

Bond Case Briefs

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INSURANCE - SOUTH CAROLINA

Renewable Water Resources v. Insurance Reserve Fund

Court of Appeals of South Carolina - January 3, 2024 - 897 S.E.2d 558

Insured wastewater treatment district brought action against its insurer for recovery under property insurance policy following introduction of polychlorinated biphenyls (PCBs) into holding tanks at insured's water treatment facilities through an act of vandalism.

The Circuit Court found, following a bench trial, that policy covered most of insured's remediation expenses, entered a judgment awarding insured \$5,824,924.49 in damages, and denied insurer's motion for a new trial. Insurer appealed.

The Court of Appeals held that:

- Expenses associated with cleaning holding tanks were covered under policy;
- Expenses associated with preventing further contamination were covered under policy;
- Insured was not entitled to consequential damages under policy;
- Expense summary documents were admissible as summary exhibits; and
- Circuit court was required to account for insurance deductible in calculating damages award.