

Buckeye sued over decision to allow 'environmentally damaging' PVC pipes



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A civil engineer cuts PVC pipe to standard. Disclaimer: The appearance of U.S. Department of Defense (DoD) visual information does not imply or constitute DoD endorsement.

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A piping manufacturer sued the city of Buckeye Thursday over allegedly violating its development laws when it allowed the installation of PVC piping in a development's wastewater system, suggesting heightened "health risks."

In a complaint filed in Maricopa County Superior Court, California-based Building Products Company, said the city of Buckeye erred when it allegedly allowed a developer to use PVC piping in place of clay piping for its wastewater system.

Building Products cited a 2020 resolution, allegedly adopted by the Buckeye council, outlining the required use of vitrified clay piping. They also claim unelected city staff allegedly decided to waive the requirement for the developer.

"Certain city staff members have indicated that it is the position of the city that city staff is permitted to simply waive the requirements of Resolution No. 57- 20 and the standards," they wrote, in the superior court complaint. "Any change to the requirements of Resolution No. 57- 20, and the Standards, may only be made by the Buckeye City Council."

According to a city of Buckeye design standards manual, certain design standards can be amended if they're technical or administrative in nature. Building Products Company claims the move was monetary in nature.

"The requirement of clay piping is not something that can be 'corrected' by city staff, nor is it a typographical error. It was a legislative policy decision made by the city council because clay piping is more cost-effective in the long term and is less likely than plastic piping to cause environmental damage and present health risks," they wrote.

According to an exhibit in the suit, Timothy A. La Sota, an attorney for Building Products, said the movement to PVC piping was a decision of convenience for the developer.

"While it may be tempting to cut corners with an inferior plastic product that is less environmentally friendly and carries health risks, such a decision is short-sighted and apparently not even legal in Buckeye," he wrote, to the city. "In addition, any cost savings turn out to be a mirage

as plastic pipe simply does not last as long and is overall more expensive.”

According to Building Product’s PR firm, a recently released report entitled [The Perils of PVC Plastic Pipes](#) shows the hazards of using PVC and CPVC piping various water systems. The report claims as many as 50 different toxic chemicals can be released by the pipes.

Additionally, when the pipes burn it can release even more hazardous chemicals according to the report.

According to the [PVC Pipe Association](#), trace amounts of residual vinyl chloride monomer (RVCM) in the pipes can leach into the water system, normally under 2 parts per billion.

PVC’s main residual material, vinyl chloride, took center stage in February after 20 cars of a Norfolk Southern freight train derailed in East Palestine, Ohio, causing a massive spill of hazardous materials and an environmental health crisis in the region.

In March, the Environmental Protection Agency [sued Norfolk Southern](#), accusing the company of polluting waterways in violation of the Clean Water Act, with vinyl chloride, among other hazardous materials being listed as pollutants of concern.

According to the [National Institutes of Health](#), exposure to vinyl chloride is associated with "an increased risk of a rare form of [liver](#) cancer (hepatic angiosarcoma), as well as primary liver cancer (hepatocellular carcinoma), [brain](#) and [lung](#) cancers, [lymphoma](#), and [leukemia](#)."

Buckeye Deputy Director of Communications John O’Halloran said the city is waiting for court adjudication.

"We take this matter seriously and are committed to following due legal process," he said. "While the case is ongoing, we are unable to comment further at this time. Our priority remains the well-being of our residents and we will continue to work diligently to ensure the best outcome for our community."