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PCB class action suit asks Westinghouse for damages

By BARBARA OLENYIK

Fourteen persons who have spread PCB-contaminated sewage sludge on their farms and gardens filed a class action suit Friday against the Westinghouse Electric Corporation.

The suit was filed in Monroe County Superior Court II on behalf of the 14 persons who live along Clear and Salt creeks and the east fork of the White River and on behalf of those persons similarly situated. It asks the court grant them damages which will justly compensate for their losses and provide appropriate exemplary and punitive damages.

The named as defendants in the suit, along with Westinghouse, are Monsanto Company and Westinghouse plant manager Donald M. Sauter. Monsanto produces, markets and distributes the polychlorinated biphenyls (PCBs) which are used at the Westinghouse plant in Bloomington.

The 14 persons named in the suit are Leo and Nancy Huganman, Larry Rinker, Donald and Norma Hacker, Kenneth Gurley, Ron and Sara Nehrig, Phillip Wynne, Ray Thompson, Gary Daly, Arnold Lewin and Frank and Barbara Watson.

PCBs are chemicals used as di-electric fluid in capacitors at Westinghouse. The suit states that, when allowed to escape into the environment, PCBs mix with and thus contaminate the air, water and soil with which they come in contact.

The suit alleges that Westinghouse has discharged a large volume of PCBs into its waste water in past years. Those PCBs, the suit states, have contaminated the sewage sludge produced at and the effluent released from the Winston-Thomas Sewage Treatment Plant in Bloomington.

The PCBs in the effluent are then discharged into Clear Creek, which flows into Salt Creek below the Monroe Reservoir, and then into the White River south of Bedford. Westinghouse's failure to prevent the discharge of PCBs has caused substantial damage to those living near or using the creek and river waters, the suit alleges.

Westinghouse also wrongfully failed to prevent PCBs from contaminating the sludge treated at the Winston-Thomas plant, the suit states.

The suit also states that Westinghouse wrongfully failed to warn persons of the presence of PCBs in the sludge.

Westinghouse's failure to notify persons, the suit states, has caused substantial damage to those who spread the sludge as a fertilizer on land they owned or used.

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