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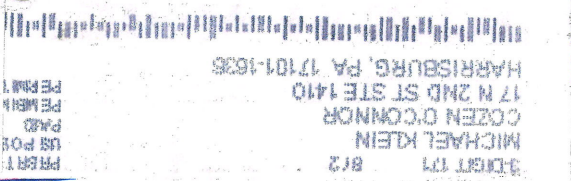
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You Won't Look Good in Stripes

By Michael D. Klein

In the Winter 2022 issue of *The Water News Source*, I wrote an article discussing a Pittsburgh Post-Gazette story about a former supervisor at a water treatment plant owned and operated by the Pittsburgh Water and Sewer Authority. This supervisor was being criminally charged for “conspiring to violate the Clean Water Act by polluting the river.” The river referenced is the Allegheny River.

The violation involved the unauthorized discharge of sludge from the plant’s clarifiers into the river. The sentence was three years’ probation with no jail time. Just so none of my readers get lulled into thinking that such violations never result in jail time, I want to provide you with a recent example disproving any such notion.

The United States Attorney’s Office for the Middle District of Pennsylvania issued a press release on April 28, 2023, announcing that a former Greenfield Township Sewer Authority (Lackawanna County) plant operator was convicted after a trial, and sentenced to prison for Clean Water Act violations. The plant operator in question was sentenced



to one year and one day in prison for knowingly failing to operate and maintain the Authority’s wastewater treatment plant in accordance with regulations and limitations specified in the permit issued by the Pennsylvania Department of Environmental Protection, to the Authority. As a result of the operator’s failures, pollutants were discharged in violation of the permit on multiple occasions.

The other notion I want to set aside is that of the regulators not regularly investigating violations of permits, and when they do, not filing criminal charges. In the instant case, the investigation was jointly conducted by the U.S. Environmental Protection

Agency – Criminal Investigations Division in Philadelphia, PA., the Federal Bureau of Investigation – Scranton Field Office, and the Pennsylvania Department of Environmental Protection – Northeast Region.

Violations of permits can have serious consequences. I am not trying to pick on plant operators, this can also happen to attorneys who work with water and wastewater systems. On May 9, 2023, LAW 360 reported that a California federal judge sentenced a former Los Angeles City attorney for his involvement in a corruption and collusion scandal involving the Los Angeles Department of Water and Power, and its billing system.

Will PVC Pipes Be the Next Health Concern? ...depends on Whom You Listen

Just when advances are being made in the replacement of lead water pipes, a new report has been released by a coalition of U.S. environmental advocacy groups (Beyond Plastics, Environmental Health Sciences, and the Plastic Pollution Coalition) warning of the health risks with PVC plastic pipes. The report is the subject of a *USA Today* article, “New Report Warns About Human Health Risks from PVC Pipes Used in Drinking Water Systems”. The article, which was released on April 18, 2023, discusses a former EPA Regional Administrator, Judith Enck, is quoted as saying that the report raises legitimate concerns about the

health consequences from chemicals in PVC leaching into drinking water. She goes on to state that instead of PVC or CPVC-chlorinated polyvinyl chloride, communities should use safer alternatives such as stainless steel or copper.

The article further cites a 2021 survey of more than 200 contractors, engineers and municipal officials stating they anticipate using PVC pipes in nearly 65% of all water projects. On May 1, 2023, *USA Today*, issued another article, this one titled “Pipe Manufacturers Blast Report That Claimed PVC Pipes Are Risky for Drinking Water”. In that article, representatives of several industry

trade groups ...claimed “falsehoods and fear-mongering littered the report...”.

USA Today reported they were told by industry leaders “...there is no credible evidence that PVC pipes, which have been used for decades, are unsafe for use in drinking water systems, and that multiple studies have shown they’re more environmentally friendly than metal pipes.”

These industry leaders stated that the recent report was “biased and confused”. *USA Today*, also cited Chris DeArmitt, whom they identified as one of the world’s leading independent plastics scientists. He has issued his own 16-page rebuttal of the report.

Maine Joins the Crowd Filing PFAS Lawsuits



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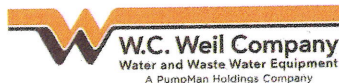
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Maine has recently joined the crowd filing PFAS lawsuits against PFAS product manufacturers, including 3M Co. and DuPont. As alleged in many of the other similar legal actions, Maine is contending that the manufacturers knew PFAS was toxic, but concealed that information from the public. The lawsuits seek to have the companies pay for costs of investigating, cleaning up, restoring, treating, monitoring, and otherwise responding to the contamination of Maine's groundwater, surface water, soil and other natural resources. (*Law360*, March 30, 2023).

About the Author



Michael D. Klein is a Senior Counsel in the Harrisburg, PA, and Washington D.C. offices of Cozen O'Connor. Michael practices in the areas

of utility and environmental law. He can be reached at mklein@cozen.com and 717-703-5903. This column is intended to be a discussion of legal issues in the water industry. It is not intended to be legal advice, or to establish any attorney-client relationships. Before making any legal decisions regarding anything discussed in this column you should always consult with an attorney. ♡