Federal Charges Filed in 2011 Paper Mill Spill

The Justice Department has filed two criminal misdemeanor charges against a Bogalusa, La., paper mill, saying it violated federal environmental laws.

The charges stem from a five-day spill of pulp byproducts into the Pearl River in August 2011.

Criminal charges filed in U.S. District Court in New Orleans on Dec. 20 say Temple-Inland, which has since been purchased by International Paper Co., killed thousands of fish.

"We have been cooperating with the Department of Justice in its investigation," Thomas Ryan, a spokesman for International Paper, said Thursday. "We were aware that the charges were going to be filed. We do not intend to contest the charges."

Officials with International Paper, based in Memphis, Tenn., have been summoned for an initial appearance and arraignment before U.S. Magistrate Judge Daniel Knowles III in New Orleans on Jan. 31.

Equipment malfunctioned at the mill, which makes containerboard, allowing an untreated plume of black liquor to flow into the Pearl River, where water was already low.

Black liquor isn't a toxic chemical, but it sucked up all the oxygen in the river as it decayed, suffocating more than 160,000 fish and more than 430,000 freshwater mussels, according to Louisiana estimates. The spill left a trail of dead fish that stretched 45 miles to the river's mouth.

The criminal charges cite the mill for exceeding its federal water pollution permit and for harming the Bogue Chitto National Wildlife Refuge, which is 25 miles south of the mill.

The wastewater had a biological oxygen demand — a measure of its ability to use up oxygen in the river — of 116,000 pounds a day, which exceeded the plant's limit of 35,610 pounds a day and was a violation of its state permit limit under the federal Clean Water Act.

At least 1,000 of the fish killed during the spill were in the refuge and represented an illegal "take" of wildlife in a refuge under federal law, the charges state.

A negligent violation of the Clean Water Act can result in a fine of no more than $25,000 a day. Each violation of the Refuge Act is subject to a fine of up to $1,000. Prosecutors did not charge any violations of the Endangered Species Act, though endangered Gulf sturgeon were among the fish killed.

Louisiana and Mississippi regulators have already assessed penalties stemming from the spill. Louisiana collected $760,000, and Mississippi collected $365,000. Both states have repeatedly released fish into the recovering river in 2011 and 2012.

Tim Beckstrom, a spokesman for the Louisiana Department of Environmental Quality, says that state still plans further action.

"DEQ cannot discuss specifics of any action that is currently under review," Beckstrom wrote in an email Thursday. "However, we do plan to seek final resolution through a penalty assessment or a settlement agreement regarding the incident."

Prosecutors said the spill began Aug. 10, although Temple-Inland didn't notify authorities until Aug. 13, after questions surfaced about the fish kill.

Louisiana officials allowed the mill, which makes containerboard, to resume production Aug. 29. But they required additional changes later to prevent wastes from flowing into the river, which Louisiana regulators said would cost more than $15 million.

Weeks after the spill, International Paper announced it would buy Temple-Inland for $3.8 billion. In May, Louisiana Gov. Bobby Jindal and the Bogalusa mill's manager, Todd Crutcher, announced that the world's largest paper company was investing $44 million to modernize the 106-year-old mill's wood yard, helping to retain 400 jobs.

"International Paper acquired Temple Inland approximately 6 months after the event," International Paper's Ryan said. "Temple-Inland had already taken significant measures to ensure this never happens against, and under International Paper's leadership, the mill has continued to improve operations and environmental performance."

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