SWCB v. U.S. Titanium: Erratum and Apology

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Concerning our article in the March 1981 issue on SWCB v. U.S. Titanium, certain corrections must be made and an apology is in order. This Editor irresponsibly reported the facts of the case and criticized the Circuit Judge involved for not going far enough in his order that eventually required compliance by December 31, 1980. We received a letter from the former Assistant Attorney General, Timothy G. Hayes, who handled the case for the Water Board (SWCB) pointing out the fact that the original order called for a 5-year schedule for removal beginning December 1977—not by December 1977 as was reported. The second order was necessary only after it was found that the removal had to take place sooner and that U.S. Titanium could not comply with the terms of the original order. Though the Water Board estimated that $250,000 dollars would be needed to remove the copper as waste, it agreed through negotiation to accept a bond of 100,000 dollars, in two 50,000 dollar installments. Quoting from Mr. Hayes' letter, "... we agreed to the $100,000 escrow; there was no indication that the court would have been unwilling to order a larger payment had that been necessary. ... Without the firm, effective support of the presiding judge, I doubt that the problem would have been solved as soon as it was. Your comments are unfortunately unjustified and do (the presiding judge) a disservice."

Once again, this Editor apologizes. It appears that the previous editorial should have applauded rather than criticized the judge's decision in SWCB v. U.S. Titanium. We now applaud.

M.J.L.

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