

# Judge pushes to level 3rd dam

## Anderson urges spending for work some call critical to PCB clean-up

By Anna Simon

CLEMSON BUREAU  
asimon@greenvillenews.com

ANDERSON — A federal judge's order to be released today "strongly" recommends spending \$3 million of a \$9 million PCB settlement toward removal of a third dam and sediment behind it from the Twelve Mile River as part of the process to begin cleaning the carcinogens from Lake Hartwell.

U.S. District Judge G. Ross Anderson Jr. recommended spending \$3 million toward removal of the Easley-Central dam and \$3 million toward a Water Education and Environmental Center on Lake Hartwell — neither of which was funded in a draft Recreational Fishing Compensation Plan proposed by settlement trustees.

Anderson recommended spending the remaining \$3 million on projects included in the draft plan.

The Greenville News reported Sunday that of the \$9 million in the PCB settlement, none was earmarked by the trustees for the removal of the third dam on the Twelve Mile considered by some to be critical to cleaning Lake Hartwell of PCBs.



BART BOATWRIGHT / Staff  
Judge G. Ross Anderson

Projects funded in the draft plan included monitoring and stream restoration on the Twelve Mile; dock, fishing pier, fish habitat improvements and a major fishing event center on Lake Hartwell; and recreational fishing enhancements on other nearby lakes and ponds.

"Everybody has a good plan except there's not enough money to fully fund these ideas," Anderson said.

He stopped short of ordering action. It's "questionable" whether he has that authority, he wrote.

Anderson said he could exercise veto power to ensure that spending satisfies settlement requirements.

Arguments presented in

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## DAM

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a recent hearing by Larry Dyck, a retired Clemson professor and a river restoration expert who represented the Lake Hartwell Association, made removal of the third dam "almost essential for a viable fish reproduction plan for the lake," Anderson said.

Other testimony, from supporters of the educational center, better aligned that project with settlement goals than the original proposal to trustees, he said.

"We're pleased with the judge's encouragement to take out the third dam," Dyck said when he learned of the decision. "We recognize that removal of the third dam is the only project that opens up a vast habitat and also holds the promise to improve fish within Lake Hartwell."

The \$9 million is the state's share of \$12 million paid by Schlumberger Technology in a 2006 settlement for PCB damage to Hartwell and the river.

Between 1955 and 1977, 400,000 pounds of PCBs were released from the former Sangamo-Weston capacitor factory in Pickens, which now is owned by Schlumberger. The settlement included removal of two lower dams and contaminated sediment behind them on the Twelve Mile. Construction of a sediment disposal site started this month.

Dyck has said removal of the third dam would open about 100 miles of river and tributaries — compared to two miles with removal of just the lower dams — for migration of fish and downstream flow of sediment to Lake Hartwell, which lake advocates consider critical in cleaning PCBs.

The PCB remedy prescribed by the Environmental Protection Agency is to let clean sediment bury the contamination on the lake's floor.

A complete restoration of the river and the lake can't happen, advocates told Anderson, unless the third Twelve Mile dam is removed. The Easley-Central Water District owns the dam and wants the impoundment and associated equipment replaced. The cost, estimated at \$5 million in recent testimony, has been an impediment.

More than half the cost would be covered if trustees adopt Anderson's recommendation.

In addition, members of the Lake Hartwell Association, Upstate Forever and the Pickens County Council, and state Sen. Larry Martin, R-Pickens, have told *The News* they are working to find funding for removal of the third dam.

"The removal of the Easley-Central Water District dam and the establishment of a Water Education and Environmental Center appear to have significant support from the public" and "clearly accomplish the three purposes for which the Restoration Account funds were established," Anderson wrote in the order containing his recommendation.

The settlement earmarks the money for fishing opportunities not subject to the current fish consumption advisories; recreational fishing enhancements on Hartwell, the river and the surrounding area; and habitat and natural resources improvements.