



PRESS RELEASE

Attorney General Frosh Files Suit for MTBE Contamination of the State's Waters

Suit Seeks Damages to Help Fund Clean-up Efforts

BALTIMORE, MD (December 13, 2017) – Maryland Attorney General Brian E. Frosh announced today the filing of a lawsuit against Exxon Mobil and more than 50 other petroleum related companies to recover damages and address the widespread contamination of Maryland's waters with methyl tertiary butyl ether (MTBE).

MTBE is a chemical compound that was used as a fuel additive in gasoline since the late 1970s. MTBE was discharged into the environment from leaking underground storage tanks at service stations and other locations, causing serious groundwater contamination in the State. Although gasoline refiners have since phased MTBE out of Maryland's gasoline supplies and replaced it with ethanol, contaminated groundwater remains.

"Our water is a vital public resource and a source of drinking water for a large number of Maryland residents," said Attorney General Frosh. "These companies knew that the use and sale of MTBE gasoline in Maryland would contaminate the State's drinking water and render a lot of it virtually undrinkable. Together with the Maryland Departments of Health and the Environment, we are bringing this suit to ensure that the State's water resources are restored."

MTBE readily dissolves in groundwater, spreads rapidly, does not naturally degrade, and resists removal and treatment from groundwater. Even small amounts can cause a very foul odor and taste in water. Based on available scientific evidence, there is concern that MTBE may cause cancer.

According to the complaint, "Defendants knew that MTBE was going to contaminate groundwater" as early as the 1980s, but actively promoted its use and took steps to "avoid or obstruct health and environmental-safety research that would have revealed what defendants already knew about MTBE's harmful effects on groundwater."

Defendants include MTBE gasoline manufacturers, marketers and distributors such as ExxonMobil, Shell, Sunoco, BP, Chevron, CITGO, ConocoPhillips, Getty, Hess, and Marathon.

The State's lawsuit seeks to recover the costs of inspecting and cleaning up MTBE contamination, damages for injury to the State's water, punitive damages, interest, and attorneys' fees and costs. The State also seeks an injunction requiring defendants to identify the full scope of contamination in Maryland, test for MTBE in wells, and remove MTBE from the State's water.

Maryland has retained the Law Offices of John K. Dema, P.C., Miller & Axline, and Berger & Montague, P.C., to assist the Office of Attorney General in the litigation. The three law firms represent New Jersey in an MTBE lawsuit brought by that state. Two of the firms also represent Puerto Rico in MTBE litigation, and two of the firms represent the Commonwealth of Pennsylvania.

The full complaint can be found [here](#).