

SIERRA CLUB PETITION

EXHIBIT 10

IN THE CIRCUIT COURT FOR THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS
CHANCERY DIVISION

PEOPLE OF THE STATE OF)
ILLINOIS, *ex rel.* LISA MADIGAN,)
Attorney General of the State of Illinois,)
)
Plaintiff,)
)
v.) No.)
)
EXXONMOBIL OIL CORPORATION,)
a New York corporation,)
)
Defendant.)

09CH4527, 2

FILED
2009 SEP 28 A 11:23
CLERK OF COURT
WILL COUNTY ILLINOIS

COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney
General of the State of Illinois, on her own motion and at the request of the Illinois
Environmental Protection Agency, complains of Defendant, EXXONMOBIL OIL
CORPORATION, a New York corporation, as follows:

COUNT I

AIR POLLUTION

1. This Count I is brought by LISA MADIGAN, Attorney General of the State of
Illinois on behalf of the People of the State of Illinois, on her own motion and at the request of
the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to the terms and
provisions of Sections 42(d) and (e) of the Illinois Environmental Protection Act ("Act"), 415
ILCS 5/42(d),(e)(2008), and is an action to restrain ongoing violations of the Act and for civil
penalties.

2. The Illinois EPA is an administrative agency established in the executive branch of the State government by Section 4 of the Act, 415 ILCS 5/4(2008), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Defendant ExxonMobil Oil Corporation ("ExxonMobil") was and is a New York corporation qualified to transact business in the State of Illinois. It is registered with the Illinois Secretary of State's Office as a foreign corporation and is in good standing.

4. ExxonMobil is a refiner, marketer and transporter of petroleum products and is a subsidiary of ExxonMobil Corporation of New Jersey. ExxonMobil owns and operates a petroleum refinery located at 25915 South East Frontage Road in Channahon, Will County, Illinois ("Facility" or "Refinery"). The Refinery processes crude oil into a variety of refined products including gasoline and distillates. At the Facility, ExxonMobil utilizes a variety of process emission units and air pollution control equipment, including a Hydrogen Fluoride ("HF") Alkylation Unit.

5. The ExxonMobil Refinery uses the HF Alkylation Unit to produce alkylate for gasoline blending. Hydrogen Fluoride is also called Hydrofluoric Acid, a nonflammable substance. The HF Alkylation Unit includes a HF Mitigation System to mitigate the release of HF in response to a system of detectors designed to actuate fire monitors in the direction of the HF release.

6. Hydrogen Fluoride is an extremely hazardous substance, and is also a hazardous air pollutant. It appears as a colorless, corrosive gas. It fumes strongly, readily dissolves in water, and both the liquid and vapor will cause severe burns upon contact. Acute exposure to HF gas

can cause respiratory damage in humans, including severe irritation and pulmonary edema. It can cause irritation of the eyes, nose, upper and lower respiratory tract, lacrimation, sore throat, cough, chest tightness and wheezing.

7. On information and belief, on April 16, 2009, ExxonMobil removed Pump B from service where it was used during HF Alkylation Unit operations as the pump had failed.

8. On information and belief, on or about April 18, 2009, ExxonMobil discovered that HF and Liquefied Petroleum Gas ("LPG") were leaking from the end of the pipe where it was connected to the pump. At that time, ExxonMobil installed a bleeder blind to seal off the end of the pipe.

9. On information and belief, on August 6, 2009, at approximately 12:20 p.m., an uncontrolled release of HF and LPG, mostly propane, occurred from a ¼ inch pipe nipple attached to a bleeder blind that was installed in the discharge piping from pump B to prevent any leakage of HF and LPG. ExxonMobil estimated the amount of materials released into the atmosphere to be approximately 47 lbs. HF and 3850 lbs. of LPG. Propane is a highly flammable gas and is potentially explosive.

10. On information and belief, an employee was working to prepare for the removal of the hose connected to the Bleeder Blind on the HF Alkylation Unit when the release occurred. At least one other employee was nearby.

11. On information and belief, two employees suffered injuries caused by the release of HF gas and propane and were hospitalized. One was treated and released the same day. The other employee was air-lifted to Loyola Medical Center and remained hospitalized for several

days with serious chemical and/or cryogenic burns on his face despite his protective clothing and mask.

12. On information and belief, ExxonMobil immediately took measures to mitigate and control the release including an emergency shutdown of the HF Alkylation Unit. The release of HF gas was detected by the mitigation system which activated the water deluge or water wall HF mitigation system, designed to control airborne HF gas. Employees were also ordered to shelter in place.

13. On or about August 7, 2009, the HF Alkylation Unit resumed operations after the pump was re-installed following repairs.

14. Section 9(a) of the Act, 415 ILCS 5/9(a)(2008), provides, in pertinent part, as follows:

No person shall:

a. Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination from other sources, or so as to violate regulations or standards adopted by the Board under this Act;

15. Section 3.315 of the Act, 415 ILCS 5/3.315 (2008), defines "person" as follows:

"PERSON" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

16. Defendant is a person as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008).

17. Section 3.165 of the Act, 415 ILCS 5/3.165 (2008), defines "contaminant" as

follows:

“CONTAMINANT” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

18. Section 3.115 of the Act, 415 ILCS 5/3.115 (2008), defines “air pollution” as

follows:

“AIR POLLUTION” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

19. Section 201.141 of the Illinois Pollution Control Board (“Board”) Air Pollution

Regulations, 35 Ill. Adm. Code 201.141, provides as follows:

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

20. The HF gas released by ExxonMobil on August 6, 2009, is a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2008).

21. Defendant has caused, threatened or allowed the emission of HF gas, a contaminant, into the environment in sufficient quantities so as to cause or tend to cause air pollution.

22. ExxonMobil, by its actions as alleged herein, has caused or threatened or allowed air pollution, in violation of Section 9(a) of the Act, 415 ILCS 5/9(a)(2008), and 35 Ill. Adm. Code 201.141.

23. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably

injured and violations of the pertinent environmental statutes and regulations will continue until and unless this Court grants equitable relief in the form of an immediate and, after trial, permanent injunction.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an immediate and, after trial, permanent injunction and an order in favor of Plaintiff and against the Defendant, EXXONMOBIL OIL CORPORATION:

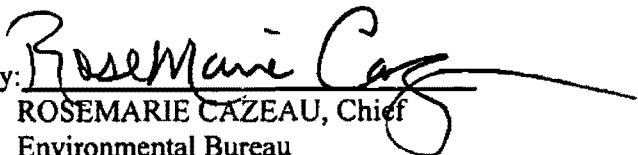
1. Finding that Defendant has caused or allowed violations of Section 9(a) of the Act, 415 ILCS 5/9(a)(2008), and 35 Ill. Adm. Code 201.141;
2. Enjoining the Defendant from further violations of Section 9(a) of the Act, 415 ILCS 5/9(a)(2008), and 35 Ill. Adm. Code 201.141;
3. Ordering the Defendant to take immediate steps to prevent the release of air contaminants from any source, including but not limited to HF gas and propane within the HF Alkylation Unit, and including the prohibition of the use of the Bleeder Blind assembly until a failure analysis, to determine the root cause for the failure, has been completed by an independent consultant, and the results have been approved by the Plaintiff, and, further, prohibiting the use of all bleeder blind assemblies of a similar design and configuration until further order of the Court;
4. Assessing against the Defendant, pursuant to Section 42(a) of the Act, a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act, with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering the Defendant to pay all costs, including Illinois EPA response and oversight costs, attorney, expert witness and consultant fees, expended by the State in its pursuit

of the action; and

6. Granting such other relief as this court deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney
General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
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