

Ex-refinery owner is fined \$10 million

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Motiva Enterprises agreed to pay in a '01 explosion in Delaware that killed a man and spilled chemicals.

Delaware refinery owner Motiva Enterprises agreed to pay a \$10 million criminal fine yesterday for negligence and environmental damage from a 2001 explosion that killed a Bucks County man and spilled more than a million gallons of acid and petroleum products into the Delaware River.

The fine was the largest criminal environmental fine in Delaware history, said Thomas L. Sansonetti, assistant attorney general in the U.S. Department of Justice, which filed the lawsuit with the U.S. Environmental Protection Agency.

"We want other companies that happen to be in the business of dealing with toxic chemicals to pay attention now," Sansonetti said. "I want every corporate manager who reads coverage of this case to ask him or herself if 'there but for the grace of God go I' "

A civil suit, filed by the Justice Department on behalf of the Delaware Department of Natural Resources and Environmental Control, is pending, with fines that could reach as high as \$70 million.

Motiva, which sold the oil refinery last year, has already paid \$36.4 million to the widow of Jeffrey Davis, a 50-year-old boilermaker from Fairless Hills. Davis was repairing a catwalk at the top of the leaking acid tank when it exploded on July 17, 2001. Several members of the Davis family were present at yesterday's hearing, Sansonetti said.

Motiva also has paid at least \$24 million to 12 private parties, according to Shawn Frederick, a company spokesman.

"We have worked openly and cooperatively with investigating agencies, have accepted responsibility for our mistakes, and worked quickly to provide substantial monetary compensation for the injured parties and their families," Frederick said.

The spill killed at least 2,400 fish and 240 blue crabs, state officials have said.

An investigation by the federal Occupational Safety and Health Administration found the accident resulted from Motiva's failure to inspect and maintain the tank that exploded. In 2002 the agency fined the company \$259,000.

"The fines speak volumes as to the misconduct of Motiva," said attorney Thomas R. Kline, who represented Mary Davis in her lawsuit. "If Motiva had not acted so recklessly, this would have been avoided, without any doubt."

Motiva is a joint venture between Shell Oil Co. and Saudi Refining Inc. The refinery, in Delaware City, was sold to Premcor Inc. in May.