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Greenpoint Residents Cheer AG's Pursuit of Exxon in Oil Spill Case

FOR IMMEDIATE RELEASE

BROOKLYN (June 22, 2006) – Greenpoint residents cheered the news yesterday that New York Attorney General Eliot Spitzer will pursue legal action against ExxonMobil Corporation at the behest of the New York State Department of Environmental Conservation. Spitzer's involvement brings long-awaited aggressive enforcement to address the human and environmental damage caused by one of the worst oil spills in the nation's history.

Over 100 residents of the Greenpoint neighborhood in Brooklyn joined a lawsuit filed in December of last year against ExxonMobil and others for endangering their lives and damaging property by allowing tens of millions of gallons of oil and petroleum products to seep underneath their homes and neighborhood for the past four decades. Their lawsuit also claims that ExxonMobil, together with its environmental consultants, have been negligent in failing to acknowledge the contamination and delaying cleanup. The residents are represented by the esteemed California law firm Girardi & Keese, in partnership with experienced New York environmental counsel Justin Bloom and Stan Alpert and famed industrial pollution fighter Erin Brockovich.

"The Attorney General's Office of New York has proven itself to be a powerful enforcer," said Alpert, a former environmental federal prosecutor. "It is our hope now that a real investigation followed by a real cleanup will take place."

Bloom, a former attorney for Riverkeeper, Inc., agrees: "This is a critical turning point for a community that has been seeking strong state leadership and legitimate, transparent movement towards the enforcement of environmental laws and restitution for damages." The Attorney General's action "increases the likelihood of exposing criminal acts contributing to the oily quagmire in Greenpoint."

"This is a great day for the residents of Greenpoint, who might now actually receive justice," said Robert Bowcock, environmental investigator for the attorneys. "It's also a great credit to the persistence of Riverkeeper."

Riverkeeper, a local environmental advocacy organization dedicated to the protection of New York's waterways, initiated legal proceedings against ExxonMobil in 2004 under Federal environmental statutes. Their lawsuit has since been joined by Brooklyn Borough President Marty Markowitz and City Councilmembers David Yassky and Eric Gioia. Sampling conducted by Riverkeeper in 2005 uncovered toxic vapors migrating up through the soil from the spill which led directly to the Greenpoint residents filing their own independent lawsuit.

"This is incredibly positive news," said Riverkeeper President Alex Matthiessen today in a press release. "We look forward to working with the Attorney General, the Department, the Comptroller and all the interested parties to ensure that massive spill no longer poses a threat to Newtown Creek and its communities."

It was reported by the Department of Environmental Conservation in a press release yesterday that Spitzer will initiate prosecution of ExxonMobil on behalf of the Department under numerous provisions of the State Environmental Conservation Law as well as multiple violations of the State Navigation Law, public nuisance law and other relevant and appropriate state and federal environmental laws.

In addition, the Department will now seek 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.

On May 8, 2006, New York State Comptroller Alan Hevesi called for a thorough, independent analysis and delineation of the spill, offering to use the state's Oil Spill Fund to pay for these independent studies.

The residents' original lawsuit, which has been amended to include Roux Associates, Inc., ExxonMobil's longstanding environmental consulting and remediation firm, alleges that ExxonMobil has 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. Since then, ExxonMobil has done little to nothing to fix the problem, ignoring the toxic vapor intrusion problem until Riverkeeper's sampling 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 residents' lawsuit 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.

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 and other resources are 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.