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ADEQ Achieves Landmark Judgement of \$1.3 Million in Civil Penalties and Direct Costs for Underground Storage Tank Noncompliance

PHOENIX (Feb. 23, 2016) – Arizona Department of Environmental Quality (ADEQ) officials announced today the first Superior Court judicial judgment related to state leaking underground storage tank (UST) non-compliance, since the state’s UST laws were overhauled in 1997. William W. Arnett will pay \$1.3 million in civil penalties and direct costs for UST law violations beginning in the late 1980s at his property, 411 N. 5th Avenue in Tucson, Arizona, where a UST used for storing and dispensing gasoline was located. The judgment concludes a September 2010 lawsuit filed by ADEQ and the attorney general’s office against Arnett in Maricopa County Superior Court following many years of effort to work cooperatively with him to clean up soil and groundwater contaminated with gasoline at his Tucson property.

Three reasons this judgment is significant:

- It is the first leaking UST case to result in a Superior Court judicial judgment since the state’s UST laws were overhauled in 1997;
- It establishes, as a matter of law, that defendants in civil actions brought by ADEQ for violations of state environmental laws are not entitled to a trial by jury; and
- It establishes that defendants cannot misrepresent the true owner of a UST to block ADEQ from seeking sanctions against that owner at a later date.

“Our mission is to protect and enhance Arizona’s public health, air, water, and soil, and support environmentally responsible economic growth,” said ADEQ Director Misael Cabrera. “Each and every day, we work cooperatively with our customers to adhere to environmental requirements and best practices to prevent issues from occurring.” Director Cabrera added, “Our next line of defense is to take proper actions, including enforcement, to address threats to our environment when they are found.”

Because the UST owner and operator were uncooperative, ADEQ stepped in and performed the necessary cleanup of Arnett’s gasoline leak to subsurface soil and groundwater to protect public health and the City of Tucson’s drinking water supply. ADEQ’s cleanup work began in October 2012, and was completed in April 2014.

“ADEQ proactively strives to educate and assist our customers to avoid time consuming and costly litigation,” ADEQ Waste Programs Division Director Laura Malone commented. “While we ultimately achieved environmental protection, had Arnett cooperated with ADEQ from the beginning, a positive outcome would have been achieved years sooner and at a fraction of the costs incurred by the state and its taxpayers.”

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ADEQ Achieves UST Landmark Judgement of \$1.3 Million (cont.)

About ADEQ UST Program

ADEQ has three active programs to support state laws regarding statewide UST operations and associated environmental investigations and cleanups. These programs work in concert to ensure proper operation and maintenance of USTs, to protect public health and natural resources through requiring UST owners and operators to undertake timely investigations and cleanups of contamination resulting from UST releases, and to provide funds for these actions when needed. To find out more about these programs, please visit:

<http://azdeq.gov/environ/waste/ust/index.html>

About ADEQ

Established by the Arizona Legislature under the Environmental Quality Act of 1986, the Arizona Department of Environmental Quality is the state agency for protecting and enhancing public health and the environment of Arizona.

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