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Groups sue to cut emissions at Chevron Phillips plant

By MATTHEW TRESAUGUE Copyright 2009 Houston Chronicle

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Two environmental groups have asked a Houston federal court to force Chevron Phillips Chemical Co. to reduce harmful emissions at its Cedar Bayou chemical plant in Baytown.

The lawsuit is the second salvo by the Sierra Club and Environment Texas in their attempt to enforce the federal Clean Air Act at refineries and chemical plants in the Houston region.

The two groups allege in the suit filed Wednesday that since 2003, the Cedar Bayou plant has illegally released into the air more than 1 million pounds of toxic pollutants, including benzene and 1,3-butadiene.

Brian Cain, a spokesman for Chevron Phillips, said the company is committed to complying with laws and has reduced emissions.

Last year, the Sierra Club and Environment Texas alleged improper emissions by Shell Oil Co. at its Deer Park refinery and petrochemical complex. The company agreed to reduce emissions there and to pay nearly \$6 million for past violations of the Clean Air Act.

The amount is believed to be the largest penalty in Texas stemming from a citizens' suit seeking enforcement of the federal law.

At issue are emissions events known as upsets, which occur during startup and shutdown, equipment malfunctions, unscheduled maintenance and other unforeseen events. The Cedar Bayou plant has experienced hundreds of upsets over the past six years, according to the environmental groups, which cited state records.

The groups contend that most upsets were avoidable.

"They're 100 percent preventable if the plants invest in the proper technology and follow the law," said Neil Carman, an Austin-based air quality specialist for the Sierra Club's Lone Star chapter.

But Cain, the Chevron Phillips spokesman, said about half of the upsets could be attributed to hurricanes and power outages outside the company's control.

"The groups are operating under the notion that these upset emissions are completely preventable," he said. "The data tells a different story."

The lawsuit is based on a Clean Air Act provision that allows citizens to sue to enforce clean air standards if government agencies fail to do so.

Luke Metzger, director of Environment Texas, said the Texas Commission on Environmental Quality hasn't done enough to stop upsets at

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chemical plants and refineries. He said the groups will file more lawsuits until the state takes a harder line to reduce emissions.

Terry Clawson, a spokesman for the Texas Commission on Environmental Quality, said the state agency has fined the Cedar Bayou plant roughly \$250,000 since 2003.

The plaintiffs ask that Chevron Phillips pay additional penalties and upgrade equipment.

Chevron Phillips, based in The Woodlands, is a joint venture of Chevron Corp. and ConocoPhillips and is one of the world's top producers of olefins and polyolefins that are used to make basic chemicals and plastics.

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