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Andrew Brought Discusses Environmental Risks for Water Utilities on Water Foresight Podcast

Spencer Fane Attorney Andrew Brought was a guest on the *Water Foresight Podcast*, hosted by Dr. Matthew Klein of the Aqualaurus Group, on December 7. He addressed a recent Ninth Circuit Court of Appeals decision, *California River Watch vs. City of Vacaville*, 39 F.4th 624 (9th Cir. 2022).

In the case, an environmental organization filed a lawsuit against the City of Vacaville under the federal Resource Conservation and Recovery Act (RCRA), alleging that the drinking water treatment provider was responsible for the "transportation" of hexavalent chromium through its water system and distributing the water to its customers. The Ninth Circuit determined that the city could not be held responsible as a transporter under RCRA because the water provider did not have a connection to the waste disposal process that led to the hexavalent chromium in the groundwater.

In the episode, Drew takes listeners through the complexities of RCRA, the future of water, and potential impacts for water utilities regarding the court's decision. He explores a variety of questions and challenges such as the possibility that drinking water facilities could become RCRA treatment or disposal facilities, CERCLA (Superfund) liabilities, potential unintended consequences linked to environmental justice and affordability, the implications for wastewater treatment systems and biosolids programs, possible links to the debate over unregulated compounds (e.g., PFOS/PFOA), and future possibilities of toxic tort liability.

At Spencer Fane, Drew counsels manufacturers, industrial clients, and businesses with complex environmental and workplace safety/OSHA matters. He currently serves on the firm's Executive Committee and has held other leadership positions at

the firm, including co-chair of the Environment and Energy practice group.

Listen to Andrew's *Water Foresight Podcast* episode here.