

# \$16.2 million decree in deadly Del. oil blast

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Motiva Enterprises L.L.C. has agreed to pay nearly \$16.2 million to settle a civil lawsuit filed by state and federal regulators following a deadly explosion at a Delaware oil refinery four years ago.

The consent decree, announced yesterday, brings the total disclosed payments arising from the accident that killed a Bucks County boilermaker to more than \$70 million.

Motiva, which sold the Delaware City refinery in May 2004 to Premcor Inc., will pay a \$12 million civil penalty, \$4 million for environmental projects, and \$170,000 to reimburse state and federal governments for response costs.

The civil penalty for the massive spill of spent sulfuric acid is the largest ever in Delaware, according a news release from the U.S. Department of Justice and the Environmental Protection Agency.

"Today's civil settlement reinforces our commitment to seeing that violators will be met with firm and decisive action, so that others will be deterred from breaking our laws, and future catastrophes will be averted," said acting Assistant Attorney General Kelly A. Johnson of the Justice Department's Environment and Natural Resources Division.

The settlement resolves the last of the legal claims against Motiva, which "profoundly regrets the events of July 17, 2001, and the resulting fatality, injuries and environmental impact," spokesman Stan Mays said. "We take these matters very seriously and have worked openly and cooperatively with authorities... to reach this agreement."

Motiva, a joint venture of Saudi Refining Inc. and Shell Oil Co., had agreed two years ago to pay \$36.4 million to the widow and family of Jeffrey Davis of Fairless Hills.

Davis was repairing a catwalk at the top of the 415,000-gallon acid-storage tank when it exploded. His body was never found.

After the explosion, more than 1 million gallons of sulfuric acid, which is used as a catalyst to make high-octane gasoline components, spilled, and 100,000 gallons reached the Delaware River, killing an estimated 2,400 fish and 240 crabs.

In March, Motiva pleaded guilty to negligently neglecting its workers at the refinery and to felony violations of the federal Clean Water Act. The plea came with a \$10 million fine.

Premcor, bought this month by Valero Energy Corp., joined the settlement and agreed to spend \$7.5 million to improve safety at the refinery. Valero will honor the Premcor obligations, spokeswoman Mary Rose Brown said yesterday.

The consent decree is subject to a 30-day public-comment period and final court approval.