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**FOR MORE INFORMATION:**

Luke Metzger, Environment Texas 512-743-8257  
Neil Carman, Sierra Club 512-663-9594  
Josh Kratka, NELC, 617-599-6979  
David Nicholas, 617-694-2218

### **FEDERAL JUDGE REJECTS EXXON'S REQUEST TO REDUCE RECORD-SETTING \$20 MILLION CLEAN AIR ACT PENALTY**

HOUSTON – In another stinging setback for ExxonMobil in a long-running environmental enforcement case, a federal district judge in Houston denied ExxonMobil's motion to reduce the size of the \$19.95 million penalty the judge had ordered in April to punish the company for committing 16,386 days of violation of the federal Clean Air Act at its Baytown, Texas, refinery and chemical plant.

The civil penalty in the suit brought by Environment Texas and Sierra Club remains the largest 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 9-page decision, U.S. District Judge David Hittner flatly rejected each argument Exxon raised against the validity of his judgment, holding that a motion to alter or amend a judgment is "not the proper vehicle for rehashing evidence, legal theories, or arguments that could have been offered or raised before the entry of judgment." Judge Hittner repeatedly rebuked Exxon for failing "to carry its evidentiary burden" despite having had full opportunities at trial and during numerous rounds of post-trial briefing.

Among other issues, Judge Hittner reaffirmed his finding that Exxon gained over \$14 million in profits by delaying implementation of necessary pollution control measures, and that the seriousness and the long duration of Exxon's violations justified a civil penalty 50% greater than that economic benefit.

Exxon's 10 million pounds of illegal air emissions included carcinogens, other toxic air pollutants, and respiratory irritants like sulfur dioxide and ozone-forming chemicals.

"It is long past time for Exxon to end its legal machinations and delaying tactics, and finally accept responsibility for its actions," said Luke Metzger, Director of Environment Texas, and Neil Carman, the Clean Air Program Director for the Sierra Club Lone Star Chapter, in a joint statement.

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 the National Environmental Law Center; 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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