

## **Judge dismisses perchlorate suit following plaintiffs' request**

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In order to facilitate an out-of-court settlement, the California cities of Rialto and Colton, on June 13, willingly dismissed their litigation against several companies and federal agencies, including the Department of Defense, for perchlorate groundwater contamination impacting the cities' public water supply.

In early 1997, the California Department of Health Services began testing the groundwater for perchlorate contamination after it was found in groundwater wells in east Sacramento. Within a few months, perchlorate was found in water supply wells in the Rialto-Colton Basin, including one of the City of Rialto's wells.

Perchlorate is a key ingredient in rocket fuel and explosives — exposure to the chemical results in inhibited iodine uptake by the thyroid gland, reducing the body's production of thyroid hormone, which adversely impacts normal metabolism.

The contamination is believed to derive from former military and/or industrial operations, which took place north of the Rialto airport. The area of the groundwater contamination, or plume, is more than six miles long and a mile wide. The concentrations of perchlorate in the groundwater are 1,600 times greater than the level deemed safe for human consumption.

The City of Rialto has expended more than \$30 million to address and clean up perchlorate contamination in its public water supplies. This cost is passed on to the residents of Rialto through an 18% surcharge on their monthly water bill.

As a result of the perchlorate contamination in the groundwater, Rialto and Colton negotiated an agreement with San Bernadino County in September 2005 under which the county agreed to pay for replacement water and build water treatment facilities to remediate, or clean up, the perchlorate contamination.

The Santa Ana Regional Water Quality Control Board ordered San Bernadino County to fund the cost of replacement water and treatment facilities because it owns a piece of property that is the source of a perchlorate plume contaminating one of the water supply wells in Rialto.

During World War II, the county-owned site contained bunkers. The site was later leased to several occupants, including Lockheed Martin. While the activities that resulted in the release of perchlorate occurred prior to the county's acquisition of the property, some of the county's activities have exacerbated the extent of contamination. The cities requested a dismissal of their lawsuit "without prejudice" in order to reduce their attorneys' fees and court costs while attempting to negotiate a settlement with the

parties responsible for the perchlorate contamination. Characterizing the dismissal as one "without prejudice," allows the cities to re-file their lawsuit in the event efforts to negotiate a settlement prove unsuccessful.

— Shawna Bligh

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