

News Release

Pioneer Irrigation District

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PIONEER IRRIGATION DISTRICT TO CONTINUE COURT BATTLE AGAINST ILLEGAL DUMPING OF POLLUTED RUNOFF WATER

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Pioneer Irrigation District officials say their legal battle to stop the City of Caldwell from dumping polluted municipal storm water runoff into irrigation canals via illegal drains will go forward despite the city's denial that the pollutants pose no danger to the public.

Pioneer will press for a court ruling that requires the City to remove up to a dozen municipal storm water sewers that have already encroached on District ditches and canals without the District's permission. Idaho law specifically prohibits any such intrusions without expressed permission of the District.

Urban storm water runoff is cited by the Environmental Protection Agency as the leading source of water quality impairments. Storm sewer systems flows from urban areas increase the variety and amount of pollutants carried into water ways.

EPA studies show that urban runoff includes such dangerous elements as oil, grease and toxic vehicle chemicals; pesticides and fertilizers from lawns and gardens; viruses, bacterial and other products from animal and pet waste and failing septic systems; heavy metals from roof shingles and motor vehicles; and road salts.

Recent testing of storm water runoff being dumped into a canal in Ada County revealed concentrations of e coli bacteria that were 50 times the expected natural level plus a variety of other pollutants. Pioneer is in the process of testing water coming from the illegal drains.

“In the summer Pioneer's canals and drains provide irrigation water to thousands of residential properties. That water ends up on gardens, lawns, landscaping and other non-potable use. The fact that Pioneer delivers water for residential use means in turn that e coli and other bacteria plus a host of other pollutants could result in direct human contact. That constitutes an unconscionable health risk for the public,” said Scott Campbell, an attorney who represents the District.

Pioneer filed suit against the City of Caldwell in Third District Court in January. A copy of the suit is available for review on the District's web site: www.pioneerirrigation.com

In September 2006 Caldwell adopted a revised storm water management manual that gave developers a mandate to build municipal storm water drains that dump directly into Pioneer canals and irrigation drains without permission of the District.

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“Pioneer tried for more than a year to work out a solution to the problem but the City of Caldwell has simply ignored them. The District has shown the city the state law and they turned a blind eye; it explained the health risks to the people using the water and Caldwell simply turned a bureaucratic deaf ear. Pioneer had no choice but to seek redress in the Courts or the number of illegal storm sewers will simply continue to mushroom in numbers as will the risk to the public,” Campbell added.

District officials also say Caldwell’s actions have created critical public health safety and liability issues for the District. Municipal storm water runoff must be permitted with the Environmental Protection Agency (EPA). Failure to do so could possibly subject the District to both civil and criminal liability including fines up to \$50,000. That means the District could find itself in the asinine position of having to seek permits for polluted runoff waters being dumped into its canals and ditches via illegal storm sewers completed without its permission.

Idaho’s largest water user group also added its voice of support to the District. Idaho Water Users Association Executive Director Norm Semanko said: "Pioneer's actions have our full endorsement. Water users try hard to work cooperatively with municipalities on critical issues such as safeguarding water quality, public health, safety and property rights. Unfortunately, Caldwell has decided to abandon the mutual cooperation approach water users enjoy with so many other municipalities around the state.”

For more than a century Pioneer Irrigation District has provided irrigation and agricultural drainage services to Canyon County land owners. The District currently maintains about 7,000 accounts providing irrigation water to 34,000 acres of residential and farmland in Canyon County.

“Pioneer Irrigation District has a proud heritage of more than a century of service to Canyon County residents. It is truly regrettable it now finds itself at odds with a municipality it serves. But Pioneer cannot in good conscience stand by and allow the City of Caldwell to abdicate its moral responsibilities by blatantly disregarding state law, putting its patrons at health risk and exposing the District to criminal and civil liability. That is why the District has chosen to stand up and say ‘what you are doing is wrong’,” Campbell noted.

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