

Press Release

**For Immediate Release**

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## **Enviro Groups Decry Judge's Exxon Ruling**

We are disappointed in DEP selling out the environment and the public and we are disappointed in the judge's ruling to deny our intervention in the Exxon settlement case. We are looking into appealing the court's decision and other legal actions. Our coalition of environmental groups filed a motion to intervene in the settlement because we believed the people of New Jersey are not properly represented by the DEP. Our motion planned to show that this settlement is wrong and Exxon should be responsible for the environmental damages impacted and would uphold the Spill Act, Natural Resource Damages, and the Public Trust Doctrine.

"DEP sold out New Jersey to Exxon and now the judge has not allowed us to intervene to try to block it. People in New Jersey who have been dumped on by these big corporate polluters deserve to have someone on their side. Too many of our communities are suffering from toxic pollution. Polluters must be held accountable to restore and clean up their mess. We believe that the judge was wrong and we're going to continue our battle to prevent this sell-out of our environment," **said Jeff Tittel, Director of the New Jersey Sierra Club.**

This Exxon settlement is a \$225 million agreement between the Attorney General and ExxonMobil for the environmental damage caused by Exxon's refinery operations in Bayonne and Linden. Bayonne and Linden will be part of a deal that receives only \$225 million when it should be \$9 billion for 1,500 acres of wetland restoration and other damages. Capping the site would mean Exxon would be required to simply fill the site and not completely restore it. So instead of cleaning it up they would this would leave tons of oil and chemicals in the ground. That would mean that the sites would still be contaminated with potential of oil leaking into the groundwater. The next time there is a storm, the toxins end up spreading to people's basements and homes through vapor intrusion. Instead of restoring the wetlands they will only have to cap and pave them. This is a ridiculous shortchange.

"Governor Christie and his DEP are turning their backs on the damage Exxon has inflicted on the Delaware River and its communities. The sweetheart deal cooked up by Governor Christie's DEP along with EXXON's high paid attorneys provides no restoration or remedy for the environments and communities damaged by EXXON on the Delaware River. DEP and Governor Christie are most certainly not representing the interests of Delaware River communities. And so we will continue to challenge the deal in all the ways we can, including going back to court," **said Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network.**

The state government tends to go along with state agencies in court and it is hard to win over a state agency.

The Christie Administration wanted to settle this case fast to be able to use this money to help balance the general fund. This case was filed in 2004 by the McGreevy administration for the damages that Exxon has done to the environment only around the Bayonne and Linden refineries. We had worked and supported the McGreevy Administration on this case. Exxon has been under Administrative Consent Order for the Bayway refinery since 1991 to clean-up the site and they have to do that anyway. Under the new deal, Exxon does not have to clean-up sites to the extent that they had to before. That is a difference between site restoration and remediation. In the original court case, Exxon would have had to restore the site to its original conditions before the spill. They would have to remove all the oil and chemicals and then restore the wetlands to the state. Now Exxon can just cap the site, which is not really a clean-up.

“We obviously disagree with the court's overall conclusion. However, the court did hear and concur with key aspects of our argument so we will continue to pursue the many avenues at our disposal to stop Governor Christie's dirty deal with Exxon. The basic facts remain Governor Christie has abandoned his responsibility to protect the public trust,” **said Dave Pringle, New Jersey Campaign Director of Clean Water Action.**

Over 70,000 people have weighed in against the NJDEP ExxonMobil settlement and today environmental groups helped bring the comments to the Judge's attention. The public is outraged about this sellout by the Christie Administration of the environment and taxpayers. The DEP is siding against the public and against the environment.

"The court's decision to deny intervention status is deeply flawed," **said Doug O'Malley, Director of Environment New Jersey.** "The ultimate goal of Gov. Christie's administration is not aligned with the environmental restoration of Exxon's damages. This settlement is a sell-out, and delivering public comments from tens of thousands of citizens shouldn't be a disqualifier to represent the public interest in court."

It is ironic that the state of New Jersey is represented by Allen Kanner in the Exxon case. Mr. Kanner is a partner in the law firm that just won the largest Natural Resource Damage settlement in U.S. history. He helped the Gulf states win over \$18 billion from the BP Oil Spill. However, here he is working for the NJDEP to settle a \$9 billion case against Exxon for \$225 million. Kanner was hired under the McGreevy Administration, and probably would have liked to litigate this case, but that's clearly not what Governor Christie wants. Christie wants to side with Exxon instead of the environment. It's clear the state of Louisiana did the right thing and in New Jersey did not.

“We believe that the judge was wrong and the DEP does not represent the people of New Jersey. The DEP does not have the same goals or mission as environmental groups. They are more concerned with corporate polluters and protecting Exxon than they are about protecting the environment. The judge also said our appeal wasn't timely. However, the DEP was doing the right thing up until the Governor of New Jersey decided to sell us out to Exxon. We're down but we're not out; we will continue to fight to block this settlement,” **said Jeff Tittel, Director of the New Jersey Sierra Club.**

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