

# Judge hears testimony on third dam

Removal not necessary, unfunded, attorney for state DNR says

*Greenville News* 10/14/09  
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ANDERSON — U.S. District Judge G. Ross Anderson Jr. heard testimony Tuesday on PCB contamination and potential removal of a third Twelve Mile River dam and said he will make a recommendation shortly.

The final decision on using part of a \$9 million settlement fund to remove the Easley-Central Water District's impoundment dam rests with natural resource trustees in the case, Anderson said.

The project is listed as unfunded on a draft proposal trustees presented at the hearing.

Removal of the Easley-Central dam isn't "necessary either to implement remediation" or to "compensate for the losses in recreational fishing services," Paul League, an attorney for the state Department of Natural Resources, the lead trustee agency, told the court.

Is there any evidence of PCBs at the Easley-Central dam, the judge wanted to know.

"A small amount of PCBs is still dangerous," Anderson said when League said small amounts are possible.

Spectators filled the courtroom at the federal courthouse in Anderson as the judge listened to four hours of testimony related to the third dam and other concerns regarding the overall project, which includes removal of two lower

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dams.

Anderson ordered removal of two lower dams and PCB-contaminated sediment behind them in a 2006 settlement that listed removal of the third dam as a consideration for South Carolina's share of \$11.96 million paid by Schlumberger Technology Corp. to compensate for lost resources including contamination of fish in Lake Hartwell.

Grading of a site where contaminated sediment from behind the lower dams will be stored started Tuesday morning shortly before the start of the hearing.

Representatives of Upstate Forever, the Lake Hartwell Association and other groups said removal of all three dams to restore a free-flowing stream is needed to achieve full remediation.

"The best thing we can do for recreational fishing is to reduce PCBs in the fish," said Larry Dyck, a Lake Hartwell Association board member and river restoration expert. The only way to do that is to let sediment go down as nature intended.

Removing two dams opens two miles of river; removing all three dams opens 102 miles to free sediment flow, fish migration and recreation, Dyck said.