Judge Asked to Resume Costly Cleanup of Fox River

the Associated Press

GREEN BAY, Wis. (AP) — Federal prosecutors were expected to ask a judge Thursday to restart the cleanup of contaminated sediment from the Fox River in Brown County, a project that could cost more than $1 billion.

Earlier this week, Judge William Griesbach removed Appleton Papers Inc. as a defendant in the lawsuit over who should bear the cost of cleaning toxic chemicals from the lower part of the river. The company, in partnership with NCR Corp., has already spent $300 million to rid the river of sediment contaminated by the discharge of papermaking waste chemicals years ago.

State and federal environmental officials are seeking to speed up the dredging operation, and have asked the judge to force NCR to resume full-scale dredging.

In his ruling Tuesday, Griesbach removed Appleton Papers as a defendant in the lawsuit because he said the company had no direct liability for dumping polychlorinated biphenyls, or PCBs, into the river. NCR and several other parties remain defendants.

Appleton Papers is still responsible for certain indirect costs of remediation.

Appleton Papers and NCR formed a limited partnership that has spent about $315 million so far to have contractors clean the lower Fox River. But the work came to a halt last summer when the companies refused to spend an additional $50 million on dredging last year.

Cleanup was supposed to resume last week, but it was delayed until Griesbach issued his decision.

Appleton Papers was formed in 1978, when it bought the facilities of the former Appleton Coated Paper Co. and the Combined Locks paper mills from NCR. The purchase came well after NCR stopped producing PCB-coated paper, so Appleton Papers had argued it shouldn't be held liable for PCB cleanup costs.

PCBs, which were used in some papermaking processes starting in 1954, were banned from use in 1971. Appleton Papers officials say the discharge of PCBs into the river ended that year.

Griesbach noted that at the time the chemicals were dumped in the river, they weren't known to be environmentally toxic. In a reversal of his 2011 decision, he ruled that Appleton Papers did not assume liability for the pollution when it purchased the other mills.

For that and other reasons, the company can't be held directly responsible for costs, he said.

However, Appleton Papers isn't entirely off the hook. NCR sued the company in 1995 to resolve PCB liability issues, and an arbitration panel concluded Appleton Papers should pay 60 percent and NCR 40 percent of any cleanup expenses exceeding $75 million.

That agreement remains in place.

___

Information from: Green Bay Press-Gazette, http://www.greenbaypressgazette.com *[1].*

Source URL (retrieved on *08/28/2015 - 5:39am*):
http://www.chem.info/news/2012/04/judge-asked-resume-costly-cleanup-fox-river

Links:
[1] http://www.greenbaypressgazette.com