

CPM Client City of Oroville Files Lawsuit Against DWR for Decades of Mismanagement Resulting in the Oroville Dam Failure

01.17.2018

The City of Oroville filed a lawsuit against the California Department of Water Resources (“DWR”) for decades of mismanagement and notice of potential and actual defects causing the Oroville Dam overflow. The failure triggered the evacuation of 188,000 people in the Feather River Basin – one of the largest evacuations in California history, and caused millions of dollars of damage to Oroville and private farms and property.

As alleged in the complaint, various experts have reviewed thousands of pages of documents and reports by DWR and founds numerous problems with the way the Dam was managed and maintained. One noted expert, Professor Robert Bea of U.C. Berkeley, said the Dam was “Managed to Failure.” DWR’s independent group of experts said DWR was complacent and the crisis was a result of a “long-term system failure.”

In early February 2017, the Oroville Dam’s main spillway crumbled and when the Dam’s emergency spillway engaged, it failed as well. North America’s tallest dam caused an evacuation of people living in the City and all along the Feather River, along with the destruction of property.

As alleged in the complaint, independent, expert reports and accounts of DWR insiders confirmed that the failure was caused by decades of mismanagement and intentional lack of maintenance by DWR. It is alleged that DWR went so far as to fabricate required reports. For decades, DWR had notice of the problems of the main spillway and the emergency spillway, as made clear during the relicensing proceedings for the hydroelectric facilities with FERC. Instead of taking action, DWR intentionally turned a blind eye.

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Practice Areas

Municipal & Public Entity
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The complaint also alleges that certain DWR supervisors were more interested in lining their pockets than ensuring the safety of the facility, its workers and the public. There were maintenance projects that were delayed or never completed but reported as done. Ultimately, profits were placed above safety for the benefit of State Water Contractors such as the Metropolitan Water District of Southern California.

Joseph Cotchett, of the Burlingame firm of Cotchett, Pitre & McCarthy, one of the lead lawyers, said “This case calls out for a total evaluation of our water projects and how they are being neglected and mismanaged by those in control of the delivery of water in California.”

David Janes, of the Woodland firm of Gardner, Janes, Nakken, Hugo and Nolan, co-lead counsel said, “The alleged failure of the Oroville Dam represents millions of dollars lost to our California economy and, along with the fires that have devastated California, combine to make our rural areas very difficult to live and work in.”

Scott Huber, of Cota Cole & Huber LLP, the City Attorney for Oroville, said, “The devastation of 188,000 people being evacuated in a matter of hours caused an unnecessary crisis that should have been seen coming over the past several years.”

The complaint alleges the spillway vulnerabilities were well known and raised in FERC Proceedings in 2005; decades of inspection reports revealed Dam vulnerabilities and failed maintenance covered up by DWR;

DWR’s maintenance program was inadequate; State Water Contractors exercised undue influence over the Dam and vetoed maintenance projects; there was a toxic culture of discrimination and harassment of employees at the Dam; and maintenance was hampered by a culture of corruption – The Water Mafia.

A copy of the complaint can be found **HERE**.