

Rialto takes perchlorate stand

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According to the most recent Study by the Center for Disease Control, perchlorate in drinking water, even at low doses, is a threat to the thyroid function of many of U.S. women, and to brain and nervous system development in children. By 2002, it had become apparent that a 6-mile-long plume of perchlorate, a key ingredient of rocket fuel, and trichloroethylene (TCE), a hazardous solvent phased out of industrial use by the 1980s, contaminates the otherwise pure groundwater aquifer that supplies drinking water for the city of Rialto and the Rialto Utility Authority.

The source is a World War II ordinance depot later used for manufacturing by large defense contractors and fireworks manufacturers. The contamination comes from land now used by San Bernardino County for its Mid-Valley Sanitary Landfill, to the west, and a 160-acre site to the east occupied by Goodrich Corporation, Emhart (Black & Decker), Pyro Spectaculars and other manufacturers.

In response, the Rialto City Council adopted a policy of shutting down contaminated wells to avoid serving perchlorate in any amount to its citizens. Initially, perchlorate concentrations were detected in the dozens to several hundred parts per billion (ppb). Additional investigation and testing found perchlorate as high as 5,000-10,000 ppb, the highest level in the nation in a domestic water supply. The state of California action level is 6 ppb.

Protecting citizens' health is paramount, but the potential effects on business, development and the city's finances are also dire. Installing wellhead treatment costs millions, and operational costs add millions more. With the new 210 Freeway, parts of the city are poised for increased development and employment. But if the city cannot assure a 20-year supply of water, state law prohibits local development.

Projected costs for the cleanup run as high as \$200 million to \$300 million.

Initially, Rialto turned to the U.S. Environmental Protection Agency (EPA) and the California Regional Water Quality Control Board - Santa Ana Region (RWQCB) for assistance. EPA undertook some studies and issued investigation orders to some of the dischargers. At the time, the Bush administration, under pressure from major defense contractors that had used perchlorate nationally and the Pentagon, resisted adoption of a federal cleanup standard or rigid enforcement by the EPA. EPA took no further action, and deferred to the state of California.

The first prosecution effort by the RWQCB ended in a dismissal for lack of evidence. In 2003, Rialto turned to San Bernardino County and asked it to take steps to control the perchlorate from its Mid-Valley Landfill. Through then-supervisor Jerry Eaves, the county declined to offer Rialto any help and denied the extent of the contamination later confirmed by more testing.

Faced with ineffective action from EPA and the regional board, a rejection of liability from the county, and some expiring statutes of limitation, Rialto brought suit in federal court in 2004 to make the large corporate polluters and insurance companies - rather than its own citizens - pay for the cleanup.

Through investigation of activities as far back as the 1940s, and under federal discovery authority, a mass of evidence was collected and delivered to the RWQCB and EPA. Using some of this evidence, Rialto was successful in November 2005 in obtaining a Clean-up and Abatement Order from the RWQCB that requires the county to clean up the perchlorate emanating from the landfill. By late 2006, the RWQCB began a further prosecution of Goodrich, Emhart/Black & Decker and Pyro Spectaculars, supported in substantial part by the evidence from the federal litigation.

Rialto's strategy is straightforward: use the federal litigation to supply evidence to EPA and the regional board with the objective of obtaining orders for cleanup of the basin. California law requires such a lawsuit to invoke the decades of insurance coverage of many of the dischargers, some of whom otherwise lack funding.

Rialto's objective has always been to play a supporting role to federal and state agencies to obtain the orders for prompt cleanup. That strategy has worked as to the county and its landfill.

The current State Water Board prosecution, which goes to hearing in Rialto Aug. 21-30, will hopefully result in a cleanup order on the eastern part of the plume as well. Rialto will participate and assist the RWQCB in presenting important evidence.

If that hearing, which has been delayed four times by the large, well-funded law firms representing the dischargers, is not successful, Rialto has as a backup its federal lawsuit, which should go to trial in late 2008. Either way, Rialto is committed to making the large corporate polluters and insurance companies pay for the cleanup.

The same federal litigation has been filed by the city of Colton, West Valley Water District and the private supplier Fontana Water Company. Right now, Rialto and Colton are doing the work in the litigation. The same water purveyors, and the county - both singly and jointly - have applied for federal and state cleanup money for years with only limited success.

Rialto is following a dual approach of assisting the administrative agencies and using the federal litigation as a backup. We request this newspaper and all affected citizens to support the current State Water Board prosecution in Rialto Aug. 21-30.

The state Legislature should be encouraged to supply funding for prosecution of the dischargers and to assist with the cleanup. EPA should likewise be more actively involved, and take further action on the evidence that has been supplied to it. The health and welfare of Rialto's citizens, and its women and children in particular, deserve nothing less.

- Winnie Hanson, Rialto's mayor pro tem, and Ed Scott, council member, comprise the Rialto Perchlorate Subcommittee.

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