Groundwater Contamination: State of Rhode Island and Shell/Sunoco/CITGO Settle MTBE Litigation



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The Rhode Island Attorney General ("Rhode Island") announced that the office has resolved the State's lawsuit against Shell, Sunoco, and CITGO (collectively "Defendants") alleging soil and groundwater contamination with a gasoline additive methyl tertiary – butyl ether ("MTBE").

Rhode Island had alleged that Defendants and other refiners:

. . . promoted, marketed, distributed, supplied, and sold MTBE, gasoline, and other petroleum products (collectively referred to as "gasoline") containing MTBE, when these Defendants knew or reasonably should have known that MTBE would be released into the environment and cause MTBE and/or TBA contamination of property, water, water supplies, and wells throughout the State in violation of federal and state law . . .

The Defendants were alleged to be liable for polluting soil and groundwater under a variety of theories. Injunctive and equitable relief was sought to abate the alleged continuing nuisance and trespass by removing MTBE from soil and groundwater. Rhode Island also sought:

. . . restitution, remediation and compensatory and punitive damages arising from MTBE contamination of natural resources, public trust resources, groundwater, release sites, public drinking water supply wells, private drinking water supply wells, and other State and public properties and waters . . .

The Defendants are entering into a Consent Judgment without admitting the facts or allegations set forth in the Rhode Island Complaint except as addressing jurisdiction and venue and as necessary for purpose of entry or enforcement of the Consent Judgment.

The settlement with the Defendants requires that they pay $15 million which will be dedicated to emergency response and ongoing MTBE contamination remediation efforts by the Rhode Island Department of Environmental Management.

Rhode Island is stated to have previously entered into settlements with the following entities:

- Hess
- Total Petrochemicals & Refining USA, Inc.
- Marathon
- Conoco
- Exxon Mobil

A copy of the Motion for Entry of Consent Judgment can be downloaded here.