

Court allows water-pollution suits

By Maura Dolan
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San Francisco—Victims of contaminated water can sue utilities regulated by the state for violation safe drinking water standards, the California Supreme Court ruled unanimously Monday.

The decision clears the way for victims of ground-water pollution across the state to seek financial compensation from private companies and public agencies that provide contaminated water.

Mary Hulett, who argued before the court on behalf of regulated utilities, said her clients will fight the litigation because of the potential consequences.

In the cases before the court, about 2,500 alleged victims of ground-water pollution in the San Gabriel Valley contend that they have been harmed by drinking water tainted by industrial solvents and other chemicals. Dozens of the plaintiffs say the contamination gave them blood-related forms of cancer. A state probe in 1998 found the water safe to drink.

Lawyers for the plaintiffs say the ground-water contamination began in the 1960s and persisted for decades. The federal government in 1984 designated the ground-water basin a Superfund cleanup site.

Residents sued municipal and private water agencies in addition to the industrial users who allegedly contaminated the water. The defendants all sought to dismiss the lawsuits on the grounds that the state Public Utilities Commission has jurisdiction over such matters.

Previous rulings suggested that the regulated utilities might prevail on this point, but the legal issues had never before been tested by the high court in such a case. The San Gabriel Valley lawsuits are the first in the state in which water agencies have been sued for selling contaminated water, said a lawyer for one of utilities. Most lawsuits have been aimed at the polluters.