

Concerned About Water Quality?

By Attorney Matthew D. Dempsey



Attorney Matthew D. Dempsey

Currently, one of the main concerns about our environment, is the quality of the water we drink and use to irrigate our farms and properties. Due to the prevalence of mining in Northeastern Pennsylvania, we are gravely concerned with the potential for pollution and damage to our water table than most other portions of Pennsylvania. Certainly, large sections of our area rely on private wells and streams to provide a water source for their families. Any illegal discharge of pollutants into streams, lakes, rivers or wetlands, can substantially diminish the quality of our water.

Due to State and Federal budget cuts, the resources of the State Environmental Agencies are limited. It is more important that citizens take an active role in making sure that their water is not being polluted by mining or industrial discharges.

We do have both Federal and State legislation which was passed in order to protect, restore and maintain the chemical, physical and biological integrity of the waters. Congress passed the Clean Streams Law which prohibits the discharge of any substances that may cause harm to Commonwealth water. Under Pennsylvania Law, any discharge of industrial wastes or pollutant into the waters of this Commonwealth, which contributes to or causes pollution, is against public policy and deemed a public nuisance. (35 P.S. §691.3). Generally, the penalties and enforcements of these Acts are the responsibility of the State and Federal government.

However, the Clean Water Act also allows citizens to serve as “private Attorney Generals”, and file lawsuits in order to prevent illegal pollution discharge. (33 U.S.C. §1365).

Should a drilling and/or mining group not comply with the Clean Water Act, or with the Agencies Enforcement Action, any person that is adversely affected by the violation has a right to file a civil suit against that group. In those cases, the Citizens may obtain penalties which must be paid to the governmental body, (State or Federal) to help benefit the environment or install new pollution control devices at their own facilities.

Most importantly, Pennsylvania Law allows citizens to file claims alleging private nuisance or public nuisance, against the violator. Accordingly, citizens may be awarded compensation for the loss of value of the property, the well, septic systems, or other specified equipment that was actually damaged by the discharge of the pollutant. *Reinhart v. Lancaster Area Refuse*, 193 A.2d 670 (1963). In the event that we can establish that the Mining Company, Drilling Company and/or Industrial Developers had actual knowledge of surrounding water sources being contaminated, and the violator continues their activity, the Court may award punitive damages against these Corporations. Punitive damages are money damages in excess of the actual damage in order to prohibit further violations.

ARTICLE CONTINUES ON PAGE 2

CONTINUE ON PAGE 2

If you believe a person or Corporation is endangering your water supply, or discharging pollutants into streams or waterways near your home, you need to take the following steps:

- 1) Immediately contact the Pennsylvania Department of Environmental Protection and report what you have observed or were told;
- 2) Take a water sample from your faucet, well, or stream and hold it for the State investigators who will be assigned to your case;
- 3) Take photographs, if possible, of the pollutant or difference in color of your stream and follow-up on a daily basis with photographs to show the discharge;
- 4) If DEP does not respond immediately, contact a Lawyer and send out a 60 day written notice that if no response that you will file an action against the violator and DEP. A copy of that letter should be sent to the Attorney General and violator outlining your concerns.



We, as citizens of the Commonwealth of Pennsylvania are not powerless against these large corporations. We can hold them accountable for any violations under the laws that were implemented to protect, restore and maintain our water. We would recommend that anyone that lives in an area where they are close to any mining operations or industrial discharges, have an annual water inspection.

We, at Lenahan & Dempsey, P.C., stand ready to assist you enforcing the laws of our Commonwealth and protecting your waters.

What To Do If You Are Involved In A Car or Truck Accident

The moments following a car or truck accident can be chaotic. However what you do in those moments can be very important to supporting a case if you have been seriously injured. While we cannot cover every possible scenario, here are a few steps you can take in many instances:

- **Don't panic.** What appears to be smoke in your car may in fact be smoke; it may also be powder from your air bag. Assume it is smoke and try to remain calm.
- **Turn off your engine** - this may help delay a possible fire. As calmly as possible, unbuckle your seat belt and get out of the car. Free yourself and then assist your passengers. Don't risk your life or your safety retrieving belongings.
- **Call 911.** Even if there are no injuries you may need police assistance and your insurance company may require a police report. If the other driver says there's no need to call 911, call anyway.
- **Be aware of your surroundings.** Make sure you are not in danger of being hit by another car. All too often motorists are hit by other cars following an accident, especially at night or on slippery roads.
- **Collect information from the other driver.** Pennsylvania law requires you to exchange names, phone numbers and insurance information at the scene of the accident.
- **Don't sign anything unless it's a police issued ticket, citation or accident report.**
- **Get medical assistance.** Shock and adrenalin can mask serious injury.
- **Inform your insurance company as soon as possible.** If possible take multiple photos of the accident scene with your cell phone camera.
- **Don't discuss the accident with anyone other than police.**
- **Call Lenahan & Dempsey.** There are a number of steps you may need to take to protect your rights. We can help.

Teen Drivers

By Attorney Alan Schoen



Attorney Alan Schoen

As every parent knows, one of the greatest sounds in the world is the garage door closing as your teenage driver comes home safe and sound.

Unfortunately the facts surrounding teen driving are less than comforting.

In my practice I've seen many tragic accidents involving young people. In the United States, over 5,000 teens die each year in fatal car accidents. Another 400,000 are seriously injured. The risk of being involved in a car accident is the highest for drivers between ages 16 and 19 - And for each mile driven, teen drivers are almost four times more likely than other drivers to crash.

If I were to go on with the facts, no parent would ever allow their teenager behind the wheel. However there are steps we can take to make sure our teenagers are safer on the road. Open and frank communication is the best place to start.

A driver's license is a coming of age moment in a teen's life. It is our duty as parents to make sure teen drivers are aware of the many risks they are taking with their own lives as well as the lives of their passengers and others on the road. For example, there are four steps we can insist on that will help make your teen driver safer:

1. Seat belts save lives and are a must for all drivers and passengers.
2. Slowing down means saving lives.
3. Limit the number of passengers a new teen driver can have in the car.
4. Eliminate distractions, such as texting, cell phone use, eating/drinking, grooming and adjusting the radio.

It's alarming to hear that only 65% of teens wear seat belts when they drive and when they are a passenger in a friend's car. Insist your teen ALWAYS use their seat belt.

Nearly half of teens report passengers encouraging speeding. Talk to your teen driver about the hazards of speeding.

ARTICLE CONTINUES ON PAGE 5



The new Pennsylvania Lacy's Law, signed by the Governor in December, says that for the first six months after getting their license, a 16 or 17 year old driver may have only one person under age 18 as a passenger. There is an exception for family members. Fewer passengers mean fewer distractions. I know families that not only have been limiting the number of passengers for many years now, but also have an "Approved Passenger" list for their teen drivers.

Finally, distractions such as texting, cell phone use, using the car mirrors to put on make-up, can all result in serious injury or death. Insist your young driver be focused when they are behind the wheel.

It is important we all speak to our teenagers and that we be blunt and frank. I've been speaking to local high school students about the dangers teen drivers face in an attempt to share my experiences as an attorney. I recently addressed the sophomore class at Mid-Valley High School about teen drivers. I hope I gave these students something to think about the next time they drive.

As parents, we all need to remind teenage driver that driving is a privilege and not a right - and if necessary, we are prepared to suspend their driving privileges if we feel they are not practicing safe driving. It's a move that may save a life. Inform your teenage drivers that the road is not a video game. They have only one life. There are no replays.

Visit us online and see what we have done for other seriously injured clients.

Call us and find out what we can do for you.

LENAHAN & DEMPSEY REPRESENTATIVE
VERDICTS AND SETTLEMENTS*



\$ 15,000,000.00	Verdict	Medical Negligence
\$ 13,600,000.00	Settlement	Insurance Bad Faith
\$ 6,775,000.00	Verdict	Motor Vehicle Collision
\$ 5,000,000.00	Settlement	Mistreatment of Disabled Children
\$ 4,601,387.00	Settlement	Insurance Bad Faith
\$ 4,500,000.00	Settlement	Work Place Injury
\$ 4,350,000.00	Settlement	Motor Vehicle Collision
\$ 3,078,825.00	Verdict	Insurance Bad Faith
\$ 2,700,000.00	Verdict	Motor Vehicle Collision
\$ 2,600,000.00	Settlement	Motor Vehicle Collision
\$ 2,520,809.00	Settlement	Motor Vehicle Collision
\$ 2,500,000.00	Verdict	Motor Vehicle Collision
\$ 1,700,000.00	Settlement	Motor Vehicle Collision
\$ 1,625,000.00	Settlement	Motor Vehicle Collision
\$ 1,600,000.00	Verdict	Medical Negligence
\$ 1,460,000.00	Settlement	Pedestrian Injury
\$ 1,350,000.00	Settlement	Pedestrian Injury
\$ 1,200,000.00	Verdict	Medical Negligence
\$ 1,130,000.00	Settlement	Work Place Injury
\$ 1,000,000.00	Settlement	Motor Vehicle Collision
\$ 1,000,000.00	Verdict	Personal Property
\$ 1,000,000.00	Settlement	Motor Vehicle Collision

* The facts of each case are different. No specific results are implied. Descriptions of awards in previous cases are no guarantee of future results and should not create any expectations that our firm, or any firm, can achieve similar results in another case.

Lenahan & Dempsey Offices

We maintain offices throughout Northeast, Central Pennsylvania and The Poconos to serve our clients. We also offer home, hospital and nursing home consultations.

Scranton Office:

The Lenahan & Dempsey
Professional Building
116 North Washington Avenue
Suite 400
Scranton, PA 18503

Phone: (570) 346-2097

Stroudsburg Office:

The Pocono Mountain Region
616 Main Street
Stroudsburg, PA 18360

Phone: (570) 421-7190

Wilkes-Barre Office:

The Courthouse Square Towers Building
Suite 410
216 North River Street
Wilkes-Barre, PA 18702

Phone: (570) 822-1000

Berwick Office:

106 West Front Street
Berwick, PA 18603

Phone: (570) 752-5915

Tunkhannock Office:

34 East Tioga Street
Tunkhannock, PA 18657

Phone: (570) 836-2122

1-888-LENAHAN

To visit Lenahan & Dempsey, [CLICK HERE.](#)