NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

STIPULATION PURSUANT TO SECTION 17-0303 OF THE ENVIRONMENTAL CONSERVATION LAW AND SECTION 176 OF THE NAVIGATION LAW BY:

BP Amoco Company, Respondent SPILL NO.9805841

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1. The Department of Environmental Conservation is the agency responsible for the cleanup and removal of discharges of petroleum pursuant to Article 12 of the Navigation Law and Article 17 of the Environmental Conservation Law.
2. Respondent has agreed to cleanup and remove a discharge of petroleum which occurred at the BP Amoco Brooklyn Terminal at 125 Apollo Street in Brooklyn, New York by taking the steps and according to the conditions set forth in the Corrective Action Plan attached to this Stipulation.
3. This Stipulation does not affect the Department's right to pursue any claims that the Department may have against Respondent, including but not limited to, claims for alleged violations of the Navigation Law or the Environmental Conservation Law. This Stipulation does not affect any defenses that Respondent may have to any such claims.
4. Respondent, without admitting liability, consents to the issuance of this Stipulation, waives the right to notice and hearing with respect to the issuance and entry of this Stipulation as provided by law, and agrees to be bound by the terms of this Stipulation, including any attachments thereto.
5. This Stipulation is equivalent to an order pursuant to ECL §§17-0303 and a directive pursuant to NL §176 and is enforceable as such.
6. The Corrective Action Plan may be modified in writing as may be agreed between the parties. The Corrective Action Plan may be modified by the Department in the same manner as a Department permit.
7. The effective date of this Stipulation is the date it is signed by the Department.

11/14/2000
Date

Respondent's signature*

ENVIRONMENTAL BUSINESS MANAGER
Respondent's Title (if corporation)

1/16/01
Date

~~Regional Director~~ Regional Spill Engineer, Region 2

* NOTE: If stipulation is with a corporation, the respondent must be an official, authorized corporate representative.

Corrective Action Plan for Spill No. 98-05841

1. Within 7 days of the effective date of this Order, Respondent shall begin operating the passive Vapor Recovery Trench of the BP Amoco Terminal in Greenpoint, and submit to the Department upon request, vapor-monitoring data, including photo ionization detector (PID) and effluent velocity measurements.

2. Within 45 days of gaining access to Mobil wells for surveying, free-phase hydrocarbon characterization, and gauging, Respondent will submit the results of a hydrogeologic study of the BP Amoco Terminal Property and surrounding adjacent properties when recovery systems are off, when they are on, and when one or the other system is operating separately. In addition, a tidal influence study will be competed in the vicinity of the BP Amoco Terminal. Respondent will also collect hydrogeologic data and other information in regard to the Newtown Creek bulkhead and report on the same. If this study identifies data gaps, Respondent will submit a plan and timetable for filling those gaps. In order to accomplish the hydrogeological study, Respondent requests that the Department ensures that Mobil offers similar reasonable access for Respondent to Mobil wells in the Greenpoint area. The Department will oversee the necessary cooperation between Respondent and Mobil, and will assist in obtaining access from other area landowners if such access is needed to carry out the work addressed in this Corrective Action Plan. Respondent shall allow Mobil and/or its consultants reasonable access to the BP Amoco Terminal property wells to perform a similar survey producing comparable results.

3. Within 60 days of completion and acceptance of the hydrogeologic investigation, Respondent shall submit a Remediation Plan to the Department, detailing the necessary work to upgrade the existing product recovery system. The system will be enhanced to the extent necessary to recover additional product, with the goal of influencing and reducing product levels under the adjacent Long Island Carpet Cleaning Company Facility. The Department agrees that the ability of the existing recovery system to influence the adjacent Long Island Carpet Cleaning Company Facility is contingent on the ability of the Mobil recovery system, specifically recovery well RW-14, to prevent the migration and subsequent recharge of product from the hydraulically up-gradient Mobil property. The Department will oversee the necessary cooperation of Mobil toward preventing product migration onto the BP Amoco Terminal and Long Island Carpet Cleaning Company properties. The Department shall either approve or disapprove the Remediation Plan. If the submittal is disapproved, the Department shall specify any deficiencies and/or required modifications. Within 45 days of receipt of the Department's disapproval notice, Respondent shall submit a revised Remediation Plan that addresses the Department's comments.

4. The Respondent, in conjunction with the Department, shall further investigate possible seepage into Newtown Creek. If observed, the Respondent agrees to investigate methods of mitigating seepage into Newtown Creek through the BP Amoco Terminal property.

5. Within 30 days of receipt of the Department's notice of approval of the Remediation Plan, Respondent shall begin implementation of the approved plan.

6. The approved Remediation Plan shall be made part of this Stipulation agreement between the Respondent and the Department.

7. Any modifications to this Corrective Action Plan or the Remediation Plan shall be mutually approved by the Department and the Respondent.

BP Amoco

BP Amoco Company
Atlantic Business Unit
Northeast Region
Morris Corporate Center 1
Parsippany, NJ 07054
Phone: 973-331-7000
Fax: 973-331-9711

November 14, 2000

Ms. Jennifer Rommel, Engineering Geologist
New York State Department of Environmental Conservation
Region 2
Division of Environmental Remediation
Bureau of Spill Prevention and Response
47-40 21st Street
Long Island City, New York 11101

NOV 15 2000

BP Amoco Brooklyn Terminal, 125 Apollo Street, Brooklyn, New York
Spill Number 98-05841

Dear Ms. Rommel:

Attached, please find a revised Corrective Action Plan (CAP) and a signed Stipulation Agreement. The CAP revisions incorporate action items and provisions discussed, and agreed to, during our November 6, 2000 meeting. As stated during our meeting, BP Amoco wishes to cooperate fully with the New York State Department of Environmental Conservation and appreciates the opportunity to meet with you to discuss issues related to the BP Amoco Brooklyn Terminal.

If you have any questions or concerns, please contact Aaron Lapine of Delta Environmental or myself at your earliest convenience.

Sincerely,

Charles H. Wein
Environmental Business Manager
Atlantic Business Unit

cc: Shawn Croucher, BP Amoco
Rick Demkovich, BP Amoco
Maribeth Dobbins, BP Amoco
Gary Reynolds, BP Amoco
John Laager, BP Amoco
Aaron Lapine, Delta

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Spills Management
47-40 21st Street
Long Island City, NY 11101
Phone: (718) 482-4934
Fax: (718) 482-4098

mailed 1/17/01

John P. Cahill
Commissioner

January 16, 2001

Mr. Charles H. Wein
BP Amoco Company
Atlantic Business Unit
Northeast Region
Morris Corporate Center 1
Parsippany, NJ 07054

Re: BP Amoco Brooklyn Terminal
125 Apollo Street, Brooklyn
Spill # 9805841

Dear Mr. Wein:

Attached please find a copy of the executed Stipulation Agreement and associated Corrective Action Plan (CAP). The effective date of this Stipulation Agreement, applicable to the deadlines set forth in the CAP, is January 16, 2001. Please keep the Department apprized of all scheduled work dates.

If you have any questions concerning this matter, please call my office at (718) 482-4934.

Sincerely,

Jennifer Rommel

Jennifer M. Rommel
Engineering Geologist
Bureau of Spills Management
Region 2

cc: Richard P. Demkovich, BP Amoco
Aaron Lapine, Delta