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Law Offices of Brian Cunha & Associates Settles Pascoag MTBE Case Settlement for 7 Million Dollars against Exxon Mobil



PR Newswire

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PROVIDENCE, R.I., May 31, 2012 /PRNewswire via COMTEX/ -- Providence Superior Court Judge Judith Savage approved a 7 Million Dollar Settlement of a class action lawsuit brought by the citizens of the Town of Pascoag, Rhode Island and the Rhode Island Water District against Exxon Mobil Corporation as a result of the contamination of their well water supply by MTBE in 2001. According to Attorney Brian Cunha, lead Rhode Island counsel, "this finally brings some satisfaction to the citizens of Pascoag after almost 10 years of litigation against Exxon Mobil for the contamination of the Town of Pascoag's water supply." Methyl Tertiary Butyl Ether (MTBE), a gasoline additive that was mandated by the Clean Air Act of 1990, requiring that fuel oxygenates be added to gasoline to reduce carbon dioxide in the air, was first noticed in the Summer of 2001, when a strong disagreeable odor had been reported by various Public Utility District customers. On August 30, 2001, a resident of Pascoag, Rhode Island requested that a sample of his tap water be tested, as it had a bad taste. MTBE concentrations, above allowable state limits, were detected. Thereafter, an investigation by the Department of Environmental Management (DEM) revealed that gasoline containing MTBE had leaked from the Main Street Mobil Gasoline Service Station and contaminated the town's well water. The DEM ordered that the Pascoag well pumping stations be shut down, and arrangements were made to pipe in well water from the neighboring Town of Harrisville.


In 2003 a lawsuit was filed against Exxon Mobil by The Law Offices of Brian Cunha & Associates, P.C. and the New York law firm of Napoli, Kaiser & Bern, LLP, alleging that the use of MTBE in gasoline was among other things, a defective product. The investigation revealed that Exxon Mobil and other oil companies knew MTBE posed a threat to drinking water years before the industry began blending the additive with gasoline. According to lead Rhode Island counsel, Attorney Brian Cunha, "the Pascoag, Rhode Island case was the largest MTBE case in the history of the state." Cunha added that "the documents showed that the oil companies knew about MTBE's problems as early as the early 1980's. The oil industry defended the use of MTBE, claiming that the federal government allowed MTBE to be used with knowledge of its characteristics." MTBE readily dissolves in water and does not cling to soil near a spill site, as most chemicals do. It degrades slowly and travels quickly and travels far in water. "Other dangerous gasoline compounds, like benzene, are rarely found more than 300 feet from a spill site, while MTBE has been found, as in this case, thousands of feet away," said Cunha.


Documents and statements from Exxon Mobil and other oil companies show they knew all this almost as soon as they began producing MTBE in the late 1990's. "When 20 percent of the tanks nationwide were known to leak, they put this stuff in tanks knowing it would make its way to ground water and drinking water supplies," said Cunha.


In this case, the utility and citizens that sued over MTBE were not seeking damages because customers got sick from drinking the additive. Such claims are nearly impossible to prove, said Attorney Cunha. Instead, the damages were to compensate the homeowners for their inconvenience and to the Pascoag Public Utility District to allow them to install new wells, plus pipe lines to bring the water to homes once served by private wells. This includes the cost of putting filters in, digging up dirty soil and installing systems to pump the MTBE


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