Suit against Sangamo dismissed

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A $1 billion damage suit against Sangamo Electric Co. of Pickens was dismissed Thursday in U.S. District Court.

The suit, filed by owners of property around Lake Hartwell, had charged the company's discharge of polychlorinated biphenyls (PCBs) into a tributary of Lake Hartwell caused them loss of property value.

U.S. District Judge Robert F. Chapman, in dismissing the suit, ruled the class action filed by Anderson attorney Ross Anderson failed to demonstrate all persons named in the suit suffered enough damage to qualify for relief in federal court.

Chapman, citing a decision from a similar case handed down in the U.S. Supreme Court, ruled: "... to a legal certainty it is not credible that every such owner (alleged to be a member of the class) has suffered pollution damage in excess of $10,000."

Another section of the suit sought to require enforcement of the Federal Water Pollution Control Act against the Sangamo plant.

Chapman ruled enforcement of the act is the prerogative of the federal government and not subject to claims by private individuals.

Anderson said Judge Chapman left all avenues of recourse open to the property owners, but Anderson said he did not know what further action might be taken.

He said the next step would be to see if the property owners want to break the legal action down so that property owners judged to have less than $10,000 loss of value could seek relief in state court.

Anderson said that, although the damage suit was dismissed, he feels the suit prompted both the Environmental Protection Agency, the state Department of Health and Environmental Control and Sangamo to hasten their efforts to curtail the PCB discharge.

"I'll say this, they have been working mighty hard up there (at Sangamo)," Anderson said.

"It appears they have made every effort to bring (the discharge) down," he said.

Anderson said Sangamo has reduced its PCB discharge to about half the maximum allowed by EPA.

"If they are complying with the law," Anderson said, "it is bound to have a favorable effect on the lake."

Sangamo's attorney, L. Gray Geddie Jr., said his client was "very happy" with the court's action.

The $1 billion damage suit was filed in U.S. District Court in Greenville on Sept. 10, after it was revealed the Sangamo Electric Co. plant in Pickens was discharging PCBs into the Twelve Mile Creek tributary of Lake Hartwell.

Sangamo uses the chemical in the manufacture of capacitors and other electrical components.

EPA and DHEC issued a warning Aug. 13 to fishermen and lakeshore residents that fish from certain parts of Lake Hartwell should not be eaten because of contamination from the PCB discharge.

Following the warning, 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 effects, if any, the chemical might have had on employees of the Sangamo plant.

PCBs have been found to be toxic in test animals following prolonged consumption of food contaminated with the chemical.

Monsanto Industrial Chemicals Co., manufacturers of the toxic substance, has said PCB production will end late next year.

Meanwhile, manufacturers of electrical components are experimenting with other, less lethal, chemicals that possess PCBs' heat resistant capacity.

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