

USFS loses appeal in Meyers Landfill case

By Kathryn Reed

The Ninth Circuit Court of Appeals has sided with El Dorado County in a case brought forward by the U.S. Forest Service.

The issue is over costs related to the cleanup of the old Meyers Landfill. The county doesn't believe it should have to pay for the cost overruns from the Forest Service's plans for remediation at the old dump. (This April 28, 2012, *LTN* story has more history on the matter.)

The federal court granted the county's motion for construction, enforcement, and modification of the partial consent decree. The Forest Service appealed. It's that appeal that the USFS just lost.

"Where a project owner like the USFS provides detailed design plans and specifications, the government, and not the contracting party (here the county) bears the risk if such plans and specifications are ultimately determined to be deficient," the court wrote in its January decision.

Now the matter goes back to the trial court.

"We can't discuss the matter because litigation is ongoing," Forest Service spokeswoman Cheva Heck said.

"Because the matter is still pending litigation I do not have any comment on the matter," Michael Ciccozzi, attorney for El Dorado County, told *Lake Tahoe News*.