

Maryland's First Class Action Suit
For Fly Ash Dump Contamination Filed By Murphy&Falcon P.A.

*Claim Alleges Constellation Power Source Generation Inc. Knew About Groundwater
Leaks but Never Warned Residents.*

"Murphy firm" Targets Nationwide Environmental Crisis

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(Gambrills, MD Nov. 29) Murphy & Falcon, P.A. ("the Murphy firm") of Baltimore has filed a class action lawsuit on behalf of Gambrills, Maryland residents whose wells have been contaminated by nearby fly ash dump sites operated by Constellation Power Source Generation, Inc. ("Constellation") on property owned by BBSS, Inc. in Gambrills, Anne Arundel County. The announcement was made by former Prince Georges County Executive Wayne Curry who is a member of the Murphy firm legal team.

To insure the immediate safety of Gambrills residents, the Murphy firm has asked for injunctive relief requesting court-ordered medical monitoring, air and soil testing and well water screening for the community to be paid for by Constellation.

The firm currently represents property owners affected by groundwater contaminated with toxins including arsenic, lead and cadmium, which are linked to cancer and other serious health effects. So far, 34 residential wells have been polluted by Constellation's reckless negligence. The dump sites also sit atop the deep aquifer that supplies Crofton's municipal wells, which residents fear may be threatened by future contamination.

"What this \$19-billion dollar a year energy giant continues to do to this community is blatantly unconscionable," said Curry. "To add insult to injury, they told this community for years that dumping fly ash in an old mine site was actually beneficial."

Curry added: "Constellation seems to think these neighbors should be able to get by on bottled water and garden hoses hooked up to fire hydrants, while they constantly worry over their health and watch their property values plummet."

"By filing this suit, the victims and the Murphy Firm legal team form the vanguard of citizens trying to solve a national health and environmental crisis," said Curry.

"Under-regulated fly ash dumps are scattered throughout the U.S and many of them are badly polluting groundwater, surface water and the air with contaminated dust at a risk to individuals living near the dump sites. Regulations have failed in so many instances to protect nearby residents, so people must bring suit to protect themselves."

"I'm terrified of what might happen to me after drinking that well water all these years," said Mrs. Gayle Queen of Gambrills who is one of the victims represented by the Murphy firm. "I'm afraid to even wash with our well water because of what's in there. My house is for sale and nobody will buy it like this. I can't believe they knew the dump was leaking 8 years ago but nobody came to tell me."

In a court supervised consent decree with the Maryland Department of Environment signed in October, Constellation Power Source Generation Inc. and BBSS agreed to pay a \$1 million fine and begin a state supervised cleanup. The companies will also pay to have residents permanently hooked up to public water.

Residents say the consent decree does nothing to address immediate health care needs and the future medical monitoring they will require, nor does it address the anxiety and suffering or damage to property values that's been caused.

"We salute the Maryland Department of Environment for compelling willful polluters like Constellation to start cleaning up from repeated violations of the law", said Curry "But we also have no reason to trust the defendant to take full accountability and responsibility for the damage that's been done to this community since 1999."

Curry noted a clay cap used to seal off the dump violated the state requirements and a 'pump and treat' groundwater recovery system installed in 2004 failed to stop continued contamination.

"While the consent decree looks to the future, this class action suit may be the only way citizens rights are ultimately protected," Curry said.

Allegations:

The class action alleges that Constellation has known that hazardous substances linked to cancer and other serious health effects have been leaking into groundwater from the Waugh Chapel and Turner Pit dump sites in Gambrills since 1999, but that residents received no warning of the discharges into the local aquifer from the defendant.

In addition, the suit accuses Constellation of actively engaging in a "campaign of deception" to mislead neighbors into believing the waste materials do not present a threat to surrounding communities. In fact, potentially cancer-causing contaminants have been

detected by regulators in residential well water at three times the regulated safe standard.

Demands:

In addition to demanding medical and well water monitoring, the class action suit asks the court to order the defendant to pay total remediation and restoration costs to restore the soil, water supplies and property to the condition before contamination as well as to pay compensation and punitive damages. The suit also demands a full clean up to eliminate any future threat.

Evidence:

According to a June 2007 report by Maryland's Department of Natural Resources Maryland Power Plant Research Program, 34 residential wells are contaminated with toxic elements including arsenic, lead and cadmium at levels as high as three times the maximum U.S. Environmental Protection Agency standard for safe drinking. The toxins are linked to cancer and other serious health effects including kidney damage, weakened bones and neurological disorders.

Victims:

Property owners were alerted to possible problems when Anne Arundel County health officials began testing wells in 2006, nearly 7 years after Constellation saw the first signs that the sites were leaking contaminated groundwater.

Constellation began supplying cases of bottled water and has laid temporary, above-ground pipes and hoses to bring public water from distant fire hydrants to some affected properties.

Residents complain the pipes and hoses have already frozen in the season's first cold nights, leaving homes completely without water.

Wells that serve as Crofton's public water supply have not been tested for specific contamination from the sites, but the deep aquifer the wells draw from also rests under the fly ash dumps.

Background:

Constellation began filling old sand and gravel pits owned by BBSS with fly ash from the Brandon Shores and Wagner coal-fired power plants in 1995. By 1999 monitoring wells detected signs of contamination in groundwater. The lawsuit also alleges contaminated dust from the site has polluted the air and soil in nearby neighborhoods

Fly ash is captured left over after coal is burned to generate electricity. To date Constellation has dumped 3.8 million tons of fly ash in the Waugh Chapel and Turner pits. The company stopped dumping there in September 2007.

About Murphy & Falcon, P.A. ("the Murphy firm" : The Murphy firm is led by nationally known litigator William H. Murphy Jr. The firm specializes in complex civil litigation including commercial, personal injury, medical malpractice, employment, civil rights and class action The Murphy firm is majority African-American owned and features an ethnically diverse group of attorneys with an extraordinary track record of success in jury verdicts, awards and settlements.