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District Attorney

PRESS RELEASE

APPELLATE COURT AFFIRMS ORDER THAT PETROLEUM COMPANIES PAY THREE MILLION DOLLARS IN CIVIL PENALTIES FOR ENVIRONMENTAL VIOLATIONS RELATING TO UNDERGROUND STORAGE TANKS

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People v. Golden Gate Petroleum Co. et al; Case No. MSC07-02593

Monterey County District Attorney Jeannine M. Pacioni announced today that the First District Court of Appeal, Division Five, has issued a unanimous opinion affirming an order against Golden Gate Petroleum Co., Bay Area/Diablo Petroleum Company, Dennis O'Keefe and Westgate Petroleum Company, Inc., (collectively referred to as Defendants). The order imposed penalties for violating the terms of a prior judgment related to the operation of underground storage tanks. The opinion affirms a decision of the of the Contra Costa Superior Court in an action brought in the name of the People of the State of California by the California Attorney General and the District Attorneys of Monterey, Alameda, Santa Clara, Sonoma, Humboldt, Lake, and Mendocino counties.

The People had previously brought a lawsuit and obtained a judgment against the Defendants for an injunction and six million dollars in civil penalties, of which three million dollars were suspended conditioned on the defendants strict compliance with the injunction. However, the Defendants committed violations of the injunction at ten different locations including the Golden Gate Petroleum facility on San Juan Road in Monterey County. As a result, the Monterey County District Attorney's Office joined with the other offices in bringing this action to have the previously suspended penalties imposed on the Defendants. On March 13, 2017, following a contested hearing, the Contra Costa Superior Court ordered the defendants to pay three million dollars in civil penalties. The Defendants appealed on April 3, 2017, but on January 24, 2019, the Appellate Court concluded that Defendants had failed to demonstrate any error. The Court of Appeal's decision will become final in 30 days. The Defendants have not indicated whether they will seek to file a petition with the California Supreme Court to review the decision.

The violations in Monterey County were investigated by Environmental Health Specialist Matt Krenz of the Environmental Health Division of the Monterey County Health Department. The District Attorney's Office brings actions such as these to protect public health and safety and to ensure that businesses comply with their legal responsibilities to safeguard the environment.