

SCOMM

77:14

EXXON VALDEZ OIL SPILL SETTLEMENT

DOCUMENT/CASE	LEGAL BASIS	TYPES OF DAMAGES	AMOUNT PAID	TO WHOM PAID	RESTRICTIONS ON USE	WHO DECIDES HOW USED
U.S. and Alaska v. Exxon (Federal Court Alaska) Consent Decree ①	Federal Clean Water Act (CWA) 33 USC 1321(f)	Past and future cleanups, response and assessment (state and federal) Damage to state and federal natural resources	\$900 million less Exxon's cleanup cost from 1/1/91 to final approval of consent decree This is <u>joint</u> recovery for U.S. and Alaska	Federal and state trustees jointly (As directed by state and federal Attorneys General)	CWA requires use for restoring, rehabili- tating or acquiring equivalent of damaged natural resources	Trustees in accordance with MOA
U.S. v. Alaska (Federal Court Alaska) Memorandum of Agreement (MOA) ②	CWA regulations 43 CFR 11.92 and 11.93 40 CFR 300.600- 300.615	1) State cleanup, response and litigation costs through 12/31/90 2) Federal cleanup, response costs through 12/31/90 3) Federal and state cleanup costs after 12/31/90 4) Restoration, rehabilitation, acquisition	Out of the \$900 million: 1) Up to \$72 million 2) Up to \$62 million 3) No stated limit (May effective- ly be limited to \$150 million) 4) Remainder of settle- ment	1) State government 2) Federal government 3) State or federal government 4) Trustees: 3 state 3 federal	1) None 2) None 3) None 4) Restoration, rehabilitation, acquisition of natural resources	1) State Legislature 2) Federal Government 3) State Legislature and Federal Government 4) Unanimous agreement of trustees Failing that, federal judge

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Alaska v. Exxon (State Superior Court) 89-06852 (3)	State law (Statutory and Common Law)	Cleanup, response, assessment, damage to natural resources, lost state revenue (taxes), litigation costs, prejudgment interest	? (No settlement proposal)	To state government	None	State Legislature
U.S. v. Exxon (Federal Court Alaska) Criminal Case (4)	Federal law	1) Fine 2) Restitution	1) \$50 million 2) \$50 million	1) U.S. Government 2) State Government	1) None 2) Only for restoration projects related to spill	1) Federal Government 2) State Legislature