

Motiva to pay \$36.4 million to settle suit in fatal tank explosion

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PHILADELPHIA (AP) - The operator of a Delaware oil refinery has agreed to pay \$36.4 million to settle a lawsuit by the family of a worker killed when a huge tank of sulfuric acid exploded and collapsed in 2001.

Jeffery C. Davis, a 50-year-old boilermaker from Fairless Hills, Pa., was on a catwalk above the tank when it erupted at the Motiva Enterprises refinery in Delaware City. He was presumed to have disintegrated in a flood of leaking acid.

Motiva pleaded no contest to criminal charges related to the disaster in July. The company, which is jointly owned and operated by Saudi Refining Inc. and the Shell Oil Company, had been cited repeatedly for safety violations.

A federal judge in Philadelphia approved the civil settlement Tuesday. Under the agreement, Davis' widow, Mary, would be paid \$12.9 million. The couple's five children would be paid \$2.1 million apiece. Attorney and legal fees account for \$12.1 million.

"Motiva again expresses its deepest sympathies to the family of Jeffery Davis, and recognizes that no amount of money can ever replace the life of Mr. Davis," said Motiva spokesman Shawn Frederick. "We hope the settlement serves as an acknowledgment of our profound regrets while providing the Davis family with a financially secure future."

Investigators said the tank that exploded was poorly maintained and hadn't been designed to store hydrocarbon-laced spent sulfuric acid. A month before the accident, one inspector recommended that it be immediately shut down and repaired. Another distressed inspector warned in a memo that, "This tank farm needs attention now!"

Davis family attorneys Thomas Kline and Matthew Casey said that the settlement, approved two weeks before the case was to go to trial, ensures that the company will be held accountable for its negligence.

"This man died in a fiery hell," Kline said. "This a recognition that the loss of Mr. Davis really meant something."

A county judge in Delaware previously fined Motiva \$296,000 for the accident, which injured six other workers.

Frederick said the company, based in Houston, Texas, was committed to improving workplace safety and has worked to address the factors that contributed to the accident.

Motiva executives weren't charged personally in the criminal case, a decision that angered the Davis family. Mary Davis complained at the time that the plea bargain that led to the fine unfairly allowed company officers to escape liability.

Davis was an employee of maintenance subcontractor Washington Group International of Cleveland. His death prompted Delaware lawmakers to remove a cap on financial penalties for corporations convicted of criminal conduct and pass a new law regulating aboveground chemical storage tanks.