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Judge takes control of dams' removal

Company given one year to complete Hartwell cleanup work

*By Anna Simon
Clemson bureau*

ANDERSON — U.S. District Judge G. Ross Anderson Jr. accepted no excuses at a hearing Tuesday to find out why two dams he ordered removed from the Twelve Mile River remain standing.

John Hanson, a Washington attorney representing Schlumberger Technology Corp., listed reasons for the three-and-a-half year delay, including a change in contractors and a landowner unwilling to allow access.

Schlumberger is responsible for removing the dams in a 2006 natural resource compensation settlement ordered by Anderson. The removal of the dams is a critical element of a plan to begin reducing PCB contamination in Lake Hartwell, where health advisories have been posted for three decades to warn against eating certain fish caught there.

Removal of the dams is designed to allow fresh sediment to flow into the lake and cover the PCB-contaminated lake bottom.

"We're ready to go and we will go. We are expecting to start in 2009, and if all goes well, these dams will be gone in 2011," Hanson said.

The judge gave him a year.

"This fooling around is over," Anderson said, and he set a July 7, 2010, deadline for the two dams and PCB-contaminated sediment behind them to be gone.

"I'm taking full control of this case. Now you will report to me and not some government agency until (his 2006 court order) is complied with," Anderson said.

"The important thing in this case is the removal of those dams and the removal of the PCBs."

Anderson said he became concerned that his order wasn't being carried out after reading coverage by *The Greenville News*.

Anderson also scheduled an Oct. 13 hearing on a third dam on the river, owned by the Easley Central Water District, that three Upstate organizations want included in the removal project to further enhance the flow of sediment downstream.

Removal of the third dam is the "only way to accomplish a true ecological restoration," Brad Wyche, executive director of Upstate Forever, told the court.

Upstate Forever, The Lake Hartwell Association and the Pickens Soil and Water Conservation District have asked Anderson to consider adding removal of the third dam to compensate for further ecological damages during the delay.

Wyche called the delays “an end run around the consent decree.”

Schlumberger has “no interest” in delays, Hanson said. “The longer it takes, the more it costs.”

Hanson said Schlumberger “tried as best we could to make it work” with the original contractor, losing six months to a year in the process, and let the contractor go in early 2008. The new contractor “hit the ground running,” Hanson said.

The new contractor changed original plans to remove the sediment and instead proposed releasing a portion of sediment from behind the lower of the two dams, which was met with outcry from residents and opposed by Natural Resource Trustees — six federal and state agencies named in the case.

Schlumberger and the trustees remained at a stalemate over release of sediment, as opposed to the original plan to store it in a secure location, until last week — after the judge called the status hearing over the delay — when Schlumberger revised the plan to remove the sediment from the river.

Larry Dyck, a retired Clemson University professor and river restoration expert who lives on the Twelve Mile, told the judge the change was “a big departure” from original plans that had been presented to the public and would have caused environmental harm.

While that problem has now been addressed, “We are no closer to removal than when the consent decree was signed,” Dyck said.

Dyck described a community vision to turn the Twelve Mile into a “blue way,” or watery trail for canoes and kayaks, removing a “black cloud” of PCB contamination and turning the river into something the people of Pickens County can be proud of.

Dyck said plans include a canoe trail from Pickens to where the river crosses State 137 and creation of a park at the highway intersection where canoes can pull out of the river and kayaks can go in at the start of what would be a whitewater gorge once the dams are removed.

However, Doug Whitfield, the holdout landowner, asked to be allowed to speak and said he doesn't want kayakers and canoeists stopping on his property. He told the judge that after sediment behind the dams is removed, the gates can be opened for the river to run free. The historic dams should remain, he said.

Joe Carroll, project manager with Restoration Systems LLC, Schlumberger's original contractor, also asked to be allowed to speak, and said the differences with Schlumberger were over money and not the job.

The North Carolina-based environmental restoration and mitigation firm had permits and plans in hand and was ready to proceed, but didn't have “the time or money to be tied up in court” over finance differences with Schlumberger, and moved on to other projects elsewhere, Carroll said.

Schlumberger owns the former Sangamo-Weston capacitor manufacturing site in Pickens that released more than 400,000 pounds of PCBs into Town Creek, a tributary of the Twelve Mile, between 1955 and 1977.

Anderson's 2006 court-ordered settlement includes removal of the two dams and other compensation for damage to fishing and the environment in Lake Hartwell and the Twelve Mile.
