

City of Rialto demonstrates backbone

Penny Newman
San Bernardino County Sun

Article Launched: 07/26/2007 12:00:00 AM PDT

I read with interest your editorial "Rialto banking on wrong strategy" of July 17, which quoted me as saying, "I think going with EPA and Superfund program is probably the strongest mechanism a city or community has." While the quote is accurate, it is taken totally out of context. The point I was making was that while Superfund - or even the state's Water Code - provides extensive legal mechanisms to force polluters to pay, those tools are only as effective as the agency's willingness and competency in using them. Both the state and EPA have fallen short of those marks.

EPA has not been strong under the current administration. There is little evidence that Superfund is being used to its fullest extent to promote cleanups that are comprehensive or timely. Superfund is certainly not known for its speed of action under the best of circumstances, much less under its current leadership. To change direction and wait for the EPA to now respond would once again put the process on hold and delay any cleanup.

Rialto's legal strategy has recognized this situation and realized it must force action if any clean up is to take place. Rialto's legal challenge has been the only pressure point that has forced the polluters to the table. It's easy to sit back and criticize those that take bold action, but the truth is the only entity that has demonstrated any backbone in standing up to the polluters has been the city of Rialto.

As for the state, the recent actions by the Water Board have not instilled confidence in its ability to stand up to the polluters. In a series of rulings the hearing officer has allowed the polluters to misuse the discovery process to harass, intimidate and abuse opposing parties through endless depositions, massive subpoenas for documents and threats of libel lawsuits, and even investigations into immigration status. They recently granted the polluters yet another delay in the hearing, stretching the process out to almost a year since the draft order was issued.

It is only through the discovery process in Rialto's lawsuit that any meaningful information on the extent of the contamination, operational history of the polluters, and identification of parties involved at the site has occurred. If it weren't for the Rialto lawsuit, the Regional Water Board would have very little to rely upon for the upcoming hearing. Rialto's attorneys have been the last line of defense in combating these multimillion dollar corporations.

No one is more outraged at the fact that ratepayers are the only ones paying in this process. But the fault lies with the recalcitrant polluters - Goodrich and Black & Decker - not with the city of Rialto in trying to protect itself and its residents.

If there is any justice in this world, the polluters will be found liable and ordered to clean up their mess and reimburse the residents of Rialto. While Fontana Water Co. and West Valley Water Cos. safely sit back in the background letting Rialto take all the heat, I would bet if Rialto is successful both will step forward to take advantage of it.

The state hearing on the cleanup and abatement order is in August. So what needs to happen now?

To our local elected officials: It is time for you to stop giving sympathetic lip service to the plight of Rialto residents and put money where your mouths are. Funding needs to go to the state Attorney General's Office so that experienced, senior attorneys can be assigned to this case to match the teams of high-powered, highly paid law firms the polluters have. This case will have statewide ramifications; it's simply too important to leave to well-meaning but inexperienced staff.

To governmental agencies: It's time to step up to the plate and show your commitment to serving the public. Stop letting the polluters bully you into inaction. Be brave, be strong, be bold.

To the public: The time is now to step forward and get involved. Instead of undermining Rialto's actions just when the critical time is upon us, the public should be stepping forward to offer assistance and let their voices be heard in demanding a cleanup now. Attend the hearing on Aug. 21 and voice your opinion. Support your city in its effort to fight for you.

Penny J. Newman is executive director of the Center for Community Action and Environmental Justice in Riverside. She may be reached via e-mail at penny.n@ccaaj.org

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