Storage Tank Enforcement: California Attorney General Enters into Settlement Agreement with Grocery Store Chain Addressing 71 Facilities

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The California Attorney General ("AG") and five District Attorneys entered into a settlement with Safeway, Inc. ("Safeway") addressing alleged violations of the state underground storage tank ("UST") regulations. See Case No.: 22CV015135 (Superior Court of the State of California – County of Alameda).

The settlement was entered in the form of a document styled:

Stipulation for Entry of Final Judgment ("Settlement")

The *Settlement* is stated to address Safeway's ownership and operation of USTs at 71 of its retail gasoline station facilities in the State of California from March 3, 2015, through the date of the Complaint.

The violations were alleged to include a failure to install, implement, and operate various spill prevention and safety measures. The violations are alleged to include a failure to:

- Install and/or maintain automatic line leak detectors
- Construct, operate, and maintain secondary containment systems
- Maintain a monitoring system capable of detecting a leak at the earliest possible opportunity
- Continuously monitor and conduct required testing of UST systems
- Properly notify local agencies of the release of a hazardous substance

The *Settlement* states that it does not constitute an admission by Safeway of such alleged violations.

A civil penalty of $7.5 million is assessed. This includes $600,000 to fund several supplemental environmental projects and an additional $500,000 for investigative costs.

Injunctive relief includes:

- Improvement of spill and alarm monitoring
- Employee training
- Hazardous waste management
- Emergency response

The District Attorneys participating in the action included the follow jurisdictions:

- Contra Costa
- Placer
- Sacramento

- San Joaquin
- Solano

A copy of the *Settlement* can be downloaded here.