



EXXONMOBIL CONSENT DECREE

Newtown Creek

- Newtown Creek is a federally-designated Superfund site
- Newtown Creek is therefore being addressed by the Federal government
- Accordingly, this settlement involves the land-side clean up, and not the creek

Settlement Terms

Cleanup Requirements

- ExxonMobil contamination will be identified and will be cleaned up by the Company.
- All media are covered: “free product” (oil floating on the water table), contaminants dissolved in groundwater, soil contamination & vapors in the soil.
- ExxonMobil will pay for entire cost of clean-up.

Milestones

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.

Additional Cleanup Requirements

- EM required to perform extensive additional investigations;
- EM required to conduct pilot testing of alternative and innovative technologies;
- In the event that seepage into Newtown Creek due to EM occurs, EM must use emergency measures to collect and control the seepage;
- EM will participate in quarterly technical progress meeting.

Additional Cleanup Provisions

- After consultation with OAG, remedies will be selected by DEC;
- Public participation in review of proposed remedies;
- Court oversight of the decree

Settlement Terms

Monetary Claims

\$25M Package

- Environmental Benefit Projects: \$19,500,000 – Largest ever in NY State.
- Additional Penalty: \$250,000 (goes to Oil Spill Fund and Marine Resources Fund).
- Natural Resource Damages: \$250,000 for Natural Resources Damages Restoration Projects.
- Past State Costs: \$1,500,000
- Future State Costs: Up to \$3,500,000

Environmental Benefit Projects

- \$19,500,000 for projects to benefit the environment and public health in the Greenpoint, Brooklyn area
- Environmental areas of concern can include (but are not limited to):
 - water quality,
 - groundwater,
 - open space,
 - reduction of toxic pollution, and
 - air quality

Community Outreach

- NYSDEC and NYSOAG will select an independent community outreach consultant to provide input from the Greenpoint community to the State regarding the general allocation of EBP funds.

Fiscal Administrators

- After receiving the consultant's comments with respect to the community's preferences, NYSDEC and NYSOAG will determine the portion of the EBP funds for each of the EBP fiscal administrators
- NYSDEC and NYSOAG will select non-profit fiscal administrators of the EBP funds based on their experience and expertise in the management of projects to benefit the environment and other relevant factors
- Each Administrator will seek community input and consultation in proposing and designing such projects
- Each administrator will undertake and/or fund EBPs after appropriate community outreach & all determinations with respect to the selection of EBPs will be made jointly by NYSDEC and NYSOAG

Separate Agreement with Riverkeeper

- DEC will meet at least annually with Riverkeeper regarding the status of the site remediation.
- Riverkeeper can submit comments on proposed remedial actions or reports from ExxonMobil.
- Riverkeeper can meet with DEC and OAG regarding its comments.
- If Riverkeeper has concerns with ExxonMobil compliance with the Decree or DEC timeliness, it can raise those concerns with the Court and request a conference.

Final Approval Process

- The U. S. Attorney General and the U. S. Environmental Protection Agency have 45 days to review the decree
- The State will review comments from members of the public
- The State will then ask Federal Judge Kiyo Matsumoto to approve the Decree

Public Comment Period

- The State of New York will receive public comments on the proposed Consent Decree during a 30-day public comment period, until December 23
- Comments should be addressed to:
ANDREW CUOMO
Attorney General of the State of New York
c/o Eugene J. Leff
Deputy Bureau Chief
Environmental Protection Bureau
New York State Department of Law
120 Broadway
New York, New York 10271
- Comments may also be e-mailed to: Exxon.comments@ag.ny.gov
- To request more information, call the Attorney General's Environmental Protection Bureau at 212-416-8446