

December 30, 1998

Carol Browner
Environmental Protection Agency
Washington, DC 20460 fax: 202-260-0279

Ref: A public petition under the 1990 Clean Air Act requesting revocation of the Title V, Part 70 permit issued for Exxon Chemical America's Polypropylene Unit, Permit No. 2581-V0, by Louisiana's Department of Environmental Quality. This petition further asks the EPA to address Environmental Justice and Civil Rights issues associated with this permit and with other permitting in this community and to deny the permit on this basis.

Dear Ms. Browner,

This letter is submitted as a public petition under the 1990 Clean Air Act Amendments (CAA) and the Louisiana Administrative Code 33:III Chapter 5 (LAC 33:III.5). LAC 33:III.5 is the basis for which the EPA delegated Title V permitting authority to the state of Louisiana. This public petition is in reference to the Title V, Part 70 permit issued to Exxon Chemical America's Polypropylene Unit, Permit No. 2581-V0.

This petition is submitted on behalf of the North Baton Rouge Environmental Association and the Louisiana Environmental Action Network, and is submitted via facsimile to the office of the Administrator and by mail to the office of the Administrator.

This petition is our submission of a civil rights violation and complaint under Title VI of the Civil Rights Act. This complaint is alleging discriminatory effects resulting from the issuance of pollution control permits by the state of Louisiana and the Louisiana Department of Environmental Quality occurred in and near the Alsen area of Louisiana, including the north Baton Rouge area. This complaint further alleges that the granting of a permit allowing air emissions from the proposed Exxon polypropylene facility will be a discriminatory act and will create a disparate impact that adds to an existing disparate impact on a racial or ethnic population, creates a disparate impact on a racial or ethnic population or adds to an existing disparate impact on a racial or ethnic population.

In addition to submitting a civil rights complaint, we request that the Environmental Protection Agency and the Justice Department investigate all permitting efforts by the state of Louisiana and determine if civil rights violations have occurred in the past due to effects resulting from the issuance of pollution control permits by state of Louisiana and the Louisiana Department of Environmental Quality in the Alsen and north Baton Rouge areas, and that these and other federal agencies find a method or remedy for alleviating these civil rights violations. We also ask that the proposed Exxon permit for the polypropylene facility be denied as a discriminatory act that will create a disparate impact on a racial or ethnic population and/or add to an existing disparate impact on a racial or ethnic population.

This petition also asks that the proposed Exxon permit allowing emissions in the Baton Rouge nonattainment area be denied because the Baton Rouge

ozone nonattainment area is not making reasonable further progress in achieving ozone attainment and doesn't adhere to the requirements of Title I of the Clean Air Act. Reasonable further progress in achieving attainment is the cornerstone of Title I of the Clean Air Act. Reasonable further progress is defined in Section 171 and is a requirement of Title I of the Clean Air Act. This petition contends that among other problems, the reasonable further progress requirements of Title I are not being met and that the permit for the Exxon polypropylene unit must be denied. These reasonable further progress requirements are stated in, but not limited to, Sections 172(c)(2), 182(c)(2)(7)(8)(9), 182(b)(1), and 189(c)(1)(2).

The Baton Rouge ozone nonattainment area has been getting worse, not better, in the severity and frequency of ozone exceedence episodes since the enactment of the 1990 Clean Air Act Amendments. Recent years have shown an increase in the number of ozone exceedences and in the severity of these exceedences so that we are now worse off than at the start of our required nine year attainment plan. As of December of 1998 there has been no progress in achieving ozone attainment in the Baton Rouge ozone nonattainment area since the enactment of the 1990 Clean Air Act Amendments.

The Baton Rouge area already has four of our eleven monitors out of attainment for November of 1999, which is the end of the nine year attainment program specified in Title I, SEC. 181. CLASSIFICATIONS AND ATTAINMENT DATES. Three more monitors are in jeopardy of becoming nonattainment by November 1999 if they measure one exceedence during the summer of 1999. Baton Rouge has one monitor that recorded four exceedences in 1998 and is therefore already out of attainment for the year 2000.

In 1998, the Baton Rouge ozone nonattainment area had sixteen ozone exceedences, which is the highest number of exceedences in the nonattainment area since 1981. This does not represent progress in achieving ozone attainment, and permitting more emissions can only hurt efforts in achieving ozone attainment.

The addition of the air emissions from the proposed Exxon polypropylene facility will adversely affect the ozone situation in the Baton Rouge ozone nonattainment area, and therefore should not be allowed. The addition of the proposed emissions from the proposed Exxon polypropylene facility will not help and can only hinder the Baton Rouge nonattainment area in achieving ozone attainment and in meeting the ozone attainment and overall air quality requirements of Title I of the Clean Air Act and will not allow reasonable further progress for the purpose of ensuring attainment of the applicable national ambient air quality standard . We ask that the permit be denied for any of these reasons.

The petitioners also request that the contingency measures under Title I, Section 172(c)(9) be implemented.

This petition is being sent within sixty days of the close of the public comment period.

Sincerely,

Marylee Orr
Executive Director

cc: Al Gore, Vice President of the United States