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Plaintiffs Cheer Hevesi's Call to Suspend ExxonMobil Negotiations until Full Extent of Greenpoint Oil Spill Is Known; Upcoming Greenpoint Meeting Announced

FOR IMMEDIATE RELEASE

BROOKLYN (May 9, 2006) – Attorneys representing over 100 Greenpoint residents in a major lawsuit against ExxonMobil, its environmental engineering firm, and others responsible for the massive Greenpoint oil spill announced their full support for New York State Comptroller Alan Hevesi's call for a thorough, independent analysis and delineation of the spill, estimated to affect 55 or more acres and contain between 17 and 30 million gallons of oil and petroleum products. The offer to use the state's Oil Spill Fund to pay for these independent studies is an important, appropriate, and responsible move by the Comptroller's Office, the plaintiffs claim, which will help protect their lives and property from one of the worst oil spills in the nation's history.

"We welcome this offer and input from Comptroller Hevesi," said former Riverkeeper, Inc. attorney Justin Bloom who is part of the team of lawyers representing the plaintiffs. "He is demonstrating strong and intelligent leadership at a critical time in this long-delayed and inadequate remediation effort."

Additionally, the plaintiffs claim that it is inappropriate for the state to continue to rely on studies conducted by ExxonMobil's consultant, Roux Associates, Inc. "They have been complicit with ExxonMobil in failing to acknowledge contamination, delaying cleanup, and effectively 'managing' the spill in place beneath Greenpoint residents' homes," said Stan Alpert, a former environmental federal prosecutor who is also part of the plaintiffs' law team.

This development and other issues will be addressed by the plaintiffs group at an upcoming special meeting on Wednesday, May 17, 2006, at St. Stanislaus Kostka School Auditorium, 12 Newell Street, Brooklyn, from 7:00 to 9:00 p.m.

The Greenpoint residents are represented by the law firm Girardi & Keese, in partnership with experienced New York environmental counsel Bloom and Alpert. In addition, the legal team has tapped famed industrial pollution fighter Erin Brockovich to lend her experience to helping the Greenpoint neighborhood.

In March of this year the plaintiffs amended their original complaint to include Roux, ExxonMobil's longstanding environmental consulting and remediation firm. The amended complaint claims that the cleanup executed by Roux Associates has been woefully inadequate and, at times, harmful to the environment and to the plaintiffs' health and safety.

Recently, ExxonMobil and the New York State Department of Environmental Conservation (NYSDEC) have proposed a soil and air vapor sampling program in the Greenpoint area, and have stated their intent to use Roux Associates to conduct this program. The Greenpoint residents and their attorneys have objected strenuously to this potential appointment, stating their belief that it would be highly inappropriate to have a named defendant involved in sampling for current contamination levels when there is evidence that they have been negligent during the remediation process.

The plaintiffs further contend that Roux Associates proposes to conduct the sampling in such a way as to mask the true extent of contamination in the area, by comparing the results against "background levels" obtained from contaminated rather than uncontaminated areas.

The plaintiffs are not the only ones that question Roux Associates' methods. Delta Environmental Consultants, Inc., hired by BP Products North America to investigate the oil plume, believed Roux Associates' approach to investigating the spill was flawed. Delta

stated that ExxonMobil's placement of monitoring wells "is contrary to scientifically accepted principles and appears designed more to avoid identifying contamination than to accurately test for it."

Finally, the residents point to Roux Associates' recent statement in a published report that "there have been no documented odor complaints to the NYSDEC that would be indicative of a soil vapor intrusion problem" in Greenpoint. This is in direct contradiction to what residents themselves have experienced and ignores data known to Roux Associates and ExxonMobil.

"Can you believe it?" exclaimed Greenpoint resident Mr. Robert Conlon. "On January 25, [NYSDEC] has a meeting in Greenpoint where scores of residents come out and complain about the sickening gas and oil odors in their homes, and just two weeks later they act like everything is just okay. If they will lie about something as obvious as this, what else are they hiding?"

Roux Associates was recently added as a defendant to an existing lawsuit filed in October of last year in Brooklyn against some of the world's major oil companies, accusing them of allowing millions of gallons of oil to seep under their homes and into nearby water sources, potentially exposing the area to deadly methane gas. The lawsuit alleges that the companies have known about the spill since at least 1978, when a United States Coast Guard helicopter spotted a large oil slick in Newtown Creek which empties into the East River and eventually New York Harbor, but have done little to nothing to fix the problem. The companies ignored the toxic vapor intrusion problem until 2005 sampling by Riverkeeper—*not* NYSDEC—forced them to address the issue.

A subsequent Coast Guard study revealed the massive extent of the oil spill—17 million gallons under 55 acres of land containing active industrial sites and hundreds of homes. The Coast Guard later stated that the spill may be as large as 30 million gallons.

Either estimate dwarfs the famed Exxon Valdez spill in Alaska, estimated at 10.8 million gallons.

The lawsuit brought on behalf of Greenpoint residents contends that the oil spill poses a direct danger to lives and homes. Over time, the oil has made a subterranean migration onto the plaintiffs' properties and under their homes. This trespassing oil spill creates a nuisance and health hazard to those living in the area. Over time, oil and oil by-products release gases that can build up underneath concrete foundations and pavement, creating combustible and toxic pockets of gas beneath homes and driveways.

Little has been done over the decades to clean up the spill. In 1990, ExxonMobil (then just Mobil) agreed to install monitoring wells and booms in the creek, and to start pumping some of the oil out of the ground. In 1995, Mobil installed a handful of offsite wells to recover the oil that had migrated underground away from the spill site. The residents' lawsuit alleges that these actions were insufficient and unreasonable given the size of the spill.

Girardi & Keese is a California law firm specializing in individual and business injury litigation with an emphasis in environmental damage and toxicity lawsuits. The firm has successfully recovered over \$1 billion against the largest companies in the world, including Pacific Gas & Electric, Unocal, ExxonMobil, ChevronTexaco, and Shell Oil.

Stanley Alpert, former Assistant United States Attorney and Chief of Environmental Litigation for New York's Eastern District, heads The Alpert Firm in New York which specializes in environmental law, municipal water district cleanup cases, and property owner pollution suits against contaminating industries.

Bloom was formerly an associate with law firms in Florida, Manhattan, and Brooklyn, a staff attorney with Riverkeeper, Inc., and is currently in private practice, specializing in

environmental litigation and consulting for numerous environmental firms and non-profit organizations on pollution remediation, redevelopment and land use issues.

The amended complaint is available for download from the website www.greenpointvexxon.com, which is maintained by Girardi & Keese. For more information on the lawsuit, please call (718) 383-8980.