

House Republican Press Release

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Rep. Hamzy: Plymouth Family Suffering from MTBE Exposure to Receive Compensation



Governor Rell Signs Bill to Compensate Ferreira Family for Lawyers' Fees, Legal Costs Stemming from MTBE Exposure

Governor M. Jodi Rell has signed a bill into law that will enable the Ferreira Family of Plymouth to be compensated for attorneys' fees and costs they incurred for legal action relating to damages they suffered when they were exposed to MTBE that seeped into their well from a damaged underground gasoline storage tank located on a nearby property, said state Representative William A. Hamzy, the original sponsor of the legislation.

The legislation (Senate Bill 1258), which was signed into law by Governor Rell July 5, 2007, includes language from the measure (House Bill 6559) originally sponsored by Representative Hamzy, R-78th District, earlier this year to provide compensation for the Ferreira Family from the state's Underground Storage Tank Fund (UST).

The family lived near a property formerly owned by Dairy Mart, which used to operate a gasoline station there. In 1997, Dairy Mart's underground storage tank leaked and contaminated the Ferreriras' well with MTBE. The Ferreriras and their children were exposed to the water for about two years before Dairy Mart admitted its storage tank had leaked and was responsible for the MTBE that seeped into the family's well. Family members have developed several ailments as a probable result of exposure to the contaminated water, Representative Hamzy said.

The family sued Dairy Mart to recoup costs they incurred to clean up their property and connect to water lines. However, the company declared bankruptcy, and the family had to pursue compensation for hundreds of thousands of dollars in legal fees and other expenses through the UST. Unfortunately, a law adopted in 2005 prevented the Ferreriras from being compensated for those expenses from the fund, Representative Hamzy said.

"The UST fund was set up to provide relief to people like the Ferreriras who have been harmed by the illegal release of harmful substances into underground drinking water. The legal fees owed by the Ferreira family are substantial and have continued to grow because of the length of time their claim has been pending," Representative Hamzy said. "The Underground Storage Tank Petroleum Clean-Up Review Board has postponed or tabled their claim several times. While the Ferreriras' fees were eligible for payment from the fund when they first submitted their claim in 2001, the law was subsequently changed to make their eligibility for compensation questionable, and a cap was placed on the amount of attorneys' fees that could be paid from the fund."

"The Ferreira Family has suffered from Dairy Mart's negligence and from technical changes in the law that have prevented them from receiving the compensation they deserve from the UST fund. This new law rectifies that injustice. I'd like to thank my legislative colleagues for supporting this measure and Governor Rell for signing it into law," Representative Hamzy said.

The new law (Public Act 07-192) allows persons who filed claims on or before March 31, 2003, against the UST fund to collect interest accrued on attorneys' fees. It also exempts applications filed on or before June 30, 2005, from the five and ten-thousand-dollar limits on attorneys' fees imposed by state law, Representative Hamzy said.