

**BOBBY JINDAL**  
GOVERNOR



**HAROLD LEGGETT, Ph.D.**  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 16, 2009

Dr. Alfredo Armendariz  
Regional Administrator  
EPA Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202

Dear Dr. Armendariz:

The Bucket Brigade, under a Pollution Prevention Grant received from the Environmental Protection Agency (EPA), released a report called "Common Ground" on December 7, 2009, regarding incidents at 10 Louisiana refineries. According to the report, the Bucket Brigade reviewed data from information refineries reported to the Louisiana Department of Environmental Quality (LDEQ). This information was obtained from LDEQ's Electronic Data Management System (EDMS) through a public record request.

During a preliminary review, LDEQ has already identified the following discrepancies:

- According to the chart in the "Common Ground" report, ConocoPhillips released 3,344,554 pounds of pollution via accidents in 2005, 2006, 2007, and 2008. However later in the report, it states that the refinery emitted 417,484 pounds of pollutants from accidents during these years.
- The Department is not sure if the number listed under the heading "incidents" reflects incidents reported by the refineries or if it also includes complaints reported to the Department. According to a representative of Murphy Oil, of the 87 incidents listed in 2008, 50 were citizen complaints.
- On page 22 of the "Common Ground" report, it states no follow up reports were filed in 2006 by ConocoPhillips; however the data from the Bucket Brigade website states there were eight follow up reports filed.

- The report also indicates that the LDEQ may not have provided all the reports to the Bucket Brigade. LDEQ provided all the information that was in the public record in response to the public records request by the Bucket Brigade.
- The majority of the 2008 incidents for ExxonMobil, Baton Rouge Refinery, were incidents the facility self-reported which did not cause an emergency and were below the reportable quantity. LAC 33:I.3917 requires notification for unauthorized discharges that do not cause an emergency condition only when the unauthorized discharge exceeds a reportable quantity (RQ). Since these incidents were below the reportable quantity, ExxonMobil was not required to submit notification to the Department under Chapter 39.
- Notifications of permit exceedances are required to be submitted by permittees in accordance with general condition XI and R of their air permit. The "Common Ground" report also notes that ExxonMobil failed to provide information for 151 incidents in 2008. However, in most instances, LDEQ was able to find a follow-up report that either indicated that the incident was below the RQ or detailed the cause of the incident.

The LDEQ has contacted the ten refineries referenced in the report and requested that they review their data to address any discrepancies noted and to submit any follow-up reports that are needed for the public record. We are also asking the refineries to review their emergency preparedness and/or contingency plans that address weather related events in regard to start up, shut down and flaring.

The LDEQ would respectfully like to ask the following questions of EPA Region 6 concerning this report and the oversight of grants in general:

- Who at EPA monitors data released in reports that are funded by EPA grants?
- Who at EPA monitors the usage of funds for pollution prevention grants?
- Who at EPA reviewed the data in this report prior to its release to ensure its accuracy?

As stated above, LDEQ will continue to review the report to ensure the public record is complete for all incidents and has also asked the refineries to do likewise. LDEQ is requesting EPA Region 6 also comprehensively review the data in the report if it has not done so already. If you have any questions, please contact Jane LaCour or Keith Jordan with the Office of Environmental Compliance at (225)219-3715.

Sincerely,



Peggy Hatch  
Assistant Secretary