

Fort James Corp., state agree on pollution settlement

Deal credits company with repairs worth \$51M
for damage done by PCBs

By JO SANDIN
of the Journal Sentinel staff

Last Updated: Nov. 15, 2000

officials on
the
recreational
fisheries to the
pollution from its

Green Bay - Fort James Corp. and state
Wednesday announced a settlement calling for
papermaker to provide \$51 million worth of
resources, restored wetlands and improved
state for damage done to the Fox River by
plant in Green Bay.

settlement, state Natural
agreement "a

At a news conference announcing the
Resources Secretary George Meyer called the
reasonable, legal and strong agreement."

environmental groups that
Fox River pollution

However, representatives of two
have followed closely attempts to clean up
saw it differently.

program for the
a deal that was

Emily Green, director of the Great Lakes
Sierra Club, characterized the agreement as
done behind closed doors.

deciding," said

"They should have come to the public before
Green, who pointed to five hearings
scheduled by the U.S.

conducting an independent attempt to assess the damage to the
natural resources from PCB contamination.

Fish and Wildlife Service, which is

Under federal law, federal, state and tribal agencies may evaluate how much damage a polluter has done and seek agreement from responsible parties to restore damaged natural resources. Meyer said the settlement announced Wednesday, which still has to be approved by a federal court, did not address claims against the paper company from the federal government or tribal authorities.

Cleanup of the polychlorinated biphenyls in Fox River sediment is proceeding separately, Meyer said.

He said the agreement between the state and Fort James provides "real money being used to do real projects and will help us move ahead with future agreements to achieve the cleanup of the Fox River, which remains our top priority."

Although it has been determined that a cleanup is necessary, the Environmental Protection Agency has held off on declaring the Fox River a Superfund site in order to encourage the kind of voluntary cleanup that has begun.

However, a final report on cleanup proposals and progress is due to be completed near the end of the year. The river still could be named a Superfund site, which might bring with it a much higher cleanup price tag for those parties determined to be responsible for the pollution.

Fort James and six other paper mills released PCBs into the river during the production and recycling

of carbonless copy paper until the government banned the chemicals in 1977. Studies have linked PCBs to cancer, reproductive problems and poor mental development in children.

Kathleen M. Bennett, Fort James vice president for environment, safety and health, said the \$7 million

the company plans to spend "allows work to be initiated now on specific projects that will expand recreational opportunities, protect natural resources and enhance the beauty of northeast Wisconsin" now rather than in the indefinite future.

Under a complicated formula figuring the cost for residents to travel to fish or boat in unpolluted waters, Fort James is being credited with repairing \$51 million in resource damage for that \$7 million expenditure.

Projects to which Fort James agreed to allocate money include:

Ten recreational projects around Green Bay, such as fishing piers, boat launches, picnic areas and playgrounds.

Funding to expand the Wild Rose State Fish Hatchery to increase the facility's musky rearing program.

Purchase of and transfer to the state of 700 acres of land along the Peshtigo River.

Design and construction of the westernmost island in the Cat Island chain in Green Bay.

The latter project in particular raised the hackles of Rebecca Katers of the Clean Water Action Council of Northeast Wisconsin.

"The Cat Island chain is a confined disposal facility for contaminated dredges that maintains the shipping channel which benefits Fort James," she said. "That should not even be considered part of the \$7 million damage restoration."

Katers, whose organization has been active in informing Fox River Valley residents about opportunities to express their opinions on damage assessment and cleanup, also took exception to those hired by the

DNR to determine the dollar amount of the resource damage.

"Essentially, this is the work of an industry consultant," she said, referring to Dwight J. Duncan, an

economist who determined the dollar damages.

At the news conference Wednesday where the agreement was signed, Duncan said that although he had determined declines in property value due to contamination for such firms as General Electric, this was his first case of determining damages to natural resources.

In introducing Duncan and Keith Eastin, an attorney with nationwide experience in determining damages to natural resources, Meyer called them "the finest experts in the country helping us analyze the situation."

Appeared in the Milwaukee Journal Sentinel on Nov. 16, 2000.