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S.C. SUPREME COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Clyde Marcus Jones, II, *on behalf of himself and all others similarly situated*,

Plaintiffs,

v.

Duke Energy Corporation and Duke Energy Carolinas, LLC,

Defendants.

Case No. 3:24-cv-01281-MGL

DUKE ENERGY CORPORATION AND DUKE ENERGY CAROLINAS, LLC'S MOTION FOR SUMMARY JUDGMENT

EXHIBIT LIST

Exhibit	Title/Description
1	Deposition of Jeff Lineberger, Mar. 20, 2026
2	"Duke Power Company Reservoir Mosquito Control Program, 1923-1998: A Brief History," DUK_00003571
3	"A Brief Summary of Duke Power Company's WWII (1942-1943) Mosquito Control," DUK_00000027
4	"Duke Power Company Impoundment Mosquito Control Program," DUK_00002581
5	"The Duke Power Company Reservoir Mosquito Control Program: Seventy Five Years of Service," DUK_00006812
6	Deposition of Bob Barden, Mar. 13, 2026
7	"Termination of Duke Energy's Mosquito Control Program | November 2016," DUK_00011453
8	"Duke Power Mosquito Control Program: Approximate Program Costs and Cost Reduction Options," DUK_00004508

9	"Invasive Aquatic Plant (weed) and Mosquito Control Services," DUK_00004366
10	Examples of Lake Wateree Mosquito Control Program Spray Logs, DUK_00001825
11	1943 Letter from D. F. Ashton to F. M. Boldridge, DUK_00000164
12	EPA Final Report, Feb. 25, 1976, "PCBs in the United States Industrial Use and Environmental Distribution," DUK_00100922
13	Exhibit JGL-1 to 30(b)(6) Deposition of Jeff Lineberger (excerpted)
14	Deposition of David Roche, Mar. 11, 2026
15	30(b)(6) Deposition of Jeff Lineberger, Apr. 20, 2026
16	Report of Harold W. Brown, MD, Aug. 12, 1968, DUK_00000536
17	Draft: "Present Approaches to Mosquito Control on Duke Power Company Impoundments," DUK_00000295
18	30(b)(6) Deposition of Zachary Hall, Apr. 20, 2026
19	Ex. ZSH-1 to 30(b)(6) Deposition of Zachary Hall (excerpted)
20	Deposition of James Glover, PhD, Mar. 27, 2026
21	Deposition of Deke Gunderson, PhD, Mar. 23, 2026
22	Deposition of Robert Workman, PhD, Mar. 11, 2026
23	Deposition of Gretchen Greene, PhD, Mar. 9, 2026
24	"1940s tales, risk of PCBs spur probe at Wateree," *The State*, Aug. 9, 1997
25	"State will test for PCBs in Lake Wateree fish," *The State*, Dec. 13, 2009
26	"Toxic chemicals in popular S.C. lake," *The State*, Aug. 25, 2010 (at DUK_00012100)
27	Deposition of Michael Tachovsky, PhD, Mar. 2, 2026
28	Greenville, S.C. news report, July 8, 2014, DUK_00012110
29	Deposition of Plaintiff Clyde Marcus Jones, II, Oct. 8, 2025
30	Deposition of Eric Butler, PhD, Apr. 8, 2026
31	Plat of 1778 Sailing Club Road, DUK_00100431

32	Property Records for 1778 Sailing Club Road, DUK_00100433
33	Deposition of John Milton Deal, Jr., Mar. 25, 2026
34	Certificate of Appraiser and Uniform Residential Appraisal Report, JONES_001249
35	Deposition of Martha Jones, Mar. 30, 2026
36	VRBO Listing and Reviews for 1778 Sailing Club Road (Ex. 5 to Plaintiff's Deposition)
37	Plaintiff's Response to Duke Energy's Request for Production No. 32
38	Westinghouse Electric Corporation 1979 correspondence, DUK_00102413
39	Deposition of Deborah Phillips, Mar. 27, 2026
40	Deposition of Dennis Phillips, Mar. 27, 2026
41	Tachovsky Expert Report (excerpted)
42	Deposition of William Beckham, Oct. 17, 2025
43	Deposition of Henry Beckham, Oct. 14, 2025

Exhibit 11

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STATE BOARD OF HEALTH
RALEIGH

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March 11, 1943

Dr. F. M. Boldridge
Duke Power Company
Dept. of Health & Sanitation
Charlotte, N. C.

Dear Doctor Boldridge:

I am in receipt of your sample of mosquito oil with the formula:

25% #2 fuel oil
20% gas oil
55% used auto oil.

At this time of year it will be impossible for me to test this sample; but, as soon as Anopheline breeding begins, I will test it on Anopheles quadrimaculatus.

As you probably know, the U. S. Public Health Service does not recommend any larvacide which contains Phenol; and, since coal tar or gas house tar is high in Phenol content, it is not recommended. The reason for this attitude is because Phenol not only kills mosquito larvae but has a tendency to steralize the water, killing plant and animal life in the water. It is known to be quite dangerous to fish.

We have found gas house tar a good larvacide, but it can only be used under certain specific conditions.

No. 2 fuel oil has been found to be the killing agent in the oil mixtures recommended, while the used crank case oil is merely a binder, a spreader, and repellent.

It will probably be a month or two before I can get this report to you.

Very truly yours,

D. F. Ashton

D. F. Ashton, Entomologist
Malaria Investigation and Control Unit.

WHEN IN RALEIGH VISIT YOUR STATE HEALTH DEPARTMENT

Exhibit 12

PCBs IN THE UNITED STATES INDUSTRIAL USE AND ENVIRONMENTAL DISTRIBUTION

TASK I

FEBRUARY 25, 1976

FINAL REPORT

U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF TOXIC SUBSTANCES
WASHINGTON, D.C. 20460

EPA 560/6-76-005

PCBs IN THE UNITED STATES INDUSTRIAL USE AND ENVIRONMENTAL DISTRIBUTION

Task I

EPA Contract No. 68-01-3259

EPA Project Officer: Thomas Kopp

For

Environmental Protection Agency

Office of Toxic Substances
4th and M Streets, S.W.
Washington, D. C. 20460

February 25, 1976

REVIEW NOTICE

This report has been reviewed by the Office of Toxic Substances, EPA and approved for publication. Approval does not signify that the contents necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.

capacitors. In addition, data on electrical performance, toxicity to humans, and environmental effects of the potential substitutes are not presently sufficient to allow meaningful comparisons with PCBs.

Dry AC capacitors (film-type) are in the development stage. These capacitors are significantly larger than liquid-filled capacitors and are limited to a maximum of 280 volts. Satisfactory dry film capacitors will not be available until there are two separate technological breakthroughs: 1) the development of a plastic film that combines a high dielectric constant with a low loss-tangent; and 2) the development of winding techniques that exclude all air from the winding of the capacitor.

Although it is considered probable that satisfactory substitutes for PCBs will be developed within the next 5 years, no such material is presently available and much additional research remains to be done. On the other hand, a significant portion of the large capacitors used by utilities, and some in industry, are situated out-of-doors. These could be replaced by capacitors containing a more flammable fluid without significantly increasing the risk of fire.

Although direct replacement of existing PCB-filled capacitors with units containing substitutes appears possible for many large capacitors, anticipated size differences will present severe problems in retrofitting. The new fluids also cannot be directly substituted for PCBs in existing capacitors. In addition, disposal of obsolete or replaced units will probably be in landfills for many years to come. It is probable that the best replacement scheme for capacitors, assuming cessation of PCBs production and use, would be use of non-PCB replacements as units become obsolete or fail.

3.2 Substitutes for PCBs in Transformers

Aroclors 1242 and 1254 are currently used in about five per cent of U.S.-built transformers; most transformers are cooled with mineral oil. Transformers filled with askarel (60-70 per cent PCBs) are often specified for use in buildings and in hazardous locations where minimization of the fire hazard is of paramount importance. The National Fire Code requires that oil-filled units, and askarel-filled units rated for service over 35 kV, be enclosed in fireproof vaults when

for Abatement of PCBs Concentration in Industrial Effluents", February 3, 1976, pages 71 through 75.

3.2.1.6 Effluent Composition

Effluent flow rates and PCB contents are available from the three plants which discharge into the rivers and from two plants which discharge primarily into sanitary sewers. Detailed effluent composition is available only on Plant 103. This information is given in Tables 3.2.1.6-1 and 3.2.1.6-2, respectively.

The remaining plants in this category which discharge to sanitary sewers report that their water usage, for reasons other than for sanitary purposes, is minimal. However, they have no data available on the quantities and composition of water discharged.

3.2.2 Askarel Transformer Repair Industry

A total of 13 companies repair transformers containing PCBs at a total of 131 locations. The current industry structure has been identified, and several potential problems were noted. No estimates have been made of the pollution which occurs from this industry.

3.2.2.1 Transformer Inspection and Maintenance

Askarel transformers are very reliable and have life-times that range up to 40 years. The failure rate of askarel filled transformers has been estimated by the manufacturers to be 0.2 percent per year. Failure occurs primarily due to the degradation of the PCB fluid caused by electrical arcing within the transformer.

Nine electrical utilities were contacted to determine their inspection and repair procedures. All of these companies have some type of program, usually informal, for the checking of their transformers. In most cases this consists of a simple annual inspection which may include a general cleaning operation of the facilities adjacent to the hardware (e.g., the vaults may be cleaned and vacuumed). Inspection involves looking for evidence of leaks. One utility performs an annual power factor test on the windings, and if this test indicates a problem in the transformer, then its dielectric fluid

is tested - at least this is the theoretical method of operation since the company has only two PCB-type transformers in use and neither has ever failed the power factor test. Another company measures the operating temperature of the units and makes a visual inspection for leaks; this company also claims that transformers located in the generating facility are inspected daily (visual inspection) and that units located in vaults are checked at least weekly. While most major inspections are carried out annually, the range of time intervals between inspections is 6 months to 18 months, with one company saying that they inspect at least once every 2 or 3 years, and another saying that substation transformers are inspected weekly.

These companies perform no sampling and analysis work on their askarel transformers. One company has annual inspection of all transformers, but only the mineral oil-type units have samples withdrawn for analysis to see if there is deterioration or contamination. A company which used to perform power-factor tests until about 8 years ago has since abandoned such tests and does not withdraw askarels for analysis.

Servicing of transformers is only rarely performed in-house. The response of most companies was that servicing of askarel-type transformers had yet to be required. One company did its own servicing up until 8 or 10 years ago, but since then, because of the special handling problems associated with askarels, such work has been farmed out to G.E. and Westinghouse service centers. The general trend seems to be that major servicing is more likely to be done at special facilities outside the utility companies while minor servicing, such as the repair of small leaks is taken care of at the transformer site by the utility.

More than half of the companies have not scrapped transformers in the past five years, and most have not scrapped any in the past 10 years. One utility company has had no transformer failures in 20 years (except for a minor leak of less than 1 gallon ten years ago). These companies have no specific disposal methods for such instances. One company said that scrap transformers are handled through a local junk company and that askarel disposal is the junk company's problem. A company which says it has scrapped no transformers says that when the PCB capacitors fail they are shipped back to

Exhibit 13

Topic 3

Duke Energy understands this Topic to seek information on the purposes for which transformers were used between 1929 and 1989, and how such transformers were maintained and/or repaired during that time period.

Transformers have been used on the Duke Energy system in both Transmission and Distribution. A transmission transformer increases voltage from power plants for long-distance transmission and decreases voltage at substations for safe distribution to users. Distribution transformers are smaller than transmission transformers. Their primary purpose is to decrease high voltage electricity from distribution lines to safer, lower voltages for direct use by residential and commercial users. Transformers are filled with dielectric to prevent heat and to encourage conductivity.

Due to the passage of time, Duke Energy's knowledge about the maintenance and repair of transformers during the entire 60-year period at issue in this Topic is limited. Duke Energy is aware that transformers were brought to a central transformer shop at Duke Energy's Toddville facility in Charlotte, NC for maintenance and repair. The Company had transformer shops in Greensboro and Greenville, as well, but Toddville was the largest.

Askarel-filled transformers rarely failed and, if such failure occurred, the equipment would be shipped out to the manufacturer or a contractor for repair. If a transformer in the field was in disrepair or leaking, Duke Energy would follow its spill response procedure as set out in the PCB Plan. An oil sample would be taken in the field to determine if the PCB content was over 50 ppm. After the PCB regulations went into effect, Duke Energy did not repair equipment it identified as PCB-contaminated.

Topic 9

Duke Energy understands this Topic to seek information on (1) Duke Energy's handling of dielectric fluid and (2) Duke Energy's testing of dielectric fluid for PCB content.

Since at least 1978, mineral oils and askarel fluids were kept separate by Duke Energy, and equipment to handle these different materials was also kept separate. After the PCB ban went into effect in 1979, manufacturers typically noted the fluid sold for use in transformers was "PCB-free." The PCB Committee revised the Company's PCB Plan on multiple occasions to account for changes in the regulations, information received from trade associations, and based on internal experience acquired in carrying out the procedures. .

The Company began testing transformer oil for PCB content in the late 1970s under the PCB Plans, as a result of the PCB regulations. Until that time, Duke Energy had no reason to believe that any of its mineral oil could be contaminated with PCBs. The majority of mineral oil sampled by the Company was not contaminated with PCBs. If the Company did identify PCB content in mineral oil, it could frequently be traced back to a transformer manufacturer who had likely tested the transformer using askarel, resulting in cross contamination to the mineral oil that was ultimately used in the transformer.

Duke Energy is not aware of any PCB testing conducted on new shipments of bulk mineral oil. Following the ban on PCB manufacturing, purchase orders specified that mineral oil would be non-detectable for PCBs and Duke Energy relied on manufacturer performance qualifications and specifications. When mineral oil was received in bulk shipment it was held at a storage location at Toddville or other facilities to be delivered to the transmission and distribution systems.

Transformers purchased by Duke Energy today use mineral oil that contains less than 2 parts per billion (ppb) PCB and are noted as "PCB-free" on the name plate. The transformers come filled and the manufacturer determines how much oil is in the unit.

Topic 10

Duke Energy understands this Topic to ask about (1) the application(s) for which askarel was used; (2) the procedures for delivery of askarel; and (3) the procedures for storage of askarel; and (4) the disposal of askarel.

Askarel-filled transformers were expensive and reserved for particular applications where the risk of fire was great. Because of this, askarel-filled transformers were always rare and limited in number on Duke Energy's system—an estimated five-percent (5%) or less of the Company's total transformers in the 1970s—and their locations were identified and known. Duke Energy is not aware of any askarel-filled transformers currently on its system. Capacitors were pure PCB, rather than askarel. They came pre-filled and Duke Energy did not re-fill them.

Duke Energy always disposed of askarel in a proper manner. Spent askarel fluid was shipped for disposal to EPA-approved incinerators for destruction. Between 1972 and 1975, Duke began shipping askarels to Monsanto for disposal according to Monsanto's instructions.

Duke Energy has no knowledge of any instance in which the Company was required to do maintenance on an askarel-filled transformer. Askarel-filled transformers rarely failed and, if such failure occurred, the equipment was shipped out to the manufacturer or a contractor for repair.

Topic 11

Duke Energy understands this Topic to ask whether Duke Energy considered, in the 1960-1976 timeframe, using something other than askarel fluid and, if so, whether any change was made during that period.

Duke Energy is not aware of any alternatives to askarel that were considered. The Company had very few askarel-filled transformers in the 1970s—an estimated five-percent (5%) or less of the total transformers on its system. The askarel-filled transformers were expensive and reserved for particular applications where the risk of fire was great. Duke Energy was largely a rural utility at the time, and the overwhelming number of transformers were mineral-oil filled transformers because the indoor applications (where risks of fire were significant) were few and far between.

Duke Energy is aware of a publicly-available 1973 document from a General Electric representative claiming that, in 1970, the Company was considering the purchase of dry-type transformers for some apartment buildings. Duke Energy has not independently verified the contents or authenticity of this document and is unaware as to why the Company would have been considering dry-type transformers in that context, if it was. The Company has no basis to believe this consideration would have been driven by environmental or other concerns related to the use of askarel-filled transformers. Duke Energy has submitted an expert report that addresses the 1973 document and accordingly refers to the expert report and deposition testimony of Dr. Eric Butler for further discussion of this Topic.

Topic 34

Duke Energy understands this Topic to ask about documents that (1) Duke Energy believes to have existed at one time and (2) the contents of which are known by Duke Energy so as to make a determination as to whether the documents would have been responsive to any of Plaintiff's Requests to Produce in this case.

The Mosquito Control Program ran for ninety-three years, from 1923 until 2016. Due to the passage of time, information and documents relevant to the Program or to Plaintiff's claims are no longer within the possession, custody, or control of Duke Energy, to the extent they ever existed. Although Duke Energy cannot see into the past, it believes that the following categories of documents may fall within the purview of this Topic:

First, the MCP spray logs for Lake Wateree. There are gaps for certain years in the spray logs for Lake Wateree. As spray logs were regularly created in operation of the MCP, it is reasonable to believe that additional spray logs for Lake Wateree existed at one time. Because there was no obligation to retain spray logs, not all the spray log records were retained over the decades.

Second, MCP payroll records. These records would have existed contemporaneously with MCP activities, but are no longer in Duke Energy's possession for several reasons. MCP crews were seasonal employees. There was no obligation for Duke Energy to keep these older records, and the MCP ended in 2016—ten years ago.

Third, MCP purchase and delivery orders. Bob Barden testified to this process, but Duke Energy has not identified any written records reflecting the same. Again, Duke Energy was under no obligation to keep old records. The MCP ended in 2016, and its activities spanned ninety-three years.

Fourth, MCP authorization from the U.S. Coast Guard. Mr. Barden testified to the existence of this letter. As with the other categories of lost documents, Duke Energy was under no obligation to keep it. Duke Energy attempted to locate the document by contacting George Swearingen's family but was unsuccessful.

Fifth, Boldridge files. Ken Manuel's historic summaries of the MCP indicate that after Dr. Boldridge died in 1981 his family asked whether Duke Power would want his extensive collection of correspondence from "the early mosquito days," but the Company declined.

All of the foregoing categories of records were lost to time and turnover years before this litigation commenced. A litigation hold was initiated upon filing of this case, and a reasonable search conducted for all relevant records on the MCP. Additional searches were conducted following receipt of Plaintiff's Requests to Produce. If additional documents had existed, they would have been found in the same locations.

Exhibit 14

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

- - - - - - - - - - - - - - - x

Clyde Marcus Jones, II, :

on behalf of himself and : Case No.

all others similarly : 3:24-cv-01281-MGL

situated, :

Plaintiffs, :

v. :

Duke Energy Corporation :

and Duke Energy :

Carolinas, LLC, :

Defendants. :

- - - - - - - - - - - - - - - x

Deposition of DAVID ROCHE

Somerset, New Jersey

Wednesday, March 11, 2026

9:05 a.m.

Job No.: 622220

Pages: 1 - 187

Reported By: SANDRA A. ROBERTSON, CCR

committee?

A Yes. It was the reason for it.

Q Now, were PCBs regulated as you understood it prior to the 1979 EPA regulations?

A Yes. They began to be regulated under TSCA in 1976.

Q So what was different about the new regulations that came out in 1979?

A Several things. It banned the manufacturer of PCB except in totally enclosed uses or in laboratory use. It expanded the PCB concentrations which were regulated. It gave the requirements for disposal of PCB, gave the requirements of testing for PCB and several other administrative requirements. It was a major expansion of the scope of the TSCA regulations.

Q And in that list of the changes in 1979, I think I heard you say that they expanded the concentrations?

A Right.

Q Tell me a little bit more about that.

A Previously, the focus was on concentrated PCB dielectric fluid, which is not oil. And then with the -- and with concentrations above 500 parts per million PCB.

The regulations now recognized dielectric fluid which inadvertently contained PCB. It was never intentionally, you know, put in the mineral oil dielectric but they now recognized that there had been contamination of mineral oil dielectric with PCB and so it was regulated by three tiers; 0 to 49 part per million being nonPCB by definition, 50 to 499 part per million being PCB contaminated mineral oil, and 500 part per million and above being PCB mineral oil.

Q You mentioned a minute ago under the preexisting regulations the focus had been on PCB content above 500 part per million?

A Yes.

Q PCB and in the fluid. I think I heard you say but it was not oil. What was the material you were referring to as being regulated under the pre1979 regulations?

A The material that was, you know, managed and, you know, PCB is a man-made chemical and different formulations of BCP were made by the patent holder. And the products that were marketed containing PCB were premium products, because of their desirable properties, including that they were fireproof.

If fluid was marketed -- which was the generic name askarel, a-s-k-a-r-e-l, and so there were different brand names by the manufacturers of askarel equipment. And they were identified by their particular PCB formulation. These were named as Aroclor, A-r-o-c-h-l-o-r. They were -- and the Aroclor number was assigned based on the degree in which chlorine was substituted for hydrogen in the benzene ring, the biphenyl molecule that's where you get the Aroclor. For example, Aroclor 1260 is the frequently found PCB in transformers. 1260 means that 60 percent of the points on the biphenyl molecule were substituted with chlorine.

The askarel itself was not an oil. It was a heavier material and a thick material. Depending on the Aroclor number it could be almost like a grease.

The brand names, for example, were, General Electric had Pyranol. Westinghouse had Inerteen. And these were not oils. These were 60 to 70 percent PCB so highly concentrated PCB and the remainder was trichloral benzene. These were not oils. These were very difficult, I mean, different and strong chemical compounds.

Q You mentioned some ways in which the Aroclors or askarel, is that the same thing?

A No. Askarel is just a trade name for the fluid. Aroclors are the actual chemical identifiers from Monsanto.

Q Thank you for that. You mentioned some ways that askarels are different from mineral oil. You described the heaviest or thickness of askarels in your testimony just now.

What are some other ways that one could tell the difference between an askarel and a mineral oil, by observation?

A The color it had amber color and it had a strong smell, like a sweet smell. I am not too good at describing scents, but it had a very strong odor which was known to anybody that worked with it.

Q The askarel had the --

A Strong scent, yes.

Q And the askarel had the amber color?

A Yes. It had a dark color.

Q And how did that contrast to the mineral oil that was used at Duke Energy?

A Mineral oil has very little odor. It's a very light oil and clear oil. In fact, mineral

oil is only pumped in particular deposits in particular countries. It's a very special oil. It's very lightweight and it's used for its insulating and dielectric properties. It's a very clear and clean oil.

Q I want to go back to 1979 when you started working on PCB issues at Duke, okay?

A Mm-hmm.

Q And when you started working on this issue of PCBs in 1979, did you do anything to familiarize yourself with how Duke had been handling the issue of PCBs up to that point?

A That was done through the cross-functional team. We shared information. We worked together.

Q So did you find out what the current practices for handling PCBs were?

A Yes.

Q And as a result, did you also find out what the historical practices were of handling PCBs were?

A Well, I found out that originally in the 1970s, you know, Monsanto notified its customers about askarel, that it required special disposal. When spent should be returned to them for disposal. So I knew that, you know -- and this

was because of pollution incidences in the 1960s.

Q And so these letters that Monsanto sent to Duke, do you recall approximately what time, those years they were?

A 1970s. Especially after 1975, but I think there are records that go back before then.

Q Do you recall what the response Duke Energy made was to receiving such letters from Monsanto about the askarel material?

A They complied and they corresponded with Monsanto to return the spent askarel according to Monsanto's instructions.

I should also explain that askarel was a specialty item. It was an expensive item. It was only used in particular applications, especially for fire prevention. So there were not -- there were a manageable number of askarel transformers on the Duke system at any time. Remember of course PCBs capacitors were different, but Duke put a program in place for that.

Q So you said that there was manageable number of PCB transformers on the Duke system --

A And the regulations required in 1979 to do annual reports to show the phase out of these transformers and their location we were required

Q Let me talk to you about the term transformer oil. Was that a common term used within Duke?
A Yes.
Q What did you understand it to mean?
A Mineral oil.
Q When someone referred to transformer oil, did you understand them to be meaning askarel?
A No, because askarel is not an oil.
Q When someone referred to transformer oil, did you understand that to be PCB oil?
A No, not necessarily. It would depend on the test.
Q Let's talk about some other phrases.
PCB transformer, are you familiar with the phrase PCB transformer?
A Yes.
Q What does that mean to you?
A Transformer-containing dielectric that's 500 part per million or grader.
Q Part per million of PCB?
A Yes.
Q And do you know what set that standard for the definition of the PCB transformer?
A The TSCA rule.

Duke Power system?

A Mineral oil or askarel.

Q Do you know of any transformer that got both mineral and askarel?

A It doesn't work that way, no. Askarel has particular specifications.

Q For the askarel-filled transformers on the Duke Power system, do you have a recollection of approximately what percentage those were of all the transformers that Duke owned?

A You're asking about askarel?

Q Yes.

A It was a specialty item in particular applications, like, at power plants or facilities where it was very important to prevent a fire.

Q Did Duke have --

A As I say, all of those were kept on record, both purchasing records and then the PCB recordkeeping so we knew where all of them were. It was a small number.

Q So if one used the phrase to you transformer oil, what would you have understood that to mean?

A Mineral oil.

Q Were you aware of the process by which

1980s. So and later on these developed specs to be tested for the oil to see if it was off spec or on spec. If it was on spec for metals and so on, then it would be recycled. If it was off spec -- then that would be called used oil. If it was off expect, it would be called waste oil.

Q So what --

A And if I could add, so it was usually associated with other kinds of petroleum oil. Mineral oil is a very specific refined oil. It was more associated with other kinds of oil, you know, machine oil, garage oil, maintenance oil.

Q And the --

A Not mineral oil.

Q The manifest here, does it tell you anything about where this oil was coming from for this particular shipment in Exhibit 15?

A Yes. If you look at each waste oil manifest, you see it was shipped by the transporter to Lee steam station to be burned as waste oil. You can see 17122 is Catawba garage. 17123 is Bad Creek hydro in South Carolina.

Q And the next one --

A 17124 is Anderson garage in South Carolina. And you can see in each case it tells

involved.

Q Okay. Do you recall any discussion in the PCB committee about the materials that were being used in the mosquito control program?

A No.

Q Do you have any knowledge of askarel being used in the mosquito control program?

A No, I don't --

MR. SOLOMONS: Object to form.

Q You can answer.

A No. May I explain?

Q Yes.

A Askarel is a heavy fluid, heavier than water. It's not an oil. You wouldn't be using it to control mosquitos.

Q Do you have any knowledge of any --

A Heavier than water -- excuse me -- heavier than water. It would sink.

Q Do you have any knowledge of any transformer oil being used in the mosquito control program?

A No.

MR. SOLOMONS: Object to the form.

Q Do you have any knowledge of any material containing PCBs being used in the mosquito control

Q Thank you, sir. In your role at Duke, did you review literature that revealed that PCBs are known to cause cancer?

A Yes, but it seemed like it was more of a -- from the literature it was not as strong a carcinogen as other known pollutants, and it seemed like it was more of a promotor than an actual carcinogen.

Q And you base that opinion on literature you've reviewed?

A Yes, yes.

Q Do you recall what literature?

A No. I don't have it now.

Q Are PCBs known to persist in the environment?

A Yes.

Q Do you recall how long PCBs have shown to persist once introduced into an environment?

A I don't recall the half life, if you will. In the cases, like, on the Hudson River, the PCBs persisted in the sediment for a long time.

Q Over 30 years?

A I believe so, yeah.

Q When PCBs are discharged into an environment, do they have a negative consequence

test for every single one. Many of those transformers over the years were new transformers which were manufactured and bought as nonPCB.

Q We've talked about PCB transformers and those are transformers that have over 500 parts per million.

A Yes.

Q And then we talked about specific transformers that knowingly had PCB -- the use of PCB in those transformers and you talked about those were in the distinct minority of transformers. And so what I want to talk about is that other body of transformers, the transformers that I will call contaminated transformers, 50 to 500 parts per million category, okay?

A Yes.

Q Explain to me, what are the ways that a transformer could become contaminated?

MR. LONG: I'll object to the form.

But you can answer.

A Remember again that mineral oil was never supposed to have PCBs in it. It was purchased as nonPCB. If it was received and did have contamination, that was in the manufacturing process. And through name plates and so on, we

A Yes.
Q And you earlier testified that we wouldn't be talking about askarel here, correct?
A Right.
Q Because askarel sinks.
A Right.
Q We would be talking about mineral oil, correct?
A Yes.
MR. LONG: Object to form.
Q Because mineral oil creates a sheen on the water?
A Right.
Q So what this is talking about is a clean up of spillage into water of mineral oil.
MR. LONG: Object to form.
Q Isn't that right?
A It's just saying PCB liquids. It's not saying oil. It's really misleading to say that it will sink in water. Mineral oil will not sink in water. It's a very lightweight oil. I have responded to spills in water mineral oil. It reads most PCB liquids will sink in water but not mineral oil, not PCB and mineral oil.
Q Mineral oil creates a sheen on top.

A Yes.
Q Because mineral oil won't sink in the water, correct?
A Correct.
Q Do you know if the PCB contained in the mineral oil will sink?
A No, it's not enough of a concentration.
Q Well, is that at all? Is that 50 parts per million? There is not enough of a concentration?
A Yes, to get it to sink, it would have to really be askarel.
Q Okay. So both PCB transformer qualification mineral oil and PCB contaminated qualifying mineral oil would both create a sheen?
A Yes.
Q Are you aware of instances where PCB contaminated mineral oil spilled into a lake or a river?
A No, not PCB contaminated. There was actually a spill from a step-up transformer at River Bend station which got to Mountain Island lake. I was one of the environmental people that responded to the spill. That tested nonPCB, but it certainly showed that the oil floats. It's

CERTIFICATE OF SHORTHAND REPORTER

NOTARY PUBLIC

I, Sandra Robertson, Certified Court Reporter and Notary Public, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the proceedings; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my supervision; that reading and signing was not requested; and that I am neither counsel for nor related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 14th day of March, 2026.



_____

License Number: 30XI00209500

License Expiration: 6/30/26Z

Exhibit 15

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

CLYDE MARCUS JONES, II, on behalf of himself and all others similarly situated,

Plaintiff,

Vs.

DUKE ENERGY CORPORATION and DUKE ENERGY CAROLINAS, LLC

Defendants.

Civil Action No 3:24-cv-1281-MGL

Videotape Deposition of
Jeff Lineberger 30(b)(6)
Monday, April 20, 2026
Taken at 9:15 a.m.

Taken at:
Parker Poe
620 South Tryon Street
Charlotte, North Carolina

Reported by LeShaunda Cass-Byrd, CSR, RPR

Q. Dave in this one, is it Coughlan or Coughlan?

A. Coughlan.

Q. Coughlan.

A. Yes.

Q. Kim Crawford; is that right?

A. That is right.

Q. Renaldo Valentine; is that right?

A. That's right.

Q. Eddie Duncan; is that right?

A. That is correct.

Q. And Brian Palmer; is that correct?

A. That is correct.

Q. Did you speak with anybody else in preparation for this deposition?

A. No. I mean, I spoke with counsel but no, no other individuals.

Q. Would you have had an opportunity to speak with Mr. Manuel?

A. No, I did not. Ken is in very, very poor health as I understand it.

Q. And what about Ms. Churchill, did you speak with her before your deposition today?

A. I -- I spoke with her before -- briefly before her deposition in a hallway conversation, but I

World War II, does he?

A. He does not say that here.

Q. When he's referring to the substitute oils, he is referring to used oil; is that right?

A. Some were used, some may have not -- may not have been. You know, the substitute oils, auto crank case motor oil, was used oil because it was being collected from service stations. Gas house oil was not used, it was a byproduct from the -- we had some things that were called manufactured gas plants but they used a coal gasification process where they would convert coal, solid coal, into gas. So that was not used oil. Pump drip oil might have been used as it was lubricating rotating parts of a pump.

When we say transformer oil, we think of mineral oil, so that does not say it's used. So when -- I think that could just as easily be new mineral oil.

Q. Does it say mineral oil?

A. That is what transformer oil and mineral oil were the same thing.

Q. According to what?

A. According to Duke Power company.

Q. I have looked through documents, and if you can point me to the document where Duke Power has said

Q. And --

A. I don't know how many gallons.

Q. On those two types of equipment capacitors and transformers, would Duke have been performing some routine maintenance and inspection of those pieces of equipment?

A. We would have been doing some inspections, but we didn't do maintenance on capacitors, not maintenance that would involve opening up the capacitor. We also didn't do maintenance on askarel-filled transformers.

Q. And I just want to make sure I understand. It was not needed or Duke didn't perform it?

A. We did not perform it.

Q. Who did?

A. We would have sent those back to the manufacturer.

Q. Did Duke ever have any leaks in its transformers?

A. Transformers have leaks from time to time.

Q. What about capacitors?

A. They may have leaked.

Q. Does Duke have any records of what happened with any of the spillage or leakage from transformers

and capacitors prior to 1976?

A. I -- I think -- I have not seen any of those records. I expect they have been lost to time.

Q. What makes you expect that?

A. It was 50 years ago, and there was -- at that -- before TSCA, before TSCA was passed in 1976, before that, there would have been no requirement to maintain records about such things.

Q. Do you think it is, as a general rule, a best practice to maintain records of regular inspections of equipment to determine that its operational?

MR. LONG: Object to the form.

You can answer.

THE WITNESS: Records maintenance for inspecting equipment, it is something you should do within limitations. I mean, it -- most -- most all the equipment that we are talking about here no longer exists. It's not there anymore. It's been replaced by other things.

So you -- you don't maintain every single record for every inspection you have ever done on a piece of equipment.

BY MS. FICKLING:

examined.

A. I see that.

Q. And so from here, does it appear that in 1968, Duke Power was using transformer oil as part of its mosquito control?

A. (Reading document to self) It says diesel crankcase transformer oil every eight days. And this was on Lake Norman. So it -- it appears that transformer oil was in the list.

Q. To your knowledge, does that combination match the spray logs that we have just been talking about?

MR. LONG: Object to the form.

THE WITNESS: The spray logs typically have -- well, the spray logs changed over time. The only ones that I recall that talked about transformer oil were between like 68 and 70.

Diesel -- number 2 fuel was another term for diesel. There were some spray logs that talked about crankcase oil. The spray logs that -- the existing spray logs, though, the ones that had a column on them anyway for transformer oil, none of those indicated a quantity was ever used.

lubricating oils continues to be a problem.

Now, I think that you testified earlier that Duke didn't perform any of its own maintenance or repairs on its equipment; is that right?

A. No, ma'am. That's --

MR. LONG: Object to the form.

THE WITNESS: I'm sorry. That is not what said. I said -- I said we didn't perform maintenance on askarel-filled transformers or capacitors that were PCB filled. I wasn't talking about equipment in general.

BY MS. FICKLING:

Q. I see. What do you understand waste lubricating oils to be?

A. Pretty much just what it says. You know, we have lots of rotating equipment that we use to produce electricity. This was from Allen Steam Station. So they certainly would have -- they would have had pumps and motors and things like that. And those require oil lubrication so that they don't overheat.

So at some point in time, the heat breaks down those lubricating oils.

Q. Is dielectric fluid a lubricating oil?

Q. So prior to the records that we have here, which are an exchange with Monsanto saying we are going to dispose of these used fluids containing PCBs, prior to that time frame, we have no indication of what Duke would have done with its used fluids containing PCBs; is that right?

MR. LONG: Object to the form.

THE WITNESS: I don't recall specifics in the record that -- that talk about that. Askarel -- askarel was a fluid. It was a heavy fluid. With whatever we did it, we certainly would not have been using askarel in the mosquito control problem that's the subject of this.

Askarel sinks. It won't float. It's not an oil. It wouldn't accomplish larvicide. And larviciding is what we were doing in the mosquito control program.

BY MS. FICKLING:

Q. Does it sink immediately?

A. I believe it would sink immediately. It's about one-and-a-half times heavier than water. I think it would sink.

Q. What if it was mixed with something?

MR. LONG: Object to the form.

that right?

A. I believe that is what he is referring to.

Q. And he is not using those two things interchangeably then, is he?

A. Mixture of transformer oil, really about 99 percent mineral oil. He is -- he is restating it the same way. Use transformer oil is mineral oil.

Q. Your testimony --

A. 99 percent mineral oil. That is what he is saying.

Q. Your testimony is he is just trying to be redundant here?

MR. LONG: Object to the form. Argumentative.

You can answer.

THE WITNESS: I don't know if -- I don't know if he is being redundant or he is being informative. You know, the -- not everybody in -- in this audience I'm sure was in the power generation business. They might not have known what transformer oil means.

BY MS. FICKLING:

Q. And would they be concerned, do you think, if Duke said we are just using transformer oil in our

mosquito control? Would that have caused some concern over the potential for environmental contamination?

A. I don't know that it would.

You also have to look further in his testimony: We are not using any of the chlorinated hydrocarbons.

Q. What do you --

A. Chlorinated hydrocarbons are PCBs. He's saying we are not using any of them.

Q. Is it your understanding that he's referring to PCBs there or DDT?

A. I believe -- PCBs are chlorinated hydrocarbons without a doubt.

Q. They certainly are. You are right.

A. I believe that is what he's talking about.

The second part of that, stomach poisons, that may be referring to DDT. But chlorinated hydrocarbons, chlorinated hydrocarbons to me, and I believe to him, would be PCBs.

Q. Can you point to any other evidence in this case to suggest that when Mr. Swearingen refers to chlorinated hydrocarbons in this document, he is referring to anything other than DDT?

MR. LONG: Object to the form.

THE WITNESS: To my knowledge, this

THE VIDEOGRAPHER: The time on the camera is approximately 3:18 p.m. We are back on the record.

Counsel may proceed.

BY MS. FICKLING:

Q. All right. Mr. Lineberger, are you aware of any public information relating to fish consumption advisories that Duke has provided to those residential homeowners who are partners in the Catawba-Wateree hydroelectric project?

A. We have not like mailed out information to them. But the state agencies that issue the advisories, we cooperate with them when they want to post the advisories that are public access points, or if they wanted to put links on our website for those fish consumption advisories, we would do that.

But we -- you know, we have not -- those agencies have the accountability to communicate that information because they issued the advisories, but we will work with them.

BY MS. FICKLING:

Q. And to your knowledge, Duke has never posted a link to any such advisory on its website, has it?

A. We have not asked to my knowledge.

REPORTER'S CERTIFICATE

I, LESHAUNDA CASS-BYRD, CSR No. B-2291, RPR, Registered Professional Reporter, certify that the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

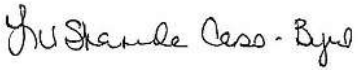
That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes to taken.

I further certify that I am not a relative or employee of any attorney or the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct.

Dated this April 23, 2026.



LESHAUNDA CASS-BYRD, CCR-B-2291, RPR

Exhibit 16

Aug. 14, 1968

Mr. Blades,

This is Dr. Brown's report.
Please read at your convenience
and return to me for filing.

George

CJB

COLUMBIA UNIVERSITY School of Public Health and Administrative Medicine
THE FACULTY OF MEDICINE
DIVISION OF PARASITOLOGY
630 West 168th Street
New York, N. Y. 10032

August 12, 1968

George T. Swearingen
Manager
Environmental Health
Duke Power Company
P.O. Box 2178
Charlotte, North Carolina 28201

Dear Mr. Swearingen:

Enclosed find my report on our recent Duke Power Company lake area survey. You seem to have everything well under control.

With best wishes,
Sincerely,

Harold W. Brown
Harold W. Brown, M.D.

HWB/bg

Conference and Survey of Duke Power Company's Lake Sanitation Program

MR. C. J. BLADES
MR. G. T. SWEARINGEN
DR. F. M. BOLDRIDGE
MR. D. GUDGER

July 26-31, 1968

Harold W. Brown.
Harold W. Brown, M.D.

The meeting of the informal association of the local and state health officials from North and South Carolina and the Duke Power Company workers on July 26-28th at Lake James afforded all an opportunity to exchange ideas in an informal atmosphere. There were the usual discussions on general sanitation, solid waste problems and mosquito control throughout the 3-day session. Friday evening Mr. C. J. Blades, after welcoming the guests, asked several of the Duke Power Company Staff to discuss future plans of the company. Mr. Don Voyles, Manager, Chemical and Environmental Services, outlined the studies that were being made by the Company to ascertain the relationships and the effect of the production of electrical power to the total environment. Methods of controlling any deleterious effects will be developed as part of this program. It was brought out that the Company has in progress a 6-million-dollar smoke and fly ash abatement program. I noted in a recent report that fly ash was quite effective in clarifying and purifying natural waters. Mr. C. A. Dewey, Jr., Principal Environmental Engineer, outlined some of the problems and studies his group are making on the environment with special emphasis on nuclear power plants. He made the point that when we have the facts we can then begin to solve the problems.

The question arose as to the availability of Duke property for the disposing of solid wastes. Mr. Blades assured the group that land would be made available if the local governments would provide the manpower and equipment to develop approved sanitary land fills. Otherwise the unsanitary dumping grounds would be attributed to the Company. This point of view was well accepted by the group.

A trip by boat around some of the shore line of Lake James indicated that wave action along with fluctuation of water level was producing shore conditions that prevented mosquito breeding. One spray team is able to adequately cover the areas of the shoreline that could produce mosquitoes. Although several areas of solid waste dumping, mostly beer cans, are present on the lake, this situation in general appears to be gradually improving. The campsites and launching areas are kept relatively clean of waste.

We spent some time on Keowee Lake, which is gradually filling with water. The clearing which is nearly complete has been excellent and litttle remains after several burnings of the debris. The shoreline is clean and fairly steep in many areas which will prevent mosquito breeding. We found, after a long search, one early anopheline and 2 culicine larvae in a quiet area in a slough and 2 culicine larvae in 30 dips in a marshy area, which will later be covered by many feet of water. There is a small amount of flotage and a few brush piles that require burning. Some 7 thousand applications for cottage sites on this lake have been made; and, fortunately, the shoreline at the cottage sites is so well maintained that mosquito breeding cannot exist.

Cane Creek produces extensive marsh areas and examination

of it on the outskirts of Seneca revealed anopheline and culicine larvae breeding areas 1/3 of a mile from a group of houses. However, in a dump in this area, in tin cans partially filled with water, and numerous culicine eggs, larvae and pupae were found. This whole area will be flooded by the lake and eliminated as a mosquito breeder.

The farm of Mr. C.R. McAllister (K464 on map) adjoins Keowee Lake. Anopheline and culicine larvae were present in pot holes in a "dry" stream on his property. Adjacent to his house there was a considerable amount of mosquito breeding in partially filled tins. These conditions are characteristic of the Company lake areas and although the lakes are accused of producing all of the mosquitoes, many of the old and new residents in the area are breeding their own mosquitoes so close to home that they are a nuisance. Education is the only way to control these small areas of home breeding of mosquitoes.

We visited the atomic energy power plant and were impressed by its size and the type of construction required for reasons of safety.

Mr. Blades drove us through the Jocassee area and outlined the development program for the "upper" lake. The 24-hour fluctuation of this lake of several feet will be helpful in the control of mosquito breeding. In this area, unpopulated by man or his domestic animals the conditions for active mosquito breeding should be kept at a minimum and present breeding areas will be submerged under many feet of lake water.

Considerable time was spent examining the potential mosquito breeding areas of Lake Norman. The oiling schedule which calls for an application of diesel-crankcase-transformer oil every 8 days is apparently well maintained, for there was evidence of oil in all of the potential mosquito breeding areas that we examined. No mosquito larvae were found in several areas which appeared to be favorable breeding areas. We examined in detail an old farm pond at the end of a cove. The pond dike had been broken allowing lake water to flow in and out of the partially dried pond. No mosquito breeding was found and there was considerable evidence of oil. Mr. Swearingen had some time previously found culicine larvae in cow tracks in this area which is a potential hazard as it has 1) shallow water, 2) cow's blood for mosquito food, 3) cottages within 1/8 to 1/4 miles.

Fortunately the number of cottages on Lake Norman is increasing which results in additional shoreline maintainence by the owners. The original clearing work was excellent,

the shoreline benefits from wave action and some fluctuation in water level.

We visited two potential mosquito breeding areas near Cornelius on which Mr. Swearingen had recently improved the drainage by extensive drag line and bull dozer operations. This was important as there is a considerable population nearby.

So far this year there have been only several complaints about mosquitoes. There is little solid waste problem due to the type of person using the lake and the excellent control by the marina owners. Sanitary facilities of the cottages must meet the local county requirements.

In general it appears that the Duke Power Company is maintaining its high standards of lake basin clearing. The lake shores are adequately oiled,where this is indicated to prevent mosquito breeding. Although indiginous malaria is not present in North and South Carolina, it is estimated that 2500 cases will be imported into the United States in 1968, most of them from Viet Nam, and they represent a potential danger, hence the need for anopheline control. The ever present danger of encephalitis indicates the need for culicine control. Although much is said about unsightly solid waste, the lake properties are relatively free of it.

Exhibit 17

PRESENT APPROACHES TO MOSQUITO CONTROL ON DUKE POWER COMPANY IMPOUNDMENTS

Approximately fifty years ago Duke Power Company recognized the importance of pond sanitation and mosquito control on its impoundments and founded a Health and Sanitation Department. We have tried to stay abreast of the changing times and titles and this Department continues today as the Environmental Health Department. The ~~Environmental Health~~ Department is primarily concerned with pond sanitation and mosquito control on our impoundments along with water supplies and waste disposal systems around our construction and plant sites.

(1-) With the breeding of Anopheles quadrimaculatus on the hydroelectric impoundments during the "Malaria Years", control measures were introduced and have continued each year during the mosquito breeding season. This activity has continued to increase for the past fifty years with the development of the Catawba River Basin. The size of our program ~~is still increasing~~ continues to grow with the acquisition of Lake Greenwood in South Carolina, the development of the two reservoirs associated with the Keowee-Toxaway Project Here in Northwestern South Carolina and the rapid progress associated with the Belews Creek Project between Winston-Salem and Greensboro.

(should add 2-) At the present time our mosquito control operations consist of ~~we are carrying out~~ survey work and a larviciding program on approximately 2,500 miles of shoreline in North and South Carolina. (2-) ~~Practically all of our mosquito control measures are~~

SLIDE 3 goes back of page here

Our survey work ~~is really should be~~ divided into two parts or phases:

1- The original basic survey — here we determine the species of mosquitoes, source location, densities and flight ranges. This is done before we make any significant changes in the terrain because we need background information for the mosquito control program.

2 - We like to get at least two years of data for the operational survey — this is a continuing evaluation which is extremely valuable in the day to day operations of the program. This really serves as a comparison tool — year by year. Biting collections and dipping for larvae are our principal methods employed during our operational survey work. We also use resting stations on occasion (slide 9) but they are difficult to maintain and their location must be carefully chosen. You have to "think like a mosquito" when you pick your site for locating the stations. Also, the resting stations are subject to vandalism. On occasion we also use light-traps.

After careful study of our survey information we decide what type of control effort would be best for this situation. The majority of our control effort on the lakes is accomplished by larviciding crews using boats equipped with power sprayers. We also have several mobile truck mounted units, hand sprayers and ~~occasionally~~ ~~a few~~ small mist blowers that are frequently used on problem areas that are difficult to reach at regular intermittent treatment. slides 4 thru 9

PAP We are following the recommendations of the two State Medical Entomologists. Our larviciding crews work the same areas if it is at all possible because they are more familiar with the potential problems. The knowledge of submerged stumps ~~clues~~, shoals, rocks, creek runs and shallow areas are very necessary for an efficient operation, in addition to protecting men and equipment. We have daily work sheets for all crews that prevent overlapping and they also furnish us an accurate record of the volume of larvicide applied, area covered, time work was done and crew involved. We try to operate on an 8 day cycle, but occasionally we will vary 1 or 2 days from our schedule due to the weather. We are using a mixture of transformer oil (really about 99% mineral oil) and number 2 diesel fuel at the present time as our larvicide. We generally start larviciding operations in early April and continue throughout the breeding season until first frost. go to back of page here for par. on minnows.

We have some 22 cities that draw their raw water supplies from our reservoirs, so we must be very careful what we use in the way of larvicides, insecticides and herbicides. slides 10 & 11 We by-pass these water intakes by approximately ¼ mile depending on wind direction at time of larvicide application. We are not using any of the chlorinated hydrocarbons or stomach poisons on our reservoirs. In fact, we do not use any insecticides on our impoundments at the present time. We do use herbicides to a limited extent following cutting operations on shore-line maintenance. slide 12 If you cut willows and do not poison the stump,

Even though Public Health will will always come first in determining the control efforts practiced by the company, we may someday change our total control program. Much research has been done to discover a biological control agent, no pay-in Studies with algae, protozoa, nematodes, bacteria and rickettsia to infect mosquito larvae as methods of control have been tried. Some species of larvae are predaceous and devour larvae of other species. Attempts at all of these have found that they were not successful on any large scale effort. Many other efforts with plants, and various species of birds have not proven successful. In actual practice, mosquito eating fish offer the greatest opportunities in biological control for a non-research program such as ours.

We are in the early stages of raising Gambusia affinis for restocking the shallow protected areas of the lakes as an added measure to insure more complete control in potential mosquito breeding areas. At the present time we have one pond in which we are raising Gambusia and two additional ponds that will be stocked tomorrow. These little fish reproduce very rapidly and next spring we believe we will have sufficient quantities to begin our restocking program in the lakes.

you may expect the density of the sprouts to be 10 fold your original problem.

We do a little experimenting in our control efforts with most anything we think will work.

We have a ~~very~~ flat bottom that has silted in for many years in the headwaters of ~~one of our reservoirs.~~ about 50 acres in size. This bottom is only flooded ~~during periods of high water~~ when the Lake James is at full pond elevations or during periods of high water from heavy rain. Since most of the deposited soil is topsoil from the surrounding mountains, this bottom supports a very dense growth of weeds, vines and other undesirable plants during the growing season. ~~Last winter~~ TWO YEARS AGO we decided to plant this bottom in bald cypress seedlings at the rate of approximately 600 per acre WITH HOPES THAT THE CYPRESS TREES WILL ~~We hope the trees will lower the water table a few inches and~~ help smother out the underbrush that plagues us today. ALSO, THE TREES SHOULD LOWER THE WATER LEVEL IN THE NATURAL DEPRESSIONS THAT HAVE RESULTED FROM THIS SILTING.

add It will be A FEW YEARS ETC, ETC.

I sincerely believe that the solid waste problem on our properties and properties of others surrounding and in close proximity to our lakes creates a greater mosquito nuisance situation than our lakes have created for many years. ~~I would certainly listen to any suggestions that any of you may have regarding this problem.~~ THE MAGNITUDE OF THIS PROBLEM CONTINUES TO INCREASE BUT WE HOPE TO SEE THIS TREND REVERSED IN THE NEAR FUTURE. FACILITIES MUST BE AVAILABLE AND CONVENIENT TO ALL RESIDENTS IF WE HOPE TO SEE ANY PERMANENT IMPROVEMENT.

PAR about SOURCE Reduction on Next page should go here.

Duke Power Company owns some 300,000 acres of land in the watershed areas surrounding its reservoirs. The majority of this land is in improved forests that are managed and controlled by Graduate Foresters. This forest management program not only makes money on the timber operations, but the quality of the water in our reservoirs is greatly improved. The lakes were red a few years ago but today they have a nice blue color.

PAR

THIS

~~Duke Power Company also has an Environmental Test Section which~~ This watershed program helps our mosquito program because it tends to reduce the quantity of floatage on the lakes following heavy rainfall.

monitors our reservoirs on an established frequency for such things as temperature, dissolved oxygen, pH, total Fe, total Mn, turbidity and BOD. I do not want to steal any of Mr. Cornell's thunder, but Duke Power Company is one of the participants in a joint study on thermal effects which the Division of Inland Fisheries of the North Carolina Wildlife Resources Commission are also participating.

Much of our effort on mosquito control at Duke Power Company is put into source reduction if it is at all feasible. If there is a good permanent solution, we prefer this method over continuous temporary operations. We are also aided in our mosquito control efforts by the drawdown on our impoundments, and the heavy boat traffic created by fishermen, and other pleasure seekers. The shoreline development of cottage sites is one of the most permanent and economical means available to inhibit mosquito breeding. In closing I would like to say that world travel being what it is today, we are only a few hours by air from many malarial areas of the world. Returning servicemen from Vietnam and Peace Corps Volunteers may also harbor the malaria parasite. With these potential threats and the ever-present potential threat of the arbor-virus diseases, we see the need for a continuation of an active and intensive mosquito control program by Duke Power Company. Thank you.

Note:

This paper will be presented by George T. Swearingen to a group of State and Federal Officials attending a "Workshop on Mosquito Control in North Carolina" sponsored by N. C. State University, N. C. State Board of Health and The Water Resources Research Institute of the University of North Carolina.

Exhibit 18

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

CLYDE MARCUS JONES, II, on behalf of himself and all others similarly situated,

Plaintiff,

Vs.

DUKE ENERGY CORPORATION and DUKE ENERGY CAROLINAS, LLC

Defendants.

Civil Action No 3:24-cv-1281-MGL

Videotape Deposition of
Zachary Hall 30(b)(6)
Monday, April 20, 2026
Taken at 3:40 p.m.

Taken at:
Parker Poe
620 South Tryon Street
Charlotte, North Carolina

Reported by LeShaunda Cass-Byrd, CSR, RPR

current Duke employees, two to be specific, to -- just to help me organize my thoughts and gain some clarity associated with the documents at hand.

One is a current supervisor of our analytical laboratory. His name is Steve Guptal, and another one is a director of waste and groundwater. His name is Ed Solomon.

So in addition, I called -- I still know some folks at Pace Analytical. We, we being Duke, still use them quite a bit today. So I called Pace and searched of some of the original data, specifically, the chromatograms, from the 1997 sampling event.

Q. Which 1997 sampling event?

A. Both. Yeah, both the August and the -- the September, the split with -- with DHEC.

Q. And what were the results of your investigation into those events?

A. They didn't have them.

Q. I was going to ask.

A. Yeah. They didn't have them. Their -- I mean, specifically, their data goes back through 2020 when they changed LIM system, laboratory information management system.

Q. Who from Pace did you speak with?

A. A gentleman named Kevin Herring. So Kevin has -- and I've known Kevin a long time. He's -- I called him specifically because he is currently managing their IT, and anybody could find it. It would be somebody managing their IT group. And he was -- he was there. If not there, then there shortly thereafter.

So I talked to him trying to get these -- this original data.

Q. And your testimony is the original data does not exist?

A. That is correct.

Q. And in your conversation with Mr. Hunsucker -- well, there was also another name, an R. Santini. Are you familiar with that name?

A. I -- I know the name, but I do not know Ron. So I did not personally talk to Ron.

Q. What was your conversation about with Mr. Hunsucker?

A. Well, I should say that Tim Hunsucker has Parkinson's, so he struggles to communicate these days. But specifically, the conversation was if he remembered the site, if he remembered any specifics associated with the site, if he remembered some of the thought process that -- that went into some of the

sampling and analytical design that they did back then.

It was telling. He -- he remembered the site, but not specifics, counselor.

Q. And did you speak with him in his home, at a care facility? Where is Mr. Hunsucker?

A. He is -- he is currently at home, and I spoke to him via Teams from his house, via Microsoft Teams.

Q. And --

A. You know, correction. It may have been -- what is the other one -- Google or -- I -- it was -- it was over the computer. So...

Q. And Mr. Santini, are you familiar with whether Mr. Santini is still living? Is he --

A. He -- he is living. I don't know his condition.

Q. Is there a reason that you did not try to reach out to him?

A. Just because I don't know him.

Q. What about Mr. Perkins?

A. I did call. His name is Jay. I called Jay Perkins. He is -- he is alive and doing very well. He didn't have any recollection of the details of the site.

A. This document is a newspaper article from the state, out of Columbia, South Carolina, on -- the title of the article is, "1940s Tales: Risk of PCBs for Probe at Wateree."

Q. And in the top right-hand corner, what is the date on that article?

A. The date is August the 9th of 1997.

Q. So that appears to be the date after the date that we just referred to on Exhibit 3; is that correct?

A. Yes, counselor. That is correct.

Q. Okay. Now, if we look at the article, and it's very small, but it states, "During hot, sticky summers 50 years ago college students sprayed an oily substance on Lake Wateree that today is creating a stir. One of those men says he and several partners emptied hundreds of barrels of highly toxic transformer oil into the water while working a summer job controlling mosquito for Duke Power company."

Do you see that?

A. Yes, counselor. I do see that.

Q. Is it your understanding that this article was sort of the precipitating event for the soil testing that was conducted at the Lake Wateree mosquito control facility?

A. From what I know and what I reviewed, counselor, I would I would say yes.

Q. What do you know and what have you reviewed?

A. I have reviewed this document, this newspaper, this Exhibit 20 and the documents that are at hand. Whatever exhibit that is. I am sorry. But the documents that I reviewed as part of the '97 and '98 investigation.

Q. And again, you are testifying on behalf of Duke for these particular topics. What leads you to understand that this article was the precipitating event that caused the testing at the Lake Wateree mosquito control facility?

A. I think it's a reasonable conclusion, based on the totality of what I have seen. And I think that because this -- the date of this article was stated earlier as being August the 9th of 1997, and then if you look at event 1, the initial investigation when we -- when we, Duke, went out there to do some work, was immediately following that. So we were working to understand -- better understand what we had out there. Because this article references a criminal investigation being initiated by the criminal enforcement division of DHEC or SLED.

So the DHEC sampling was -- well, it was independent, owned their own bottles, their own lab, all of that. All of that was accomplished, again, in September of '97. We had samples and data that showed our own results through that. So what these results showed was the presence of diesel contamination at the site.

So subsequent to that, the DHEC is going to -- they are going require some sort of remediation activities to go on at the site, based on the results of those events, of that sampling event.

So what we have here is Ralph Roberts, who -- a letter to Ralph Roberts from DHEC approving a work plan. And that work plan is what I call event 3. So if you think about it through time, in June of '98, we, we Duke, went out there to collect samples to define the horizontal and vertical extent of the diesel contamination. And we subsequently submitted a work plan to DHEC to excavate that -- to excavate that soil, and therefore, remediate the site.

So what we are seeing here is a letter from -- from DHEC giving us -- approving -- essentially, approving that June of '98 work plan.

Q. And you said a few different times, the sampling. But when I read the actual report, and that

I think it's a reasonable way to do that sampling. But how specifically it was selected or if other methods were considered, I don't know.

Q. And that was not the method that was utilized in August of 1997; is that right?

A. That is correct.

Q. And the August 1997 testing went deeper than the September 1997 testing; is that correct?

A. I would have to -- I would have to look at the exact -- at the exact depths that they went.

Q. Have you seen any documentation to indicate that Duke invited DHEC to the August of 1997 sampling event?

A. No, counselor. I have not seen such documentation.

Q. Have you seen any information exchanged with DHEC that provides the results of that initial August 1997 sampling?

A. No, counselor.

Q. Okay. And the August 1997 sampling did test positive for PCBs; is that correct?

MR. LONG: Object to the form.

You can answer.

THE WITNESS: Yes, counselor. There were hits for PCBs in the August of '97

data. However, from what we know now, if you look at the full body of evidence and you look at the totality of information, it's -- it's -- it's clear that the PCBs were a false positive. One of the reasons that they were a false positive, is what we just talked about, the subsequent sampling event and the ambiguity associated with the chromatography that was present from the September of '97 sampling event. PCBs, it's why we are here, they notoriously usually linger in the environment, right? They -- they exist. They don't break down under atmosphere conditions.

If you look at the totality of all of the sampling events, the only time that PCBs were identified was in that August of '97 sampling event, counselor. There were no PCBs that were identified in subsequent sampling events, either the September sampling event, the June '98 or the September of '98 sampling event.

In addition, on that, as we have discussed, the second event, the September '97 event, it was independently sampled by

DHEC and had they seen PCBs at the levels that were -- you just referred to from the August of '97 event, there would have been some additional work that would have had to be done at this site, and the record just -- just doesn't support that. That was an independent assessment by -- by DHEC with their own bottles in their own lab, which verified that the presence of PCBs were not there.

BY MS. FICKLING:

Q. So the testimony of Duke is that the August sampling has to have been a false positive. That is the testimony, correct?

A. That is correct, counselor.

Q. The June 1998 testing did not test for PCBs, did it?

A. It tested for compound specific 8260. I think it was 8260. I know it was 8270, which is -- that has the mass spec confirmation that we were just talking about. And they look for what are called TICs, or tentatively identified compounds.

Had PCBs been present, they certainly would have shown up in that list of tentatively identified compounds. That is the way you detect PCBs, by a GC

REPORTER'S CERTIFICATE

I, LESHAUNDA CASS-BYRD, CSR No. B-2291, RPR, Registered Professional Reporter, certify that the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes to taken.

I further certify that I am not a relative or employee of any attorney or the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct.

Dated this April 22, 2026.

LeShaunda Cass-Byrd

LESHAUNDA CASS-BYRD, CCR-B-2291, RPR

Exhibit 19

Topic 26

Duke Energy understands this Topic to refer to the investigation by SLED and DHEC into the possibility of PCB contamination at Lake Wateree.

In 1997, a former seasonal employee of the MCP told a freelance reporter that he recalled applying transformer oil to Lake Wateree in the 1940s. The reporter approached DHEC with questions, which prompted dual investigations by DHEC's civil and criminal divisions. In connection with these investigations, Duke Energy and DHEC undertook an environmental site investigation at the Lake Wateree Mosquito Control Facility to determine if the site had been impacted by Duke Energy activities.

An initial soil sampling event was conducted on August 13, 1997 with Geoprobe used to collect soil samples from four sampling locations at the site. Samples were collected from the Geoprobe and submitted to Pace Analytical for both PCBs and petroleum hydrocarbon (diesel fuel) analysis on August 14, 1997. High concentrations of Total Petroleum Hydrocarbons (TPH) were detected. Initial results for PCBs were inconclusive, with some samples showing "non-detect" for PCBs and one sample indicating the possible presence of PCBs and the confounding presence of TPH. Subsequent testing confirmed that the initial Aroclor results were a false positive likely caused by one or more technical issues related to interference from significant levels of diesel fuel contamination in the sample Further sampling at the site in September 1997, June 1998, and August 1998 continued to detect high levels of petroleum constituents, but PCBs were not detected.

In July 1998, Duke Energy was informed that the state's criminal investigators had found no evidence of criminal activity and had referred the matter back to DHEC's Civil Enforcement Division. A representative of the Civil Enforcement Division advised that DHEC would be ready to close out the civil investigation upon confirmation from Duke Energy that site remediation had been completed with respect to the TPH.

A "dig and haul" remediation work plan to address the petroleum contamination was approved by SCDHEC in September 1998. Duke Energy thereafter undertook remediation activities which involved excavation and treatment of the impacted soil by a SCDHEC permitted thermal desorber. On October 20, 1998, Duke Energy received a Soil Recycling Certificate confirming that the petroleum-contaminated soil had been properly treated. DHEC thereafter closed out the civil investigation.

Exhibit 20

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

CLYDE MARCUS JONES, II, on behalf of himself and all others similarly situated,

Plaintiffs,

vs. CASE NO. 3:24-cv-01281-MGL

DUKE ENERGY CORPORATION and DUKE ENERGY CAROLINAS, LLC,

Defendants.

VIDEOTAPED
DEPONENT: DR. JAMES GLOVER
DATE: March 27, 2026
TIME: 9:06 a.m.
LOCATION: Parker Poe Adams & Bernstein
1221 Main Street
Columbia, SC
TAKEN BY: Counsel for the Defendants
REPORTED BY: KIMBERLY T. POWER, CR

Q. How about we turn to the first page of GL-2, the article. Actually, the cover page. Left side, bottom column, there's a paragraph that starts that says, "Structurally, PCBs were produced by the chlorination of biphenyl rings resulting in 209 possible configurations, which are generally referred to as congeners. These congeners can be grouped based on the number of chlorine atoms, regardless of position, into ten possible classes called homologs (e.g., tetrachlorobiphenyls)." Do you see that?

A. Yes.

Q. So was that something you wrote in the article?

A. I don't recall. I cite Carins et al. 1986 is where, I assume, that was -- I think I probably did write that, but it's not -- it's citing literature, basically.

Q. Right. So you would -- how would you rate your -- your general knowledge and expertise on the structures and nomenclature of PCBs?

MS. FICKLING: Objection to form. Go ahead.

THE WITNESS: I am familiar with the congeners -- the 209 congeners. There's actually not 209 congeners because the monochlors are not

polychlorinated. They're monochlorinated. But, by convention, they're grouped just for the sake of simplicity that they are considered polychlorinated even though they're monochlorinated. I know what homologs are. I know what Aroclors are. I know the history of these things. It's not something I would consider myself an expert on, but I am familiar with it. I'm not an analytical chemist. I don't know the chemical names for all the congeners.

BY MR. NYFFELER:

Q. You just cut out a big section of questions. Just kidding. Okay. I want to ask you about fish advisories. Can you explain how the state of South Carolina would decide to issue a fish consumption advisory?

MS. FICKLING: Objection to form.

THE WITNESS: Yes, I can. That was my job. It -- we would collect fish. We had an electroshock boat that would go out. These fish would be stunned. They would float to the surface of the water. My staff would gather the ones they wanted. They would kill them and take them back to the laboratory, homogenize them with dry ice, take it to the lab, and we'd get data back.

When those data would come back, we

A. I had thousands of sources, including books, that were on PCBs in volumes. I can't tell you all the literature I read.

Q. Do you recall ever speaking with anyone about what the word "transformer oil" meant?

A. Dr. Gundersen and I discussed it, yes.

Q. Okay. Did you ever speak with anyone at any electrical companies about what the phrase "transformer oil" meant?

A. No.

Q. Now, I saw some mention of the word "PCB oil." What is your understanding of the phrase "PCB oil" at the time that you wrote this article?

A. Well, it was transformer oil was what was reported. It was dialectic fluids that contained PCBs. While they're not technically necessarily an oil, it has oil-like properties.

Q. And where did you see the phrase "PCB oil" described in any reference?

A. I don't recall. EPA often mentions if you see a sheen or leak from transformers, assume that it's PCB oils. I believe that's the phrase they use or they may use the word "fluids."

Q. Okay. At the time that you were writing this article, did you have a separate understanding

between transformer oil that was based on mineral oil and dielectric fuel that was predominantly PCBs?

A. I did only from the literature. I'm not an expert on this at all. I've reviewed the same literature that Dr. Butler cited and I saw news articles from the '20s and '30s where mineral was flammable. It caused -- it caused lots of -- lots of problems for that reason and that's why PCB oil -- or PCB fluids were preferable for transformers after the 1930s.

Q. All right. In the article, there's, I think, several references to a 1970 workshop on mosquito control in North Carolina.

A. Yes.

(DEF. EXHIBIT GL-7, Proceedings Workshop on Mosquito Control in North Carolina, Bates No. DUK_00000797-00000846, marked for identification.)

BY MR. NYFFELER:

Q. Dr. Glover, what I've handed you is not the full document that's known as the proceedings workshop on mosquito control in North Carolina. This is just an excerpt. This is just the introductional part, the table of contents, and it jumps to some presentations by three individuals. I just want you

been produced and marketed in this country for 45 years as a series of relatively complex mixtures under the tradename Aroclor. Each of these mixtures contains a number of chlorinated biphenyl isomers out of an overall range of chlorine content from one chlorine to ten chlorines per molecule. In general, higher chlorine content corresponds to greater resistance to chemical (and biochemical) degradation." Do you see that?

A. Yes.

Q. Does that statement align with your general understanding of PCBs?

A. I'm not an expert on this subject. This is really Dr. Gundersen's expertise. But, yes, my general understanding is that that's correct.

Q. Okay. Let's turn to the next page, page 2 of Bates No. 100946. That first paragraph, let me read this. "The recognition of this problem resulted in a major program designed to lessen the environmental stress arising from widespread use and dissemination of PCBs; by mid-1971, the Monsanto Industrial Chemicals Company, the sole U.S. producer, had voluntarily terminated sales of Aroclors (PCBs and polychlorinated triphenyls or PCTs) for all but closed electrical systems uses. Monsanto also, in

understand that?

A. Yes.

Q. Okay. My question was: When you were looking at PCBs in fish tissue in reservoirs in the Catawba/Wateree River basin, were you trying to determine whether there were different kinds of Aroclors entering that system and getting into the fish?

A. No, no. Only in the fish is what I -- the Aroclors. So when I said yes, it was referring to the fish. It wasn't -- I didn't have samples from Duke Power to -- I didn't have any -- any data to do an analysis even if I could, which I couldn't as a state employee of DHEC.

Q. Do you know which Aroclors were used by the Sangamo corporation near Lake Hartwell?

A. My understanding is it was a mixture. What we were seeing in the fish is Aroclors 1260, Aroclors 1254, and Aroclors 1245, which we show in Figure 5 of our -- of our publication. The specific Aroclors that were being discharged by Sangamo was starting in 1955 and going through 1977. I don't have the make up of those.

Q. Okay. Let's go back to Exhibit GL-5, which is the Lake Hartwell record of decision.

sure. But the lowest in that -- in that page would be 0.17, which is higher than 0.05, but much lower than the 0.38.

Q. So I appreciate that. I guess one question I had is you understand that -- what is your understanding of the concept of a minimum detection limit?

A. Dr. Gundersen really is the expert on this. I'm not an analytical chemist.

Q. Okay.

A. I know the literature. I know what I've seen in environmental studies, including all of the many different data sources that we used for this paper and the 0.05 for Aroclors are around the detection limits, whether it's EPA, whether it's contract lab, whether it's North Carolina Department of Environmental Quality, whether it's SCDHEC, whether it's the state of Georgia. They're in that ballpark. And in this old Aldridge and Marcus, that's what we're getting from -- from them even if they're silent on what the specific detection limits are.

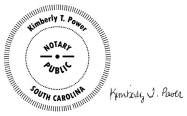
Q. One of the reasons I'm asking this is because you can have a reported value of 0.05 parts per million. But if your analysis doesn't use the

CERTIFICATE OF REPORTER

I, Kimberly T. Power, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed by official seal this 1st day of April, 2026, at Lexington, Lexington County, South Carolina.



Kimberly T. Power, Court Reporter
My Commission Expires: 5/29/2035

Exhibit 21

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

CLYDE MARCUS JONES, II, Plaintiff,	:	
vs.	:	Case No.:
DUKE ENERGY CORPORATION and DUKE ENERGY CAROLINAS, LLC, Defendants.	:	3:24-CV-01281-MGL

DEPOSITION OF DR. DEKE T. GUNDERSEN

Portland, Oregon

Monday, March 23, 2026

9:23 a.m.

Job No.: 622231

Pages: 1 - 63

Recorded By: Peyton Abrams

I'm -- a good guess would be like 2019, or we did together. I think he was looking at this data way before that, but.

Q All right. And, so do you know who came up with the idea to conduct the research that's -- that's provided or recorded in this paper?

A Yeah. This is Dr. Glover's baby, so to speak.

Q Do you know if there's any funding that was received to help pay for this project?

A Not to my knowledge.

Q How about the division of labor that went into drafting and preparing this paper? Can you describe how the drafting process worked between you and Dr. Glover?

A Yeah, I mean, he primarily brought me on because he felt I had some knowledge of PCBs and toxicology. He wanted me to kind of evaluate some of the written material, particularly in the introduction, that pertained to PCBs, make sure what he put down was correct. So I had a pretty minimal role. In fact, I'd say on most of the papers that I've published, it's right up there with, yeah, you know, the amount of time spent on it wasn't a lot. I proofed it once it was written.

And he -- he might have asked me some questions as he was going -- you know, as he was putting it together.

Q So then, with your contribution, you were reviewing the PCB results; is that fair?

A To some extent. It was more like he was -- that he was properly representing them. I didn't go through like -- I know there's these big fish databases. I didn't look at any of the hard numbers. No. Like if you asked me stuff, which you will, I'm sure, about the paper, it'll be a struggle if you're asking about some specific details. Yeah.

Q Well, yeah. We'll -- we'll get to that.

A Yeah. I'm just queuing you up a little bit.

Q Sure. One thing you -- you can look at this -- this page if you want, but on Page 95 there's an acknowledgment, and it says two anonymous reviewers and the journal editor provided important and valuable suggestions to improve this manuscript -- manuscript, for which we are very grateful. Do you recall or do you know who the anonymous reviewers were?

A I don't think so. So it says anonymous,

CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Peyton Abrams, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings were fully sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

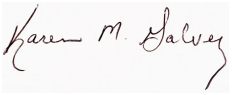
Peyton Abrams

_____

PEYTON ABRAMS, NOTARY PUBLIC
FOR THE STATE OF OREGON
March 30, 2026

CERTIFICATE OF TRANSCRIBER

I, Karen M. Galvez, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding; that said proceedings were reduced to typewriting under my supervision; that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; and that I am neither counsel for, related to, nor employed by any of the parties to the case and have no interest, financial or otherwise, in its outcome.



_____

KAREN M. GALVEZ

PLANET DEPOS, LLC

March 30, 2026

Exhibit 22

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Clyde Marcus Jones, II, on behalf of himself and all others similarly situated,

Plaintiffs,

vs. Case No. 3:24-cv-01281-MGL

Duke Energy Corporation and Duke Energy Carolinas, LLC,

Defendants.

VIDEOTAPED TELECONFERENCE

DEPOSITION OF: ROBERT CURTIS WORKMAN

DATE: Wednesday, March 11, 2026

TIME: 9:06 a.m.

TIME ENDED: 5:32 p.m.

LOCATION: PARKER POE ADAMS & BERNSTEIN, LLP
110 East Court Street, Suite 200
Greenville, South Carolina

REPORTED BY: YVONNE R. THURSTON-BOHANNON
Registered Merit Reporter,
Certified Realtime Reporter

with regards to Aroclor 1254 and 1260?

A. Not sitting here right now.

Q. Okay. Did you conduct any independent sediment sampling from Lake Wateree for PCBs as part of your work on this matter?

A. No.

Q. Okay. Let's -- I want to turn to the next paragraph, paragraph 114.

This says, "Forensic conclusions taken together: Duke's environmental manager's stated awareness that waste transformer oil used for mosquito control is 99% mineral oil and 1% something else; the 1974/1976 ANSI disposal standards describing PCB contamination of mineral oil; the NTIS 1972 report that recognized the long-standing problem of mixed waste streams; the 1978 EPA's presumption of contamination policy for transformer oil, and the 2021 sediment sampling review from Lake Wateree connect the reality that by the 1970, Duke was operating in a professional environment where waste transformer oil was understood to be contaminated with PCBs."

Did I get that right?

A. Yes.

Q. Okay. So I want to sort of step back

through and look at these individual parts.

So you wrote, "Duke's environmental manager's stated awareness that waste transformer oil used for mosquito control was 99% mineral oil and 1% something else," correct?

A. Yes.

Q. And Duke's environmental manager that you referred to here is George Swearingen, right?

A. Correct.

Q. And it is your opinion that the one percent was based on askarels -- let me rephrase it.

It's your -- your opinion that the one percent in the transformer oil mentioned by George Swearingen was askarels?

A. Yes.

Q. Okay. And you also did not investigate other materials that may have made up the one percent that George Swearingen referred to in his discussion of 99 percent mineral oil, correct?

A. Considered. Did not investigate.

Q. Now, just one thing to -- I want to be clear about, though, that even if the one percent was askarels, this particular portion of your forensic conclusion is not specific to Lake

Wateree, right?

MS. FICKLING: Objection to form.

THE WITNESS: Can you make it broader?

BY MR. NYFFELER:

Q. Well, this statement you make about Mr. Swearingen's awareness transformer oil being 99 percent mineral oil and one percent something else, that is a discussion of the overall mosquito control program for Duke and not mosquito control programs specific to Lake Wateree, right?

A. The overall program for Duke.

Q. Okay. Now, for the next part of this forensic analysis, you -- is the 1974/1976 ANSI disposal standards describing PCB contamination of mineral oil. Now, I believe the ANSI standards are Exhibits WM18 and WM19?

A. Yes.

Q. Okay. And there's nothing specific about this particular ANSA guidelines -- I'm sorry, I mis -- it sounded like I misspoke. Sorry.

There's nothing specific about these ANSI disposal standards that are specific to Lake Wateree, right?

A. Correct.

MS. FICKLING: Objection to form.

A. I believe it was Dr. Glover. I just don't have the specific recollection of those two authors.

(Exhibit WM26, Journal of South Carolina Water Resources Article Entitled Widespread Contamination of Polychlorinated Biphenyls in South Carolina and North Carolina (USA): A Legacy of Malarial Eradication and Mosquito Control, marked for identification.)

BY MR. NYFFELER:

Q. Handed an exhibit that's been marked WM26. And this is an article published in the Journal of South Carolina Water Resources, Volume 8, Issue 1, pages 83 to 97, 2021, and the authors are James B. Glover and Deke T. Gundersen, correct?

A. Correct.

Q. Now, is this the reference that you were citing?

A. Yes.

Q. Okay. Can you tell me where in this document there are sediment results?

MS. FICKLING: Objection to form.

THE WITNESS: No, I cannot.

BY MR. NYFFELER:

Q. Did you review this Journal of South

Carolina Water Resources article that includes the sediment studies before you prepared your report?

A. I reviewed this article before I prepared my report.

Q. All right. But sitting here today you're not aware that it contains any sediment -- any analysis of sediment for PCBs?

A. It's fish tissue that contains the PCBs.

Q. Okay. Now, back in your report, the -- the Journal of South Carolina Water -- par -- South -- let me start again.

In your report on page 37, the cite you provided for the "Journal of South Carolina Water Resources. (2021)." has a title "Historical Direct Application of Dielectric Fluids as a source of PCB Loading in Piedmont Reservoirs," right?

A. Yes.

Q. So doctors Glover's and Gundersen's article's title is "Widespread Contamination of Polychlorinated Biphenyls in South Carolina and North Carolina (USA): A legacy of Miliarial Eradication and Mosquito Control," right?

A. Yes.

Q. So why does this cite to the Journal of

CERTIFICATE OF REPORTER

I, Yvonne R. Thurston-Bohannon, Registered Merit Reporter, Certified Realtime Reporter, and Notary Public for the State of South Carolina at Large, do hereby certify:

That the reading and signing of the foregoing deposition by the witness was not requested.

That the foregoing transcript was taken before me on the date and at the time and location stated on page 1 of this transcript; that the deponent was duly sworn to testify to the truth, the whole truth and nothing but the truth; that the testimony of the deponent and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed; that the foregoing deposition as typed is a true, accurate and complete record of the testimony of the deponent and of all objections made at the time of the examination to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal March 16, 2026, at Columbia, Richland County, South Carolina.



Yvonne R. Thurston-Bohannon
Registered Merit
Reporter, CRR
My Commission expires
May 14, 2035

Exhibit 23

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Clyde Marcus Jones, II, on behalf of himself and all others similarly situated,

Plaintiffs,

vs. Case No. 3:24-cv-01281-MGL

Duke Energy Corporation and Duke Energy Carolinas, LLC,

Defendants.

VIDEOTAPED TELECONFERENCE
DEPOSITION OF: GRETCHEN GREEN, Ph.D.
DATE: Monday, March 9, 2026
TIME: 9:11 a.m.
TIME ENDED: 1:49 p.m.
LOCATION: PARKER POE ADAMS & BERNSTEIN, LLP
1221 Main Street, Suite 1100
Columbia, South Carolina
REPORTED BY: YVONNE R. THURSTON-BOHANNON
Registered Merit Reporter,
Certified Realtime Reporter

Q. -- are you able to tell me where that contamination is?
A. I know it's in the fish.
Q. In the fish, okay.
Anywhere else?
A. I -- I haven't studied it. It's often in sediment and maybe in the water. I don't know.
Q. You say it's often in the sediment?
A. Yes, in other -- other efforts I've worked on.
Q. Do you know whether PCB has been found in the sediment at Lake Wateree?
A. I don't recall.
Q. Do you know whether PCBs have been found in the water of Lake Wateree?
A. I don't recall.
Q. Do you know whether PCBs have been found on any class members' real property?
A. I don't recall.
Q. Okay. So the contamination that you're aware of and for which you've calculated damages is contamination of fish in Lake Wateree?
MR. SOLOMONS: Object to the form.
THE WITNESS: Yes.
BY MR. GARROU:

Q. Okay. You're not offering any opinions regarding whether Duke Energy was negligent in this case, are you?

A. No.

Q. And the same question with respect to whether they created a nuisance in this case?

A. No.

Q. Okay. I'd like to talk about the -- the fishing damages first, please.

A. Okay.

Q. First, you've made two calculations there, correct? One for the purpose of estimating damages to the class and one for the purpose of estimating damages to people in the surrounding three counties, correct?

A. Yes.

Q. Okay. And the class damages are approximately 2.7 million, more specifically stated in your report and the -- what I'll call the countywide damages are roughly 106.8 million, correct?

A. Correct.

Q. Okay. I may from time to time refer to numbers, but I'll just say that -- I'll -- I'll be relying on the numbers in your report. If -- if I

misstate them, you can -- you can let me know.

A. Okay.

Q. Okay.

Okay. So your report notes that to come up with the -- the second estimate, the three-county estimate, you applied the, quote, same participation and valuation framework, end quote, correct?

A. Yes.

Q. Okay. I want to be sure I understand that. Does that mean that for both those populations, the lakefront anglers and the -- the three-county anglers, your method of calculating damages was the same?

A. Yes.

Q. Okay. And so that means it's subject to the same correction you made earlier about the 11 and 16 --

A. Yes.

Q. -- percent? Okay.

And was the type of damage experienced by both groups, the lakefront anglers and the people in the three counties, the same?

A. Yes.

Q. Okay. So it was what you referred to

as a quality penalty on their fishing activity, correct?

A. That's correct.

Q. Okay. Does a -- does the quality penalty -- is it related in any way to anglers doing less fishing or does it assume that they fish at the same rate but with a decreased quality?

A. It can kind of blend. It assumes -- I think -- I think I walked through this in the report.

Q. Okay.

A. Let me look at that.

Q. Please. If you could direct me to that, that would be helpful.

MR. SOLOMONS: And just so the record is clear, we're referring to the "Loss of Use of and Enjoyment" section of her testimony, right?

MR. GARROU: That's correct. But I'll -- I'll be referring probably to fishing damages and -- and that's what I'm referring to, loss of enjoyment.

MR. SOLOMONS: Okay.

THE WITNESS: Okay. So it's at the top of page seven.

BY MR. GARROU:

what I just said about the fishing overall. That's from U.S. Fish and Wildlife. We -- it doesn't weigh in on whether these -- the participation is for in contaminated or uncontaminated waters.

Q. It's a -- it's a general survey figure?

A. Yes.

Q. Okay. All right.

A. I didn't mean to derail you there, but --

Q. Mission accomplished anyway, but it -- it will not be the last time in this deposition, I assure you.

Okay. So it's the case that your calculation of damages for loss of use and enjoyment would not necessarily suggest that the number of fishing trips to Lake Wateree has declined, correct?

A. That is correct.

Q. Okay.

A. It does not necessarily suggest that.

Q. And your assumption is that the group that you called lakefront anglers and the group of people in the surrounding three counties engage in fishing at the same rate, correct?

A. Yes.

Q. Both in terms of percentage of the population and in terms of the number of fishing trips per year, correct?
A. Yes.
Q. Okay.
Okay. So the only difference between the group that you call lakefront anglers and their 2.7 million roughly in damages --
A. Uh-huh.
Q. -- and the tri-county anglers --
A. Yes.
Q. -- with their 106.8 million dollars in damage is where they live?
A. That's correct.
Q. They have the same type of damage experienced at the same rate and in the --
A. Yes.
Q. -- and in the same amounts?
A. Yes.
Q. Okay. And I'd like to run through your calculation of the -- of the 2.7 million dollar number --
A. Okay.
Q. -- okay, for the lakefront anglers. You start with 2,045 lakefront homes?

Q. -- used in -- in your report --
A. Uh-huh.
Q. -- and the other assumptions that you used in -- in your report including number of people per household, rates of fishing, and number of fishing trips constant --
A. Yes.
Q. -- then it's the case, isn't it, that that number should be decreased to reflect the fact that there are current class members who have not lived at Lake Wateree since 2010?
A. I hate to ask you to repeat that question.
Q. Okay.
A. But I think if you do repeat it, then I'll understand it a little better.
Q. Let me circle back to it as I did before.
The -- I want you to assume that everybody who's a current class member has lived at -- at Lake Wateree exactly five years and prior to that they all came from somewhere else. So your estimate of use and enjoyment damages going back to 2010 is too large for that group, right?
A. I'm -- I'm just -- I'm just kind of

Q. Okay. So I -- I think we've established that there are some meta-analyses that include a formal quantitative statistical analysis, correct?

A. I think so.

Q. Okay. When a meta-analysis includes that formal quantitative statistical analysis, what's the goal of including that information?

A. To describe the variety of different results from research --

Q. Okay.

A. -- to describe and summarize them all in one place which is akin to what we're doing for this project but we have a different goal.

Q. Okay. And have -- have you performed any formal quantitative statistical analysis in connection with your research review?

MR. SOLOMONS: Object to the form.

THE WITNESS: I'm not sure how to answer that. We studied all of the research in the review, and we did not, for example, take all the values and say, "Let's take the average. They're all the same." That's not what we did.

BY MR. GARROU:

Q. Right.

A. We read these to review them and to say, "Is this appropriate to the case at hand? Is this aspect of this other study appropriate for the case at hand?" et cetera, et cetera. That's what we do with benefit transfer methodology.

Q. Okay. So --

A. The meta-analyses are usually -- they're not to apply it to a specific case. They're just to describe -- it's, you know, like a senior researcher who has done this their entire career will compile all the results and lay it out, you know. "This -- this says this. You know, these papers say this about that. Here's the distribution of results. These papers say different -- this about something else. These papers" -- you know, that -- that's -- that's kind of the goal.

Q. All right. So your research review did not involve averaging the damage percentage numbers reported in the various studies you looked at, correct?

MR. SOLOMONS: Object to the form.

THE WITNESS: I'm -- I'm trying to think about the answer to that because let's say we -- we analyzed all of the results, but we did

not pick our results based on a straight average or anything like that.

BY MR. GARROU:

Q. Right. You made a qualitative assessment of the various studies that you looked at in reaching the conclusion that you reached here?

MR. SOLOMONS: Object to the form.

THE WITNESS: I wouldn't say qualitative strictly, but --

BY MR. GARROU:

Q. Okay.

A. -- we qualitatively evaluated the quantitative results.

Q. Okay. What -- what portion of your analysis of -- of the various studies was quantitative?

A. Well, we looked at the results for each one which are quantitative results. Each study had some kind of assessment of loss of property values in a specific place, in a specific time, et cetera, different water contamination, et cetera, different approaches. So the -- all of those papers are very quantitative. So that was the part that was quantitative. Qualitative is in the benefit

transfer to say, "Okay. Which pieces of these are appropriate for Lake Wateree?"

Q. And when deciding which pieces were appropriate for Lake Wateree, did you have a -- a list of criteria that you worked with?

A. I mean, I guess so. I didn't think about it formally, though.

Q. Okay. What was on your informal list of criteria when you assessed those various studies?

A. Probably the methodology used. The source of contamination. There's a lot of different things in those two. Probably larger buckets.

Q. Did the visibility of the contamination factor into your analysis when looking at the applicability of different studies?

A. That's a good question. Yes, we were looking for -- PCBs are typically not visible, and we included in our research review one study about visibility sort of as a point of comparison because that's a different beast. When people can see water quality degradation, it has a -- a more prominent effect on property values.

Q. And are there guidelines for conducting

property values.
BY MR. GARROU:
Q. Okay. So your analysis for property values is not a -- a before and after analysis, correct?
A. That is correct.
Q. All right. If it's not looking at the condition of the property before and after the contamination, what is it -- it looking to to determine whether it was -- the property was damaged?
A. The --
MR. SOLOMONS: Object to the form.
THE WITNESS: The PCB contamination --
BY MR. GARROU:
Q. Okay. Does --
A. -- is the source of the damage.
Q. Is there any relevance in your analysis to the fact that that damage happened in 2010 versus 2024? Would that make any difference?
A. In my mind 2010 is a point of awareness, and this is, you know, not my area of expertise, but I read through the background information, and it's my understanding that the PCBs have been there for some time and at some

record at 11:06 a.m., and this is the beginning of media unit number two.

BY MR. GARROU:

Q. Dr. Greene, earlier you described 2010 as a point of awareness I think was your phrase. What do you mean by that?

A. There -- at least the fish consumption advisories came out at that time, and so at least some of the homeowners would become aware. Some of the community would be becoming aware, and I don't know if anyone knew before or --

Q. Okay. And then presumably some of the community members who were anglers might see the fish advisory, correct?

A. That's correct.

Q. It might also be published in local media something about the fish advisories?

A. Sure.

Q. Does the awareness of the fish advisory have anything to do with your --

THE WITNESS: Thank you.

BY MR. GARROU:

Q. -- with your damage calculation for property values?

A. That's a good question. I believe the

mean he didn't suffer any of the damages you've calculated?

MR. SOLOMONS: Object to the form.

THE WITNESS: That -- that is what I meant.

BY MR. GARROU:

Q. Okay. And -- and so for any current member of -- of the class, if we wanted to determine if they've suffered the damages you've calculated --

A. Uh-huh.

Q. -- we would need to know when they bought their home, what was on the table as -- as far as buyer and seller knowledge at the time --

A. Uh-huh.

Q. -- and whether the discount was more or less than 12 percent, correct?

MR. SOLOMONS: Object to the form.

THE WITNESS: Well, we'd need to know what the unimpaired value was --

BY MR. GARROU:

Q. Right.

A. -- too.

Q. Right.

But if -- if the -- if the net -- it is

post-contamination periods?

A. I am not sure. Let me quickly review -- Mendleton [sic] is pre-imposed.

I think most of them did.

Q. Okay.

A. I mean, the Nicholls and Crompton is a broad -- there were a couple of total reviews of, you know, literature. So there's a whole bunch of -- in the -- the one on model clarity is across the board, so --

Q. Okay. Now, you estimated that there's been a 12 percent decline in the value of real property fronting Lake Wateree, correct?

A. I didn't specify that there has been. I specified that that's the magnitude of damages.

Q. Okay. Help me un -- understand why you draw that distinction. What -- what's the difference between saying that there has been this damage and that's the magnitude of damage?

A. Well, if I said that there had been the damage, then the -- then all the -- the property value -- the home sales would already have had that docked, would have been at the impaired value, and I'm not here to say.

Q. Okay.

A. Again, we go to the appraiser who says what the unimpaired value should be.
Q. Okay. So -- and I think this is consistent with what we discussed previously --
A. Yes.
Q. -- that -- that you're not here to give a -- a damages amount that any specific class member might actually have suffered, right?
MR. SOLOMONS: Object to the form.
THE WITNESS: I mean, I'm not here to say they didn't.
BY MR. GARROU:
Q. You're not here to say either way I guess, right?
A. Well, I'm here to say that on average they've suffered 12 percent.
Q. Okay. And -- and what do you mean by "suffered" there? What -- what exactly has happened to a class member's assets when they have suffered that damage?
A. The asset has a diminished value.
Q. Okay. And -- and so you're not able -- able to tell whether that asset has -- has that -- strike that.
You're not able to tell whether that

or future damages might depend on whether they were fishermen, right, and a whole host of other things. So I'm not here to talk about any individual property owner --

Q. Okay.

A. -- and what their -- and -- and these differences. I'm just here to say the -- the grand total for the class.

Q. Okay. So if -- if we drill down to that -- to that single class member --

A. Uh-huh.

Q. -- would you agree that when she sells her property tomorrow, she has sold the value of the land and the right to use and enjoy that land?

A. Yes.

Q. Okay. And -- and that use and enjoyment would include the use and enjoyment through fishing, correct?

A. Yes.

Q. Okay. So you would agree that that person -- their compensation in damages should not include any compensation flowing from the discounted present value of future fishing trips, correct?

A. Well, that person isn't in our class

CERTIFICATE OF REPORTER

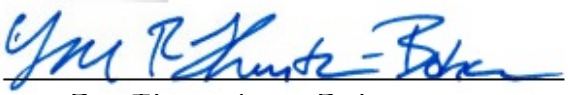
I, Yvonne R. Thurston-Bohannon, Registered Merit Reporter, Certified Realtime Reporter, and Notary Public for the State of South Carolina at Large, do hereby certify:

That the reading and signing of the foregoing deposition by the witness was not requested.

That the foregoing transcript was taken before me on the date and at the time and location stated on page 1 of this transcript; that the deponent was duly sworn to testify to the truth, the whole truth and nothing but the truth; that the testimony of the deponent and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed; that the foregoing deposition as typed is a true, accurate and complete record of the testimony of the deponent and of all objections made at the time of the examination to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal March 12, 2026, at Columbia, Richland County, South Carolina.



Yvonne R. Thurston-Bohannon
Registered Merit
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Exhibit 24

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The State (Columbia, South Carolina) · Sat, Aug 9, 1997 · Page 15
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1940s tales, risk of PCBs spur probe at Wateree

By SAMMY FRETWELL
Staff Writer

During hot, sticky summers 50 years ago, college students sprayed an oily substance on Lake Wateree that today is creating a stir.

One of those men says he and several partners emptied hundreds of barrels of highly toxic transformer oil into the water while working a summer job controlling mosquitoes for Duke Power Co.

His partners that summer say they only pumped motor oil on the lake, a common method at the time for killing mosquito larvae. Duke Power says it has no records to show what material was put on the water in the 1940s.

State health regulators don't know what to think. But for the past several weeks, the Department of Health and Environmental Control has spent time sifting through the stories.

A DHEC criminal investigator interviewed three former students, now long-since retired from full-time jobs, and a Lake Wateree recreation shop manager last week.

Friday morning, the investigator visited a spot on Lake Wateree where the dumping is said to have happened most often. That spot is in Kershaw County just west of the S.C. 97 bridge in an arm of Lake Wateree known as Beaver Creek.

"The only thing I can tell you officially is we are conducting an investigation based on information we have received from a citizen," DHEC spokesman Thom Berry said. "They are allegations of improprieties and some possible dumping issues in Kershaw County."

DHEC launched its probe after hearing the story of Bruce McIsaac, a retired plant worker who says he distinctly remembers applying transformer oil to the lake. McIsaac had mentioned it to local merchant Rock Savage, who,

PLEASE SEE **WATEREE** PAGE **B2**

PCB facts

State environmental investigators are checking into a man's claim — disputed by co-workers — that he sprayed PCB-laden waste into Lake Wateree in the late 1940s.

- Polychlorinated biphenyls, or PCBs, were used widely for decades to help cool electrical transformers.
- Congress banned the manufacture of PCBs in the late 1970s, citing evidence that they cause liver and stomach cancer, skin lesions and nervous disorders.
- PCBs are a threat if ingested over time. That often occurs by eating fish tainted with sufficient amounts of the material.
- PCBs have been found in Lake Wateree fish, but not in amounts considered harmful.

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Feb 22, 2024

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The State (Columbia, South Carolina) · Sat, Aug 9, 1997 · Page 16
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WATEREE

FROM PAGE B1

along with a free-lance reporter, started asking questions of DHEC.

In the 1940s, oil from electric-company transformers routinely contained PCBs, a carcinogenic substance not produced in the United States since 1976. PCBs cooled transformers that converted power supplies for homes.

"We put out 50 55-gallon drums of transformer oil a day," said McIsaac, 70, who says he worked the summer job in 1947 and 1948. "Most of it occurred right before the mouth of Beaver Creek."

The Lancaster County resident said he knows Duke's mosquito-control program used transformer oil because a company supervisor told him what the material was. The supervisor has since died.

PCBs are suspected of causing cancer. They can persist in the environment for 50 years or more, experts say. At Lake Hartwell, near Anderson, DHEC discourages people from eating some fish species because of PCB contamination that occurred decades ago.

PCBs have also been found in some species of Lake Wateree fish, but the amount has not been high enough to prompt health warnings, DHEC records show.

Though the levels aren't unsafe, there are few places in South Carolina where any amount of PCBs have been found in fish, DHEC researcher Butch Younginer said.

At Lake Wateree, the agency hasn't found PCB contamination in the water itself. But DHEC did find it in sediments at two spots, according to a 1993 survey. One was at mid-lake, just west of Beaver Creek.

PCBs can accumulate in fish over time if the material exists anywhere in a lake system, even if the water itself is clean.

Despite McIsaac's statements, his partners in the summer program call the story a fanciful tale.

Shannon Catoe, who worked with McIsaac when both were students, said his old friend is dead wrong about what they applied on Lake Wateree in the 1940s. He also said in an interview with The State that McIsaac worked with him only one summer.

"Out of the whole three years, I don't believe I saw one drum of transformer oil," Catoe said of his time on the job. "It was motor oil."

Duke's summer program involved spraying oil from a barge that moved around the lake, looking for mosquito nests in coves.

"As far as PCBs, you're barking up the wrong tree," Catoe said. "Bruce was a good friend of mine, but he didn't know or care what was going on. All we were doing was a job. This PCB business is way out. I'm a registered engineer, and I think I've got a little sense."

Another worker that summer, Archie Catoe (no relation to Shannon Catoe), echoed those sentiments.

"I don't think it was anything like that," he said when asked if they dumped PCBs in the lake. "Bruce tends to exaggerate."

Duke spokesman Joe Maher said it's hard to tell what happened in the 1940s because the firm has no records of what was applied.

Maher also said companies and environmental regulators have learned a lot about toxic materials since the 1940s. At the time, the impact of PCBs on the environment wasn't known, and the federal Clean Water Act was years from being passed.

"Our sensitivity to environmental consequences is not something that started in the 1960s with Earth Day," he said. "It goes back into the '20s. In the '40s on Lake Wateree, our environmental sensitivity was such that we would treat the lake in the appropriate way with the best available technology."

Staff Writer Bob Kudelka contributed to this story. Free-lance reporter Mary Helen Yarborough also contributed to this report. Sammy Fretwell covers the environment. Reach him at 771-8537.

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Feb 16, 2024

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Exhibit 25


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News - Local / Metro
Sunday, Dec. 13, 2009

State will test for PCBs in Lake Wateree fish

Federal data show elevated toxin levels

By SAMMY FRETWELL - sfretwell@thestate.com

State biologists will begin testing fish at Lake Wateree next year for PCBs, a suspected cancer-causing pollutant that federal data show has tainted predator species in the popular reservoir.

Wateree was one of the 17 percent of lakes tested nationally in which fish registered PCB levels above a federal health safety standard this decade, according to data released last month by the U.S. Environmental Protection Agency.

The S.C. Department of Health and Environmental Control - charged with warning the public if fish are unsafe to eat - says it wants to know more about PCBs in the lake 30 miles northeast of Columbia.

"Testing will give us better information," DHEC spokesman Thom Berry said. "Once we do that, it will give us more data in which to make some conclusions."

The federal data were collected eight years ago for a baseline report assessing chemicals in fish at 500 lakes across the nation. DHEC apparently has not checked Lake Wateree's fish for PCBs routinely since the 2001 federal tests.

Officials with the state agency said in a Dec. 4 e-mail to The State that they had gathered some data in the 1990s on PCBs. But the e-mail said they did not think the levels were enough to warn the public about eating Lake Wateree's fish. The agency had no "available" data since 2001, the e-mail said.

Berry could not say last week if the agency would issue advisories against eating some types of fish at Lake Wateree. The lake now has no advisories telling people to limit fish consumption. He said DHEC had not tested in some cases because of "a resource issue," but the department has recently hired a laboratory worker to do that.

THE DANGER

PCBs, short for polychlorinated biphenyls, are manufactured chemicals once used extensively by industry as coolants and lubricants.

They can settle into waterways through air or water pollution and, over time, build up in fish. Production of PCBs was banned in the United States during the late 1970s as evidence mounted that they were dangerous to people's health. Scientists have found PCBs to cause liver cancer in laboratory animals, and the EPA has classified PCBs as a probable human carcinogen. The chemicals also can cause developmental problems in children, including a decrease in short-term memory, and impair children's immune systems.

Lake Wateree is the second major reservoir in the Midlands found by the EPA to have elevated levels of a contaminant in fish tested, according data used to compile the Nov. 10 baseline study.

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At Lake Murray, largemouth bass showed elevated amounts of the toxic metal mercury, according to the data. DHEC testing since 2000 verified elevated mercury contamination in 40 percent of the bass tested at Lake Murray, although the agency said the pollution levels weren't consistent enough to warrant health warnings.

The EPA's national study found some level of mercury or PCBs in fish from every body of water tested across the country. In addition to Lake Wateree, Lake Hartwell in Anderson County also fell within the 17 percent of lakes with PCB levels in game fish above the health standard of 12 parts per billion. Another 49 percent of the lakes contained mercury levels in game fish that were above a federal health standard, including Lake Murray.

State officials for years have warned of high PCB levels in Lake Hartwell. But people familiar with Lakes Murray and Wateree were surprised that fish there also showed elevated contaminant levels.

"I don't think PCBs were on anyone's radar," Catawba Riverkeeper David Merryman said.

PCB levels in largemouth bass at Lake Wateree registered 80.223 parts per billion, more than six times the health safety standard used by the EPA in its November report.

The testing was done on largemouth bass and carp; EPA officials caution that the sampling was limited.

Still, the findings could spur action at the state level, according to the EPA.

"The results can only indicate where a state may consider doing additional monitoring to determine whether or not issuing a fish advisory is appropriate," EPA spokeswoman Enesta Jones said in a Dec. 3 e-mail to The State newspaper.

A POTENTIAL BLOW

The findings at lakes Wateree and Murray are a potential blow to recreation and tourism at both of the popular waterways.

Like Lake Murray northwest of Columbia, Wateree is filled with weekend boaters, anglers and swimmers during the summer. Thousands of people also live or own weekend homes along its 242-mile shoreline, which touches Kershaw, Fairfield and Lancaster counties.

The 13,000-acre lake is one in a string of man-made reservoirs along the Catawba River from north of Charlotte to near Camden. It was built in 1920, initially to provide hydro-electric power for Duke Energy customers. Lake Wateree drains into the Wateree River, which flows past the newest, easternmost section of Congaree National Park. The Wateree then joins the Congaree River to form the Santee River above lakes Marion and Moultrie.

Merryman, the riverkeeper for the Catawba River watershed, said the EPA's recent report shocked him.

"In this report, Wateree has some really high readings; they are quite drastic," Merryman said. "DHEC needs to get in there and find out what these concentrations are. If those levels the EPA found are true, we need fish advisories."

Merryman said DHEC should have been checking fish before now to ensure public safety.

"This is DHEC being non-aggressive and kind of overlooking an issue they really should be tackling," Merryman said.

Dick Foote, chairman of a Lake Wateree citizens committee that monitors water quality, would also like to know more.

"What does it mean overall? And what does it mean in the long term?" he asked. "I'm a little concerned when we jump to conclusions."

Merryman noted that Wateree was one of three lakes on the Catawba River chain with high PCB levels in fish tested for the 2009 EPA report. Lakes Norman and Mountain Island in North Carolina were the others, he said.

North Carolina hopes to test those lakes for PCBs, said Douglas Campbell, branch chief of the Tarheel State's occupational and environmental epidemiology division.

Merryman suggested that Lake Wateree may be suffering PCB contamination in fish because it sits at the bottom of the Catawba River chain. Charlotte is the largest city in the region, and the surrounding metropolitan area continues to develop, even in tough economic times.

Berry said he didn't know why PCBs would have shown up in Lake Wateree's fish. But some reports have indicated the toxic chemical was dumped into the lake during the 1940s as part

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of an effort to kill mosquitoes, The State reported in 1997.

In 1997, DHEC investigated reports of PCB-laden transformer oil being put into the lake, but Berry could not say whether the agency concluded the dumping had occurred.

Officials with the N.C. Division of Water Quality suggested the EPA report contained errors on the levels of PCBs found in lake fish there. Some of the laboratory samples may have been contaminated, the agency's Susan Massengale said in an e-mail Friday to The State.

Denise Keehner, an EPA official familiar with the study, said federal scientists verified the data before publishing the report.

"We had extensive quality assurance and quality control," she said.

Reach Fretwell at (803) 771-8537.

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Beset wrote on 12/13/2009 11:46:55 AM: +

And to spread the criticism around a bit, when will South Carolina's environmental and conservation groups drag some of their attention from Greenland's ice cap and the SC Statehouse's activities and start to pay at least some attention to the fights over environment "in the trenches," in permitting and monitoring and enforcement decisions or indecisions, in the agency actions and inactions. It is there that so much is lost. There it is typically DHEC and money/influence in the balance of the decision equation, with no counterbalance.

DHEC would do better if it had some active oversight to keep it on its toes and on the right path and some active support in hard decisions where that is deserved.

Recommend (1) Report abuse

Beset wrote on 12/13/2009 11:33:46 AM: +

"I will rely on EPA and DHEC to find out what it is." I will rely on EPA.

"a poorly managed organization" You might also look a little closer at DHEC.

South Carolina needs a better run environmental agency. Why is seemingly no one interested in fixing that agency, or to make my comment more charitable, improving that agency? People want to move it, others want to deify it as is, and no one talks about improving it internally.

Recommend (1) Report abuse

bertha wrote on 12/13/2009 10:49:08 AM: My, what a lovely NEW set of clothes the state "newspaper" has made for the emperor today. And all his faithfull servants tagging right along..Tsk, Tsk. PCB's were banned by Congress in 1976. So, where is this coming from? Mosquito control in the 1940's? Really? If they haven't been elevated in past tissue samples - why there? why now? I'm sure there is some logical explanation and I will rely on EPA and DHEC to find out what it is. Not on this rag, nor a bunch of social miscreants willing to be scared by a poorly managed organization with a political agenda like the state. Shame on you Sammie, for scaring people like this.

Recommend (3) Report abuse



JohnHartz wrote on 12/13/2009 10:32:28 AM: "Treat the earth well: it was not given to you by your parents, it was loaned to you by your children. We do not inherit the Earth from our Ancestors, we borrow it from our Children."

Ancient Native American Proverb

Recommend (2) Report abuse

Beset wrote on 12/13/2009 09:12:18 AM: =

Yeah, what Runargorum says!

I have been moderate and I hope constructive in my various past criticisms of DHEC and

yet even so the DHEC shill and apologist JustTheFacts has lambasted me for daring to pose that a single thing can be amiss in that heavenly court of an agency, in his view. Runargorum seems instead to suggest that the devil's own handiwork can be seen at DHEC and perhaps I should defer to his experience-based judgment here. Poor JustTheFacts may just have apoplexy.

Recommend (1) Report abuse



Runargorun wrote on 12/13/2009 08:33:06 AM: Hey Sage, how can you be surprised at anything DHEC does NOT do? I've tussled with them for over 20 years and a lousier group of liars and crooks will be hard to find. DHEC is not a regulatory agency, it's a publicly funded service to help environmental criminals cover their tracks and to rubberstamp the efforts of developers, manufacturers and the politically connected to skirt the intent of laws so they can do what they want. With what little energy DHEC has left over they try to cover their own tracks, explain away their negligence, justify their environmentally abusive decisions and stonewall the people trying to fight for environmental justice. Some state agency. Paid for my many, catering to a few, frerquently on the wrong side of the law but in the pockets of the powerful.

Recommend (5) Report abuse



sage_of_the_lakelands wrote on 12/13/2009 08:09:38 AM: As huge as DHEC's budget is, and they haven't even tested before now??? I just assumed that the monitoring is an ongoing effort! Nevermind. I'm not surprised. I know too much about the state of this state.

Recommend (5) Report abuse

More comments on this story: 1

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($90,000 Refinance $489/mo) See Rates - No Credit Check Req.
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- letters to the editor
- blogs

PHOTOS/VIDEOS
- galleries
- videos

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Exhibit 26

From: Barwick, Hugh <Hugh.Barwick@duke-energy.com>
Sent: Wednesday, August 25, 2010 3:39 PM
To: Bruce, Ed; Fragapane, Phil; Huff, Jennifer R; Johnson, Steven R; Lineberger, Jeff; Oakley, Mark; Styer, Tami C
Subject: FW: Toxic chemicals in popular S.C. lake
Attachments: ATT00001..c

FYI.

From: Manuel, Ken
Sent: Wednesday, August 25, 2010 10:37 AM
To: Jester, Steve
Cc: Coughlan, David J; Harrell, Duane; Barwick, Hugh; Vaughan, Gene E; Bowen, Tommy W
Subject: Fw: Toxic chemicals in popular S.C. lake

Steve at the bottom of the news article is mention of PCBs used in mosquito control. Over the years I've reviewed old company mosquito control documents and there is nothing to indicate PCBs were ever used nor has DDT, which had been suggested by some. Boldridge did however collect and apply used motor oil during WWII to continue mosquito control operations. Logic would indicate PCBs as a strategic war material would never have been available in large enough quanities to say nothing about the cost.

Ken

From: Coughlan, David J
To: Manuel, Ken; Bowen, Tommy W; Harrell, Duane; Vaughan, Gene E; Barwick, Hugh
Sent: Wed Aug 25 10:10:05 2010
Subject: FW: Toxic chemicals in popular S.C. lake

Please forward as you feel appropriate. Fifth paragraph from the bottom is noteworthy.

Dave

From: Tracy, Bryn [mailto:bryn.tracy@ncdenr.gov]
Sent: Wednesday, August 25, 2010 9:53 AM
To: Coughlan, David J
Subject: FW: Toxic chemicals in popular S.C. lake

You probably read this --

Bryn H. Tracy
Sr. Environmental Specialist
DENR/DWQ
1621 MSC
Raleigh, NC 27699-1621
bryn.tracy@ncdenr.gov
http://portal.ncdenr.org/web/wq/ess/bau
919-743-8474

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Massengale, Susan [mailto:susan.massengale@ncdenr.gov]
Sent: Wednesday, August 25, 2010 9:14 AM
To: denr.dwq.clips@lists.ncmail.net
Subject: Toxic chemicals in popular S.C. lake

From The State (South Carolina)

Toxic chemicals in popular S.C. lake

By Sammy Fretwell
sfretwell@thestate.com
Posted: Wednesday, Aug. 25, 2010

Some of Lake Wateree's most popular game fish are polluted with a cancer-causing material that has made them unsafe to eat in more than moderate amounts.

The state Department of Health and Environmental Control has issued a health advisory for striped bass, blue catfish and largemouth bass after finding PCBs in those species at Lake Wateree. The advisory tells people to limit consumption of those fish.

DHEC's warning makes Lake Wateree only the second lake in South Carolina — and the first in the Midlands — to carry a fish consumption advisory for PCBs, which have persisted in the environment decades after production of the toxic industrial material stopped.

PCBs, or polychlorinated biphenyls, are considered probable human carcinogens and have been linked to liver cancer in rats. People can be exposed by consuming food and water containing PCBs, as well as breathing airborne particles of the toxic material. Industrial spills into water and air can send the material into rivers and lakes.

DHEC issued the fish advisory for PCBs this past spring on its website but has not yet posted warning signs at boat landings and other areas along the lake where people fish.

Agency spokesman Adam Myrick said DHEC is working with the Department of Corrections to produce the signs. He could not predict when they would be posted, but he said there should be about eight signs.

"We have identified the boat landings where they will go up,'' he said.

State data showing the level of PCBs in each fish species were not available Tuesday.

Lake Wateree, about 30 minutes north of Columbia, is one of the most popular recreational lakes in the state, attracting anglers and boaters alike.

But the lake is among 17 percent of the country's reservoirs with elevated PCB levels in fish, a 2009 federal study said.

Last fall, a U.S. Environmental Protection Agency report found PCBs in Lake Wateree's largemouth bass at nearly six times a public health safety standard. The report also noted elevated mercury levels in some Lake Murray fish.

After the EPA report came out last fall, DHEC tested Lake Wateree's fish for PCBs for the first time in years. Results of the testing prompted DHEC to issue the advisories, which have not been reported widely in the media. Myrick said his agency continues to investigate the PCB problem at Lake Wateree.

David Merryman, the riverkeeper for the Catawba River basin, said he's glad DHEC tested Lake Wateree's fish. The lake is the southernmost in the Catawba River basin and just above the Wateree River.

"People are eating and consuming these fish, and they need to know what's in them," Merryman said. "We need to know there is a problem and move forward. We have to recognize that this is a chronic pollutant."

According to DHEC, people should not eat more than one meal per month of blue catfish or striped bass. People also should not eat more than one meal per week of largemouth bass, the agency says. Each advisory is based on a meal of about eight ounces of fish.

There are no restrictions on black crappie, another popular fish, according to the health and environmental agency.

PCBs that wash into rivers and lakes build up in the fat or tissue of some longer-lived fish species. While the water itself remains relatively free of the pollutants, the contamination settles to the bottom of lakes and binds to soils. It can slowly accumulate in fish that suck in microscopic amounts of the pollutant over time. Unlike with mercury in fish, DHEC says, some threats from PCBs can be reduced if people carefully cut the fatty tissue away from fish they catch.

Manufactured decades ago as coolants, lubricants and fire retardants, PCBs are made up of some 209 compounds and were once relied upon extensively by industry.

Among other things, they were used as insulating fluids in electrical transformers and as fluids in vacuum pumps and compressors, according to the EPA. PCBs haven't been produced since the late 1970s because of evidence that they build up in the environment and pose health risks. They get into lakes and rivers through both air and water pollution.

DHEC's finding of PCB contamination in fish at Lake Wateree reflects a broader concern in the Catawba River basin, which extends from north of Charlotte to near Congaree National Park southeast of Columbia. Sprawling Charlotte often is cited as a reason for contamination in the river system south of there.

Earlier this year, Merryman's Catawba Riverkeeper organization found PCBs at Mountain Island Lake, a North Carolina reservoir also on the Catawba River chain.

Dan Tufford, a USC water quality researcher familiar with Lake Wateree, said he suspects industrial pollution has contributed to the PCB findings in fish.

"There is a lot of industry upriver from Lake Wateree," said Tufford, who tracks water quality issues at the lake. "The potential for this kind of contamination has always been there."

Lake Wateree also has had questions about PCBs before. Sometime in the 1940s, workers for a power company used PCBs in an attempt to kill mosquitoes on the lake, former employees have said.

Dick Foote, who heads a citizens' committee studying water quality at Lake Wateree, said it could be difficult to rid the popular reservoir of PCBs in fish.

"I don't know that there's anything you can do about it,'' he said. "You could dredge the entire lake, which you might as well say is impossible, or you could cover it all with something. That also is practically impossible. I think it's just a fact of life.''

Foote said the key is for people to know about the fish consumption advisories at Lake Wateree. He noted that the advisories do not prohibit eating certain fish, only to be careful about the amount eaten.

"It's like lots of things — lots of things you do in moderation,'' he said. "Just be aware of what you can do and what you can't do.''

Read more: http://www.thestate.com/2010/08/25/1432008/toxic-chemical-prompts-warnings.html#ixzz0xcMCCBO9

Susan Massengale
Public Information Officer
DENR- Division of Water Quality
1617 MSC, Raleigh, NC 27699-1617
(919) 807-6359; fax (919) 807-6492

Please note: my e-mail address has changed to susan.massengale@ncdenr.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

Exhibit 27

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SOUTHER DIVISION

Clyde Marcus Jones, II, on behalf of himself and all others similarly situated,

Plaintiffs,

vs.

Duke Energy Corporation and Duke Energy Carolinas, LLC.

Defendants.

No. 3:24-cv-01281-MGL

VIDEOTAPED DEPOSITION of DR. MICHAEL TACHOVSKY
LOS ANGELES, CALIFORNIA
MONDAY, MARCH 2, 2026
VOLUME 1

Reported by
Daryl Baucum, RPR, CRR, RMR, CSR No. 10356

Job No. 7934357, PAGES 1 - 229

public pull off was for that one.

Q The public "pull off"?

A The public access point to the lake.

Q Do you recall where that sign there, the photograph on page 118, was located in relation to the public access point?

A Yeah, it was down -- it was off -- right, I would say the paid parking lot area and off where the benches were. It was down kind of by the edge of the lake.

Q Is it unusual for fish consumption advisories to be posted using signs like that?

A I don't have an opinion one way or another.

Q Do you know whether that fish consumption advisory is also available online?

A I believe there are -- it is online places.

Q Do you have any opinions on whether it is difficult to find the Lake Wateree fish consumption advisory when searching online?

A I think if you go into anew and you don't know the advisories exist, it would be difficult to come across it. You got to know what you are looking for.

impaired sales, in your opinion?
A Correct.
Q You looked at a total of 981 transactions and made a determination as to whether there was knowledge or not for the buyer in those transactions, right?
A Correct.
Q You found knowledge in one of those transactions.
You conclude that in the other 980, there was not knowledge of the condition of Lake Wateree, correct?
A Right. There was no evidence or lack of knowledge.
Q And it was from that determination that you built your impaired valuation for those properties, correct?
A That's correct.
Q So on page 29 of your report, it says that this set of closed subject property transactions were those which occurred between January 1 of 2014 and January 31 of 2026.
Do you see that?
A I do.
Q And this was the total of 981 transactions

recorded on the consolidated MLS, right?
A That's correct.
Q Now, can you also do appraisals before and after an event to determine whether that event caused the market reaction?
A Yes, you can.
Q And did you consider looking at the values before and after the 2010 fish advisory on Lake Wateree was issued?
A I did.
Q And you concluded that was not an accurate way to determine buyer knowledge?
A Well, no, I considered that in terms of determining the unimpaired value and it was a less reliable way.
One reason for that is you were going through a market cycle, so you had this dip and then rise.
Q What do you mean "market cycle"?
A So the real estate market can have cycles just like any kind of market, whether you are looking at stocks and bonds but real estate.
So generally, market cycle indicates a change in housing prices.
Q And what was going on in the market cycle

here that caused you not to look at the before-and-after comparison?

A Well, you had a change in the market cycle -- I have a section in my report and one example I saw that was in the federal reserve economic data, the FRED index.

Q Why is that leading you not to try to analyze whether there was a change before and after the fish consumption advisory was released?

A Well, I am looking at the unimpaired values. I'm not -- my job is not to determine the impact on market values. I'm just trying to isolate the unimpaired values.

Q Can you turn to page 6 of your report.

And in the second paragraph on page 6 of your report, the last sentence reads,

"In the 1990s, PCBs were identified in South Carolina waters, including Lake Wateree, prompting the SCDHEC" -- that is South Carolina Department of Health and Environmental Control -- "to begin collecting fish data from 44 species at 303 locations."

Do you see that?

definition of the class. I'm not sure.
BY MR. LONG:
Q Do they -- do you know whether they have been damaged in this case as a result of the fish advisory?
A I do not. I don't have an opinion on that matter.
MR. LONG: I'm going to mark this as what I think will be number three.
(Deposition Exhibit 3 was marked for identification by the court reporter and is attached hereto.)
BY MR. LONG:
Q I handed you what we have marked as Exhibit 3 to your deposition, and I will represent to you that this is one of the documents that was produced to us with your file.
Do you recognize it?
A I do.
Q Just for the record, what is it?
A This looks like a media report on testing for PCBs at Lake Wylie.
Q And it's got yellow highlighting on it. I will represent to you that is how it was given to me.

Do you know how the yellow highlighting got on there?

A Yes, my staff made the highlights.

Q Was this one of the media reports you analyzed?

A I believe it was.

Q And there is a -- this is from the year 2010.

Do you see that in the upper right-hand corner?

A I do.

Q And there is a quote there from Mr. Gary Falkenberry.

Do you see that? It's highlighted.

A Is it the second paragraph?

Q It's the --

A I see it now.

Q -- fourth highlighted paragraph.

A I'm with you.

Q Do you see it starts "Gary Faulkenberry, who represents the Wateree Homeowners Association"?

A I do.

Q And this was from 2010.

Do you see that?

A I do.

Q Does it appear to you that Mr. Faulkenberry is aware of the PCB issues in Lake Wateree if this quote is accurate?
A Yeah, it looks like he's aware of the issues.
Q Do you know how he became aware of the issues?
A No, I do not.
Q Are you offering any opinions on how this came to Mr. Faulkenberry's attention?
A No.
Q You're not saying that he became aware of the PCB issues at Lake Wateree through a buyer's property disclosure, are you?
A I wouldn't know one way or the other.
MR. SHEHEEN: Nash, can I ask really quickly which one of these four documents in front of me -- which one was not entered as an exhibit just so I am following. I have his research article, expert report, the deed, and then I have SC the deed.
MR. LONG: Let's go off the record for a second.
THE VIDEOGRAPHER: This marks the end of media number two.

STATE OF _____)
) Ss.
COUNTY OF _____)

I, DARYL BAUCUM, a Certified Shorthand Reporter of the State of California, do hereby certify;

That the foregoing proceedings were taken before me at the time and place herein set forth, at which time the witness named in the foregoing proceeding was placed under oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; and that the foregoing pages contain a full, true and accurate record of all proceedings and testimony to the best of my skill and ability.

I further certify that I am neither financially interested in the outcome nor a relative or employee of any attorney or any party to this action.

IN WITNESS WHEREOF, I have subscribed my name this 5th day of February 2026.



DARYL BAUCUM, CSR No. 10356

Exhibit 28

From: Lineberger, Jeff
Sent: Tuesday, July 8, 2014 7:45 PM
To: Duke Energy Hydro Licensing
Subject: FW: fish advisory on Duke reservoirs

From: Galleher, George A
Sent: Tuesday, July 08, 2014 1:58 PM
To: Stuart, Alan Witten; Lineberger, Jeff; Huff, Jennifer R
Subject: FW: fish advisory on Duke reservoirs

From: Jenkins, Jack C
Sent: Tuesday, July 08, 2014 1:40 PM
To: Galleher, George A; Boozer Jr, Harold W; Keaton, Brad; Rhyne, Cameron G; Dry, Franklin K; Harrison, Terry B; Shuler, E B Jr; Brinson, Earl M; Blevins, Gregg M; Saville, Tracy A; Price Jr, Edwin D; Walden, Gary R
Subject: fish advisory on Duke reservoirs

From today's news: http://new.newsedge.com/?cmmd=readStory&key=6b0JjVGWhoYEAnmQlkYHYkb08TRyK457ujbHZfnbiZxPtfcKA07mXn2HmUkh2SkpLDKM9tZmYscYBRqggA9Qzu1G-Oh-fyJfpVW6SHyd_38m9Q7oQ4fhUs4K4U63GPt4Qaa4suKlXt3mHGKSBP030Q**&client=rssfeed_3683_pa2596

Did not see this in Clt papers. Yet.

Jack

Greenville, S.C., News, 7-8-14

By Nathaniel Cary

"As the methods for testing fish to find potentially harmful toxins has improved, the state has added seven new waterways to its fish consumption advisories.

The state health department has added advisories for the Catawba River, Cedar Creek Reservoir, Fishing Creek Reservoir, Great Pee Dee River, Lake Wateree, Lake Wylie and Wateree River after finding toxic pollutants in fish widespread enough to warrant concern."

And:

"The state added advisories to seven new waterways this year. Each of the advisories was for PCBs.

David Wilson, DHEC's water bureau chief, said the additional advisories were the result of more intensive collection and testing of fish by DHEC and "is unlikely due to anything recently added to the water."

The state issued new advisories due to PCBs that accumulate in the fatty tissue of fish and often remain in the food chain for decades.

New advisories to limit consumption of fish to one meal a month or one meal a week have been issued for Catawba River, Cedar Creek Reservoir, Fishing Creek Reservoir, Great Pee Dee River, Lake Wateree, Lake Wylie and Wateree River.

Lower-but-widespread levels of PCBs were found in fish tissue in the Catawba River Basin and the Pee Dee/Yadkin River Basin in North Carolina and South Carolina, Beasley said.

The upper section of the Great Pee Dee River in South Carolina has had a mercury advisory for years, but added an advisory for PCBs this year for the first time, he said.

Because PCBs are found in the fatty tissue of the fish and not in the water itself, it doesn't affect the recreational or drinking water uses in the affected waterways, Wilson said."

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Exhibit 29

IN THE UNITED DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

CLYDE MARCUS JONES, II, DENNIS PHILIPS, AND DEBORAH PHILLIPS, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED,

Plaintiffs,

vs. CASE NO. 3:24-cv-01281-MGL

DUKE ENERGY CORPORATION AND DUKE ENERGY CAROLINAS, LLC,

Defendants.

*CONFIDENTIAL DESIGNATIONS MAY BE PENDING

VTC VIDEOTAPED
DEPOSITION OF: CLYDE MARCUS JONES, II
(Appearing by VTC)
DATE: October 8, 2025
TIME: 9:06 a.m.
LOCATION: Zoom Videoconference
TAKEN BY: Counsel for the Defendants
REPORTED BY: Susan M. Valsecchi, Registered Professional Reporter, CRR
(Appearing by VTC)

Job No. CS7650959

can't give full, complete, truthful testimony today?

A. Not that I'm aware of.

Q. Okay. There may be from time to time some jargon that we use in this deposition, so it might be important to start with a definition or two upfront.

There is a term that I may use from time to time, it's an acronym, PCB.

A. Uh-huh.

Q. Do you know what I am referring to when I say PCBs?

A. I do.

Q. Okay. I also may refer from time to time to something I would either say is "the property" or "your property," and what I'm referring to, the property or your property, I'm referring to the property you own over at Lake Wateree at 1778 Sailing Club Road. Are we in agreement on that?

A. We are.

Q. Okay. Tell me what, if anything, you did to prepare for your deposition today.

A. I met with my attorneys.

Q. Did you talk with anybody else in

just turn over to the second page of this Exhibit 1. You'll see that there is the title to real estate whereby it was transferred from Shirley Hanley to Willard C. Copp, C-O-P-P.

Do you see that on the first paragraph?

A. I do.

Q. Okay. And that's the Mr. Copp from which you purchased the property?

A. Yes, I believe so.

Q. Okay. And then if you turn it over to the second page after that -- actually, let me clarify. This is copied double-sided.

A. Yeah.

Q. So if you turn over to the next title to real estate document, this is the one where Willard Copp conveyed it to John M. Deal, Jr.; Clyde M. Jones; and Clyde M, Jones, II.

Do you see that?

A. I do.

Q. And do you see up in the first paragraph that it says that the purchase price was $114,900?

A. I see that.

Q. Okay. Does that refresh your recollection as to the total purchase price of the

property in 2001?

A. That sounds right, yeah.

Q. Okay. And now that you see that figure and have your recollection refreshed, do you recall how much you and your wife contributed to that total?

A. I do not.

Q. When this purchase was made in 2001 by you and your family members from Mr. Copp, was there any discussion with him about PCBs in Lake Wateree?

A. To my knowledge, no.

Q. Did he have any discussion -- that is, Mr. Copp -- did he, Mr. Copp, have any discussion with you or anyone in your family about any sort of contamination in Lake Wateree?

MS. FICKLING: Objection to the form.

Go ahead.

THE WITNESS: I don't recall any discussion with me.

BY MR. LONG:

Q. Do you recall hearing that there was any such discussion he had with anyone?

A. I do not recall.

Q. So if you will turn over, then, to the

Q. This was still during the period of time when you had your primary residence on Hampton in Camden, South Carolina?

A. Uh-huh. I'm sorry, yes.

Q. Okay. Let's go over to the next item here. It's the one called "Title to Real Estate," and it's dated June the 3rd of 2020.

So this indicates, up at the first paragraph, that John Deal, Jr., and Emily C. Jones made a transfer to you of the property for the amount of $46,000; is that correct? Is that what occurred?

A. That is correct.

Q. Okay. So after this 2020 transfer, did you own 100 percent of the property at Lake Wateree?

A. I did.

Q. Okay. And why was this transfer in 2020 made? What was the reason for this transaction?

A. Predominantly to relieve my mother of the debt of her third of the property.

Q. Was there any other reason? You say primarily.

A. Um, not to my knowledge.

August of this year, of 2025?

A. Um, they -- Nathan had an apartment that he lived in prior to them getting married in November, and their lease expired in 2025, so they live both in their apartment and at the lake.

Q. But why did you decide upon 25 percent interest as the amount to deed over to your daughter Kathryn?

A. I'm not sure if that was a figure that was the minimum you could give to a family member or not. I'm -- I'm not real sure.

Q. And was this a gift? Did you receive any payment for it?

MS. FICKLING: Objection to form.

Go ahead.

THE WITNESS: I believe it was 5 dollars, correct? Isn't that what was on the -- on this document?

BY MR. LONG:

Q. So am I correct that the current ownership is 75 percent for you and your wife and 25 percent for your daughter Kathryn in the Lake Wateree property, that's the current situation?

A. You're correct.

Q. Okay. Have you had any discussions

somebody renting the property.

Q. My question was more specific.

Are you able to identify anybody, as you sit here today, that decided not to rent property around Lake Wateree because of the alleged PCB contamination?

A. I think that'd be a better question for those that are involved in that.

Q. I'm asking you whether you have any knowledge of that. Do you?

MS. FICKLING: Objection to form.

THE WITNESS: I can only speak for me in that question.

BY MR. LONG:

Q. Okay. What do you say in that question, have you ever had a problem renting your property?

A. Um, as it relates to the PCBs?

Q. Yes.

A. Um, our rental is down.

Q. Has anybody expressed the view to you that they would not rent your property because of alleged PCB contamination?

A. Not to my knowledge.

Q. Your property was put up for sale

and 2020 that the house was not occupied by anyone, either renter or family?

A. Yes.

Q. And do you know sort of what percentage or portion of the time that was?

A. I could not.

Q. How would you describe, in your own words, that property at 1778 Sailing Club Road?

A. How would I describe it?

Q. Yes.

A. What do you mean by description? Physically or to me?

Q. Start with physically.

A. It's a beautiful piece of property.

Q. And what makes you feel like it's a beautiful piece of property?

A. Its proximity to the lake.

Q. Anything else?

A. Physically?

Q. Yes.

A. The access to the lake.

Q. And how else would you describe your Sailing Club Road property other than these physical descriptions?

A. It is a dream property.

Q. What does that mean?
A. Meaning it has always been a desire of me and -- and -- or our family, I should say, to own a piece of property on Lake Wateree.
Q. And specifically why is that? Why -- what attracted you to Lake Wateree?
A. Um, well, the opportunity to enjoy nature and recreation and spend time with my family.
Q. And the size of the property is a little bit less than an acre; is that right.
A. .98, I believe it says.
Q. And on the property you've got the house, correct?
A. Correct.
Q. You've got the two docks?
A. Correct.
Q. Do you have any other building on the property?
A. No, sir.
Q. Approximate square footage of the house is what?
A. According to the document it says finished square footing, 2,107. Gross square feet, 2,442.

the property for its access to the lake and its features; is that fair?

MS. FICKLING: Objection to form.

Go ahead.

THE WITNESS: I like the lake -- I like the property -- one of the reasons is because of the lake access.

BY MR. LONG:

Q. Okay. What do you like most about your property?

A. That'd be difficult to say.

Q. Yeah. What first comes to mind?

A. Um, I enjoy the ability for my family to gather at the lake.

Q. What do you like the least about your property?

A. The inability of my family to gather at the lake.

Q. By which you mean what?

A. Um, the concerns that we have for the contamination of the lake.

Q. And so has your family -- well, your family hasn't stopped gathering at the lake, have they?

A. No.

MS. FICKLING: Objection.
BY MR. LONG:
Q. That would be unusual, right?
MS. FICKLING: Objection to form.
THE WITNESS: No, it wouldn't be unusual.
BY MR. LONG:
Q. So there are extended periods of time that you live there week on week other than the renovation period at Hampton?
A. I don't recall the exact amount of time that we spend consecutively at the lake.
Q. Now that you are living in your primary residence at Hampton Street and your daughter is in Peru, who is it that keeps an eye on the property?
MS. FICKLING: Objection to form.
THE WITNESS: By eye, you mean...
BY MR. LONG:
Q. Is there anybody out there that is managing it or watching it for you while you're not there?
A. Um, our family still enjoys the property, so they could possibly -- they're welcome to go up there any time. I'm sure our neighbors.
Q. When you say your neighbors would keep

'22, but I'm not exactly sure of the date.

Q. Okay. So prior to that late 2021, 2022 time frame when your visits were frequent, was there a particular time of the year that you would tend to go?

A. No.

Q. Okay. After that time frame of 2021 to 2022 when your visits became less frequent, as you testified, would your visits tend to occur in any particular time of the year?

A. Would they -- I'm not understanding the question. What do -- what do you mean by -- like a specific time of the year, like spring, summer, fall? What -- what -- what are you --

Q. That's exactly what I'm asking.

A. Yeah.

Q. When do you go?

A. We will visit the lake regardless of the time period.

Q. Okay. And what activities do you enjoy at the lake?

A. Currently?

Q. Yes.

A. Or previously?

Q. Start with currently.

A. Um, I enjoy going on my boat. I enjoy the family events that we have up there. Yeah.

Q. And do you do any swimming?

A. So I will enter the water, I will get in the water.

Q. Let me back up. Do you consider yourself a swimmer?

MS. FICKLING: Objection to form.

THE WITNESS: Are you asking me can I swim?

BY MR. LONG:

Q. Yeah, we'll start there. I don't assume things about people, so don't take offense to that question.

A. None taken. I can swim.

Q. Okay. So when you enter the water, are you swimming around in the water?

A. No.

Q. Okay. When you enter the water, how do you --

A. Not by my definition of swimming.

Q. What's your definition of swimming?

A. That would be, you know, doing any of the four strokes that I'm aware of.

Q. Okay. All right. So have you ever

Q. Okay. And my question is do you continue to enter the water from your property in any fashion?
A. Currently?
Q. Currently.
A. I have -- I do at a much reduced rate than prior.
Q. Okay. So you do continue to walk down from the beach, enter the water that way?
A. That's one of the ways.
Q. Okay. And you continue to walk down to your dock, enter the water from the dock?
A. No.
Q. You don't do that?
A. No.
Q. Okay. What are the other ways that you enter the lake from your property for purposes of immersing yourself in the water?
A. I don't.
Q. What other water sports do you currently enjoy?
A. Sports?
MS. FICKLING: Object to the form.
Sorry.
BY MR. LONG:

years, would that be fair to say?
A. Fair.
Q. Okay. And you've got it currently licensed. It's up to date?
A. It is.
Q. Okay. You last renewed that license in 2022?
MS. FICKLING: Objection to form.
BY MR. LONG:
Q. Does that sound right?
A. That sounds wrong.
Q. Okay. When was the last time you recall renewing the license?
A. When it was -- it's renewed annually.
Q. Okay. So it's current as of today, your boat license?
MS. FICKLING: Objection to form.
THE WITNESS: No.
BY MR. LONG:
Q. Okay. When did it lapse?
A. I believe the expiration of the boat, if I can remember the stickers, I believe it's in July.
Q. July of 2025?
A. Uh-huh.

Q. Is that a yes?
A. I'm sorry, yes.
Q. So why have you not renewed the boat registration?
A. It was just a simple lapse.
Q. Okay. But you intend to renew it, would that be fair to say?
A. That is my intention.
Q. Okay. Do you ever let other people use your boat when you're not there at the lake?
A. Not that I recall. It's something that I generally don't do.
Q. Okay. How long have you had the boat stored at your dock at your house, 1778 Sailing Club?
A. The boat's not stored at my dock.
Q. I misheard you, then. Where is the boat stored or berthed when you're not using it?
A. Under the house.
Q. Under the house? Okay.
MS. FICKLING: And Nash I don't know if you're getting to a place for another break but it's probably a good time for a lunch break.
MR. LONG: Yeah, I actually am coming

out fishing?

A. I went fishing off the coast of South Carolina a year or two ago, I think maybe -- more than a year, but it seems like about a couple years ago.

Q. When's the last time you went fishing in any South Carolina lake?

A. It's been a number of years.

Q. And why has it been so long since you went fishing on any South Carolina lake?

A. Well, I don't randomly go to any lake. The lake that I would fish on, Lake Wateree, I haven't fished because of the -- the warnings of contamination.

Q. When's the last time that you fished in Lake Wateree?

A. It would have been -- as I recall best, I believe the last time would have been early 2001, perhaps.

Q. I just want to make sure I heard you correctly. Did you say the last time that you fished in Lake Wateree was early 2001?

A. I'm sorry, thank you. 2021, yes.

Q. Okay. So prior to early 2021, when you did fish in Lake Wateree, was that competitively?

A. No.
Q. Was there --
A. You asked me if I fished --
Q. Okay.
A. -- prior.
Q. So --
A. And then consumption's two different things, correct?
Q. Right.
A. Okay.
Q. So was there any -- any consumption of any fish that you ever caught out of Lake Wateree at any time?
A. Yes.
Q. There was?
A. Yes.
Q. Okay. When was the period of time that you would eat the fish that you caught out of Lake Wateree?
A. I would say prior to 2010.
Q. What made you stop eating the fish that you caught in 2010 out of Lake Wateree?
A. The knowledge from the South Carolina Department of Health and DNR about the contamination of the lake.

Q. And how did that knowledge in 2010 come to you?

A. I recall seeing the signs on the lake about the contaminated fish.

Q. Best you can recall, what did the signs that you saw in 2010 say?

A. That consumption of fish in Lake Wateree posed a health hazard.

Q. Did you ask any questions of anyone when you saw those warnings posted in 2010?

A. It was pretty explicit.

Q. So I take it -- take it, no, you didn't ask any questions at that time about what you were reading on those signs?

MS. FICKLING: Objection to form.

THE WITNESS: At that very moment, no. As time passed, obviously I tried to learn more about exactly what the contamination was.

BY MR. LONG:

Q. Okay. So between 2010 and 2021, you continued to fish in Lake Wateree; is that right?

A. I had caught fish in between that time.

Q. Okay. But all of those you would just release, not consume?

A. Correct.
Q. Okay. When you would fish in Lake Wateree, where did you do your fishing?
A. At my residence.
Q. Off of one of the docks?
A. No, not necessarily.
Q. But sometimes off the docks?
MS. FICKLING: Objection to form.
THE WITNESS: Usually not.
BY MR. LONG:
Q. Okay. Usually off of the shore?
A. Usually.
Q. And have you ever fished anywhere else in Lake Wateree other than off of your property?
A. Not that I recall.
Q. Okay. And did you fish regularly from the time that you purchased the property with your family in 20 -- 2001 up until 2010?
A. My dad and I would enjoy fishing, and I enjoyed fishing with my girls as well.
Q. And how regularly were you fishing at Lake Wateree in that 2001 to 2010 time frame?
A. As often as we could.
Q. And did the frequency of your fishing change after you learned of the fish consumption

advisory in 2010?

A. I would say the consumption of the fish changed, yes.

Q. Fair enough, I heard that, but I was asking about the frequency of the fishing activity.

Did the frequency of the fishing activity change after you learned of the fish consumption advisory in 2010?

A. I would say it was similar.

Q. And how often or how frequent was it the case after 2010 that you would engage in some sort of fishing activity at Lake Wateree?

A. I don't -- I don't know a specific amount of times.

Q. Has that changed up until this date?

A. Yes.

MS. FICKLING: Objection to form.

BY MR. LONG:

Q. Okay. When did it change?

A. After learning about the PCBs in the lake.

Q. 2021 -- sorry, 20 -- 2021/2022, thereabouts?

A. Yes.

Q. When the property was bought in 20 --

this Glover and Gundersen article?
A. When I read it in 2001.
Q. You said 2001. Do you mean 20 --
A. I mean -- I'm sorry, again, second time I did that. My apologies. When I read about it in 2021.
Q. Okay. And other than your attorneys, have you discussed that Glover and Gundersen article with anyone?
A. Not to my knowledge.
Q. When you first learned about the fish advisory on Lake Wateree in 2010, did you express any concern about it to anyone?
A. My family discussed it.
Q. And who were those involved in those discussions by name?
A. My mother, father, wife, two sisters, brother-in-law.
Q. And what, if anything, did you-all decide to do as a result of those discussions?
A. Well, I can't speak for everybody, but I think it was universally accepted that we probably should not -- we should adhere to exactly what the warnings were.
Q. And so did everybody in your family

a friend, neighbor, family, or anyone, expressing concerns about pollutants in Lake Wateree, aside from PCBs?

MS. FICKLING: Objection to form. Asked and answered.

THE WITNESS: What was the question again?

BY MR. LONG:

Q. Has anybody, whether it was friend, family, neighbor, anybody, come up to you, expressed to you concerns about pollutants in Lake Wateree other than PCBs?

MS. FICKLING: Same objection.

THE WITNESS: Our family has discussed the contaminants in Lake Wateree.

BY MR. LONG:

Q. Other than PCBs?

A. We discussed in general terms what we knew at the time in 2010 to 2021.

Q. So in that time frame, you knew that there were some contaminates, but you just didn't know which ones; is that what you're saying?

MS. FICKLING: Objection to form.

Go ahead.

THE WITNESS: Based on the warnings by

the South Carolina department that the lake was contaminated, that's what I knew.

BY MR. LONG:

Q. Has anybody in your presence talked about concerns related to mercury contamination of any South Carolina lake?

A. I think prior to the PCB study, it was pretty widely thought that mercury was the contamination of -- of many of the South Carolina lakes.

Q. Did you have that opinion as well?

A. I had no opinion of what the cause was.

Q. Did you believe that there was mercury in Lake Wateree prior to reading the 2021 article about PCBs?

MS. FICKLING: Objection to form.

THE WITNESS: I don't recall the article referring to mercury in -- in that particular article, but...

BY MR. LONG:

Q. It wasn't my question, Mr. Jones.

My question was, prior to that, prior to the article about PCBs, in 2021, did you have any understanding that mercury contamination existed in Lake Wateree?

MS. FICKLING: Objection to form.

THE WITNESS: My recollection of the contamination was just that the lake was contaminated. I didn't know about -- about how the lake was contaminated.

BY MR. LONG:

Q. Have you ever had your property at Lake Wateree sampled or tested for PCBs?

A. Have I?

Q. Yes.

A. I have not.

Q. Do you know whether any such sampling or testing of your property has occurred?

A. Yes, I'm aware.

Q. And do you know approximately when that occurred?

A. No.

Q. And do you know who was involved in the sampling or testing of your property for PCBs?

A. I do not know.

Q. How did you become aware that your property was sampled or tested for PCBs?

A. I saw an individual testing.

Q. Did you speak to this individual?

A. I did.

Q. Did this individual have a name?
A. I do not recall.
Q. Did this individual give you a card?
A. I don't recall receiving a card.
Q. Did this individual have a vehicle with any signage on it?
A. I don't recall that either.
Q. Was there just one individual doing this testing for PCBs at your property?
A. Yes.
Q. And how did you become aware that the testing included for the constituent PCBs?
A. Repeat the question, please.
Q. How did you become aware that the testing this individual was doing was for PCBs?
A. As I recall, the individual acknowledged that.
Q. When you asked them why they were there and what they were doing?
MS. FICKLING: Objection, form.
Go ahead.
THE WITNESS: Yeah, that's my recollection.
BY MR. LONG:
Q. Okay. Was there anybody with you when

you had this conversation with this individual?

A. No.

Q. And this conversation with the individual occurred after this lawsuit was filed or before?

A. It was after my conversation with counsel. I don't know about as it relates to when this complaint was filed, which came first.

Q. Was it your understanding that the purpose of the testing of your property for PCBs was in connection with this litigation?

MS. FICKLING: Objection to form.

THE WITNESS: I'm sorry, one more time.

BY MR. LONG:

Q. Was it your understanding that the purpose for the testing of your property for the PCBs was in connection with this litigation?

A. That was an assumption, but nobody necessarily told me that.

Q. And have you heard anything about the results of said sampling?

A. I'm not aware of any results from that.

Q. Were you provided any information at all about the conclusions that were reached as a result of the sampling?

A. I don't recall any results, no.
Q. Were you curious about the results?
A. Sure.
Q. And did you think to ask your lawyers about this sampling and the sampling results? Did you think about that?
MS. FICKLING: Objection to form.
THE WITNESS: Is that not covered in --
BY MR. LONG:
Q. No, I'm talking --
A. -- my privilege?
Q. I'm -- I'm not asking about a conversation you've had with them. I'm asking about your own opinion.
A. Oh, okay.
Q. Did you think about asking for the results?
MS. FICKLING: Objection to form.
Go ahead.
THE WITNESS: I don't recall asking for the results, no.
BY MR. LONG:
Q. Did you think about asking for them, is the question.
MS. FICKLING: Objection to form.

THE WITNESS: It was several years ago, and I'm not real sure what I was thinking about at the time.

BY MR. LONG:

Q. Have you thought about the results since?

A. No, I'm -- I have not.

Q. Did you ever see any paperwork related to that testing?

MS. FICKLING: Objection to form.

THE WITNESS: I have -- have not seen any paperwork, no.

BY MR. LONG:

Q. Have you seen -- or let me ask you this. Were you charged for the cost of such testing?

A. No, I was not.

Q. Do you know whether those samples that were taken, whether they are still being preserved somewhere?

A. I do not know.

Q. Do you know of any other events involving the sampling or testing of your property for PCBs other than that instance?

A. Other than the Duke study as well?

your renters at your property regarding use of the lake?

A. None that I'm aware of. You know, I -- I realize there's a couple of things that need to be done, but I don't -- I didn't put anything specifically on the site myself.

Q. Did you specifically have any conversations with your renters about PCBs in the lake?

A. I have not.

Q. Have you warned any renter about their use of the lake because of PCBs in the lake?

A. Not to my knowledge.

Q. Why not?

A. I just -- I haven't thought about that.

Q. Turn over one more page to a part that starts, again, "Amenities," and in the upper left-hand corner it has a section on Safety.

Do you see that?

A. I do.

Q. Okay. Just read that section on safety to yourself, if you would.

A. Okay.

Q. Okay. Is this information on safety reflecting information that you provided to Vrbo,

to the best of your knowledge?

A. I did not provide it.

Q. Or did your wife provide it?

MS. FICKLING: Objection to form.

THE WITNESS: I'm not sure who provided it.

BY MR. LONG:

Q. Okay. Do you know whether anybody had any conversations with anybody at Vrbo about PCBs in Lake Wateree?

MS. FICKLING: Objection to form.

THE WITNESS: Not to my knowledge.

BY MR. LONG:

Q. Do you see there's a section called "Notes" at the bottom of this same page? It says, under the "Notes" heading, "There is an extra refrigerator, table" -- "table, umbrellas, fishing equipment, beach chairs and a few water toys/floats in storage area under" the "house."

Do you see that?

A. I do.

Q. Is that still accurate, as far as you know?

A. Yes, as far as I know. People tend to leave a lot of stuff, so I don't take inventory

of what is actually there in what capacity.

Q. Is there still fishing equipment at the property that renters can use?

A. Yes.

Q. And is there still water toys and floats at the property for renters' children to use?

A. To my knowledge. Again, we don't provide the water toys and floats, but often people that rent will leave stuff like that.

Q. Did you have any discussions with any of your renters about fishing from your property?

A. None that I can remember.

Q. Did you give any kind of warnings to any of your renters about fish consumption advisories in Lake Wateree?

A. I'm pretty sure I stated that already.

Q. Specifically as to fish consumption advisories, did you tell them not to eat the fish?

A. I don't recall telling them that. The public signs, I think, speak for themselves.

Q. Okay. But you specifically did not warn your renters against eating the fish, correct?

A. I had no conversations to renters about the fish in the lake.

water and you don't eat the fish?

MS. FICKLING: Objection to form.

Go ahead.

THE WITNESS: I have no idea where they fished and swam.

BY MR. LONG:

Q. But you do agree that you did not provide them any warning against doing so, correct?

MS. FICKLING: Objection to form.

THE WITNESS: I did not provide them any warning.

BY MR. LONG:

Q. Do you know if anyone did?

MS. FICKLING: Objection to form.

Go ahead.

THE WITNESS: The public's been advised.

BY MR. LONG:

Q. Are you talking about the fish consumption advisory?

A. Yes.

Q. Anything else?

A. I have no idea what a renter would do to research what is -- what they do at the lake.

Q. Turn over to the next page there's a

you?

A. Um...

Q. Is that -- no, you don't. Here it is. It's Exhibit 4.

A. Okay.

Q. There's an allegation in your case here that Duke Energy has interfered with your right to peaceful enjoyment of your property. Are you aware of that allegation made on your behalf?

A. I am.

Q. Okay. And what do you say is the basis for that allegation?

MS. FICKLING: Objection to form.

Go ahead.

THE WITNESS: What is the basis of the allegation?

BY MR. LONG:

Q. Right.

MS. FICKLING: Same objection.

THE WITNESS: The basis of the allegation is I'm not able to enjoy the lake as I first intended when I purchased the property.

BY MR. LONG:

Q. You intended -- you first intended when

you purchased the property to use it as a place for family gatherings, correct?

A. That would be one.

Q. And you first intended, the property, when you purchased it, to be used for recreation?

A. That would be a second.

Q. And you first intended the property to be used, when you first bought it, for fishing?

A. That would be a third.

Q. Are there other items that you intended to use the property for when it was bought?

A. Actual recreation on the lake. I don't -- did you mention that?

Q. Okay.

A. Such as boating, for example.

Q. Right, which is the fourth item.

A. Okay. Would you read your -- your four again?

MR. LONG: I'll have the court reporter read back your answers.

(The record was read as requested.)

BY MR. LONG:

Q. All right. So you've got that in mind now, family gathering, recreation, fishing, and recreation on the lake?

A. Uh-huh.
Q. Were there other purposes for which it was originally bought?
A. Well, swimming as well, and just generally, you know, a peaceful place to be.
Q. And the property is still being used as a place for family gatherings, correct?
A. Yes.
Q. And it's still being used as a place for recreation, correct?
A. Some forms of recreation.
Q. Still being used as a place for fishing, correct?
A. Not by me.
Q. It's by your renters?
A. I don't tell my renters what to do and what not to do.
Q. It's still being used as place for recreation on the lake, such as boating?
A. I have been on the boat this year.
Q. And it's still used as a place for peaceful enjoyment. Is that what you described your fifth item?
MS. FICKLING: Objection to form.
Go ahead.

CERTIFICATE OF REPORTER

I, Susan M. Valsecchi, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 9th day of October, 2025, at Columbia, Richland County, South Carolina.



Susan M. Valsecchi, RPR, CRR
My Commission expires
November 12, 2034

Exhibit 30

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

- - -

CLYDE MARCUS JONES, II, ON BEHALF OF HIMSELF AND OTHERS SIMILARLY SITUATED,	:	CASE NO.:
Plaintiff,	:	3:24-cv-1281-MGL
vs.	:	
DUKE ENERGY CORPORATION AND DUKE ENERGY CAROLINAS, LLC,	:	
Defendants.	:	

DEPOSITION OF DR. ERIC BUTLER

DATE TAKEN: Wednesday, April 8, 2026

TIME BEGAN: 9:13 a.m.

TIME ENDED: 3:35 p.m.

LOCATION: Parker, Poe, Adams & Bernstein
1221 Main Street, Suite 1100
Columbia, South Carolina

REPORTER: Deidre Osborne, RPR

- - -

BY MR. STONE:

Q. Sir, I'm gonna hand what has been marked as Exhibit 6.

I may have given my copy away. One minute here. Actually, I have one right here.

THE WITNESS: Would it be okay for me to take a break now?

MR. STONE: Yeah. No problem.

THE VIDEOGRAPHER: Stand by. This marks the end of media one. We're off the record at 10:46 a.m.

- - -

(There was a recess from 10:46 to 10:56.)

- - -

THE VIDEOGRAPHER: This is the beginning of media two of the deposition of Dr. Eric Butler. We're back on the record at 10:56 a.m.

BY MR. STONE:

Q. All right, Dr. Butler. Before we broke, we were discussing section 3.2 on page 9 of your first report, Exhibit 1.

A. Yes.

Q. Section 3.2 is titled "Other Sources of PCBs in the Catawba-Wateree Basin," correct?

A. Yes.

Q. And you write, "There are known sites with PCB contamination along the Catawba-Wateree River Basin area upstream from Lake Wateree which are summarized in Table 3.1 below;" is that right?

A. Yes.

Q. And you summarize those Superfund sites and brownfields and other known and potential sources of PCBs in the Catawba-Wateree Basin in Table 3.1, correct?

MR. NYFFELER: Objection to form.

THE WITNESS: I'm sorry. Would you repeat that?

BY MR. STONE:

Q. You summarize the -- what you term "known and potential sources of PCBs in the Catawba-Wateree Basin" in Table 3.1 of your report, correct?

A. Yes.

MR. NYFFELER: Same objection.

BY MR. STONE:

Q. And the first site you list is the Rock Hill Chemical Company, correct?

A. Yes.

Q. Which is a Superfund site in South Carolina, correct?

be -- could potentially be still in Lake Wateree somewhere, like buried in sediments. Some of it would have been exported out. Some of it would have been photolyzed. Some of it would have been biodegraded. Some of it would have been oxidized. Some of it would have been consumed and digested.

So there would be -- so last -- it's been 55 years since any mineral oil transformer would potentially have been sprayed on Lake Wateree, and in that time -- and the nature of PCBs is that they're a particle active, and they end up in sediments, and the sediments accumulate, and they're -- become over time less and less available to biota and lower and lower in concentration as degradation processes, though they be slow, as they continue, and they would be no longer a potential source to fish in Lake Wateree.

BY MR. STONE:

Q. And you think that the 4-and-a-half acre site located miles away and the 60-acre site located dozens of miles away is more likely the cause of the PCB contamination in Lake Wateree.

MR. NYFFELER: Object to the form.

THE WITNESS: The size of the site from which contamination releases occur is not necessarily, and perhaps not even usually, a major factor in understanding the potency of that site as a source of contamination. And these -- these two sites in particular, they're waste -- waste -- liquid waste processing and storage facilities.

And so they -- they accumulate hazardous materials from usually more than one site over time, and that's what happened in these situations, and they -- they can be quite potent sources even though they're located in a small area. And I'm saying that, you know, until those -- those sites were -- until the removals happened, they were potentially very potent sources of PCB contamination to the system.

And it's also consistent with what, you know, EPA studies have found when they -- even in their -- their national fish survey, they concluded that they find -- they typically find the highest levels of fish PCB contamination in the vicinity of industry and large urban areas.

And so in evaluating the likely source of PCBs to Lake Wateree fish in 2025, I think

that investigation should be looking -- at least include the possibility that industrial sources are -- are at play.

BY MR. STONE:

Q. Well, you didn't mention in the -- in your report for the Court, in Exhibit 1 -- regarding the two Superfund sites you mentioned, you didn't mention to the Court that they were both cleaned up such that PCBs were no longer a contaminant of concern; did you?

MR. NYFFELER: Object to the form.

THE WITNESS: I believe that...

For the Carolawn, Inc. site I do mention that remediation activities began in 1981. That's some indication that it was cleaned up.

BY MR. STONE:

Q. Right. But you're representing that these should have been considered by Glover and Gundersen, correct?

A. Yes.

Q. These sites should have been considered as --

A. Yes.

Q. -- contributors.

A. Yes.

CERTIFICATE OF REPORTER

I, Deidre Osborne, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify:

That the foregoing deposition was taken before me on the date and at the time and location stated on page 1 of this transcript; that the deponent was duly sworn to testify to the truth, the whole truth and nothing but the truth; that the testimony of the deponent and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed; that the foregoing deposition as typed is a true, accurate and complete record of the testimony of the deponent and of all objections made at the time of the examination to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto affixed my official seal this 10th day of April, 2026, at Lexington County, South Carolina.



Deidre Osborne, RPR
Registered Professional Reporter
Notary Public
State of South Carolina at Large
My Commission Expires:
June 13, 2029