

Upstate Update

NUMBER 102

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Upstate Forever's Monthly Bulletin on
Important Issues and Events in the Upstate

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1. 30 Billion Reasons to Protect Natural Resources

Natural resources in South Carolina support 236,000 jobs and generate \$30 billion in annual economic benefits to the state. That is the bottom-line conclusion of a new study conducted by the University of South Carolina's Moore School of Business, the title of which says it all: "Green Means Green." The study evaluated the economic impact of activities such as forestry; mining; recreational fishing, hunting, and wildlife viewing; coastal tourism; and the recreational industry (such as boat manufacturing); notably, agriculture was not included. In addition, access to natural resources and outdoor recreation is associated with attracting and retaining creative and educated residents, which has positive ripple effects throughout the economy. The study provides compelling proof that South Carolina's natural resources and its economic well-being are inextricably linked. Thus, there should be no higher priority in our state than the protection and wise use of these resources.

For more information and to read the full report, go to www.dnr.sc.gov/green/index.html.

2. PCB Contamination in Twelve Mile River and Lake Hartwell: The Court Takes Control

Polychlorinated biphenyls or "PCBs" are highly toxic man-made compounds that were widely used by industries in the United States from the 1920s until their manufacture was banned in 1979. Very slow to break down, most PCBs do not mix with water and settle into the beds of rivers, streams and lakes. Here they can enter the food chain and accumulate in invertebrates, fish, birds and mammals, including people. The Environmental Protection Agency (EPA) has determined that PCBs are a "probable human carcinogen." For more information, see www.epa.gov/epawaste/hazard/tsd/pcbs/index.htm.

From 1955 to 1977, the Sangamo Weston capacitor manufacturing plant in Pickens County dumped over 400,000 pounds of PCBs into Town Creek, a tributary of Twelve Mile River, which flows into Lake Hartwell. As a result, there is now widespread PCB contamination throughout Twelve Mile River and the lake. PCBs are also found at the plant site and at several dumps used by the company.

For over 20 years, EPA has been taking steps to clean up the PCB contamination caused by Sangamo Weston. The focus of *Upstate Forever's* recent efforts has been on the contamination in Twelve Mile River and Lake Hartwell.

In May, 2006, Schlumberger, Inc. (the successor to Sangamo Weston) signed a Consent Decree entered by U. S. District Court in South Carolina that contained two basic requirements: first, to dredge, and dispose of off-site, most of the sediment behind two dams on Twelve Mile River (known as the Woodside I and II dams) and second, to remove the dams. This would allow clean sediment to flow

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naturally downstream and eventually cover or “cap” the PBB-contaminated soil in Lake Hartwell. The other parties to the consent decree include the U.S. Department of Justice, EPA, the U.S. Army Corps of Engineers, the S.C. Department of Health and Environmental Control, and the S.C. Department of Natural Resources.

But regrettably, very little has happened since the Consent Decree was signed over three years ago. In fact, from documents obtained by *Upstate Forever* under the Freedom of Information Act, it is now clear that Schlumberger devoted most of its time and attention to trying to change the terms of the clean-up plan. In November, 2008, it submitted a revised plan to the other parties to the decree (but not to the Court or to the public) that would have allowed it to simply remove the dams. This would have resulted in massive slugs of PCB-contaminated sediment washing downstream and settling out in the river and Lake Hartwell.

Outstanding investigative reporting by *The Greenville News* recently called public attention to the lack of progress in implementing the Consent Decree. After several articles about the delay were published, U.S. District Judge G. Ross Anderson, Jr. ordered the parties to Court on July 7 to explain why so little had been done. Judge Anderson also allowed the public to submit comments and participate in the hearing.

Prior to the hearing, *Upstate Forever*, along with the Lake Hartwell Association and the Pickens Soil and Water Conservation District, sent a letter to the Court, explaining why Schlumberger’s revised plan would be disastrous for the river and the lake, asking that the original Consent Decree be implemented immediately, and seeking removal of the third dam on Twelve Mile River (located upstream of the Woodside I and II dams) as compensation for the delay. This dam must be removed in order to accomplish a true ecological restoration of Twelve Mile River.

At the July 7 hearing, Dr. Larry Dyck, a retired Clemson professor who has been the leading advocate for an effective clean-up for many years, and *Upstate Forever* Executive Director Brad Wyche made statements to the Court. After hearing from Schlumberger’s attorney and others, Judge Anderson made it very clear that he would not tolerate any further delay in implementing the original Consent Decree. He said he “was taking over the project” and imposed a one year deadline for the removing the sediment and then the Woodside I and II dams. He also scheduled a hearing on October 13, 2009 on the removal of the third dam.

On July 13, Judge Anderson took another positive step toward implementing the Consent Decree by appointing the Nexsen, Pruet, LLC law firm (acting through two of its attorneys, William W. Wilkins, former Chief Judge of the Fourth Circuit Court of Appeals, and Leon Harmon, an environmental lawyer) as a “Special Receiver” in the case. Judge Anderson’s order of appointment gives the Special Receiver broad powers to supervise Schlumberger’s performance under the Consent Decree and “to act as the eyes and ears of the Court.”

Upstate Forever will remain actively involved in the case and carefully monitor Schlumberger’s progress in complying with the Court’s directives. In addition, we will make every effort to work out a mutually acceptable plan for removing the third dam. This dam is owned and managed by the Easley-Central Water District as a source of water for its customers. We recognize and agree that any plan for removing this dam must include measures to avoid adverse impacts on the Water District’s operations.

3. Improving “The Air We Breathe” in Spartanburg

Upstate Forever has partnered with the Spartanburg Area Chamber of Commerce, the Spartanburg Development Association and Spartanburg County to educate the community about the significant health risks posed by ground-level ozone in an effort to reduce the region’s high levels of the pollutant during

the hot summer months. “The Air We Breathe” countywide ground-level ozone educational campaign is working to educate area residents and businesses about the changes they can make in their daily lives to decrease ground level ozone, including: carpooling, telecommuting, using public transit, walking, bicycling, reducing engine idling, using gas-powered gardening equipment in the evening only, keeping engines properly tuned, avoiding fuel spills, and more.

A website, www.cleanairspartanburg.com, has been created to alert citizens to the daily ozone levels while also reinforcing the educational component of the campaign and recognizing “Ozone Champions.” To read an article about the campaign from the *Spartanburg Herald-Journal*, go to www.goupstate.com/article/20090701/ARTICLES/907011018/1083.

4. “The Carbon Edge”: Stimulus Funds in South Carolina

Upstate Forever has launched a new speakers series designed to spark ideas and give Upstate businesses a creative and competitive edge in the emerging energy technology era. The first “Carbon Edge” event took place on May 29 and featured Ben Taube, Executive Director of the Southeast Energy Efficiency Alliance.

Before a full house of 80 attendees at the Innovate Building in Greenville, Taube discussed the opportunities for the business community to participate in upcoming energy programs, projects, and policies. Currently, the market for energy efficiency in the Southeast is a largely untapped one. Our region’s spending on energy efficiency per capita is only one-fifth the national average. The Southeast also has the lowest levels in the nation of market penetration by Energy Star, the Federal certification program for energy-efficient products and homes.

With the passage of the American Recovery and Reinvestment Act (ARRA) of 2009, the world of energy innovation and programs has expanded by orders of magnitude, almost overnight. For example, South Carolina’s allocation from the Department of Energy’s State Energy Program has increased from \$463,000 in 2007 to over \$50 million in 2009. These funds will flow through the South Carolina Energy Office for general energy efficiency programs in buildings owned by state agencies, public school districts, and public colleges and universities. To qualify for this funding, South Carolina has agreed to update its building codes, have a plan for achieving 90% compliance with these codes in eight years, and restructure utility rates to promote cost-effective energy efficiency.

The Energy Efficiency and Conservation Block Grant Program provides direct allocations to larger cities and counties -- including \$751,200 for Anderson County, \$3,435,400 for Greenville County, \$2,221,800 for Spartanburg County, \$743,400 for the City of Greenville, and \$192,900 for the City of Spartanburg -- for projects to reduce fossil fuel emissions, reduce energy use, and improve energy efficiency in the building, transportation, and other sectors. An additional \$5.7 million was provided to the State of South Carolina to allocate to smaller cities and counties through a competitive grant process.

The stimulus package will also provide South Carolina with an amazing opportunity to make the homes of low-income citizens more energy-efficient through improvements such as insulation, weather stripping, air sealing, new windows, HVAC units, and appliances. In 2007, our state’s Weatherization Assistance Program allocation of \$1.5 million was used to improve 394 homes. In 2009, we are slated to receive \$58 million for weatherization, which Taube estimates could help 7,692 eligible families (with incomes at or below 200 percent of poverty level). In addition to saving lower-income households money on their energy bills and enabling more comfortable living conditions, the program will create jobs and help our state reduce its high per capita rate of energy use. Funds for the weatherization program are being funneled through local “Community Action Agencies,” including [SHARE](#) in Anderson, Greenville, Oconee, and Pickens Counties and Piedmont Community Action in Cherokee and Spartanburg Counties. A complete list of county contacts can be found at www.oeppe.sc.gov/oeo/caa.htm.

The ARRA also includes funding for: grants for the manufacturing and industrial sector for energy efficiency and recycling projects; loans for biofuels and renewable technologies projects; bonds for utilities and local governments to finance renewable energy facilities; bonds for local governments to fund a wide array of energy conservation projects; tax credits for renewable energy facilities; and more. The mechanisms are complex, but the opportunities are extraordinary.

The Carbon Edge event was sponsored by *Upstate Forever*, Gowdy Consulting, The Wyche Law Firm, McMillan Smith & Partners Architects, and Greater Greenville Chamber of Commerce. If you missed the presentation, you can view it on our website at www.upstateforever.org/programs_climChg.html or watch the video at www.youtube.com/upstateforever. For up-to-date information on stimulus funds in South Carolina, visit www.energy.sc.gov. The next Carbon Edge event will take place August 12; see “Upcoming *Upstate Forever* Events,” below.

5. Monthly LID Speaker Series Takes Place in Spartanburg and Anderson

This year, *Upstate Forever* is proud to be hosting the 2009 Low Impact Development (LID) Speaker Series in partnership with Spartanburg and Anderson Counties. The first event, “An Introduction to Low Impact Development,” drew over 50 attendees to the morning event in Spartanburg and 40 to the noon event in Anderson on June 25. Engineer Don Alexander from the Woolpert design and engineering firm presented the basics of LID to an audience largely comprised of engineers and other stormwater professionals. The series will continue on July 30: “Bioretention Techniques and Solutions,” August 27: “Dealing with Drought: Rain Harvesting and Native Landscaping,” and September 24: “Reducing Cost by Reducing Pavement.” See “Upcoming *Upstate Forever* Events,” below, for more information or contact Mary Hays Huguley at mhuguley@upstateforever.org.

6. Upcoming Upstate Forever Events

Thursday, July 30

Low Impact Development Speaker Series: Bioretention Techniques and Solutions Spartanburg
Headquarters Library, Spartanburg, SC, 8:00 - 9:00 a.m.

Anderson County Main Library, Anderson, SC, 12:00 noon - 1:00 p.m.

Dr. Cal Sawyer of Carolina Clear and the Center for Watershed Excellence will speak about bioretention techniques and solutions in both Spartanburg and Anderson. There is no cost to attend these events. At the morning presentation in Spartanburg, coffee and muffins will be provided. The afternoon presentation in Anderson will include lunch. Engineers and surveyors will be eligible to receive professional development credit. Seating is limited, so RSVP early to Mary Hays Huguley at mhuguley@upstateforever.org or (864) 250-0500x16 and indicate which event you plan on attending. The Low Impact Development Speaker Series will take place the last Thursday of each month through September, hosted by *Upstate Forever*, Anderson County, and Spartanburg County.

Wednesday, August 12

The Carbon Edge: The Carbon Market - How Does It Work and What Does It Mean To Me?

The Innovate Building, 148 River St., Greenville, SC, 11:30 a.m. - 1:00 p.m.

The Carbon Edge is a lunch series designed to spark ideas and give Upstate businesses a creative and competitive edge in the emerging energy technology era. The second event of the series presents speaker Kellee James, economist and White House Fellow, of the Chicago Climate Exchange (CCX), a self-regulatory exchange that administers a voluntary greenhouse gas reduction and trading program for North America. Ms. James will be explaining carbon markets through the lens of businesses in the Southeast. The event is free, with lunch provided, but preregistration by August 4 is required. To register, contact Shelley Robbins at (864) 327-0090 or srobbins@upstateforever.org. The series is sponsored by *Upstate Forever*, J. Gowdy Consulting, The Wyche Law Firm, and McMillan Smith & Partners Architects.

Thursday, August 27

Low Impact Development Speaker Series: Dealing with Drought: Rain Harvesting and Native Landscaping

Spartanburg Headquarters Library, Spartanburg, SC, 8:00 - 9:00 a.m.

Anderson County Main Library, Anderson, SC, 12:00 noon - 1:00 p.m.

Cullen Pitts of McMillan Smith and Partners and Rick Huffman of Earth Design will speak about rain harvesting and native plant landscaping in both Spartanburg and Anderson. There is no cost to attend these events. At the morning presentation in Spartanburg, coffee and muffins will be provided. The afternoon presentation in Anderson will include lunch. Engineers and surveyors will be eligible to receive professional development credit. Seating is limited, so RSVP early to Mary Hays Huguley at mhuguley@upstateforever.org or (864) 250-0500x16 and indicate which event you plan on attending. The Low Impact Development Speaker Series will take place the last Thursday of each month through September, hosted by *Upstate Forever*, Anderson County, and Spartanburg County.

Saturday, August 29

2009 Beach Ball

Hartness Estate, Greenville, SC, 7:00 p.m.

The Beach Ball is an annual philanthropic gala benefiting a variety of worthy causes around the Upstate. This year's beneficiaries are Miracle Hill Ministries Children's Programs, The South Carolina Children's Theater, and Communities in Schools. Attendees will enjoy a lovely night under the stars at the Hartness Estate, complete with culinary specialties from fine restaurants like Larkin's on the River and the Brown Street Club; custom cocktails, microbrews, and scotch tastings; hand-rolled cigars; and great dance music from Whitney Walters and The Sound! You can support *Upstate Forever* by purchasing tickets for this unique event from us! For every \$100 individual ticket you buy, *Upstate Forever* will receive \$50; purchase a private table for four for \$600, and we'll receive \$300! To purchase tickets AND support *Upstate Forever*, please contact Kirbie Crowe at kcrowe@upstateforever.org or (864) 250-0500x21.

Thursday, September 24

Low Impact Development Speaker Series: Reducing Cost by Reducing Pavement

Spartanburg Headquarters Library, Spartanburg, SC, 8:00 - 9:00 a.m.

Anderson County Main Library, Anderson, SC, 12:00 noon - 1:00 p.m.

7. Lots o' Links

[Upstate Forever Job Opening](#). *Upstate Forever* has an opening in our Spartanburg office for an AmeriCorps VISTA member to work on air quality and climate issues.

[Spartanburg Seeks Stormwater Manager](#). Another position opening, this one with the Spartanburg County Public Works Administration.

[Buy a Mountain Lot, Benefit Upstate Forever!](#) A lot in the beautiful Cliff Ridge development has been donated to Upstate Forever, and we have put the property up for sale.

[Green is Good for Business Conference to be held September 1 in Columbia](#). The City of Columbia Climate Protection Action Campaign and DHEC invite you to attend this "one-stop shop for greening your workplace.

[Waxman-Markey Climate Bill Summary: 1,201 pages in 1,502 words](#). From the Center for Climate Strategies, a summary of the comprehensive climate bill passed by the House in June.

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[Comment on the Greenville County Greenways Plan.](#) Learn about the new plan, then click on the comment form to give your input.

[A \(Nearly\) Car-Free Suburb.](#) A highly successful new German development emphasizes walking, bicycling, and neighborly connections.

[What's the State of Your Air?](#) The American Lung Association has graded counties based on ozone levels and particulate pollution.

[Clean Energy a Growth Industry.](#) The Pew Charitable Trust reports that South Carolina's clean energy economy grew by 36 percent between 1998 and 2007, while overall jobs in our state grew only two percent during the same period.

8. Quote of the Month

"This fooling around is over...The important thing in this case is the removal of those dams and the removal of all the PCBs."

--U.S. District Judge G. Ross Anderson Jr., at a July 7 hearing about Schlumberger Technology Corporation's failure to execute a cleanup agreement on the Twelve Mile River, quoted in *The Greenville News*, 7/8/09

