

Rialto banking on wrong strategy

Our view: City's legal battle over perchlorate just isn't paying off.

Article Launched: 07/16/2007 12:00:00 AM PDT

When is enough enough? When should the city pack it in and call in the big dogs? Rialto has been fighting for a decade to get suspected polluters, including major corporations and the Pentagon, to pay the costs of cleaning up perchlorate that has contaminated the city's wells. But the extended legal battle has cost more than \$18 million to date and could edge up a lot higher.

And while Rialto's city attorney seems content to play David to the suspected polluters' Goliath - albeit, with the help of a cadre of top-notch lawyers - it's chiefly customers of the city's water utility that have had to bear the burden, and the brunt of the costs, which roughly equal the Police Department's annual budget.

The city's water agency serves about half of Rialto. Fontana Water Co. and West Valley Water serve the rest. And so, it is about half of Rialto residents who are footing the bill for the city's legal juggernaut. The surcharge on ratepayers' water bills starts at \$6.85 a month, and rises from there.

If Rialto eventually wins its case in court, resident ratepayers will be reimbursed. But that could be a long time in coming. Meanwhile, the total for actual cleanup could amount to \$300 million. As the fight drags on, even the council has become leery, without seeing much in the way of results.

And although the city is entirely justified in wishing to see the actual polluters pay for the cleanup - and ultimately pay back city ratepayers - it is dumbfounding how the city has allowed things to get this far, without calling in the cavalry.

Why won't Rialto ask the feds for help? Why has the city insisted on going it alone, without bringing in the resources of the Environmental Protection Agency? We're sure city ratepayers would like to know the same thing - why Rialto has been so reluctant to do the obvious thing.

"I think going with EPA and the Superfund program is probably the strongest mechanism a city or community has," said Penny Newman, executive director of the Center for Community Action and Environmental Justice. "I'm always amazed that people - communities - shy away from that."

Indeed, Rialto has become almost territorial in pursuing the fight on its own. It's almost as if time and money were no object. But heck, why not, if the ratepayers are paying for it?

The city's attitude is getting perturbing. With the price tag reaching into the millions, it's time to regroup. The city needs to take a more regional approach, and pronto. And spread out the costs.

Rialto, to its credit, initially considered going with the EPA. But after looking at a variety of Superfund projects, and finding that each took 17 to 27 years to start cleanup, the city felt it would take too long, said City Attorney Bob Owen.

So, this is any better? How long does the city expect ratepayers to keep fronting litigation costs? Hopefully, not up to the \$300 million mark of actually cleaning up the perchlorate.

The state Water Resources Control Board plans hearings in August. At that time, it could order three suspected polluters - Goodrich, Pyro Spectaculars and Emhart Industries, parent company of Black and Decker - to remove the contamination.

Then again, those companies all have been fighting long and hard to delay any consequences.

"It's gone from bad to worse, to untenable," said Michael Whitehead, president of the San Gabriel Valley Water Co., which owns Fontana Water Co. Whitehead and Anthony "Butch" Araiza, general manager of the West Valley Water District, both have urged Rialto go with a regional coalition that joins hands with the EPA.

Rialto has been fighting for cleanup of the Rialto-Colton Basin, without regard for pollution of West Valley and Fontana wells. And while a fault separates them, making it more difficult to prove who caused the contamination of the other wells, it's all the more reason for a regional approach.

Yet Rialto persists in its one-sided struggle. "This city's involved in possibly its largest legal battle ever in its history," Owen said as if in self-defense. "Now is not the time to blink."

That strategy is entirely too myopic. Rialto needs to open its eyes, for the sake of city ratepayers. Better to lean on the EPA - and save residents the money, and the aggravation.

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