

# Local residents take GE to court

In the early 1980s when Oscar and Helen Gardhigh moved into their Brookwood Avenue home adjacent to Little Dry Creek, they and their three young children played and picnicked by the creek regularly.

Today when Oscar Gardhigh gets home from the third shift at Inland Container, he doesn't go to the backyard, nor does he allow his 11-year-old granddaughter to play there.

The soil is contaminated with PCBs, resulting from deposits left by the creek's floodwaters. Just upstream is General Electric's closed medium transformer facility.

Some three years prior to the Gardhigh's arrival on Brookwood, use of PCBs at the GE facility ceased after the federal government banned the toxic substance, but that didn't stop the contaminants from continuing to wash into drainage ditches and into Little Dry Creek during rain storms.

Gardhigh and four other residents of homes lining Little Dry and Horseleg creeks have alleged in separate lawsuits filed against GE last year in Floyd Superior Court that GE permitted stormwater runoff to carry PCBs onto their property long after their use was banned. Dr. Richard Muller whose commercial property along Redmond Circle has been contaminated is also taking GE to court.

Other property owners who have filed suit include Barbara Oglesby who owns property on Oakland Ave. and South Hanks St., Coleman Tatum of Conn St., Alvin Jackson, Sr. of Conn St. and Thelma Roundtree of Woodbine Ave.

A branch of Little Dry Creek drains the GE site and winds east through neighborhoods along Lavender Drive, through Summerville Park and on to the Oostanaula River opposite Ridge Ferry Park. Horseleg Creek drains the GE site to the south and winds east through neighborhoods south of Shorter Avenue to the Coosa River near Horseleg Creek Road.



**Contaminated properties and pathways of Contamination from GE site**

The suits filed by local attorney Bob Finnell name General Electric and Richard Lester as the defendants. The court documents claim that contamination has "damaged and reduced the value" of the property and caused "substantial loss of the plaintiff's right to the use and enjoyment" of it. Furthermore, the suits allege that the owners are now "potentially liable for cleanup."

The residents seek monetary and punitive damages as well as attorney's fees.

The suits claim that though GE knew after

1976 that stormwater run-off contained PCBs, they did not install a water treatment mechanism to contain the contaminants at the GE plant until the 1990s. The suits also allege that GE "did not disclose the off-site migration of PCBs...in order to prevent discovery and cleanup."

"GE is not voluntarily going to safeguard anyone's long term property rights," said Finnell. "If an individual does not come forward and take a little initiative and do it on their own, GE is more than glad to let people just sit on their rights. Someday you'll wake up, or your heirs will wake up and say, 'Gee, dad you left us this piece of property and we can't do anything with it.'"

Finnell said he is currently working on about 10 additional cases. He said his clients have been financially damaged by the pollution, citing one example of a client unable to get a home improvement loan because of contamination.

"We're finding now that lenders are not going to lend on property that is environmentally contaminated," he said. "We've got examples where lenders have refused to loan money where they have lent money on the very same property in the past."

"As a community once these homes start losing their value, how's that going to effect the tax base? There is a potential to create a fairly large hole in our local economy and tax base because of this pollution."

Finnell believes citizens must take action.

"Ultimately, citizens are going to have to do it for themselves," he said. "And that is what GE is banking against—that people will tire. This company's corporate decision is to use their resources to delay and deny. They'll meet and they'll talk and they'll do lots of other things, but they are not going to voluntarily compensate owners of land."

## Need More Information?

Mitch Lawson, Executive Director, Coosa River Basin Initiative 706-232-2724 or [www.coosa.org](http://www.coosa.org)

Georgia Environmental Protection Division Hotline 1-888-869-1191

Georgia Department of Natural Resources for state fish consumption guidelines 404-656-4713 or 706-369-6376 or [www.state.ga.us/dnr/enviro/](http://www.state.ga.us/dnr/enviro/)

U.S. Agency for Toxic Substances and Disease Registry for a copy of the agency's public health statement on PCBs 1-888-422-8737 or [www.atsdr.cdc.gov/toxprofiles/tp17.html](http://www.atsdr.cdc.gov/toxprofiles/tp17.html)

U.S. Environmental Protection Agency for complete EPA information about PCBs [www.epa.gov/opptintr/pcb/](http://www.epa.gov/opptintr/pcb/)

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