

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

STATE OF NEW YORK and COMMISSIONER
of the New York State Department of
Environmental Conservation and Trustee of
Natural Resources,

Plaintiffs,

-against-

EXXON MOBIL CORPORATION and
EXXONMOBIL REFINING AND SUPPLY
COMPANY,

Defendants.

No. 07-CV-2902 (KAM/RML)

NOTICE OF PROPOSED CONSENT DECREE

The attached proposed Consent Decree is hereby lodged with the Court, subject to review by the United States and public comment, as explained below. The proposed Decree is the result of lengthy negotiations among the parties, with the assistance of U.S. Magistrate Judge Robert M. Levy. All parties believe it to be in the public interest and consistent with the statutory and common law authority under which the case was filed.

The State of New York will within three days serve copies of the proposed Consent Decree upon the Administrator of the U. S. Environmental Protection Agency and upon the U. S. Attorney General (and his Citizen Suit Coordinator) pursuant to 40 C.F.R. §135.5. Pursuant to Section 505(c)(3) of the Clean Water Act, 33 U.S.C. § 1365(c)(3), the Decree shall not be entered prior to 45 days following receipt by both the Administrator and the Attorney General of a copy of it.

In addition, because of the importance and public significance of the case, the State of New York is also noticing the proposed Decree for public comment. Notice of the lodging of this proposed Consent Decree, and the opportunity to comment thereon, will be published in the Environmental Notice Bulletin and through additional means. The State will then receive public comments on the proposed Consent Decree during a 30-day public comment period, or longer if extended. During the pendency of the public comment period, no action is required of this Court. After the public comment period has expired, the State will consider any comments timely received and also notify the Court with respect to how to proceed thereafter.

The State of New York requests that the Court take no action with respect to the proposed Consent Decree until the State of New York moves for the entry of the Decree or otherwise advises the Court.

Dated: New York, New York
November 17, 2010

Respectfully submitted,

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Plaintiff State of New York

/s/ Eugene J. Leff
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