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Major Class Action Lawsuit Filed Against WAPA Over Contaminated Water

Initial lead and copper test results questioned, potentially impacting lawsuit

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WAPA's Richmond Water Storage Tank. By. ERNICE GILBERT, V.I. CONSORTIUM

A significant class action lawsuit has been filed against the V.I. Water and Power Authority and Seven Seas Water Solutions USA LLC, alleging widespread lead and copper contamination in the drinking water supplied to residents of St. Croix.

The plaintiffs, led by Xiomara Torres and several other St. Croix residents, have brought this suit individually and on behalf of all similarly affected individuals. The complaint, filed last week by law officer of Lee Rohn and Associates, details [alarming findings](#) from recent water testing,

revealing that over half of the samples collected exhibited elevated levels of lead and copper, making the water highly toxic and unsafe for human consumption.

Chronology of Events Leading to the Lawsuit

1. October 14, 2023: WAPA notified customers about the contaminated water.
2. October 27, 2023: Follow-up testing still showed lead and copper presence despite flushing of water lines.
3. Public Health Response: Governor Albert Bryan Jr. and the Virgin Islands Department of Health advised against consuming the water, impacting thousands without safe potable water.

The lawsuit outlines a series of failures by WAPA in maintaining a safe drinking water system, with previous issues including discolored, odorous water and frequent leaks. The Environmental Protection Agency's intervention in September 2023 confirmed the high toxicity levels, leading to the current class action complaint.

The plaintiffs allege negligence and gross negligence on the part of WAPA and Seven Seas, accusing them of failing to maintain a safe water system, resulting in public and private nuisance, trespass, and requiring medical monitoring for affected individuals.

They seek injunctive and monetary relief for economic harm, property damage, personal injuries, and the establishment of a medical monitoring program.

WAPA's recommendations to residents, including flushing water systems and using filters, have shifted the burden of remediation onto the consumers, the plaintiffs allege. The government has responded by declaring a local state of emergency and requesting federal assistance.

The lawsuit marks a critical point in addressing the ongoing water crisis in St. Croix and underscores the challenges faced in managing aging infrastructure and ensuring safe drinking water. But it may also face challenges following the EPA's recent retesting showing previous tests were not conducted correctly and thereby led to results that were [rubbished by water experts](#).

“The data should be thrown into the garbage,” Virginia Tech water expert Marc Edwards, who helped identify the water problems in Flint, Michigan, told the Associated Press last week. Mr. Edwards expressed skepticism about the exceedingly high results, attributing the discrepancy to the method of sample collection. Typically, lead testing involves taking water samples from a household faucet. However, the notably high readings on St. Croix were obtained from samples collected at the water meter, not from household faucets.

On Saturday, Governor Albert Bryan [announced](#) that new water tests performed by the EPA indicate that the widespread concerns over elevated levels of lead and copper in the water system might be unfounded.

The EPA, in collaboration with WAPA and the Department of Planning and Natural Resources, conducted extensive followup testing in early November. The results, shared with the Bryan administration on Wednesday, revealed that lead and copper levels at all tested sites were significantly below actionable levels, with many areas showing non-detectable traces.

These findings provide a new perspective on the initial elevated readings of lead and copper, which are now understood to be largely due to deviations from standard testing protocols. The administration, like the water experts interviewed by the AP, said the EPA's initial protocol

involved sampling at the meter rather than the tap, potentially introducing contaminants into the sampled water.

Attorney Lee Rohn said on Monday that the litigation is in its early stages, and the allegations against the named defendants are allegations formed after initial investigation and consultation with others. "We are hopeful that the companies involved accept responsibility for their actions and that they and their insurance companies provide the citizens of St. Croix with potable water at their expense, not at the expense of the Virgin Islands' ratepayers and taxpayers," the law firm said. "We are in the process of serving the lawsuit on the Defendants and look forward to meaningful discussions as to how we can resolve these issues quickly and for the good of the people of St. Croix."

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