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Settlement Will Help Clean Suffolk Water

By [JOHN RATHER](#)

WHEN several major oil companies agreed earlier this month to pay nearly \$424 million to settle a federal lawsuit brought by scores of water providers claiming damages from the gasoline additive M.T.B.E., one Long Island provider took the largest share by far.

The Suffolk County Water Authority in Oakdale, which supplies water to more than 1.1 million customers in the county, walked away with \$73.4 million of the settlement. That figure was by far the highest among the Long Island providers and the other more than 150 water companies from 17 states.

Stephen M. Jones, the authority's chief executive, said the money would allow for stepped-up treatment and filtration to reduce M.T.B.E., short for methyl tertiary butyl ether, to below detectable levels of 0.5 parts per billion.

"That's what the suit was all about, and that's what the money is going to be used for," he said.

Mr. Jones said the money would also help stabilize water rates and partly cover past expenses for removing M.T.B.E. from the groundwater the authority wells draw on. The additive and other contaminants are removed using granular activated carbon filters.

The authority, the largest groundwater provider in the country, has detected M.T.B.E. in about 450 of its 600 wells since testing began in 1989. Its suit, filed in 2002 with Suffolk County, was one of many claims filed across the country. Suffolk would receive \$1.43 million in the settlement if it wins approval in the Federal District Court for the Southern District of New York.

Other settlement amounts include \$140,726 for the Franklin Square Water District; \$782,791 for the Water Authority of Great Neck North; \$233,958 for the Hicksville Water District; \$140,726 for the Long Island Water Corporation; \$191,036 for the Nassau County Department of Public Works; \$1,309,459 for the Port Washington Water District; \$237,476 for the Roslyn Water District; \$863,708 for the Village of Sands Point; and \$3,213,135 for the Water Authority of Western Nassau County.

The oil companies that settled — a group including BP, Royal Dutch Shell, ConocoPhillips, Chevron, Marathon Oil, Valero Energy, Citco and Sunoco — would also pay 70 percent for their share of total cleanup costs for the next 30 years. Other oil companies named in the suit, including ExxonMobil, did not settle, and a trial is scheduled for September.

Robert J. Gordon, one of the lawyers for the Suffolk County Water Authority and 144 other water companies, said the overall settlement was the largest in the history of M.T.B.E. litigation.

M.T.B.E. gives water the odor of turpentine in amounts as low as one part per billion. High doses caused cancer in rats in testing by the federal [Environmental Protection Agency](#), although the health effects of small amounts are not known. The additive, which is highly soluble in water, reaches groundwater from leaking underground gasoline station tanks and in spills. Long Island is solely dependent on underground aquifers for its water supply.

A groundwater contamination consultant, Walter Hang of Toxics Targeting Inc. in Ithaca, N.Y., said the settlement fell far short of what the water authority and other Long Island providers would need to pay for well-water cleanup and to cope with future problems.

“Most of the M.T.B.E. pollution is still shallow and has yet to impact the drinking-water supply wells,” said Mr. Hang, whose company compiles and sells data on soil and water contamination. “As it goes deeper, more and more wells will be impacted.”

Mr. Hang said the settlement provided no money for removing M.T.B.E.-contaminated water before it reached wells, a step he called imperative to avoid future problems.

Mr. Jones said the authority’s wells ranged in depth from 70 feet on the Island’s North Fork to 800 feet in Babylon and Islip, and averaged about 250 feet. He said M.T.B.E. tended to be found in shallower wells. He said it was possible that levels of M.T.B.E. would increase.

New York banned M.T.B.E. in 2003. It is banned in 22 other states and is no longer used by oil companies.

Mr. Jones said he had heard of no threat to groundwater from corn-derived ethanol, which oil companies now use as an additive. Mr. Hang said the impact of ethanol has not been adequately studied.

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