

## **UNDERGROUND STORAGE TANKS & PETROLEUM DISTRIBUTION**

Moore & Van Allen's environmental attorneys have extensive experience representing petroleum companies in matters relating to the distribution of petroleum products, including but not limited to issues associated with petroleum terminals, petroleum pipelines, petroleum marketing operations and underground storage tanks ("USTs"). Many of our attorneys have engineering or scientific backgrounds, as well as experience, that make it easier for them to understand and communicate complex environmental issues. Our attorneys have experience representing major oil companies, petroleum jobbers, property owners, developers, trustees, executors and petroleum pipelines. In addition, we have several attorneys with work experience at state environmental agencies, the U.S. Environmental Protection Agency and/or the U.S. Department of Justice.

We frequently represent companies in matters relating to underground storage tanks ("USTs") and petroleum distribution facilities including:

- Litigation relating to property damage claims or cleanup costs;
- Personal injury litigation relating to alleged contamination from USTs and petroleum products;
- Enforcement and permitting matters relating to petroleum pipelines and tank farms;
- Innovative remediation projects;
- Requests for reimbursement from UST trust funds;
- Administrative actions relating to compliance with UST regulations; and
- Compliance issues (including UST compliance questions and environmental audits).

Representative matters include (in reverse chronological order):

- Multi-media environmental audit of petroleum distribution facilities (including tank farms) from Texas to New Jersey.
- *USRP v. Langston* (U.S. District Court, Eastern District of North Carolina 2004-2007). Represented the owner of property leased to a convenience store operator. We obtained summary judgment for our client for the cost of cleaning up the UST contamination and the judgment was upheld by the 4th Circuit Court of

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Appeals in an unpublished per curiam decision (No. 06-1528).

- *Shalub, et al. v. Amoco, et al.* (Rebozo Trust case) (United States District Court for the Southern District of Florida 2000-2001). Represented BP in a groundwater contamination case brought by the trustees of the Rebozo trust for cleanup costs and property damages resulting from releases from USTs at former Amoco service station on Key Biscayne.
- *Sherrill, et al. v. Amerada Hess, et al.* (N.C. Superior Court 1995-2005). Peter McGrath and others defended twelve oil company defendants in a putative class action litigation filed by residents located within 2 miles of the Paw Creek petroleum terminals. The plaintiffs alleged that they had incurred medical problems and property devaluation as a result of air emissions (primarily benzene), discharges to creeks, and groundwater contamination. Class certification was defeated and the case was ultimately resolved with approximately 450 local residents.
- *Maynard, et al. v. Amerada Hess, et al.* (N.C. Superior Court 1999-2002). David Fox and Peter McGrath represented several petroleum company defendants in putative MTBE class action litigation. The putative class consisted of approximately 900,000 well owners. Class certification was defeated and the case was settled.
- *Castles Auto & Truck Service, Inc. v. Exxon* (U.S. District Court, Western District of North Carolina 1990-1998). Represented Exxon in litigation relating to alleged groundwater contamination at its Paw Creek terminal. The case was tried before a jury, a defense judgment was entered by the court, the case was appealed to the 4th Circuit Court of Appeals, and ultimately the case was settled.
- *Ashcraft, et al v. Conoco* (United States District Court, Eastern District of North Carolina 1994-1997). The case involved the claims of about 177 plaintiffs for damages (including health injuries, medical monitoring and property devaluation) relating to alleged contamination from a former service station. The case was tried for five weeks to a jury in August of 1997, but was settled before the jury reached a verdict.

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- *Little v. Petroleum World* (N.C. Superior Court 1994-1995). Represented a petroleum jobber that was the owner of underground storage tanks at a convenience store near Hickory, North Carolina. The plaintiff sought to recover property devaluation damages and cleanup costs. Our client was granted summary judgment.
- *Strum v. Exxon* (United States District Court for the Middle District of North Carolina 1992-1994). Represented Exxon against claims of groundwater contamination from a former service station site. We obtained summary judgment on a novel theory of law, and the decision was ultimately upheld by the Fourth Circuit Court of Appeals. *Strum v. Exxon*, 15 F.3d 327 (4th Cir. 1994).
- *Palant v. Exxon* (United States District Court for the Southern District of Florida 1991-1994). Represented Exxon in an action for alleged property devaluation and cleanup costs for a former gas station in Broward County, Florida. The case was resolved after entry of partial summary judgment.
- *Pipkin, et al. v. Union Oil Company, et al.* (N.C. Superior Court 1984-1988). Represented Union Oil Company in one of the first (if not the first) UST mass tort action in North Carolina. The case was brought as a putative class action relating to alleged contamination of a minority community located near a former truck stop in eastern North Carolina. The case involved what would later be referred to as environmental justice claims. Class certification was defeated and the case was settled.