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## Dateline : Thursday, February 15, 2007

### "Suits Me Fine!" Sez New AG

By Shane Miller

It looks like those legal fees are going to keep mounting for ExxonMobil.

Last week, the newly elected attorney general of New York, Andrew Cuomo, announced that he too would be suing the oil giant - as well as four other companies - over the millions of gallons of oil that

leaked into the ground under Greenpoint in the early to mid-1900s, when the creek was an epicenter of oil refining.

"The toxic footprint of ExxonMobil is found all over this area," said Cuomo. "It is ExxonMobil's oil that remains under the homes and businesses, and it is ExxonMobil that has dragged its feet and done as little as possible to address the dangers that it created."

But it isn't only ExxonMobil that Cuomo intends to hold accountable. His office also sent notices of intent to sue to BP, Chevron, Keyspan, and Phelps Dodge for their part in polluting the creek. The notices give the companies approximately 60 to 90 days to come into compliance with certain aspects of the federal Clean Water Act, at which point legal action will commence.

"We also intend to sue BP, Chevron, Keyspan, and Phelps Dodge because they have contributed significantly to the contamination of the creek," said Cuomo, "and we intend to hold them responsible for the cleanup and restoration of the creek."

In addition to ExxonMobil, BP and Chevron also operated storage facilities along the creek that may have contributed to the massive spill. Meanwhile, Phelps Dodge operated a copper smelting plant on the Maspeth side of the creek near the Kosciuszko Bridge, and heavy metals such as copper, lead, and mercury have been found at the site.

As for Keyspan's role in polluting the 3.5-mile waterway, a statement issued by the Attorney General's office notes that predecessors of the company operated several manufactured gas plant facilities on the creek, which leaked petroleum products and volatile organic compounds, in addition to other harmful chemicals, into the ground.

The suit will seek scientific testing to determine the full scope of the environmental contamination, quicker recovery of the oil that



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is still present underground, and a restoration of the creek. It will also seek significant financial penalties.

It is estimated that at one time 17 million gallons of oil were present underneath approximately 100 acres of Greenpoint. Due to some recovery efforts, estimates put the number of contaminated acres at 55. The oil was first discovered seeping into the creek by the Coast Guard in 1978.

"I've lived in Greenpoint with Exxon's oil since the early 1970s," said Christine Holowacz, co-chair of the Greenpoint Waterfront Association for Parks and Planning (GWAPP). "I'm happy with the aggressive action the attorney general is taking."

"The most disheartening thing about Exxon's careless irresponsibility," read a statement issued by Congresswoman Nydia Velazquez following Cuomo's announcement, "Is that this was not a natural disaster. It's only just that Exxon, which caused this mess, is responsible for cleaning it up and restoring real quality of life to the entire Greenpoint community."

The attorney general's legal action is just one of many court cases against ExxonMobil and other companies related to the underground oil spill. Just last month, Councilman Eric Gioia of Long Island City announced that he would be suing ExxonMobil. Joining him in the suit were Greenpoint Councilman David Yassky, Brooklyn Borough President Marty Markowitz, State Senator Martin Malave Dilan, and Assemblyman Vito Lopez.

Several residents have also joined a civil suit against the company. And environmental watchdog Riverkeeper has filed a lawsuit against ExxonMobil on behalf of several North Brooklyn residents to force an expedited cleanup.

"ExxonMobil's days of treating Greenpoint like a dumping ground are numbered," predicted Alex Matthiessen, Riverkeeper president.

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