of VOCs. Many of these permits apply to a single unit within the Chemical Plant and regulate emissions for that unit alone.

FIRST CAUSE OF ACTION

(Violations of Emission Limits)

41. Exxon violates the Clean Air Act in the course of operating the Chemical Plant because it repeatedly discharges air contaminants in violation of its permits.

42. Since March 3, 2011, Exxon violated the Clean Air Act at least 120 times. The table attached to this Complaint as Exhibit C, which Plaintiffs incorporate by reference, provides an illustrative list of such emissions violations. The Plaintiffs compiled the information contained in this table from reports that Exxon submitted to LDEQ. The table is offered by way of illustration and no limitation.

43. Each discharge of a pollutant at the Chemical Plant that violates a permitted emission limit is a separate violation of the Clean Air Act.

44. Each discharge of a pollutant at the Chemical Plant after March 3, 2011, that is not covered by an applicable LDEQ issued permit is a separate violation of the Clean Air Act.

SECOND CAUSE OF ACTION

(Violations of Notification Requirements for Deviations)

45. Exxon violates the Clean Air Act in the course of operating the Chemical Plant by failing to properly report release incidents.

46. Exxon repeatedly submits Unauthorized Discharge Notification Reports that do not contain information required by EPA and LDEQ regulations. Each inadequate report after March 3, 2011, is a separate violation of the Clean Air Act.

47. Exxon fails to provide the permit number associated with the discharging equipment on its Unauthorized Discharge Notification Reports. For example, on January 15, 2015, Exxon Chemical Plant submitted an Unauthorized Discharge Notice Report after releasing 10,043 lbs.¹ of Hydrogen Chloride (HCl), which forms Hydrochloric Acid. Exxon's report states that its RLA-1 unit experienced an unplanned flaring event in the Hexane Rectifier tower's safety valve, which vented to the flare system to reduce tower pressure. Exxon's report states that there is no applicable permit associated with this emission. However, Exxon's Title V Operating Permit for the Halobutyl Production Facility, Permit No. 2166-V5, permits the "co-polymerization unit referred to as RLA-1."² Additionally, Permit No. 2166-V5 places limitations on Hydrochloric Acid pollution.³

48. Exxon fails to provide additional information mandated by the EPA and LDEQ in its Unauthorized Discharge Notification Reports. For example and without limitation, Exxon's Discharge Notification Reports do not include a means to report the following required information: whether the Unauthorized Discharge Report is a follow-up report, the duration of

¹ Unauthorized Discharge Notification Report, ExxonMobil Chemical Company (EDMS Doc ID 9627224) (La. Dept. of Env'tl. Quality Jan. 15, 2015).

² Part 70 Operating Permit Modification, Halobutyl Production Facility, ExxonMobil Chemical Company Permit No. 2166-V5 at 1 (EDMS Doc ID 8948804) (La. Dept. of Env'tl. Quality Aug. 5, 2013).

³ *Id.* at 3.

the discharge, whether the discharge is corrected and, if not, the anticipated time the discharge will continue, permit limits for the discharged chemical, and whether the incident resulted in injuries. LA ADMIN. CODE tit. 33 pt. I § 3925. These Reporting requirements are incorporated in Louisiana's State Implementation Plan. *See* 40 C.F.R. § 970; LA ADMIN. CODE tit. 33 pt. III § 927. Therefore, every Unauthorized Discharge Notification Report is a violation of the Act.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Declare that Exxon is in violation of the Clean Air Act for violations of permitted emissions limits and mandatory reporting requirements;
- B. Permanently enjoin Exxon from operating the Baton Rouge Chemical Plant, except within applicable permit limits and in accordance with the Clean Air Act;
- C. Assess civil penalties to the United States Treasury in the amount of \$37,500 per violation per day for each of Exxon's Clean Air Act violations after March 3, 2011, as provided by sections 113(b) & (e) and 304(a) of the Clean Air Act, 42 U.S.C. § 7413(b) & (e) and 7604(a), the Federal Civil Penalties Inflation Adjustment Act, 28 U.S.C. § 2461, and 40 C.F.R. § 19.4;
- D. Apply \$100,000 of the civil penalties towards beneficial mitigation projects within the community, as provided by 42 U.S.C. § 7604(g)(2);
- E. Order Exxon to pay reasonable litigation costs including attorneys' fees, expert witness' fees, and other such costs as this Court deems just and proper as provided by 42 U.S.C. § 7604(d);
- F. Grant other relief such as this Court deems proper.

Respectfully submitted on March 3, 2016,

TULANE ENVIRONMENTAL LAW CLINIC

/s/ Amanda Serfess
Amanda Serfess, Student Attorney
*Counsel for Plaintiff Louisiana Environmental Action
Network*

/s/ Adam Babich
Adam Babich (La. Bar No. 27177)
Tulane Environmental Law Clinic
6329 Freret Street, Room 130
New Orleans, Louisiana 70118
Phone: (504) 862-8814
Fax: (504) 862-8721

*Counsel for Plaintiffs Louisiana Environmental Action
Network & Stephanie Anthony*

**SUPERVISING ATTORNEY'S INTRODUCTION
OF STUDENT PRACTITIONER**

Undersigned counsel respectfully introduces law student practitioner Amanda Serfess to this Court pursuant to Local Rule 83(15). This student practitioner is duly enrolled in Tulane Law School and the Tulane Environmental Law Clinic. She meets all of the prerequisites for a Law Student Appearance under Local Rule 83(15)(D). Her client's written consent to student appearances is attached as Exhibit D to this Complaint pursuant to Local Rule 83(15)(B). The Tulane Law School Dean's certification that the student practitioner is of good moral character, competent legal ability, and adequately trained to perform as a legal intern is attached as Exhibit E to this Complaint pursuant to Local Rule 83(15)(E).

Respectfully submitted on March 3, 2016,

TULANE ENVIRONEMNTAL LAW CLINIC

/s/ Adam Babich
Adam Babich, Professor, Tulane Law School



Exhibit A

Tulane Environmental Law Clinic

April 22, 2013

Reference No. 101-055.1

CERTIFIED MAIL
7010 0780 0002 1577 5934
RETURN RECEIPT REQUESTED
Mr. Paul Stratford, Site Manager
ExxonMobil Chemical Co.
Baton Rouge Chemical Plant
4999 Scenic Highway, P.O. Box 241
Baton Rouge, LA 70805-3359

CERTIFIED MAIL
7010 0780 0002 1577 5958
RETURN RECEIPT REQUESTED
Bob Perciasepe, Acting Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, DC 20460-0001

CERTIFIED MAIL
7010 0780 0002 1577 5941
RETURN RECEIPT REQUESTED
Corporation Service Company
(As registered agent for Exxon Mobil Corporation)
320 Somerulos St.
Baton Rouge, LA 70802-6129

CERTIFIED MAIL
7010 0780 0002 1577 5965
RETURN RECEIPT REQUESTED
Peggy M. Hatch, Secretary
Louisiana Department of Environmental Quality
Office of the Secretary
P.O. Box 4301
Baton Rouge, LA 70821-4301

Re: 60 Days Notice of Violations and Intent to File Citizen Suit Against Exxon Mobil Corporation d/b/a ExxonMobil Chemical Co., 40 C.F.R. § 54.3(b)
Pursuant to Clean Air Act 42 U.S.C. § 7604(b)(1)(A)

Dear Mr. Stratford, Mr. Perciasepe and Ms. Hatch:

This letter provides notice under Clean Air Act, 42 U.S.C. § 7604(b)(1)(A), and 40 C.F.R. §54.3(b) that Louisiana Environmental Action Network (“LEAN”) and Ms. Stephanie Anthony intend to file a citizen suit against ExxonMobil Corporation d/b/a ExxonMobil Baton Rouge Chemical Company (“ExxonMobil”) for ongoing violations of the Clean Air Act, including but not limited to violations of 42 U.S.C. § 7661a(a).

Tulane Environmental Law Clinic

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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 that this notice raises 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
7741 Governor Derbigny Drive
Baton Rouge, Louisiana 70811

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 and enjoyment of the area and poses risks to those members' health.

Ms. Anthony is a long-time resident of Baton Rouge and resides less than 6 miles from the plant. 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, SBN: 27177
Lisa W. Jordan, SBN: 20451
Tulane Environmental Law Clinic
6329 Freret Street
New Orleans, LA 70118
Phone: (504) 862-8818 (Babich) (504) 314-2481 (Jordan)
Fax: (504) 862-8721

Person Responsible for Alleged Violations:

ExxonMobil Corporation d/b/a/ ExxonMobil Chemical Company (ExxonMobil), as owner and operator of the Exxon Mobil Baton Rouge Chemical Plant in Baton Rouge, Louisiana, is responsible for the violations that this notice raises.

ExxonMobil Chemical Plant
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Locations 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 the Violations:

The violations that are the subject of this notice began by at least January 1, 2009 and are ongoing.

Description of ExxonMobil's Clean Air Act Violations:

Section 7661a(a) of the Clean Air Act provides that "it shall be unlawful for any person to violate any requirement of a permit." Sections 7604(a) & (f) impose liability for violation of any "emission standard or limitation," including without limitation any "applicable State implementation plan." Paragraphs A through D, below, describe ExxonMobil's violations of 42 U.S.C. §7661a(a) and other "emission standards or limitations," as 42 U.S.C. § 7604(f) defines that phrase.

These lists of violations are not exhaustive. LEAN and Ms. Anthony intend to include in their lawsuit additional violations, legal or factual, revealed in the course of investigation or discovery, including, without limitation, violations that occur after submission of this notice.

- A. Reported Permit Violations:** ExxonMobil violates the Act by discharging air pollutants from its facility in excess of permit limits or without appropriate permits for such discharges, and by violating other permit conditions.

ExxonMobil is in violation of the Act because, in the course of operating the facility at 4999 Scenic Highway, ExxonMobil repeatedly discharges air contaminants such as, but not limited to, Carbon Monoxide, and Nitrogen Oxide, and hazardous air pollutants including, but not limited to, 1,3-Butadiene, Benzene, Propylene, Ethylene, and other unauthorized substances in violation of its permits and/or without an applicable permit. Exxon also violates other permit conditions.

By way of example and not limitation, LEAN and Ms. Anthony present an illustrative list of these violations in Table 1, based on publicly available information. Based on a review of the permits and ExxonMobil's own reports, the emissions in Table 1 (attached) violate the requirements of ExxonMobil's permits or are not covered by any permit.

- B. Violations of Reporting Requirements:** ExxonMobil violates the Act by failing to meet the notification requirements of La. Admin. Code 33:I.39 and the Act.

ExxonMobil is in violation of the Act because it repeatedly fails to: 1) provide timely notification to the Louisiana Department of Environmental Quality after an unauthorized discharge, 2) file required follow-up written reports, and 3) provide all information required by

ExxonMobil Chemical Plant
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the Clean Air Act, the state implementation plan and ExxonMobil's permits in Unauthorized Discharge Notification Reports and other incident reports.

By way of example and not limitation, LEAN and Ms. Anthony present an illustrative list of these violations in Table 2 (attached). LEAN and Ms. Anthony base Table 2 on publicly available information. Based on a review of reports by the Louisiana Department of Environmental Quality and ExxonMobil's own reports, the listed instances in which notifications were incomplete, not timely or not appropriately followed-up violate reporting requirements of the permits held by ExxonMobil.

C. Additional Violations (on information and belief): In addition to the violations noted above, ExxonMobil is in violation of the Act because of additional excess emissions, described below.

By way of example and not limitation, LEAN and Ms. Anthony present an illustrative list in Table 3 (attached) of incidents that, on information and belief, are violations of ExxonMobil's permit(s) and the Clean Air Act. Table 3 is based on publicly available information. These allegations of permit violations are made upon information and belief because ExxonMobil's reports are insufficient to reliably link the reported excess emissions with applicable permit limits.

D. Failure to Maintain a Safe Facility and to Appropriately Maintain Equipment

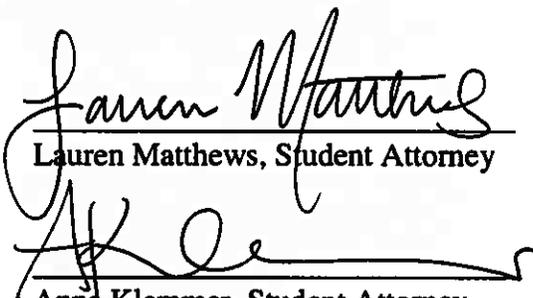
The violations alleged in paragraphs A through C above demonstrate that ExxonMobil has failed to maintain its facility, including associated air pollution control equipment in a manner "consistent with good air pollution control practice for minimizing emissions" at all times, including periods of startup, shutdown, and malfunction. This is a violation of ExxonMobil's duties under its permits and the Act, including without limitation 40 C.F.R. § 60.11(d).

Final Note

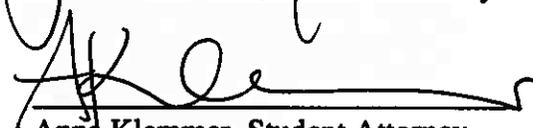
Should ExxonMobil find any part of this letter inaccurate or otherwise disagree with the letter's contents, please contact us as soon practical. Again, we would welcome the opportunity to discuss any part of this letter during the notice period.

ExxonMobil Chemical Plant
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Substantially prepared by:

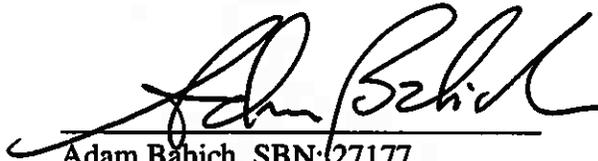


Lauren Matthews, Student Attorney



Anna Klemmer, Student Attorney
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Respectfully submitted by:



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Tulane Environmental Law Clinic
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New Orleans, Louisiana 70118
Phone: (504) 862- 8818
Fax: (504) 862-8721
Counsel for Louisiana Environmental
Action Network and Stephanie Anthony

Cc:

CERTIFIED MAIL

7010 0780 0002 1577 5972

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*

ExxonMobil Chemical Plant
 Notice of Violation: Tables
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 Table 1

TABLE 1.

Doc ID	Incident Date	Permit No	Reported Details	Source Point/ Unit	Chemical Emitted (where available)
8433260, 8570451, 856249, 8458721	6/14/12	(2299-V5), 2795-V6, 2234-V5, 2363-V3, 2341-V2	emission exceedances	Aromatics Tank 801, bleeder plug failure	Benzene
8433260, 8570451, 856249, 8458721	6/14/12	(2299-V5), 2795-V6, 2234-V5, 2363-V3, 2341-V2	emission exceedances	Aromatics Tank 801, bleeder plug failure	Toluene
8433260, 8570451, 856249, 8458721	6/14/12	(2299-V5), 2795-V6, 2234-V5, 2363-V3, 2341-V2	emission exceedances	Aromatics Tank 801, bleeder plug failure	Cyclohexane
8433260, 8570451, 856249, 8458721	6/14/12	(2299-V5), 2795-V6, 2234-V5, 2363-V3, 2341-V2	emission exceedances	Aromatics Tank 801, bleeder plug failure	Hexane
8433260, 8570451, 856249, 8458721	6/14/12	(2299-V5), 2795-V6, 2234-V5, 2363-V3, 2341-V2	emission exceedances	Aromatics Tank 801, bleeder plug failure	additional VOCs
8125078	5/31/11	2390-V1	emission exceedances	M-1000 flare cap	chloroethane
8125078	5/31/11	2390-V1	emission exceedances	M-1000 flare cap	Chloroform
8125078	5/31/11	2390-V1	emission exceedances	M-1000 flare cap	Methyl Bromide
8125078	5/31/11	2390-V1	emission exceedances	M-1000 flare cap	Methylene Chloride
7801248	2010	2390-V1	emission exceedances; also exceeded interim limits in compliance order 09-0197	Infrastructure; EIQ# M-1000 (GRP092)	Toulene and SO2

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

Exhibit A 000006

ExxonMobil Chemical Plant
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 Table 1

Doc ID	Incident Date	Permit No	Reported Details	Source Point/ Unit	Chemical Emitted (where available)
7645098	2010	2166-V2	exceeded 2010 annual permit limits	Halobutyl; EQT-0982; EQT-0974	VOC, n-hexane
7645098	12/5/09	2365-V2	vent gas from Towers T-710 and T-740 vented to the atmosphere; vented to furnace F-635; failure to vent streams to furnace is a violation.	OXO Alcohol; Towers T-710 and T-740	Not Available
6654495	11/30/09	2012-V2	Turbine Generator lost NOx suppression steam due to drop in temperature; caused a 10 minute exceedance of NOx concentration in the exhaust (approx. 4.5 lbs of excess NOx released)	Baton Rouge Turbine Generator	NOx
7645098	11/6/09	2031-V7	SACC "F" Furnace (Furnace FF-01, EI# S-06) exceeded 20% opacity, due to tube leak	Maintrain Ethylene Production; SACC "F" Furnace FF-01 EI# S-06	Not Available
7645098	10/2/09	2031-V7	SACC "B" Furnace (Furnace BF-01, EI# S-02) exceeded 20% opacity, due to tube leak	Maintrain Ethylene Production; SACC "B" Furnace BF-01, EI# S-02	Not Available
6654495	discovered 6/18/09	1924-V3	open ended lines	Isopropyl Alcohol	Not Available
6654495	5/20/09	2031-V7	Furnace smoked for approx. 3 hours and 20 minutes due to a tube leak.	Maintrain Ethylene Production; SACC "A" Furnace AF-01 EI# S-01	Not Available
6654495	5/20/09	2031-V7	Furnace smoked for approx. 9 minutes due to a tube leak.	Maintrain Ethylene Production; SACC "G" Furnace GF-01 EI# S-07	Not Available

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6654495	5/20/09	2379-V0	Furnace smoked for approx. 10 minutes due to a mechanical lag in oxygen supply.	Neo Acids	Not Available
6654495	discovered 4/27/09	2166-V1	Tank was equipped with a vapor mounted primary seal instead of required liquid mounted seal.	Halobutyl; Tank 1987 (Group I Storage Vessel)	Not Available
6654495	4/21/09	2396-V0	2 bleeder valves with missing plugs discovered, violated 40 CFR Subpart FFFF	POLY/No.5 Light Ends	Not Available
6654495	discovered April 2009	2367-V1	open ended lines	Co-Products	Not Available
6461570	3/9/09	2031-V6	Exceeded the reportable quantity of benzene (15 lbs released in 17 minutes, over RQ of 10lbs); failure to diligently maintain facility.	Maintrain Ethylene Production; WILA Tanks 8 & 9	Benzene
6461570	2/17/09	2390-V1	>20% opacity from flares; chemicals released above reportable quantity. Each exceedance is a violation of specific requirements 7, 213, and 316 of the permit.	Infrastructure; EPLA-W Compressor; Flares 10, 25, 26; Benzene Hydrotreating Unit	Sulfur Dioxide
6461570	2/17/09	2390-V1	>20% opacity from flares; chemicals released above reportable quantity. Each exceedance is a violation of specific requirements 7, 213, and 316 of the permit.	Infrastructure; EPLA-W Compressor; Flares 10, 25, 26; Benzene Hydrotreating Unit	Ethylene

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Doc ID	Incident Date	Permit No	Reported Details	Source Point/ Unit	Chemical Emitted (where available)
6461570	2/17/09	2390-V1	>20% opacity from flares; chemicals released above reportable quantity. Each exceedance is a violation of specific requirements 7, 213, and 316 of the permit.	Infrastructure; EPLA-W Compressor; Flares 10, 25, 26; Benzene Hydrotreating Unit	Benzene
6461570	2/17/09	2390-V1	>20% opacity from flares; chemicals released above reportable quantity. Each exceedance is a violation of specific requirements 7, 213, and 316 of the permit.	Infrastructure; EPLA-W Compressor; Flares 10, 25, 26; Benzene Hydrotreating Unit	Nitrogen Oxide
6461570	2/17/09	2390-V1	>20% opacity from flares; chemicals released above reportable quantity. Each exceedance is a violation of specific requirements 7, 213, and 316 of the permit.	Infrastructure; EPLA-W Compressor; Flares 10, 25, 26; Benzene Hydrotreating Unit	1, 3 Butadiene
6461570	2/17/09	2390-V1	>20% opacity from flares; chemicals released above reportable quantity. Each exceedance is a violation of specific requirements 7, 213, and 316 of the permit.	Infrastructure; EPLA-W Compressor; Flares 10, 25, 26; Benzene Hydrotreating Unit	Propylene
6654495	2/14/09	2031-V7	Furnace smoked for approx. 4 minutes due to a tube leak	Maintrain Ethylene Production; SACC "A" Furnace AF-01 EIQ #S-01	Not Available
6654495	2/5/09	2031-V7	Furnace smoked for 25 minutes due to tube leak	Maintrain Ethylene Production; SACC "A" Furnace AF-01 EIQ #S-01	Not Available
6650794	1/10/09	1200-V3; 2012-V0	exceeded emission limits	Baton Rouge Turbine Generator	VOC, NOx
6654495	Jan 2009	2367-V1	open ended lines	Co-Products	Not Available

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Doc ID	Incident Date	Permit No	Reported Details	Source Point/ Unit	Chemical Emitted (where available)
7645098	2009	2295-V5, 2361-V1, 2031-V7, 2393-V1, 2396-V0, 2166-V2, 2376-V1,	27 Open Ended Lines		Not Available
7645098	2009	2390-V1	exceeded annual permit limit for E1Q3M-I000 Flare Gas Recovery (9.325 tpy instead of .86 tpy)	Infrastructure; EQ3M-1000	Not Available
7645098	2009	2166-V1	exceeded 2009 annual VOC permitted limits by 1.89 tpy for EQT0974 secondary wastewater emissions and by 4.44 tpy for EQT 0982 fines recovery tank	Halobutyl; EQT 0974; EQT-0982	VOC
7645098	2009	2166-V1	exceeded 2009 annual n-hexane permitted limits by 0.28 tpy for EQT0974	Halobutyl; EQT-0974	n-hexane
7645098	2009	2166-V1	exceeded 2009 annual n-hexane permitted limits by 2.65 tpy for EQT-0982	Halobutyl; EQT-0982	n-hexane
6654495	2009	2390-V1	Flare #25 smoked for approx. 35 minutes due to an upset in a process unit.	Infrastructure; Flare #25	Not Available
6654495	2009	2390-V1	Flare #65 smoked for approx. 34 minutes due to an upset in a process unit.	Infrastructure; Flare #25	Not Available
6654495	2009	2390-V1	Flare #10 smoked for approx. 28 minutes due to an upset in a process unit.	Infrastructure; Flare #25	Not Available

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Doc ID	Incident Date	Permit No	Reported Details	Source Point/ Unit	Chemical Emitted (where available)
6654495	2009	2390-V1	open drain valve on distance piece of a compressor associated with BRCP Flare system	Infrastructure; BRCP Flare System	Not Available
6654495	2009	2396-V0	4 valves on Poly MCPU found on delay of repair list dated 2005. Had been shut down from 4/28/08-5/2/08 for major turnaround. Monitored on 5/6/09 found to be leaking. First attempt to repair 5/11/09 was unsuccessful. Adjusted by an instrument technician 5/12/09.	POLY/No.5 Light Ends; Poly MCPU	Not Available
6654495	2009	2031-V7	certified compression ignition engine over 500 HP brought onsite for 105 days without emission reduction equipment. Was used to replace EIQ# S-109 but had higher HP than listed in the permit.	Maintrain Ethylene Production; replacement certified compression ignition engine	Not Available
6654495	2009	2166-V1	Exceedances for secondary wastewater emissions at the Halobutyl Unit. Maximum flowrate exceeded 400 gpm for 9 hours over 5 days.	Halobutyl; EIQ M-57 in Halobutyl Unit	VOCs
6654495	2009	2367-V1	4 open ended lines	Co-Products; CPLA Unit	Not Available
6654495	2009	1924-V3	4 open ended lines	Isopropyl Alcohol; IPA Unit	Not Available
6654495	2009	2281-V1	1 open ended line	Methyl Ethyl Ketone/Sec-Butyl Alcohol; MEK Unit	Not Available
6654495	2009	2379-V0	1 open ended line	Neo Acids; OLA-2X Unit	Not Available

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Doc ID	Incident Date	Permit No	Reported Details	Source Point/ Unit	Chemical Emitted (where available)
6654495	2009	2396-V0	2 open ended lines	POLY/No.5 Light Ends; Poly Unit	Not Available
6654495	2009	2361-V1	1 open ended line	Refinery Gas Recovery; RGR Unit	Not Available
6654495	2009	2376-V1	2 unpermitted engines	VISTALON®	Not Available
6654495	2009	2390-V1	Unpermitted emergency generator	Infrastructure	Not Available
6654495	2009	2166-V1	Exceedances for secondary wastewater emissions at the Halobutyl Unit. Maximum hourly n-hexane emissions exceeded permitted emissions for a total of 9 hours on 4 days.	Halobutyl; EIQ M-57 in Halobutyl Unit	n-hexane
6654495	2009	2390-V1	permit limits exceeded	Infrastructure; Flare Cap Emissions Point M-1000	2,2,4-Trimethylpentane
6654495	2009	2390-V1	permit limits exceeded	Infrastructure; Flare Cap Emissions Point M-1000	Acetonitrile
6654495	2009	2390-V1	permit limits exceeded	Infrastructure; Flare Cap Emissions Point M-1000	Biphenyl
6654495	2009	2390-V1	permit limits exceeded	Infrastructure; Flare Cap Emissions Point M-1000	Cumene

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Doc ID	Incident Date	Permit No	Reported Details	Source Point/ Unit	Chemical Emitted (where available)
6654495	2009	2390-V1	permit limits exceeded	Infrastructure; Flare Cap Emissions Point M- 1000	Dimethylforma- mide
6654495	2009	2390-V1	permit limits exceeded	Infrastructure; Flare Cap Emissions Point M- 1000	Ethylene Glycol
6654495	2009	2390-V1	permit limits exceeded	Infrastructure; Flare Cap Emissions Point M- 1000	Methanol
6654495	2009	2390-V1	permit limits exceeded	Infrastructure; Flare Cap Emissions Point M- 1000	Methyl Ethyl Ketone
6654495	2009	2390-V1	permit limits exceeded	Infrastructure; Flare Cap Emissions Point M- 1000	Methyl Isobutyl Ketone
6654495	2009	2390-V1	permit limits exceeded	Infrastructure; Flare Cap Emissions Point M- 1000	Methyl Tert-Butyl Ether
6654495	2009	2390-V1	permit limits exceeded	Infrastructure; Flare Cap Emissions Point M- 1000	N-Butyl Alcohol, Phenol
6654495	2009	2390-V1	permit limits exceeded	Infrastructure; Flare Cap Emissions Point M- 1000	Ammonia
6654495	2009	2390-V1	permit limits exceeded	Infrastructure; Flare Cap Emissions Point M- 1000	Sulfur Dioxide

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TABLE 2

Doc ID	Report Date	Incident Date	Permit No	Incident	Reporting Violation
6654495	9/30/09	2/5/09	2031-V7	SACC "A" Furnace AF-01 EIQ #S-01 smoked for 25 minutes due to tube leak	No timely report filed
6654495	9/30/09	2/14/09	2031-V7	SACC "A" Furnace AF-01 EIQ #S-01 smoked for approx. 4 minutes due to a tube leak	No timely report filed
6654495	9/30/09	5/20/09	2031-V7	SACC "A" Furnace AF-01 EIQ #S-01 smoked for approx. 3 hours and 20 minutes due to a tube leak.	No timely report filed
6654495	9/30/09	5/20/09	2031-V7	SACC "G" Furnace GF-01 EIQ#S-07 smoked for approx. 9 minutes due to a tube leak.	No timely report filed
6654495	9/30/09	5/20/09	2379-V0	Furnace smoked for approx. 10 minutes due to a mechanical lag in oxygen supply.	No timely report filed
7645098	3/31/10	10/2/09	2031-V7	SACC "B" Furnace (Furnace BF-01, EIQ #S-02) exceeded 20% opacity, due to tube leak	No timely report filed
7645098	3/31/10	11/6/09	2031-V7	SACC "F" Furnace (Furnace FF-01, EIQ #S-06) exceeded 20% opacity, due to tube leak	No timely report filed
6654495	12/4/09	11/30/09	2012-V2	Turbine Generator lost NOx suppression steam due to drop in temperature; caused a 10 minute exceedance of NOx concentration in the exhaust (approx. 4.5 lbs of excess NOx released)	No timely report filed

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Doc ID	Report Date	Incident Date	Permit No	Incident	Reporting Violation
7645098	3/31/10	12/5/09	2365-V2	vent gas from Towers T-710 and T-740 vented to the atmosphere; required to be vented to furnace F-635; failure to vent streams to furnace is a violation.	No timely report filed
8244292, 8208292, 8263794	11/16/11	11/9/2011- 11/19/2011	2031-V6	unauthorized emission of VOCs from KC-01 Thermowell	Insufficient information provided to identify applicable permit requirements
8244292, 8208292, 8263794	11/16/11	11/9/2011- 11/19/2011	2031-V6	unauthorized emission of Benzene from KC-01 Thermowell	Insufficient information provided to identify applicable permit requirements
8244292, 8208292, 8263794	11/16/11	11/9/2011- 11/19/2011	2031-V6	unauthorized emission of Ethylene from KC-01 Thermowell	Insufficient information provided to identify applicable permit requirements
8244292, 8208292, 8263794	11/16/11	11/9/2011- 11/19/2011	2031-V6	unauthorized emission of Propylene from KC-01 Thermowell	Insufficient information provided to identify applicable permit requirements
8244292, 8208292, 8263794	11/16/11	11/9/2011- 11/19/2011	2031-V6	unauthorized emission of Isoprene from KC-01 Thermowell	Insufficient information provided to identify applicable permit requirements
8244292, 8208292, 8263794	11/16/11	11/9/2011- 11/19/2011	2031-V6	unauthorized emission of Nitrogen Oxide from KC-01 Thermowell	Insufficient information provided to identify applicable permit requirements
8244292, 8208292, 8263794	11/16/11	11/9/2011- 11/19/2011	2031-V6	unauthorized emission of Sulfur Dioxide from KC-01 Thermowell	Insufficient information provided to identify applicable permit requirements
8244292, 8208292, 8263794	11/16/11	11/9/2011- 11/19/2011	2031-V6	unauthorized emission of 1,3 Butadiene from KC-01 Thermowell	Insufficient information provided to identify applicable permit requirements

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Doc ID	Report Date	Incident Date	Permit No	Incident	Reporting Violation
6104233	11/18/09	11/18/09	Not available	unauthorized emissions, pressure vapor release on storage tank	Insufficient information provided; failure to follow up on initial incident report
6636775	11/18/09	11/18/09	Not available	unauthorized emissions, pressure vapor vent release on storage tank	Insufficient information provided; failure to follow up on initial incident report
6168706	1/10/10	1/10/10	Not available	unauthorized emissions, HCE vacuum jet went positive	Insufficient information provided; failure to follow up on initial incident report
6668727	1/15/10	1/15/10	Not available	unauthorized emissions, starting maintain ethylene unit	Insufficient information provided; failure to follow up on initial incident report
1537976	3/16/10	3/16/10	Not available	unauthorized emissions, compressor tripped, extra gas in flare system, some of product uncombusted, close to RQ on sulfur dioxide	Insufficient information provided; failure to follow up on initial incident report
1537994	4/22/10	4/22/10	Not available	unauthorized emissions, DIPLA Unit, Cooling GFLA; heat exchanger leaking product into cooling tower water system, greater than 1000 VOC	Insufficient information provided; failure to follow up on initial incident report
1538058	4/26/10	4/26/10	Not available	unauthorized emissions, equipment failure, flaring, unknown gas	Insufficient information provided; failure to follow up on initial incident report

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TABLE 3

Doc ID	Incident Date	Source	Pollutant	Release (lbs)	Permit No
8085368	3/18/09	s09-0788 HCE compressor	Benzene	69	Not available
6359778	3/18/09	Not available	Total	121	Not available
6359808	3/19/09	DSLA unit	1,3 Butadiene	10	Not available
6359808	3/19/09	DSLA unit	Total	320	Not available
8085362	3/29/09	s09-0938 gasket on E506B exchanger	Benzene	44	2299-V4
8085362	3/29/09	s09-0938 gasket on E506B exchanger	Toluene	29	2299-V4
6364673	4/6/09	Not available	Propylene	3470	Not available
6364673	4/6/09	Not available	Flammable Vapors	13830	Not available
6364673	4/6/09	Not available	Ethylene	2348	Not available
6470739	6/20/09	Isopropyl Alcohol	Benzene	120	1924-V3
6499151	7/14/09	Aromatics	Benzene	30	2299-V4
6547929	8/27/09	Refinery Gas Recovery	Propylene	158	2361-V1
6076999	10/12/09	Phthalic Anhydride	Hydrogen Sulfide	230	1200-V2
6089709	11/6/09	Hydrocarbon Emissions (HCE) compressor C-500B	Benzene	17	2299-V4
6760996	3/5/10	EPLA unit	Propylene	2421834	2031-V6
6760996	3/5/10	EPLA unit	Flammable Vapors	2562647	2031-V6
6760996	3/5/10	EPLA unit	VOCs	141454	2031-V6
6760996	3/5/10	EPLA unit	Ethylene	716	2031-V6
8114220	1/10/10	vacuum jet	Benzene	139	Not available
7744102	1/16/10	Not available	Flammable Vapors	6201	Not available
7744102	1/16/10	Not available	VOCs	6201	Not available
6667786	1/29/10	Aromatics	Benzene	31	2299-V4
4122543	5/3/10	cooling tower #33, exchanger E-18X	Propylene	7258	2396-V0
4122543	5/3/10	cooling tower #33, exchanger E-18X	VOCs	6678	2396-V0
7727644	5/23/10	MEK unit; in SCLA unit	Flammable Vapors	412	Not available

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Doc ID	Incident Date	Source	Pollutant	Release (lbs)	Permit No
4121842	5/24/10	POLY/ No.5 Light Ends	Flammable Vapors	2000	2396-V0
8085354	7/8/10	Halobutyl Unit flare	Flammable Vapors	1809	2166-V1
8085354	7/8/10	Halobutyl Unit flare	Propylene	329	2166-V1
6172610	6/10/10	Propylene refrigeration system	Propylene	1260	2361-V1
6172610	6/10/10	Propylene refrigeration system	Flammable Vapors	1340	2361-V1
6596979	6/20/10	Not available	phthalic antride	1606	Not available
6786415	7/19/10	Not available	Propylene	480	Not available
6785771	7/25/10	Halobutyl	Hexane	225860	2166-V1
7295542	7/29/10	Halobutyl	Flammable Vapors	1871	2166-V1
7295542	7/29/10	Halobutyl	Ethylene	1873	2166-V1
7680803	9/10/10	Olefins Area	Benzene	209	Not available
7680803	9/10/10	Olefins Area	Propylene	819	Not available
7680803	9/10/10	Olefins Area	Ethylene	1052	Not available
7680803	9/10/10	Olefins Area	Butadiene	Not available	Not available
7680803	9/10/10	Olefins Area	Sulfur Dioxide	8726	Not available
7680803	9/10/10	Olefins Area	Nitrogen Oxide	1099	Not available
7701868	10/3/10	Refinery Gas Recovery; compressor piping	Propylene	278	2361-V1
7718937	10/13/10	Maintrain Ethylene Production Unit; HC-01 compressor	HRVOCs	107	2031-V6
7754740	10/16/10	Isopropyl Alcohol Unit	Propylene	366	1924-V3
7935501	10/21/10	Bela 5 Unit	1,3 Butadiene	20	2367-V0
7788707	12/1/10	Refinery Gas Recovery; Ethylene Unit	Ethylene	7346	2361-V1
7788707	12/1/10	Refinery Gas Recovery; Ethylene Unit	Nitrogen Oxide	2663	2361-V1
8029629	12/8/10	Aromatics	Benzene	63	2299-V4
7798091	12/29/10	Maintrain Ethylene Production Unit	Benzene	16	2031-V6
7798091	12/29/10	Maintrain Ethylene Production Unit	Propylene	Not available	2031-V6

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Doc ID	Incident Date	Source	Pollutant	Release (lbs)	Permit No
7798091	12/29/10	Maintrain Ethylene Production Unit	1,3 Butadiene	13	2031-V6
7798091	12/29/10	Maintrain Ethylene Production Unit	Ethylene	304	2031-V6
7798091	12/29/10	Maintrain Ethylene Production Unit	Nitrous Oxide	Not available	2031-V6
7665023	6/27/10; 6/28/10	Not available	Flammable Vapors	1807	Not available
7873671	2/9/2011- 2/10/2011	BAC-01	1,3 Butadiene	121	2367-V0
7873669	2/25/2011- 2/26/2011	BAC-01	1,3 Butadiene	356	2367-V0
7924686	3/19/2011- 3/20/2011	EPLA-S	Propylene	2218	2361-V1
7924686	3/19/2011- 3/20/2011	EPLA-S	Ethylene	1282	2361-V1
7924688	4/13/11	RT-03	Propylene	4619	2361-V1
7924688	4/13/11	RT-03	Ethylene	3414	2361-V1
7924688	4/13/11	RT-03	Flammable Vapor	19903	2361-V1
8181684	7/3/11	EPLA-W	Propylene	1181	2031-V6
8244292, 8208292, 8263794	11/9/2011- 11/19/2011	Maintrain Ethylene Production Unit; KC-01 Thermowell	Ethylene	479	2031-V6
8244292, 8208292, 8263794	11/9/2011- 11/19/2011	Maintrain Ethylene Production Unit; KC-01 Thermowell	Ethane	157	2031-V6
8244292, 8208292, 8263794	11/9/2011- 11/19/2011	Maintrain Ethylene Production Unit; KC-01 Thermowell	Propylene	146	2031-V6
8244292, 8208292, 8263794	11/9/2011- 11/19/2011	Maintrain Ethylene Production Unit; KC-01 Thermowell	1,3 Butadiene	32	2031-V6
8244292, 8208292, 8263794	11/9/2011- 11/19/2011	Maintrain Ethylene Production Unit; KC-01 Thermowell	HRVOCs	1094	2031-V6
8244709, 8207350	11/11/11	EPLA-W, KD-14; (in connection with 11/9/2011 incident)	HRVOCs	108/day	2031-V6
8346105, 8398901	3/20/12	HC-01, EPLA-W	Ethylene	271.9	2031-V6

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Doc ID	Incident Date	Source	Pollutant	Release (lbs)	Permit No
8503388, 8530126	6/21/2012- 7/13/2012	EPLA - W, MKC-02; (in combination with 6/14/2012 incident)	Propylene	93.6	2031-V8
8503388, 8530126, 8581260	6/22/12	EPLA - S; (in combination with 6/14/2012 incident)	Propylene	Not available	2031-V8
8569896	7/30/12	MkC-02, EPLA-W	Flammable Vapor	2073.4	2031-V8
8569896, 8530120	7/30/12	MkC-02, EPLA-W	Propylene	2073.4	2031-V8
8642907	11/30/2012- 12/2/2012	RLA-1, C-571	Methylchloride	438	2166-V2
8642907	11/30/2012- 12/2/2012	RLA-1, C-571	Hydrochloric Acid	62480	2166-V2
8642895	12/5/12	EPLA-W, KC-01	Ethylene	464.1	2031-V8
8642895	12/5/12	EPLA-W, KC-01	Propylene	109.4	2031-V8
8642895	12/5/12	EPLA-W, KC-01	1,3-Butadiene	18.8	2031-V8
8660528	12/11/12	RGR OLA-1X, EPLA-S	Ethylene	122	2361-V2
8660528	12/11/12	OLA-1X, MC-01	Flammable Vapors	5817	2361-V2
8660528	12/11/12	OLA-1X, MC-01	Propylene	5506	2361-V2
8684555	1/1/2013- 1/3/2013	UE-07 to GFLA-3	Propylene	64179	2361-V2
8709523	1/12/13	IPA	Propylene	203	1924-V4
8695240	1/15/13	EPLA-S	Flammable Vapors	37820	2361-V1
8695240	1/15/13	EPLA-S	Propylene	35590	2361-V1
8775939	11/9/12	OLA-2X gas turbine, control valve servo actuator	VOCs	12,208	2031-V8
8775940	11/9/12	OLA-2X gas turbine, control valve servo actuator	Benzene	819	2031-V9
8775941	11/9/12	OLA-2X gas turbine, control valve servo actuator	Ethylene	3,572	2031-V10
8775942	11/9/12	OLA-2X gas turbine, control valve servo actuator	Propylene	1,423	2031-V11
8775943	11/9/12	OLA-2X gas turbine, control valve servo actuator	Isoprene	399	2031-V12
8775944	11/9/12	OLA-2X gas turbine, control valve servo actuator	Nitrogen Oxide	3,938	2031-V13

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

Exhibit A 000020

ExxonMobil Chemical Plant
Notice of Violation: Tables
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Table 3

Doc ID	Incident Date	Source	Pollutant	Release (lbs)	Permit No
8775945	11/9/12	OLA-2X gas turbine, control valve servo actuator	Sulfur Dioxide	28,986	2031-V14
8775946	11/9/12	OLA-2X gas turbine, control valve servo actuator	1,3 Butadiene	931	2031-V15

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

Exhibit A 000021



Exhibit B

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

CERTIFIED MAIL

7013 0600 0001 9892 2488
RETURN RECEIPT REQUESTED
Ms. Peggy M. Hatch, Secretary
Louisiana Department of Environmental
Quality
Office of the Secretary
P.O. Box 4301
Baton Rouge, LA 70821-4301

CERTIFIED MAIL

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

Exhibit B 000001

ExxonMobil Chemical Plant
Notice of Violation
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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).

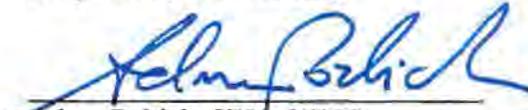
As noted in the April 22, 2013 notice, LEAN and Ms. Anthony would be pleased to use the 60-day waiting period that follows submission of this supplemental notice to explore a cooperative resolution of the violations we have alleged here, and in the earlier notice.

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
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Prepared by student attorneys at the
Tulane Environmental Law Clinic

Respectfully submitted by:



Adam Babich, SBN: 27177
Tulane Environmental Law Clinic
6329 Freret Street
New Orleans, Louisiana 70118
Phone: (504) 865-5789
Phone: (504) 862-8800 (Babich direct line)
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

ExxonMobil Chemical Plant
 January 30, 2015
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Table 4

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	

ExxonMobil Chemical Plant
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Table 4

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	

ExxonMobil Chemical Plant
 January 30, 2015
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Table 4

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

ExxonMobil Chemical Plant
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Table 4

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

ExxonMobil Chemical Plant
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Table 4

		(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

Exhibit C

Exhibit C: Illustrative Table of Violations

Doc ID	Incident Start Date	Source	Comment	Pollutant	Release (lbs.)	Permit No.
7924686	3/30/2011	EPLA-S	Preventable	Ethylene	1,282	2361-V1
7924686	3/30/2011	EPLA-S	Preventable	Propylene	2,218	2361-V1
7924688	4/13/2011	RT-03		Ethylene	3,414	2361-V1
7924688	4/13/2011	RT-03		Propylene	4,619	2361-V1
7924688	4/13/2011	RT-03		Flammable Vapor	19,903	2361-V1
8181684	7/3/2011	EPLA-W		Propylene	1,181	2031-V6
8263794	11/9/2011	Maintrain Ethylene Production Unit; KC-01 Thermowell	Preventable	HRVOC	122	2031-V6
8398901	3/20/2012	HC-01, EPLA-W	Preventable	Ethylene	271.9	2031-V6
8458721	6/14/2012	Aromatics Tank 801, bleeder plug failure		Benzene	28,688	2299-V5, 2795-V6, 2234-V5, 2363-V3, and 2341-V2
8458721	6/15/2012	Aromatics Tank 801, bleeder plug failure		Toluene	10,882	2299-V5, 2795-V6, 2234-V5, 2363-V3, and 2341-V2
8458721	6/16/2012	Aromatics Tank 801, bleeder plug failure		Cyclohexane	1,110	2299-V5, 2795-V6, 2234-V5, 2363-V3, and 2341-V2
8458721	6/17/2012	Aromatics Tank 801, bleeder plug failure		Hexane	1,564	2299-V5, 2795-V6, 2234-V5, 2363-V3, and 2341-V2
8458721	6/18/2012	Aromatics Tank 801, bleeder plug failure		additional VOCs	12,605	2299-V5, 2795-V6, 2234-V5, 2363-V3, and 2341-V2

Exhibit C: Illustrative Table of Violations

Doc ID	Incident Start Date	Source	Comment	Pollutant	Release (lbs.)	Permit No.
8530126	6/21/2012	EPLA-W, MKC-02 (in combination with 6/14/2012 incident)	Preventable	Propylene	93.6	2031-V8
8569896	7/30/2012	Discharge piping from MKC-02 propylene refrigeration compressor at the EPLA-W unit	Preventable	Propylene	2,073.40	2031-V8
8569896	7/30/2012	Discharge piping from MKC-02 propylene refrigeration compressor at the EPLA-W unit	Preventable	Flammable Vapor	2,073.40	2031-V8
8775939	11/9/2012	OLA-2X gas turbine		VOC	12,208	2031-V8
8775939	11/9/2012	OLA-2X gas turbine		Benzene	819	2031-V8
8775939	11/9/2012	OLA-2X gas turbine		Ethylene	3,572	2031-V8
8775939	11/9/2012	OLA-2X gas turbine		Propylene	1,423	2031-V8
8775939	11/9/2012	OLA-2X gas turbine		Isoprene	399	2031-V8
8775939	11/9/2012	OLA-2X gas turbine		1,3-Butadiene	931	2031-V8
8775939	11/9/2012	OLA-2X gas turbine		Sulfur Dioxide	28,986	2031-V8
8775939	11/9/2012	OLA-2X gas turbine		Nitrogen Oxide	3,938	2031-V8
8642907	11/30/2012	RLA-1	Undetermined	Methyl Chloride	436	2166-V2
8642907	11/30/2012	RLA-1	Undetermined	Hydrochloric Acid	62,480	2166-V2
8775423	11/30/2012	RLA-1 C-751 Compressor tripped. Safety valve 828-023 (D-571) and 769-021 (D-100).		Hydrochloric Acid	62,480	2166-V2
8775423	11/30/2012	RLA-1 C-751 Compressor tripped. Safety valve 828-023 (D-571) and 769-021 (D-100).		Methyl chloride	438	2166-V2

Exhibit C: Illustrative Table of Violations

Doc ID	Incident Start Date	Source	Comment	Pollutant	Release (lbs.)	Permit No.
8642895	12/5/2012	EPLA-W KC01 Compressor	Undetermined	Ethylene	464.1	2031-V8
8642895	12/5/2012	EPLA-W KC01 Compressor	Undetermined	Propylene	109.4	2031-V8
8642895	12/5/2012	EPLA-W KC01 Compressor	Undetermined	1,3-Butadiene	18.8	2031-V8
8775419	12/5/2012	EPLA-W KC-01 Compressor hydraulic valve		Ethylene	464.1	2030-V8; 2031-V8
8775419	12/5/2012	EPLA-W KC-01 Compressor hydraulic valve		Propylene	109.4	2030-V8; 2031-V8
8660528	12/11/2012	RGR Unit (OLA-1X and EPLA-S)	Undetermined	Ethylene	122	2361-V2
8660528	12/11/2012	RGR Unit (OLA-1X and EPLA-S)	Undetermined	Flammable Vapor	5,817	2361-V2
8660528	12/11/2012	RGR Unit (OLA-1X and EPLA-S)	Undetermined	Propylene	5,535	2361-V2
8660528	12/11/2012	Refinery Gas Recovery	Undetermined	Ethylene	122	2361-V2
8660528	12/11/2012	Refinery Gas Recovery units OLA-1X and EPLA-S shut down due to water line leak.	Undetermined	Propylene	5,535	2361-V2
8660528	12/11/2012	Refinery Gas Recovery units OLA-1X and EPLA-S shut down due to water line leak.	Undetermined	Flammable Gas	5,817	2361-V2
8684555	1/1/2013	Cooling water chiller UE-07 to GFLLA-3 cooling tower		Propylene	64,179	2361-V2

Exhibit C: Illustrative Table of Violations

Doc ID	Incident Start Date	Source	Comment	Pollutant	Release (lbs.)	Permit No.
8684555	1/1/2013	Cooling tower water chiller UE-07 to GFLA-3 cooling tower		Propylene	64,179	2361-V2
8709523	1/12/2013	Isopropyl Alcohol Unit (IPA)		Propylene	203	1924-V4
8709523	1/12/2013	IPA flange on downstream control valve		Propylene	203	1924-V4
8695240	1/15/2013	EPLA-S		Flammable Vapor	37,820	2361-V1
8695240	1/15/2013	EPLA-S		Propylene	35,590	2361-V1
8695240	1/15/2013	Ethylene Purification Unit EPLA-S		Propylene	35,590	2361-V1
8695240	1/15/2013	EPLA-S		Flammable Vapor	37,820	2361-V1
9220139	4/20/2013	#8 Pipestill Unit	Undetermined	VOC	Up to 5,000	2755-V4
8850386	5/5/2013	ECLA-W unit HC-01 compressor	Preventable	Ethylene	333	2031-V8
8850386	5/5/2013	ECLA-W unit HC-01 compressor	Preventable	Flammable Vapor	2,712	2031-V8
8902112	5/21/2013	RLA-1 Unit		Methyl Chloride	810	Not Reported
8902114	5/21/2013	OLA-2X Unit	Preventable	Propylene	1,477	2031-V8
8902114	5/21/2013	OLA-2X Unit	Preventable	1,3 Butadiene	959	2031-V8
8902114	5/21/2013	OLA-2X Unit	Preventable	Ethylene	3,709	2031-V8
8902114	5/21/2013	OLA-2X Unit	Preventable	Nitrogen Oxide	4,089	2031-V8
8902114	5/21/2013	OLA-2X Unit	Preventable	Benzene	850	2031-V8
8902114	5/21/2013	OLA-2X Unit	Preventable	Isoprene	414	2031-V8

Exhibit C: Illustrative Table of Violations

Doc ID	Incident Start Date	Source	Comment	Pollutant	Release (lbs.)	Permit No.
8902114	5/21/2013	OLA-2X Unit	Preventable	Sulfur Dioxide	30,097	2031-V8
8902114	5/21/2013	OLA-2X Unit	Preventable	VOC	5,267	2031-V8
9066700	6/17/2013	AWT Waste Water Treatment Unit	Preventable	Benzene	6,577	Not Reported
8916455	6/25/2013	BELA-5 unit caustic scrubber system	Preventable	Benzene	33	2390-V3
8916455	6/25/2013	BELA-5 unit caustic scrubber system	Preventable	1,3 - Butadiene	2,100	2390-V3
8959397	8/4/2013	BELA-5 Unit		1,3 - Butadiene	38	Not Reported
9107054	8/5/2013	EPLA-W cracker		Ethylene	213	Not Reported
8988652	8/9/2013	EPLA-S Unit		Propylene	5,985	Not Reported
9076101	9/29/2013	OLA-2X gas turbine	Undetermined	Benzene	792	Not Reported
9076101	9/29/2013	OLA-2X gas turbine	Undetermined	Propylene	1,376	Not Reported
9076101	9/29/2013	OLA-2X gas turbine	Undetermined	Butadiene	893	Not Reported
9076101	9/29/2013	OLA-2X gas turbine	Undetermined	Isoprene	386	Not Reported
9076101	9/29/2013	OLA-2X gas turbine	Undetermined	Ethylene	3,456	Not Reported
9076101	9/29/2013	OLA-2X gas turbine	Undetermined	Nitrogen Oxide	3,810	Not Reported
9076101	9/29/2013	OLA-2X gas turbine	Undetermined	Sulfur Dioxide	28,041	Not Reported
9076288	10/5/2013	Ethylene Refrigeration compressor and flare gas system		Ethylene	7392	Not Reported
9076288	10/5/2013	Ethylene Refrigeration compressor and flare gas system		Butadiene	249	Not Reported
9076288	10/5/2013	Ethylene Refrigeration compressor and flare gas system		Nitrogen Oxide	4,648	Not Reported
9076288	10/5/2013	Ethylene Refrigeration compressor and flare gas system		Propylene	2,028	Not Reported

Exhibit C: Illustrative Table of Violations

Doc ID	Incident Start Date	Source	Comment	Pollutant	Release (lbs.)	Permit No.
9076288	10/5/2013	Ethylene Refrigeration compressor and flare gas system		Sulfur Dioxide	23, 626	Not Reported
8801975	11/9/2013	OLA-2X gas turbine tripped, material released to the flare gas system		VOCs	12,208	2031-V8
8801975	11/9/2013	OLA-2X gas turbine		Benzene	819	2031-V8
8801975	11/9/2013	OLA-2X gas turbine		Ethylene	3,572	2031-V8
8801975	11/9/2013	OLA-2X gas turbine		Propylene	1,423	2031-V8
8801975	11/9/2013	OLA-2X gas turbine		Isoprene	399	2031-V8
8801975	11/9/2013	OLA-2X gas turbine		Nitrogen Oxide	3,938	2031-V8
8801975	11/9/2013	OLA-2X gas turbine		Sulfur Dioxide	28,986	2031-V8
8801975	11/9/2013	OLA-2X gas turbine		1,3 - Butadiene	924	2031-V8
9110713	11/20/2013	Flange between two pipes		Sulfur Dioxide	11,979	Not Reported
9110713	11/20/2013	Flange between two pipes		Bromine	178	Not Reported
9422510	11/20/2013	OLA-2X gas compressor		Ethylene	1,476	Not Reported
9422510	11/20/2013	OLA-2X gas compressor		Propylene	588	Not Reported
9422510	11/20/2013	OLA-2X gas compressor		Butadiene	382	Not Reported
9422510	11/20/2013	OLA-2X gas compressor		Isoprene	165	Not Reported
9422510	11/20/2013	OLA-2X gas compressor		Benzene	338	Not Reported
9422510	11/20/2013	OLA-2X gas compressor		Nitrogen Oxide	1,628	Not Reported
9160668	1/7/2014	Vapor leak on outlet- Emergency Isolation Valve flange of a Finishing Clay Bed Treater	Undetermined	Benzene	101	Not Reported

Exhibit C: Illustrative Table of Violations

Doc ID	Incident Start Date	Source	Comment	Pollutant	Release (lbs.)	Permit No.
9192686	2/2/2014	Pinhole leak in solvent line		Flammable Vapor	284	Not Reported
9273718	2/15/2014	Sample station at TK1661 left open	Preventable	Butadiene	24.5	Not Reported
9229291	2/24/2014	Isopropyl Alcohol Unit	Preventable	Propylene	10,931	Not Reported
9229369	3/5/2014	Flare line leak, RLA-1 unit		VOC	36 per day	Not Reported
9278041	4/19/2014	Neo Acid unit	Preventable	Boron trifluoride	6,133	Not Reported
9460240	8/4/2014	EPLA-W unit	Preventable	Propylene	1,359	Not Reported
9460240	8/4/2014	EPLA-W unit	Preventable	Ethylene	199,632	Not Reported
9460240	8/4/2014	EPLA-W unit	Preventable	1,3 - Butadiene	46	Not Reported
9460240	8/4/2014	EPLA-W unit	Preventable	Benzene	16	Not Reported
9460240	8/4/2014	EPLA-W unit	Preventable	Nitric Oxide	3297	Not Reported
9473638	8/7/2014	Aromatics unit	Undetermined	Flammable Vapor	245,100	Not Reported
9473638	8/7/2014	Aromatics unit	Undetermined	Benzene	149	Not Reported
9473638	8/7/2014	Aromatics unit	Undetermined	Flammable Vapor	1,009	Not Reported
9627224	1/8/2015	RLA-1 Tower safety valve	Preventable	Hydrochloric Acid	10,043	Not Reported
9627224	1/8/2015	RLA-1 Tower safety valve	Preventable	Methyl Chloride	70	Not Reported
9663537	2/10/2015	Heat Exchanger leaking		Butadiene	1,201	Not Reported
9804510	4/6/2015	Flange leak on EPLA-S	Undetermined	Flammable Vapor	7,463	Not Reported
9804428	4/16/2015	EPLA-S cooling tower	Undetermined	Propylene	180,047	Not Reported
9826418	4/28/2015	Aromatics unit		Benzene	51	Not Reported
9836912	5/13/2015	Truck in transit	Not responsible b/c truck was in transit	70% Hexane and 30% Isoprene		Not Reported
9897972	6/12/2015	Heat Exchanger gasket	Preventable	1, 3 Pentadiene	332	Not Reported

Exhibit C: Illustrative Table of Violations

Doc ID	Incident Start Date	Source	Comment	Pollutant	Release (lbs.)	Permit No.
9936905	9/5/2015	Flaring of steam cracking furnace	Sever weather caused disruption to steam supply	Ethylene	2,905	Not Reported
9936905	9/5/2015	Flaring of steam cracking furnace	Sever weather caused disruption to steam supply	Propylene	1,226	Not Reported
9936905	9/5/2015	Flaring of steam cracking furnace	Sever weather caused disruption to steam supply	1,3 - Butadiene	64	Not Reported
9936905	9/5/2015	Flaring of steam cracking furnace	Sever weather caused disruption to steam supply	Benzene	52	Not Reported
9936905	9/5/2015	Flaring of steam cracking furnace	Sever weather caused disruption to steam supply	Nitrogen Oxide	1,250	Not Reported

Total **1,430,430.60**

CLIENT'S WRITTEN CONSENT FOR APPEARANCES BY LAW STUDENTS

Louisiana Environmental Action Network (LEAN) hereby grants its consent for Tulane Environmental Law Clinic student practitioners to appear on LEAN's behalf in any matter in which the Tulane Environmental Law Clinic represents LEAN. LEAN gives its consent in accordance with the Court's local rule governing law student appearances.

Dated: 12/28/2015



Marylee Orr, Executive Director
Louisiana Environmental Action Network
162 Croydon Ave
Baton Rouge, LA 70806

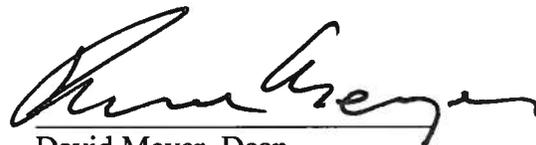
Exhibit E

DEAN'S CERTIFICATION PURSUANT TO LOCAL RULE 83.2.13

I, David Meyer, am Dean of the Tulane Law School. To the best of my knowledge and belief following reasonable inquiry, Tulane Law Students , Terence J. Alost, Francis C. Cannone, Katherine P. Decker , Alison M. Dunbar, Cristel Mary John, Sarah Mae Kalis, Maria Kalousi-Tatum, Suzanne S. Kimble, Michael A. Margherita, Jessica P. Marsh, Robert Pawlinski, Rachael Waxler Ruiz, Amanda M. Serfess, Catherine A. Simon, Emily C. Smith, Gretchen A. Trauth, Katherine D. Van Marter are of good moral character, competent legal ability, and adequately trained to perform as legal interns.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Aug 25, 2015



David Meyer, Dean
Tulane Law School
6329 Freret St.
New Orleans, LA 70118