Court Dismisses Sangamo Suit

GREENVILLE(AP)--A $1 billion dollar suit against the Sangamo Electric Co. of Pickens has been dismissed by a U.S. District Court.

Owners of property around Lake Hartwell had claimed in the suit that the company's discharge of toxic polychlorinated biphenyls (PCBs into a tributary of the lake had caused their property to decrease in value.

U.S. District Judge Robert F. Chapman dismissed the suit Thursday, ruling that the class action failed to demonstrate that all persons named in the suit suffered enough damage to qualify for relief in federal court.

Citing a Supreme Court decision in a similar case, Chapman said it was "not credible that every such owner (alleged to be a member of the class) has suffered pollution damage in excess of $10,000."

He also ruled that enforcement of the Federal Water Pollution Control Act against the Sangamo plant, also sought in the suit, is the prerogative of the federal government and not subject to claims by private individuals.

Ross Anderson, attorney for the property owners, said Judge Chapman left open all avenues of recourse for his clients; however, he said he did not know what further action might be taken.

Sangamo, which uses PCBs in the manufacture of electrical components, has agreed to decrease its use of the chemical and to help clean up the lake.

The production of PCBs will end late this year, according to an agreement between Monsanto Industrial Chemicals Co., manufacturers of the substance, and the U.S. Environmental Protection Agency.

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Sangamo may face further action

A class action suit brought to recover losses incurred when poisonous chemicals were dumped into Lake Hartwell failed Thursday, but some property owners may take further action, their attorney said.

The suit failed Thursday because it did not show that every property owner involved had suffered a loss of $10,000 or more due to contamination, U.S. District Judge Robert F. Chapman said.

Attorney Ross Anderson said Chapman left all avenues of recourse open to the property owners, but he did not know what further action might be taken. The next step, would be to determine whether property owners want to break legal action down so persons judged to have suffered less than $10,000 in damages could seek relief in state court. Those suffering $10,000 or more property value and business losses could continue to seek action in federal court, he said.

The $1 billion suit against Sangamo Electric Co. of Pickens was dismissed Thursday in U.S. District Court. Chapman ruled the class action suit filed by Anderson failed to demonstrate all persons bringing the suit suffered enough damage to qualify for relief in federal court.

The suit was brought against Sangamo by owners of property around Lake Hartwell after the manufacturing ompany was found to be releasing polychlorinated biphenyls (PCBs) into a tributary of the lake. The chemical is suspected of having cancer-causing properties, and the public was warned against eating contaminated fish taken from the lake.

The property owners claimed the poisonous effect of the chemical on animal and plant life in the lake cost them business and property value losses. A temporary ban was placed by the U.S. Environmental Protection Agency (EPA) and the state Department of Health and Environmental Control (DHEC), on fishing in the lake, after the PCB concentration was measured.

Following the warning, issued Aug. 13, fishing dropped off around the lake and businesses supporting fishing on the lake complained of loss of revenue due to the pollution alert. The fishing ban has since been partially lifted and tests are under way to determine the harmful effect, if any, the chemical might have had on Sangamo employes.

Anderson said although the damage suit was dismissed, he feels the suit prompted the EPA, DHEC and Sangamo to "hasten their efforts" to curtail the PCB discharge. "I'll say this, they've been working mighty hard up there (at Sangamo)," Anderson said. "It appears they've made every effort to bring the discharge) down."

Sangamo has reduced its PCB discharge to about half the maximum allowed by EPA, Anderson said. "If they're complying with the law, it's bound to have a favorable effect on the lake."

Another section of the suit, which sought to require enforcement of the Federal Water Pollution Control Act, was dismissed because enforcement of the act is the prerogative of the federal government and not subject to claims by private individuals, he said.

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