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Federal Court: Exxon Violated Clean Air Act Over 16,000 Times, Must Pay \$19.95 Million Penalty

Plaintiffs believe this is largest ever penalty in an environmental citizen enforcement suit

HOUSTON – After initially ruling in favor of ExxonMobil Corporation and then getting overturned on appeal, a federal district court has found that Exxon committed 16,386 days of violation of the federal Clean Air Act at its Baytown, Texas, refinery and chemical plant. As a result, the court has ordered Exxon to pay \$19.95 million, which is believed to be the largest civil penalty ever imposed in an environmental “citizen suit,” a citizen-initiated enforcement mechanism Congress included in the Clean Air Act and other federal environmental laws.

In a 101-page decision, U.S. District Judge David Hittner found that Exxon profited – to the tune of over \$14 million – by delaying implementation of necessary pollution control measures, and that the vast number of violations Exxon committed and the 10 million pounds of illegal pollution it released all weighed in favor of imposing a heavy penalty.

Exxon’s illegal air emissions included carcinogens, other toxic air pollutants, and respiratory irritants like sulfur dioxide and ozone-forming chemicals.

“This ruling shows how crucial the citizen enforcement provision of the Clean Air Act really is for Texas residents. It means that private citizens victimized by the world’s biggest polluters can get justice in the American court system, even when government regulators look the other way,” said Luke Metzger, Director of Environment Texas.

At trial, plaintiffs Environment Texas and Sierra Club submitted thousands of pages of Exxon’s own legally mandated reports of violations, and the groups’ attorneys subjected Exxon witnesses to many hours of cross-examination, using Exxon’s own words to prove that the company had violated its state-issued, federally mandated operating permits.

Four members of the environmental groups testified about their personal experiences living next to the Baytown Complex, describing how they have suffered through foul odors, poor air quality, and the fear that each massive flaring event signals a potential explosion.

“Today’s decision sends a resounding message that it will not pay to pollute Texas,” said Dr. Neil Carman, a former air inspector for the Texas Commission on Environmental Quality (TCEQ) and now the Clean Air Program Director for the Sierra Club Lone Star Chapter. “Compliance with air pollution laws and operating permits is mandatory, not optional, and we will not stand idly by when polluters put our health and safety at risk.”

This case follows earlier successful cases the groups brought against Shell Oil Company for violations at its Deer Park refinery and Chevron Phillips Chemical Company for violations at its Cedar Bayou chemical plant.

Exxon’s 3,400-acre complex in Baytown, Texas, is located about 25 miles east of downtown Houston. Tens of thousands of people live within three miles of the complex.

The groups are represented by National Environmental Law Center senior attorney Josh Kratka, attorney David Nicholas of Newton, Massachusetts, and Houston attorneys Philip Hilder and Will Graham.

Sierra Club has approximately 24,000 members in Texas who are protecting parks and wildlands and building a clean energy future to protect human health and natural resources.

Environment Texas advocates for clean air, clean water, and preservation of Texas’ natural areas on behalf of approximately 5,000 members statewide.

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