

# **Lawsuit: ExxonMobil polluted river, ignored climate change**

September 29 2016, by Bob Salsberg

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ExxonMobil has polluted the Mystic River while failing to plan for the potentially severe impacts of climate change at its Boston-area fuel storage terminal, according to a lawsuit filed Thursday by an environmental advocacy group.

The lawsuit filed in U.S. District Court by Conservation Law Foundation accuses ExxonMobil of discharging toxic pollutants in violation of the Clean Water Act and other federal laws, and of failing to comply with requirements under its permit from the National Pollutant Discharge Elimination System.

The company denied the claims and promised to fight the suit in court.

Boston-based CLF alleged the company had ignored an "imminent" threat posed by rising sea levels. A storm surge from even a modest hurricane or other significant storm could leave much of the Everett, Massachusetts, facility underwater and result in more devastating pollution to the Mystic River and a smaller tributary, the lawsuit said.

CLF offered flood maps drawn by the Federal Emergency Management Agency to support its warning.

"ExxonMobil is aware of these risks, yet has failed to design and implement protective measures to fortify the Everett Terminal as required under federal law," the suit stated.

The organization announced its intention to sue the company in May, and said it moved forward after the company failed to take steps to address the alleged violations. The action was the first of its kind to be filed in the U.S., CLF said, since attorneys general in several states including Massachusetts announced they were investigating whether ExxonMobil deceived the public or its shareholders about the effects of climate change.

"This lawsuit is yet another attempt to use the courts to promote a political agenda," the company said in statement, adding that it was "based on discredited and inaccurate claims by activists about ExxonMobil's nearly 40-year history of support for climate research that was conducted publicly in conjunction with the Department of Energy, academics and the UN Intergovernmental Panel on climate change."

A company spokesman said in May that ExxonMobil was in compliance with all state and federal rules at the Massachusetts terminal.

The lawsuit seeks unspecified injunctive relief and civil penalties.

"For more than three decades, ExxonMobil has devoted its resources to deceiving the public about climate science while using its knowledge about [climate change](#) to advance its business operations," said CLF president Bradley Campbell, in a statement announcing the suit.

The organization said its legal team would include Allen Kanner, a New Orleans-based attorney who has represented states and other plaintiffs in actions against the oil industry, including those stemming from the 2010 Deepwater Horizon oil spill.

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