

## Clam farmers to split \$1.79M

Lawsuit settlement stems from 2002 oil spill in harbor BY PETER HULL

Published on 10/19/07

### The Post and Courier

More than a dozen local clam farmers will split nearly \$2 million after settling a lawsuit against a global shipping line and a Virginia-based dredging firm over an oil spill five years ago in Charleston Harbor.

The case was resolved last month out of court, avoiding a potentially lengthy trial that was scheduled to begin this week.

Under the terms of the settlement, about 15 clam farmers will share \$1.79 million from Taiwan-based steamship line Evergreen Shipping Agency and Norfolk Dredging Co.

William Applegate, an attorney with Mount Pleasant-based Motley Rice who represented the clam farmers, said he feels all of the parties are pleased the matter is closed.

"We have come to an amicable resolution of the case," Applegate said. "We're happy to achieve this resolution for our clients and the community."

A spokeswoman for Evergreen maintained the shipping line's innocence and said the company was pleased to move forward.

"We decided to settle out of court to have this matter behind us so we can focus on our core business of operating world-class shipping services with environmentally sensitive care," Barbara Yeninas said in an e-mailed statement.

The case stemmed from a Sept. 30, 2002, incident in which 12,500 gallons of heavy "bunker" oil oozed into Charleston waterways and polluted a 15-mile stretch of shoreline. The clam farmers alleged that Evergreen and Norfolk Dredging, a subcontractor for local firm Marinex Construction Co., were responsible. Marinex was named in the lawsuit but later was dismissed as a defendant.

According to Coast Guard accounts of the incident, an Evergreen ship, the

Ever Reach, ran into unmarked and submerged sections of steel dredge pipe as the ship steamed toward its North Charleston container terminal. The underwater crash tore a 24-foot-long gash in the vessel's hull and ruptured a fuel tank.

The resulting oil spill sullied wildlife, boats, creeks, marshes and piers all the way from the former Navy base in North Charleston down to Folly Beach. The \$4 million cleanup took months and involved the combined efforts of local, state and federal agencies.

As a result of the spill, the farmers said, their collective inventory was almost entirely destroyed, dropping more than 90 percent from about 28 million clams to about 2 million. Any clams that survived were harvested, and some clam beds are still in operation, Applegate said.

The Ever Reach last called in Charleston on the day of the spill, according to State Ports Authority records. The ship currently is part of Evergreen's Asia-U.S. East Coast service, which calls at New York, Baltimore and Savannah.

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