CUOMO ANNOUNCES SETTLEMENT WITH EXXONMOBIL TO PROVIDE FOR COMPREHENSIVE CLEANUP OF GREENPOINT OIL SPILL

Oil giant will pay for cleanup of spill as well as related soil and environmental contamination in Brooklyn community

ExxonMobil will also pay $25 million for penalties, costs and restoration of local environment

NEW YORK, N.Y. (November 17, 2010) - Attorney General Andrew M. Cuomo today announced a settlement that commits ExxonMobil Corporation (NYSE: XOM) ("ExxonMobil") to perform a full clean up of its oil spill as well as any related environmental contamination in Greenpoint, Brooklyn. The massive spill has been a source of contamination in the Greenpoint community for decades.

The settlement was filed today in Federal Court in the Eastern District and requires ExxonMobil to pay for the costs of cleaning up the Greenpoint oil spill.

The settlement requires ExxonMobil to conduct a comprehensive cleanup of its oil and related contamination at its Greenpoint facility and in the surrounding community, including oil floating on top of the water table, contaminated groundwater, soil as well as soil vapors. The settlement requires ExxonMobil to keep the cleanup moving forward expeditiously, including specific milestones such as:

- A plan for identifying the scope of the contamination involving oil, groundwater, soil and soil vapor problems must be created within 90 days of the agreement.
- A report on groundwater problems must be done within 120 days.
- A report on soil problems must be done within 180 days.
- A plan to involve the community must be submitted within 90 days.
- A report on the status and progress of the cleanup effort must be submitted quarterly and annually.
- An evaluation of new technology that could be used to speed up the cleanup of the oil must be done within one year.

In addition, the company must also pay approximately $25 million for penalties, costs and improving the local environment. This amount includes a payment of $19.5 million for environmental projects that will benefit the Greenpoint community, which is the largest single payment of its kind in New York’s history.

"For far too long, residents of Greenpoint have been forced to live with an environmental nightmare lurking just beneath their homes, their businesses and their community," said Attorney General Cuomo. "With this settlement, ExxonMobil will be held accountable for fully cleaning up this environmental disaster. This settlement also repairs the damage to the community and will help make it a cleaner and healthier place to live."

In the late 1970s, oil spills from ExxonMobil’s Greenpoint refinery and storage facility were discovered seeping into Newtown Creek, creating a plume of oil floating on top of the water table. Some of the oil dissolved in the groundwater and contaminated surrounding soil. It is estimated that at least 17 million gallons of oil were released underneath Greenpoint and that at least 55 acres of the community are now contaminated as a result.

The approximately $25 million that ExxonMobil will pay under the settlement will be distributed as follows:
$19.5 million will fund “Environmental Benefit Projects” that will benefit the environment in Greenpoint.

$1.5 million will go to New York State to compensate for past cleanup costs related to the spill.

$3.5 million will be available for future oversight costs.

$250,000 in penalties will be deposited in New York's Oil Spill Cleanup Fund and Marine Resources Account.

$250,000 in damages will be used to fund projects to compensate for the damaged natural resources in Greenpoint.

An independent outreach coordinator will be hired to ensure community participation in identifying priorities for the local environmental benefits projects to be funded.

This settlement with ExxonMobil does not incorporate the investigation and cleanup of Newtown Creek because it is a federally-designated Superfund site and is therefore being addressed by the Federal government. The state does, however, reserve all of its rights with respect to the Newtown Creek.

Attorney General Cuomo thanked Riverkeeper, community groups, and officials whose commitment to the cleanup of the ExxonMobil spill and the Greenpoint community set the stage for today's settlement.

Congresswoman Nydia M. Velazquez said, “I am proud to join Attorney General Cuomo today to share this great news for our community. For too long, Newtown Creek has been a symbol of environmental catastrophe, and many had written it off as a lost cause. Today however, we are turning this into a symbol of hope, restoration and community partnership. Along with my colleagues here today, I will continue fighting for the people of the 12th Congressional District to protect our environment and our neighborhoods.”

Congressman Anthony Weiner said, “This is a victory for the environment, our community and the rule of law. The responsibility for this mess is firmly and finally placed where it should be.”

State Senator Martin Malav* Dilan said, “I applaud Attorney General Cuomo for fighting the good fight and holding those responsible for this pollution accountable. Throughout my entire career, I have been a strong supporter of environmental causes. I am proud of the community for banding together and standing behind Greenpoint and Newtown Creek, as we worked to change the tide of more than a century of industrial negligence. I look forward to continuing to work with my colleagues and Attorney General Cuomo as we begin to clean up Newtown Creek and return it to Greenpoint, cleaner and safer for future generations.”

Assemblyman Joseph R. Lentol said, “Attorney General Cuomo has done our community a great service by holding ExxonMobil accountable for its pollution in Greenpoint. We must protect our waterfronts and ensure that future generations are able to enjoy our community’s full potential. I thank Attorney General Cuomo for his service and look forward to working with him in the future.”

Brooklyn Borough President Marty Markowitz said, “I commend our Attorney General and next Governor, Andrew Cuomo, for joining us in this fight to hold ExxonMobil accountable and for standing up for Brooklyn and protecting our environment. In 2006, I was proud to join Riverkeeper, local activists and elected officials in a legal action against ExxonMobil over the massive Greenpoint oil spill, and I am pleased that the lawsuit-and the subsequent action taken by the Attorney General-led to the superfund designation earlier this year.”
Acting Commissioner of the Department of Environmental Conservation Peter Iwanowicz said, “This was the largest oil spill in New York state history and this settlement mandates a comprehensive cleanup for the first time ever in this long-running saga. Previous actions addressed only the underground oil. But, now ExxonMobil must not only continue to pump out the oil but also address all ‘media’ groundwater, soil and air. Further, the settlement also means that ExxonMobil will fund the largest Environmental Benefit Project in state history -- bringing tangible improvements directly to the Greenpoint area. My thanks to all the DEC and Attorney General’s staff that worked diligently to bring this to fruition.”

Executive Director of Hudson Riverkeeper Paul Gallay said, “Today marks an historic turning point for the people of Greenpoint in their long struggle to reclaim their neighborhood from its legacy of industrial pollution. This cleanup agreement is the result of a strong partnership between Riverkeeper and the Pace Environmental Litigation Clinic, who first brought attention to the oil spill, Attorney General Cuomo whose actions were critical to settling these lawsuits, and of course dedicated Greenpoint residents and local elected officials, who supported us over the last eight years.”

Co-Chair of Greenpoint Waterfront Association for Parks and Planning (GWAPP) Christine Holowacz said, “As a longtime resident of Greenpoint, I am thankful to Attorney General Cuomo for reaching such a landmark settlement. The Attorney General’s settlement not only makes ExxonMobil pay to clean up their toxic mess, but it will also empower local citizens to work cooperatively toward the restoration of their community.”

Director of the Newtown Creek Alliance Katie Schmid said, “This settlement agreement is a giant step forward and reflects respect for a community that has been environmentally overburdened for a very long time. The agreement promises funding for community supported environmental projects, a thorough remediation of the oil spill and substantive mechanisms for enforcement. The Newtown Creek Alliance is optimistic that this settlement will mark the beginning of a speedy and inclusive environmental cleanup of ExxonMobil’s Greenpoint oil spill. We appreciate the hard work and dedication of the Office of the Attorney General and the Hudson Riverkeeper, which have secured this strong settlement agreement for Newtown Creek and its neighborhoods and businesses.”

This settlement will resolve claims from a lawsuit Attorney General Cuomo initiated against ExxonMobil in July 2007 for their violation of the federal Resource Conservation and Recovery Act, the federal Clean Water Act, and state law with respect to the Greenpoint oil spill. The settlement is subject to final review by U.S. District Judge Kiyo Matsumoto of the Eastern District of New York.

The Office of the Attorney General will hold a public meeting to discuss the settlement at the Polish Slavic Center (176 Java St., Brooklyn) on November 23 from 6:30 to 9 p.m.

This case was handled by Acting New York City Chief of the Environmental Protection Bureau Eugene Leff, Assistant Attorney General Todd Ommen, and New York City Chief Scientist Jodi Feld, under the supervision of Executive Deputy Attorney General for Social Justice Mylan Denerstein. Department of Environmental Conservation Executive Deputy Commissioner Stuart Gruskin and General Counsels Benjamin Conlon and Alison Crocker assisted with the case.

**Attachment:**

- ExxonMobil Corrective Action Plan
- ExxonMobil Consent Decree

For Adobe PDF files you can download Adobe Reader from Adobe Systems.