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DEC Seeks Legal Action to Require Exxon Mobil to Clean up Petroleum Contamination in Greenpoint Area of Brooklyn

Attorney General to Enforce Violations Against Polluters For Damages to Greenpoint and Newtown Creek Due to Oil Spills

New York State Department of Environmental Conservation (DEC) Commissioner Denise M. Sheehan today announced that the State Attorney General's office has agreed to initiate legal action against ExxonMobil Corporation to ensure that the company fulfills its obligation to clean up petroleum contamination in the Greenpoint, Brooklyn community. The contamination was caused by a number of oil spills and illegal discharges, including a 17 million gallon oil spill first detected in September 1978 that extended 52 acres under the Greenpoint area.

"In New York State, it is our policy that the polluter pays to clean up the contamination it caused, and by taking this action, we will hold ExxonMobil responsible for the cleanup of the Greenpoint area," Commissioner Sheehan said. "DEC has been conducting extensive negotiations with ExxonMobil -- even very recently -- but the company's offers did not meet the State's level of satisfaction that the Greenpoint community would be fully protected by the cleanup and appropriately compensated for the impacts the spill has caused. We have approached the Attorney General's office to begin litigation to ultimately obtain a court decision that successfully holds ExxonMobil accountable."

DEC is seeking the enforcement of numerous provisions of the New York State Environmental Conservation Law (ECL), including, but not limited to, Article 13 (the Fish and Wildlife Law – Marine Resources), Article 15 (the Water Resources Law), Article 17 (Water Pollution Control), Article 24 (the Freshwater Wetlands Act), Article 25 (the Tidal Wetlands Act) and Article 27 (Waste and Refuse), as well as multiple violations of the New York State Navigation Law, public nuisance law and other relevant and appropriate state and federal environmental laws. In addition, DEC is seeking full statutory penalties associated with the violations, the assessment and collection of natural resource damages, comprehensive remediation of the area, and complete recovery of past and future costs related to agency oversight of the remediation activities.

The Greenpoint spill consists of groundwater contamination in the area between Monitor Street and Kingsland Avenue, just south of Greenpoint Avenue, and extending southeast to the vicinity of the Brooklyn-Queens Expressway. The area also has residual petroleum contamination in soil and fill materials. DEC is currently monitoring petroleum product recovery operations as part of a 1990 consent order with ExxonMobil. To date, more than 9 million gallons of oil have been recovered in the plume area, with progress ongoing.

Additional information about the Greenpoint cleanup can be found at www.dec.state.ny.us/website/der/projects/greenpoint/ on DEC's website.

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