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Two refiners settle with Hartford residents

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Several plaintiffs to split \$16 million for effects of underground gas plume

July 17, 2008 - 10:30PM

By SANFORD J. SCHMIDT
 The Telegraph

EDWARDVILLE - A judge has approved a settlement of \$16 million among several Hartford residents and two big refining companies in an ongoing dispute over a huge plume of gasoline beneath the village.

"People are going to start seeing real checks soon," said Mark Goldenberg, one of the attorneys involved in the class action lawsuit.

He said the settlement applies to only two defendants and certain Hartford residents, so there is much more litigation on the way.

The case has been litigated for the past five years. Residents have been seeking damages for loss of property value, loss of enjoyment and use of their property, and for possible medical expenses for longer than five years.

Only two of several plaintiffs, Premcor and Equilon, have agreed to settle. The cases against several other refiners and cases of individuals against various defendants still are pending.

"We're going to tee up the one-on-one cases and starting prosecuting them," Goldenberg said.

He also noted that the class was certified only as to the settlement that was approved Tuesday. A further class certification effort will proceed with respect to the remaining defendants.

Madison County Circuit Judge Dan Stack approved the settlement after a hearing on Tuesday. According to his order, the settlement also includes a large amount of scientific information, specific to the Hartford plume, that the two settling companies have turned over to the plaintiffs.

"We had to be convinced that these two were the less bad of several bad actors," Goldenberg said.

"This cooperation (of Premcor and Equilon) includes making technical data and testimony available for use in litigation involving non-settling parties," Stack's order noted.

Stack also approved 33 percent of the \$16 million for attorneys' fees. He noted that there already has been extensive litigation and intense negotiations in the case, and much more is likely in the future.

The fees will allow the plaintiffs' attorneys some compensation to continue pursuing further claims.

"The continuance of the litigation will without doubt be long and costly," Stack noted.

The non-settling parties are Apex Oil Co., Atlantic Richfield Co., Sinclair Oil Corp., BP Products North America Inc., and several individuals, some of whose identities are not known.

Under the settlement agreement, Premcor and Equilon will jointly pay \$16 million for property damages and loss of property value to any class member who lived in Hartford from Jan. 1, 1984, until July 15 of this year. The class members also are being compensated for loss of enjoyment and loss of use and for medical expenses.

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Goldenberg said his firm, Goldenberg, Heller, Antognoli, Rowland and Short, also has clients who are ill, possibly as a result of the pollutants, such as benzene, that are components of the gasoline floating on top of the water table beneath Hartford.

Those cases will be pursued separately from those who have been exposed to the risks but who have not shown symptoms, he said.

The amount each class member receives will depend on how close they are to the underground plume and on the number of years they have lived there.

Because most of the plume rests north of Hawthorne Street, residents owning real estate or living north of that street will receive a larger share of the settlement amount than those on the south side.

Stack noted that no class members have objected to the settlement, and there potentially are several thousand class members. Only two people have opted out of the settlement, and 92 people had filed claims as of April, when the attorneys filed a motion for approval of the settlement.

Pipeline and refinery releases over decades have created the underground mess. Lawyers point out that the gasoline contains benzene and other toxic substances, which can cause cancer.

Homes in Hartford have burst into flames during high-water periods. As recently as last year, people have had to be evacuated from their homes when they were sickened by the fumes.

The fumes and the problems arise during wet weather, because the gasoline and vapors rest atop the groundwater beneath the village. The plume once was estimated at 4 million gallons. There have been not been complaints after recent heavy rains, following the preliminary phase of a government-sponsored cleanup process.

Some work has been going on for the past few years to clean up the mess, and those efforts continue.

The complaints about the plume have been going on for decades, but each refiner that has operated in the Hartford area has pointed out the problem could be attributed to other refiners.

Decades ago, Standard Oil, Shell and Sinclair owned and operated three refineries in and around Hartford. All three companies have undergone changes of ownership, and all but the original Shell plant have closed.

Last year, Stack ordered the lawyers for two competing class action suits to try to work out a settlement with all the parties to compensate people who may have been made sick from the plume.

That "global settlement" failed, so the case continues to be litigated in pieces.

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brothers wrote:

I'm sorry that the millions are being paid to these families. How many lived there before the refinery was built. Probably none. To make some bucks build in an unsafe, unhealthy place then sue the h-ll out of them. I wonder how many made their living at the plant?

7/18/2008 12:32:27 PM

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hartfordresident wrote:

re: hiroller

We where not from this immediate area, had no idea there were problems until we where here for 5 yrs then had a pipe break on our street. That is when all of the problems came to light for us.

7/18/2008 7:21:30 AM

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hiroller wrote:

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To Harford rez,why did you buy a house in Hartford in the first place? This gas mess has been around for decades.
7/18/2008 6:23:26 AM
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 **hartfordresident** wrote:
Unless you have lived on Hartford & have had to deal with the decline in property value, the fumes in the basements, & not being able to sell your house & just move.Please keep your comments to yourself. This has been a MAJOR struggle for many years for alot of the north residents of Hartford.For those people that think we are all out for free money then I would like to invite you to deal with the fumes &the road construction & see how long your patience last. We have been in Hartford for 13 yrs. & WE WANT TO MOVE BUT NO ONE WILL BUY A HOUSE THAT IS ON TOP OF A GAS PLUME.
7/18/2008 5:51:38 AM
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 **hiroller** wrote:
The price of gas just went up,Bush woke up with a hangover.
What does going to college have to do with living in Hartford? You must be jealous that you're not getting any money from the lawsuit. I have a suggestion for you,go to Hartford on Hawthorne Ave. at the RR crossing,lay down or grab your ankles and wait for a train or tanker truck and guess what,if you live,hopefully you won't produce any kids.
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 **plentyotime** wrote:
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