



OFFICE OF THE DISTRICT ATTORNEY  
CONTRA COSTA COUNTY

*Mark A. Peterson*  
DISTRICT ATTORNEY

January 31, 2017

**Press Release**

**BART to Pay \$1.275 Million Settlement in an Environmental Prosecution Case**

**BART Failed to Implement Plans Notifying First Responders of the Presence of Large Quantities of Hazardous Materials at Its Facilities Throughout the Bay Area.**

**Martinez, , CA** – The Contra Costa County Office of the District Attorney, along with District Attorneys from Alameda County and San Mateo County, announced today that Alameda County Superior Court Judge Morris Jacobson has ordered San Francisco Bay Area Rapid Transit District (BART) to pay **\$1.275 million** as part of a settlement of a civil environmental prosecution alleging that the transit agency failed to implement hazardous materials business plans at facilities throughout the three counties as well as violating aboveground storage tank, underground storage tank, and hazardous waste laws.

The judgment agreed to by BART, resolves allegations made in a civil enforcement lawsuit filed January 31, 2017 in Alameda County and covers environmental violations dating back to January 2010. The lawsuit claimed that at over 30 of BART's 190 facilities throughout Alameda, Contra Costa, and San Mateo Counties, BART unlawfully failed to establish and implement a hazardous materials business plan for emergency response to a release or threatened release of hazardous materials. These hazardous materials included large quantities of diesel fuel, petroleum, sulfuric acid contained in industrial batteries, and fire extinguishing chemicals. The lawsuit further alleged that at these and other facilities, BART violated its environmental obligations related to its aboveground storage and underground storage of petroleum, and its hazardous waste.

"The protection of the public and the environment from dangerous hazardous materials through the enforcement of environmental protection laws is and always will be a high priority," say District Attorney, Mark A. Peterson.

"I am committed to ensuring both private and public entities comply with environmental laws enacted to protect our community and environment."

In January of 2014, during routine compliance inspections, hazardous materials inspectors from the Alameda County Department of Environmental Health observed large aboveground storage tanks containing diesel at BART facilities in East Dublin/Pleasanton, West Dublin, and Castro Valley. These tanks, which contained 500

to over 1,700 gallons of diesel, fueled backup generators and were located in close proximity to areas accessed by thousands of BART commuters each day. Despite the presence of large quantities of hazardous materials, BART had never implemented a hazardous materials business plan for any of these facilities as required by law. These plans contain critical emergency response information for first responders, such as firefighters, and BART employees, should there be a release or threatened release of hazardous materials into the environment. These hazardous materials business plans are designed to ensure the protection of the public and the environment in the event of a hazardous materials spill.

The violations were brought to the attention of the Alameda County District Attorney's Office Environmental Protection Division who then conducted a follow up investigation with the District Attorney's Offices' Environmental Protection Units of Contra Costa County and San Mateo County. The Contra Costa Health Services Hazardous Materials Program and San Mateo County Environmental Health Division also conducted inspections of all BART facilities in their respective Counties. The follow up investigations revealed that BART's failure to implement hazardous materials business plans was more widespread and covered over 30 BART facilities in the three counties. The investigation also revealed that, at numerous other BART facilities, BART was committing violations of California's aboveground storage tank, underground storage tank, and hazardous waste laws.

BART was cooperative throughout the investigation and worked hard to bring their agency into substantial environmental compliance. During the investigation, BART hired an third party to conduct an audit of its environmental management programs and the audit identified areas of improvement related to hazardous materials, aboveground storage tanks, and hazardous waste. As part of the settlement, BART agreed to implement the recommendations from this audit.

Under the settlement, BART must pay \$675,000 in civil penalties and \$300,000 to reimburse the costs of the investigation. As part of the settlement, BART must also commit \$300,000 to an additional environmental compliance position, for a total of two such positions for the next two years. BART will also be bound under the terms of a permanent injunction prohibiting similar future violations of law

This case was handled in Contra Costa County by Deputy District Attorney Stacey Grassini, for any further information please contact him at 925-957-8604.

The BART contact for inquires is Alicia Trost, Communications Department Manager at 510-464-6154, [atrost@bart.gov](mailto:atrost@bart.gov)