

## Service Station Litigation

The Orange County District Attorney (OCDA) filed lawsuits against several international and regional oil companies that operate over 100 gasoline service stations in the County.

The lawsuits focused on two issues: (1) statutory fines related to the maintenance, monitoring, and reporting of gasoline fueling equipment, including underground storage tanks (USTs), dispensers and associated piping. In particular, the failure to maintain leak alert systems and report releases; and (2) civil penalties and injunctive relief related to the failure to adequately investigate and remediate releases at the stations, with a focus on the gasoline oxygenate methyl tertiary butyl ether (MTBE).

As part of the first issue, equipment, maintenance, monitoring, and inventory reconciliation records for each service station were reviewed to assess compliance with Federal, State, and County regulations, and identify potential releases to the environment. Statutory fines were then calculated for the period of non-compliance for each issue (e.g. failure to maintain a leak alert system).

For the second issue, existing data and documentation for investigation and remediation activities were reviewed for each station. The magnitude and extent of contamination were evaluated, data gaps identified, and a recommended course of action at each station developed.

The defendants negotiated monetary settlements with the OCDA for the statutory fines. In addition, they agreed to perform additional contaminant investigation and remediation activities requested by the OCDA under the oversight of the Regional Water Quality Control Board (RWQCB). For one particular recalcitrant defendant, that party had to retain the OCDA consultant to prepare specific work plans and remedial action plans, have their own consultants implement this work, and then pay for the OCDA consultant to review and approve the actual work performed.