

Environment

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Lawsuits filed over gas spill

Driver untrained, brakes were bad, suits charge

By JOHN ROBINSON
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SANTA CRUZ — The driver of a gasoline tanker truck which overturned on Highway 17 spilling thousands of gallons of fuel into Carbonero Creek was untrained, incompetent and driving a truck with misadjusted brakes, according to a lawsuit filed by the county.

The county and the Scotts Valley Fire District have filed civil lawsuits against Petroleum Delivery Inc. and driver Joel Ronald Koppi, seeking unspecified punitive damages and cleanup costs associated with the Aug. 29 spill.

The spill closed Highway 17 for hours, killed thousands of fish in Carbonero Creek and cost more than \$300,000 to clean up.

"This is a pretty gross case," said Phillip Passafiume, an attorney for the Scotts Valley Fire District. "This driver was unleashed on Highway 17 — which is dangerous enough — to drive thousands of gallons of gasoline in a truck with bad brakes. Combine that with the fact that he had no experience or training makes for gross misconduct."

A spokesman for Petroleum Delivery Inc., of Paramount, said the company had not seen the lawsuit and refused to comment.

The lawsuits contend that Koppi, 32, had been hired by Petroleum Delivery and assigned on his first day of work to drive a tanker truck over Highway 17 despite the fact that he had never driven such a truck before and was given no training by the company.

The suit contends that Koppi also was not wearing glasses, as required on his license. The truck also was found by the California Highway Patrol to have six of 10 brakes out of adjustment.

Koppi pleaded not guilty to a variety of traffic violations stemming from the incident. He was found guilty on Dec. 5 of making an unsafe turn, not wearing corrective lenses as required on his license and driving an unsafe vehicle.

The spill happened at 4:15 a.m. when



Scotts Valley firefighters were sent to clean up large gasoline spill on Highway 17.

Dan Coyro/Sentinel file

Koppi attempted to change lanes suddenly and flipped the tanker trailer on the southbound lanes of Highway 17 near Mount Hermon Road. The tanker ruptured, spilling 4,300 gallons of gasoline which ran across the highway, into a culvert and emptied into Carbonero Creek.

The resulting spill killed thousands of fish and required a massive cleanup effort.

Passafiume said Scotts Valley Fire District is responsible for the costs of emergency crews which responded to the accident. They included workers from nine different agencies, including

firefighters from around the county and emergency medical and hazardous materials teams.

The cost to Scotts Valley Fire District alone is more than \$27,000.

Passafiume said that Petroleum Delivery Inc. has failed to respond to both the county and the fire district demands for payment.

"The Scotts Valley Fire District is not a litigious group of folks," Passafiume said. "Firefighters are not in the habit of filing lawsuits but we're basically left without another option. Frankly I'm surprised they're not communicating."

The county also claims that Petro-

leum Delivery Inc. has failed to respond to its demands. The county suit seeks repayment of cleanup costs and unspecified damages. Costs of the cleanup are estimated to be in excess of \$300,000.

Despite early fears, county officials said it appeared the gasoline was cleaned up before it seeped into groundwater and threatened water supplies in the area.

The county suit, however, also seeks an injunction to force Petroleum Delivery Inc. to submit a monitoring plan for the area, something the company agreed to do, but failed to follow through on, according to the lawsuit.