

US Supreme Court denies ExxonMobil's appeal in MTBE case

By Meghan Foley Sentinel Staff | Posted: Monday, May 16, 2016 1:45 pm

A Texas-based petroleum company with international ties will have to pay the state of New Hampshire hundreds of millions of dollars for its role in causing widespread MTBE contamination in the state's groundwater.

The U.S. Supreme Court today declined to overturn a jury verdict reached in 2013 that found ExxonMobil liable for the contamination, and ordered the company to pay \$236 million to help with the cleanup.

The company is also expected to pay \$100 million in interest to the state, according to a news release from the SL Environmental Law Group.

The firm's lawyers, along with the N.H. Attorney General, sued Exxon Mobil and 21 other major oil companies in 2003 alleging they used MTBE as an additive in gasoline despite knowing that it would contaminate groundwater, including drinking water. All the companies except Exxon Mobil settled.

SL Environmental Law Group said this is ExxonMobil's final appeal in the case.

In the appeal, ExxonMobil asked the U.S. Supreme Court to find it was treated unfairly in the N.H. courts, according to a news release from N.H. Attorney General Joseph A. Foster.

The decision ends a legal battle that's lasted for more than 10 years.

MTBE is an acronym for methyl tertiary-butyl ether, which is a flammable and colorless liquid that was used as an additive in gasoline starting in 1979. The known carcinogen was banned from being used in gasoline in New Hampshire in 2007.

According to Foster's news release, the money from ExxonMobil will be used to fund projects to clean up and protect the state's drinking water. The fund was created by state legislation signed into law in March.

"This decision upholds what we previously described as the most significant environmental victory in the history of the State," Foster said in the news release. "The Department of Justice appreciates the legislatures' and Governors' support over the many years it took to bring the case to this successful resolution."

Gov. Maggie Hassan said she applauded the court's decision, which "marks the culmination of more than a decade of efforts by countless people across the state, whose hard work exemplifies New Hampshire's vigilance in fighting against pollution that damages our environment and threatens the health of our people."

Under state law, 10 percent of the \$236 million verdict plus interest will go into the state's Rainy Day Fund, after attorneys' fees and costs, she said. The remainder will be deposited into the New Hampshire Drinking Water and Groundwater Trust Fund, she said.

In the Monadnock Region, MTBE-contaminated sites included the campus of Franklin Pierce University in Rindge, and two places along Route 119 in Richmond. The Richmond sites were contaminated years ago by gas leaking into the water supply from the nearby Four Corners Store. The gas tanks were removed, and the store has since been demolished.

A third MTBE site is in the Westport Village of Swanzey where residents say their drinking water wells have been contaminated by MTBE from a gas leak discovered in 1990 at a nearby gas station.