



Friends of Congaree Swamp News

Save the date

21st Amendment Hike

Come explore some of the park's moonshine still sites during the 21st Amendment Hike on **Sunday, Dec. 5**.

The park has numerous still sites, and the history of moonshining at the park is intertwined with tales of Jim Crow justice, as found in *Tales of Congaree*.

We will recognize this legacy by hiking to several still sites in the park on the anniversary of the 21st Amendment, which repealed Prohibition.

Friends board member Prof. Neal Polhemus will share recent research about moonshining at the park.

Meet at the Longleaf Campground parking lot at 9 a.m. Most of the hike will be on uplands with short excursions along the muck swamp, depending on water

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Park gains more than 216 acres

Congaree National Park has grown by more than 216 acres with the acquisition of the Running Creek tract.

Closing paperwork was signed in September.

As it turns out, the park service acted on the minor boundary revision sooner than we anticipated, and on Jan. 21, 2021, a notice was posted to the Federal Register that the National Park Service had modified the boundary

of the park to include the Running Creek tract. The tract was originally thought to be 214.42 acres, but a more careful analysis of the survey data found the tract to be somewhat larger—216.13 acres, in fact.

With the tract now within the park's authorized boundary, Beta Martinez Nicks, realty specialist in the park service's Region 2 office in Atlanta,

contacted Friends in February about moving forward with the donation. Friends agreed to provide \$25,000 in earnest money and hold the remainder of funds from various sources to buy the tract until the land could be donated to the park service.

Several necessary paperwork hurdles were successfully negotiated over the following months and Friends signed closing paperwork on Sept. 9. Park service signatures and recording the deed followed shortly thereafter.

With the acquisition, the park extends its border northward along a three-mile stretch of Running Creek from the Norfolk Southern Railway Corporation bridge westward to U.S. 601, and increases its size to 26,901 acres.

The acquisition includes the northern banks of Big Lake and Little



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President's Corner

Dr. John Grego

David Stahle visit

Prof. David Stahle of University of Arkansas-Little Rock will be coming to Congaree National Park Dec. 9-10 for a Lunch-and-Learn and tour of Congaree National Park's old-growth bald cypress.

Dr. Stahle is internationally known for his work in dendrochronology and climate. Of regional interest, his work from the early 1980s at the Black River in eastern North Carolina confirmed bald cypress trees more than 1600 years old. Later work identified a tree more than 2600 years old.

He directs the Tree-Ring Laboratory and founded the Ancient Bald Cypress Consortium, which promotes research, education and conservation of old-growth forests. Be sure to attend the Lunch-and-Learn at Congaree National Park at noon on Thursday, Dec. 9.

Research symposium

After the successful Water/Ways Symposium, organizers turned their attention to holding the park's first research symposium since 2008.

Congaree National Park and Friends of Congaree Swamp will host the park's third research symposium on Thursday, Jan. 6, and Friday, Jan. 7, 2022.

The symposium will begin with a 6 p.m. reception Jan. 6 at the University of South Carolina Alumni Center Ballroom followed by a welcome and memorial remarks in honor of Will Graf and Rebecca Sharitz.

Sessions on Jan. 7 will be held in the S.C. State Museum Vista Room beginning at 9 a.m. They include Cultural History, Hydrology, Geomorphology and Ecosystems/ Ecology. The symposium will wrap up with a panel discussion on upcoming challenges and the future of research at the park.

Registration information can be found at the Friends of Congaree Swamp website (www.friendsofcongarree.org/news/2022-research-symposium). Registration is free and the conference may be attended in person or online.

Navigable Waters Protection Rule

The National Parks Conservation Association recently contacted Friends for comments on the 2020 Navigable Waters Protection rule.

Tracy Kramer, the association's outreach and engagement officer, wanted to ensure that a couple representatives from groups associated with Southeastern parks spoke at one of the four nationwide hearings to be held by the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers. Interestingly, her other contact was former park Superintendent Martha Bogle.

We had submitted comments back in 2017 when the Obama administration's 2015 Waters of the U.S. Rule was being reconsidered. Since that time, the 2015 rule was revoked in 2019, and a new rule—the Navigable Waters Protection Rule—was proposed in 2020.

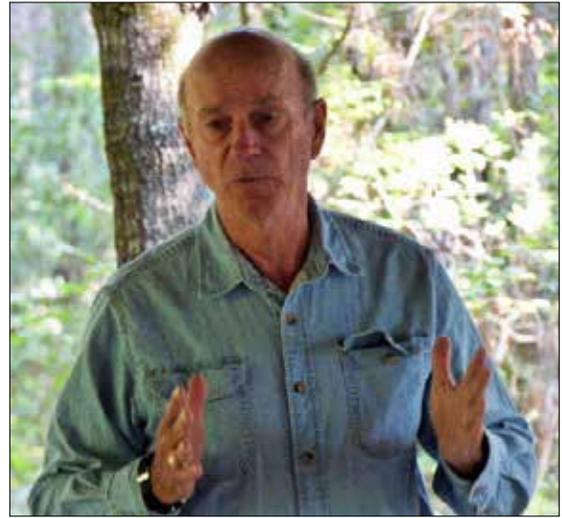
The new rule weakens the Waters of the U.S. Rule, which was put in place to clarify the definition of the waters of the United States after a pair of Supreme Court decisions limited the scope of agencies' traditional interpretation.

The 2020 rule would remove long-standing protections for many headwaters streams, and adjacent jurisdictional waters—those with a "significant nexus" to waters that everyone agrees should be protected.

Several such streams drain directly into Congaree National Park's wetlands and waters, and most of these are impaired. Their protection under the Clean Water Act has been critical to efforts to regulate pollution affecting Congaree National Park.

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Dr. John Grego, President Sharon H. Kelly, Editor

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On Sept. 11, Congaree National Park became the first forest in South Carolina to be inducted into the Old Growth Forest Network. Sarah Horsley, left, network regional manager, presented a plaque commemorating the occasion to park Superintendent K. Lynn Berry.

Also at the ceremony, Friends member John Cely received a special honor as Forest Advocate from Dr. Joan Malouf, network founder and executive director. Afterwards, John led ceremony participants on a big tree hike to the national champion Loblolly Pine.

Thanks to Eric Frey, park ranger and integrated resources manager, for preparing the nomination on John's behalf.

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levels. Be prepared for muddy conditions in spots (knee boots or waterproof ankle-high hiking boots recommended). This is a short hike, though largely off-trail. We will take care not to touch artifacts, or otherwise disturb the sites.

This outing is solely for members of Friends of Congaree Swamp and will be limited to 25 participants.

To register, contact John Grego at (803) 331-3366 or friendsofcongaresswamp@gmail.com.

Christmas Bird Count

This year's Congaree Swamp Christmas Bird Count will be held **Sunday, Dec. 19**, beginning at 7 a.m.

Christmas bird counts, conducted nationally each year since 1900, are the oldest

citizen-science project in the country. A CBC is an all-day effort to find and identify as many wild birds as possible within a 15-mile diameter circle. This effort, which now includes more than 2,600 circles and more than 80,000 participants annually, is sponsored by the National Audubon Society.

Congaree Swamp's CBC (founded by Robin Carter) includes almost all the national park and adjacent areas, from Gadsden and Wateree in Richland County to Fort Motte and St. Matthews in Calhoun County.

The Congaree Swamp CBC often has among the highest counts in the country of Pileated Woodpecker, Northern Flicker, Yellow-bellied Sapsucker, Barred Owl, Winter Wren and others.

Join us to help out. If you are a novice, an expert birder will



Yellow-bellied Sapsucker

lead you around the boardwalk in the morning, which hosts some of the park's best sites for interesting wintering species and permanent residents, including Winter Wren, Blue-headed Vireo, White-breasted Nuthatch, Brown Creeper, Red-headed Woodpecker, and Rusty Blackbird.

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Westinghouse problems persist

As part of our update on Westinghouse Electric Company's Columbia Fuel Fabrication Facility in our Summer 2021 newsletter, we reported briefly on the Nuclear Regulatory Commission's (NRC) release of its draft Environmental Impact Statement (EIS).

Since then, we've had more time to review the EIS and prepared and submitted comments prior to the original Sept. 20 deadline (later extended two months). In our letter, we commented on several areas, a few of which are highlighted below.

Completion of consent agreement. In many respects, the relicensing decision felt premature. Again and again, the draft EIS referred to the consent agreement between S.C. Department of Health and Environmental Control (DHEC) and Westinghouse, and it was clear that important decisions to remediate pollution onsite awaited information from ongoing studies.

We cited the inconclusive results of the extensive efforts to find the source of Technetium-99, a man-made radionuclide, as well as the troubling conclusion that the source appeared chronic rather than acute, and urged the source investigation continue to a definitive conclusion.

The groundwater sampling system now comprises more than 100 wells, with many

added as part of the consent agreement, including several placed in the floodplain for the first time. Groundwater contamination by fluoride, nitrates, chlorinated volatile organic compounds (CVOCs), and radionuclides has been well documented for years.

Alarming, some of the floodplain wells detected CVOCs, including a couple that were placed on the opposite side of Mill Creek and the Sunset lakes from the plant.

DHEC was particularly troubled by the presence of any CVOCs at wells downgradient of Mill Creek and the Sunset lakes, since there was no obvious explanation of how a contaminant plume could pass under the lakes.

Detection of uranium in sediment/sludge samples from stormwater ditches, wastewater treatment plant lagoons, and both Sunset lakes precipitated further study, and results from the sampling were troubling. Fluoride and nitrate were detected in many of the samples, and uranium was detected in the wastewater treatment lagoon and four samples from the Sunset lakes.

As DHEC noted in its comments on the draft Interim Remedial Investigation report, the presence of uranium in the Sunset lakes was unexplained, though Westinghouse speculated the uranium may have resulted from a 1971 spill of 1 to 1.5 million gallons of

wastewater. We requested that additional investigation of the 1971 incident be required, and that a source study for uranium in the Sunset lakes be conducted rather than accepting Westinghouse's explanation at face value.

The draft EIS presupposed favorable outcomes. The draft EIS often assumed the best possible outcome under the consent agreement, which is naïve for several reasons. First there is the long history of incidents onsite.

The EIS was issued because Westinghouse's poor handling of accidents and issues came to light after NRC had issued a draft Environmental Assessment and Finding of No Significant Impact (FONSI) in June 2018.

Less than a month later, a leak at Hydrofluoric Acid Spiking Station #2 released uranyl nitrate and hydrofluoric acid into the soil, an incident that further raised concerns about Westinghouse's environmental and safety record.

Leaks, including radionuclides from a contaminated wastewater line in 2008 and 2011, were not reported at the time they occurred and only came to light in 2019. The 2011 incident was particularly concerning because Westinghouse at that time was petitioning DHEC to decommission air sparging and soil vapor extraction onsite and was granted relief.

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Would they have received permission remediation efforts if the leaks in 2008 and 2011 had been properly reported to NRC and DHEC?

Another incident from 2019 raised management questions as well. During a May 2019 inspection, DHEC found numerous aging intermodal containers containing storage barrels that had not been previously reported.

Some of these intermodal containers and the barrels stored therein were not well maintained, and contamination was found on-site.

Though this incident appeared in the original Environmental Assessment, Westinghouse's failure to disclose the site and existing contamination showed lack of attention to proper site management and disclosure.

NRC needs to require stronger permit conditions.

NRC attached a couple conditions to the license, but they were weak to the point of irrelevancy—a simple reporting requirement for groundwater and surface water exceedances, and NRC approval of Westinghouse's environmental monitoring and sampling program.

Neither of these conditions required Westinghouse to actively address existing sources of contamination on-site.

Rather than relying on DHEC's enforcement efforts through its consent agreement, we argued NRC should take a more active role in ensuring that existing pollution problems on-site are addressed by including

more stringent permit conditions.

Off-site migration is an arbitrary standard. We were greatly concerned by the extent to which an arbitrary standard of “off-site” migration was used to judge whether impacts of groundwater and surface water pollution are small, moderate or severe.

Migration off-site is an unduly permissive standard for a substantial parcel of land adjacent to a sensitive floodplain ecosystem. NRC should instead be studying whether groundwater pollution is substantial and whether migration is active.

Under both criteria, several pollutant problems at Westinghouse were worse than NRC indicated in the draft EIS.

Assessment of impacts ignores recent history. The burgeoning groundwater monitoring network confirmed a large impact from chlorinated volatile organic compounds.

Regulators likely anticipated that surface water sources at the edge of the floodplain could provide some impediment to the advancing groundwater plume, but the installation of a monitoring network downgradient of the surface water features (Mill Creek and the Sunset lakes) suggest that the contaminant plume is advancing in unanticipated ways.

We argued that the persistence of the plumes, their continued advance, and their intrusion into sensitive floodplain soils constitute a serious groundwater pollution problem, not one that can

be set aside as small-to-moderate or moderate.

Given migration of the contaminant plumes, it was a mistake to end remediation efforts in 2011. Under the circumstances, NRC should require Westinghouse to resume air sparging and soil vapor extraction for groundwater pollutant remediation as a license condition.

Discussion of alternatives.

Some of the discussion of alternatives (40-year license—the preferred alternative, 20-year license, no action alternative) is disingenuous. Future impacts are often minimized, since existing conditions would not change, but simply occur later or end sooner.

The NRC repeatedly uses the phrase “only the timeline would change”, but that statement minimizes the impact of living with detrimental impacts for another generation or two of Richland County residents.

The NRC also stretched credulity when it concluded that the no-action alternative would result in environmental costs to society that would exceed these costs for the proposed action since the site would need to be cleaned up after decommissioning.

Discussion of accident scenarios and environmental justice claims these impacts are small. These impacts should be considered at least moderate, not small, given Westinghouse's record of concealing incidents at the plant.

As a final observation, we

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Wateree Station

Discharges endangering Wateree River

Friends of Congaree Swamp recently prepared public comments on the renewal application for wastewater discharge from Dominion Energy's Wateree Station coal power plant.

The wastewater is generated by several internal processes, as well as the main discharge to the Wateree River. The application for renewal has been a long time coming, as the last permit was issued in 2008 for a five-year period.

After submitting our

comments, we had the opportunity, along with Sierra Club, Catawba Riverkeeper and Coastal Conservation League, to sign onto the extensive set of comments prepared by the Southern Environmental Law Center (SELC).

Constituents of coal ash, including fly ash, bottom ash waste, and flue gas desulfurization (FGD) sludge, are currently stored at an onsite landfill, which generates discharge, or leachate.

Though coal ash is not regulated as hazardous waste, the presence of heavy metals and other hazardous waste in coal ash remains a cause for concern. Combustion residual leachate was temporarily struck from regulation in a May 2019 U.S. Court of Appeals ruling until the Environmental Protection Agency could establish stricter standards.

We expressed concern that stormwater runoff

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Acquisition

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Lake, portions of the Singleton Creek and Griffins Creek watershed, and uplands that buffer the floodplain. Though paddling upstream from the unimproved Bates Old River landing was previously possible, opportunities should expand

with the recent acquisition.

This lends some urgency to addressing conditions at the unimproved landing, since the large mudholes have worsened, and rains have increased erosion on the upper end of the access road.

The acquisition was the result of a months-long partnership between Friends

of Congaree Swamp, Open Space Institute, National Park Foundation, the National Park Service and private donors Fred and Alice Stanback, in coordination with the Weyerhaeuser Corporation, S.C. Department of Transportation, U.S. Army Corps of Engineers and the Kingville Hunt Club.

Westinghouse

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noted that existing issues at the plant required Westinghouse to enter into a Voluntary Clean-up Contract with DHEC in August 2016.

As new problems arose, the contract needed to be superseded by a consent agreement with DHEC in February 2019, and NRC itself had to set aside its draft

Environmental Assessment and FONSI in June 2018.

This cascading series of actions by regulatory agencies in response to problems at Westinghouse points to a plant with a troubled history.

With several issues in the consent agreement left unresolved, NRC's license renewal was premature. We strongly recommended postponement, decommissioning, or a shorter renewal period.

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Experienced birders can participate in one of our many parties spread throughout the circle. Those parties assigned to the main trail system will meet at the visitor center parking lot at 7 a.m.

If interested, contact John Grego at (803) 331-3366, or email friendsofcongaresswamp@gmail.com.

Discharges

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and landfill leachate would not be monitored at the leachate outfall. It would be appropriate to monitor and report analytes such as arsenic, chromium, and zinc.

Dominion and the S.C. Department of Health and Environmental Control (DHEC) proposed delaying standards for arsenic, mercury and other analytes from FGD discharge under a voluntary incentive program. The program allows industries to delay enforcement limits for certain hazardous analytes in exchange for establishing

limits in the first place.

Note that upstream sites are impaired for mercury, and that arsenic historically leached from retention ponds to the Wateree River.

These circumstances suggest that more careful monitoring of any mercury and arsenic discharges from the plant should be put in place.

The SELC noted that Dominion may likely close the facility by 2028 and argued that a facility that planned to close should not be eligible for participation in the voluntary incentive program. It faulted Dominion and DHEC more generally for failing to

address arsenic pollution in groundwater and mercury pollution in surface waters.

The previous permit prohibited the discharge of chemical metal cleaning waste. Dominion argued that discharge would not further degrade water quality in the Wateree River and requested that chemical metal cleaning waste, including iron and copper compounds, be permitted for discharge.

Given that monitoring sites at two tributary streams are impaired for copper, our final recommendation was that further degradation of the Wateree River watershed by copper should not be permitted.

Grego

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The 2020 rule provides insufficient protection to waters within the 100-year floodplain of a river, beyond the bank of a river channel. Floodplain waters could be treated as “adjacent” only if separated from the river channel by a single natural berm, and so the rule would not provide protection to large river systems with wide, complex floodplains.

Congaree National Park is heavily impacted by management of the Congaree River’s floodplain, since the park is 25 miles downstream from a large metropolitan area with well-documented water quality problems related to urbanization, non-

point source pollution and publicly- and privately-owned wastewater systems with long histories of violations.

The 2020 rule no longer allows Carolina bays to be evaluated as a special class of “similarly situated” waters; i.e., waters serving a similar function with respect to maintaining the integrity of nearby waters of the U.S.

There are several Carolina bays near the park that meet this criterion, as they filter groundwater to the park, help recharge the park’s groundwater, and mitigate and filter surface water overflow to the park in times of flooding.

We noted that many of the waters that affect the park would lose protection under the proposed 2020 rule. The

careful science that supported previous rules and a compelling interest in preserving our country’s waters and wetlands argues for revoking the 2020 rule as soon as possible.

We presented comments on August 26, 2021, and several farming and forestry organizations spoke against the proposal. Congaree Riverkeeper Bill Stangler spoke at the final public hearing, noting the tenor of comments was different since the 2020 rule had been struck down by a U.S. District Court judge immediately prior to the last public hearing.

Currently, the country is operating under the pre-Obama 1986 rule, which is more protective than the 2020 rule, until a new rule can be put in place.



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Please keep your information current to receive special notices about field trips, events, scheduling changes and acknowledgements in addition to a quarterly newsletter.

*For a contribution of \$35 or more, you may choose one:

- Baseball cap maroon _____ tan _____
- Tan visor _____
- Bandana with map of Congaree National Park gold _____ blue _____ red _____

**For a contribution of \$100 or more you will receive a copy of "The Natural History of Congaree Swamp."

In addition, I would like to donate \$ _____ as a gift.

Thank you for supporting Friends of Congaree Swamp!

Friends of Congaree Swamp, P.O. Box 7746, Columbia, SC 29202-7746
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