

Ms. Carolyn Laney
LDEQ-OES
Public Participation Group
Environmental Assistance Division
P.O. Box 82135
Baton Rouge, Louisiana 70884-2135
fax: 765-0222

February 8, 2002

Ref: Public comments pursuant to Review No. 28859 & 28628 /AI 2638.

Dear Ms. Laney,

Please accept these comments on behalf of the members and member organizations of the Louisiana Environmental Action Network. These comments are in regards to the proposed permit for the ExxonMobil Refining and Supply Company Tier 2/Low Sulfur Mogas Project.

1) There is insufficient information given in the public notice, the permit application and the permit to determine if the emissions from the Maryland tank farm are correctly applied to the VOC netting analysis. There is no information given to determine what controls were on the tanks that were used to generate the emission offsets and which were used for netting. Since no reference or description of the tanks in the Maryland tank farm was given or made available, an independent analysis of the offsets can't be made. We request that specific and sufficient information about these tanks be made available to the public in order to verify the VOC offsets and the VOC netting analysis.

It would also seem that a clearer description of the tank farm is needed to fully satisfy the requirements of LAC 33:III 531.A.4. Specifically, given the magnitude and importance of the Maryland tank farm emissions to this permit, a complete factual basis for the proposed permit conditions should include adequate information about the tank farm such that an independent verification can be made as regards these emissions.

If sufficient and adequate information about the Maryland tank farm tanks is not available we ask that the emissions associated with these tanks not be allowed for use in the netting analysis, as offsets or as emission reduction credits.

2) The best achievable control technology (BACT) required in this proposed permit for nitrogen oxide control of all the furnaces is inadequate. We ask that selective catalytic reduction plus low-NOx burners plus flue gas recycle be used as BACT for nitrogen oxide control on all six of the furnaces. This is the current BACT for other states and we ask that it be the BACT technology required in this ExxonMobil permit.

3) We wish to protest the approach that the Louisiana Department of Environmental Quality and the Environmental Protection Agency have taken in implementing the requirements of the Tier 2/Low Sulfur program. We are for cleaner air and the advantages the Tier 2 program can bring, but the current implementation penalizes the already overburdened communities living closest to the refineries. The Tier 2 program in its current form will add to the emissions of pollutants that already come from these refineries and therefore further increase the pollution burden on the communities living closest to the refineries, which can be referred to as fence-line communities.

We ask that adjustments be made to the ExxonMobil permit, or adjustments be associated with the ExxonMobil permit to compensate for these increased plant emissions and that these adjustments or compensations not include or rely upon the reduction in automobile emissions that will occur in these same communities as a result of the Tier 2 program. Using Tier 2 automobile emission reductions to justify increased plant emissions will not resolve the problems at the fenceline communities due to Tier 2 implementation. Instead, after the automobile emission reductions are realized at some point in the future, the communities will still have the extra plant emissions while similar communities not located near the refineries will have the automobile emission reductions with no additional plant emissions. This is unfair and ultimately penalizes the fenceline communities.

It is already known that the fenceline community located near and adjacent to the ExxonMobil Baton Rouge refinery is a predominately minority community, see the EPA's draft demographic data analysis associated with the 1998 Shintech environmental justice case investigation. This data showed that the community located near and adjacent to the ExxonMobil refinery is predominately a minority community.

Given that the Tier 2 program in its current form adds a disproportionate burden on the nearest communities and that, in this case, that community is predominately a minority community, we are asking that this permit be considered a violation of Title 6 of the 1964 Civil Rights Act. Further, we ask that granting this permit be considered cause for an environmental justice and/or civil rights violation of the EPA's policies and guidelines and this case be accepted as an environmental justice and/or civil rights case by the Environmental Protection Agency.

Sincerely,

Marylee Orr
Executive Director
Louisiana Environmental Action Network