

Ag Secretary Vilsack Announces Funding for Rural Sewer System In Linn Valley

Agriculture Secretary Tom Vilsack recently announced funding for rural water projects to create jobs and improve rural water and wastewater systems in 16 states. In Kansas, the city of Linn Valley received a \$2.392 million loan and \$1.432 million grant from USDA Rural Development to install a centralized sewer collection system in a portion of the city.

The city of Linn Valley currently lacks a centralized sewer system, and homeowners use holding tanks for their wastewater that is pumped out on a regular basis. With financing assistance from USDA Rural Development, the city will install nearly 50,000 linear feet of sewer lines, 27 manholes, two lift stations, and 208 grinder pumps. The collection system will assist 254 residences in the city, and the remaining 186 residences will continue using holding tanks until financing is pursued for the second phase of the project. By utilizing USDA Rural Development financing instead of commercial financing, the city will save Linn Valley residents approximately \$45 per month on their sewer bill.

"USDA Rural Development provides rural Kansas communities with affordable financing to improve their water and wastewater infrastructure," stated USDA Rural Development State Director Patty Clark. "The city of Linn Valley is keeping rates affordable for its residents, and is protecting the environment for future generations."

Status of Atrazine Settlement

In March 2010, the law firm of Korein Tillery filed a class action lawsuit was filed in the Federal Court for the Southern District of Illinois on behalf of all community water systems in the United States that detected Atrazine, a weed killer manufactured by the Swiss company Syngenta AG, in their public drinking water sources. In May 2012, the court preliminarily approved a \$105 million settlement negotiated between the law firm, Korein Tillery of St. Louis, MO and Syngenta. Under the settlement, community water systems showing any measurable concentration of Atrazine are entitled to share in the \$105 million fund.

The amount of compensation depends on how much Atrazine had been found, how often it was found, how long ago it was found and the population served. A hearing was scheduled for October 22, 2012 for the Court to consider whether the settlement is fair, reasonable and adequate. Should the court approve the settlement, funds will be distributed within 90 days. More than 180 Kansas community water systems are participating in the settlement. There were approximately 240 systems found to be eligible with potential claims that were determined by a complicated formula, of more than \$10 million. The largest amount in Kansas was more than \$700,000 to one city; the smallest claims were slightly more than \$5,000.

When the Atrazine litigation was first raised by attorneys several years ago, KRWA provided an opinion urging caution by cities and RWDs. That differed from the latest opinion (which found no reason not to participate by filing a claim). The first opinion by General Counsel Gary Hanson concerned systems being solicited to become named "class representatives", which potentially could have real responsibilities, such as producing records, giving depositions, etc., risk of assessment of costs, etc. in a case whose outcome is uncertain. "That is a lot different from merely being a member of a class in a case that has settled so the outcome is certain and there are no specific responsibilities beyond participation in that settlement by submitting a claim," Hanson says. KRWA then encouraged systems to take advantage of the claim process as did the Kansas Corn Growers' Association.

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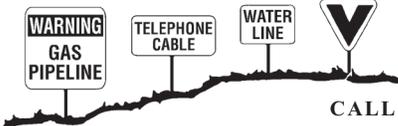
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