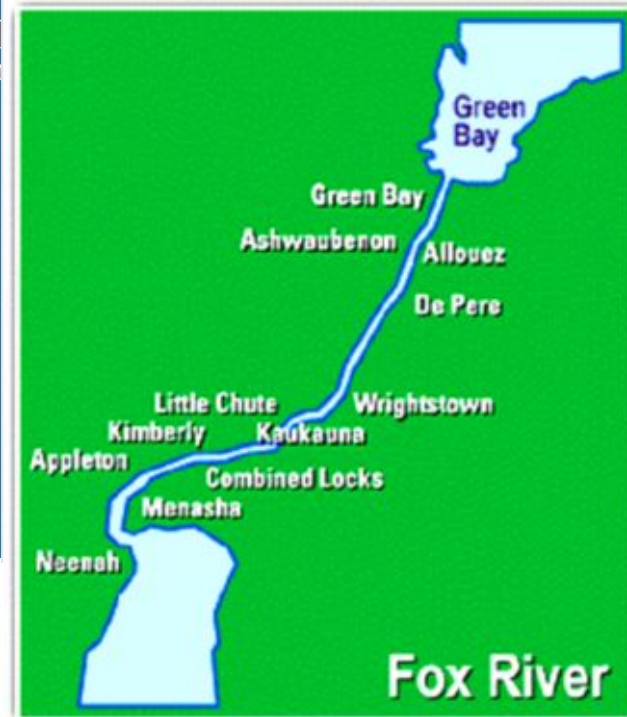


Environmental Conflict Management

The story of one river



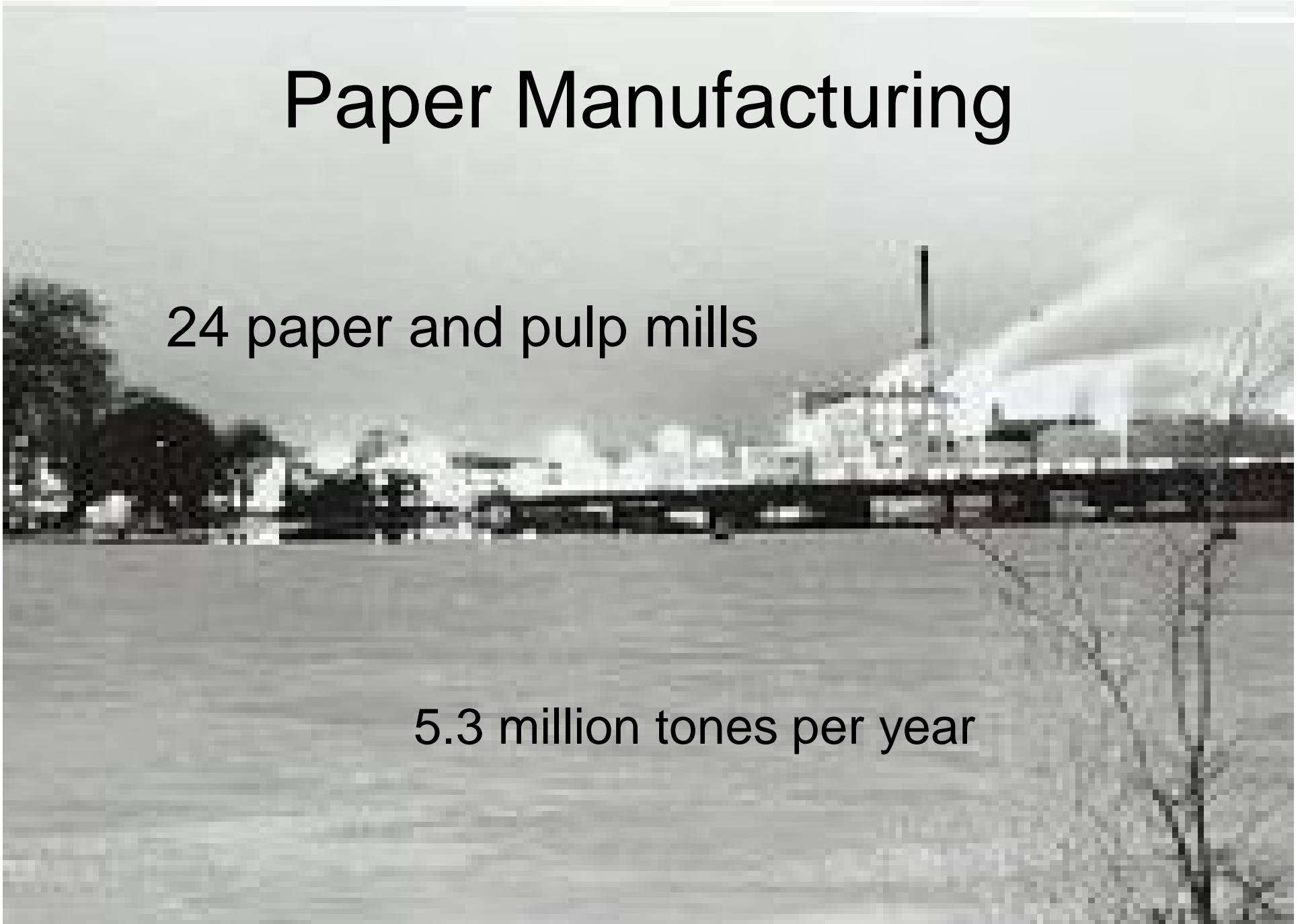
The Lower Fox River



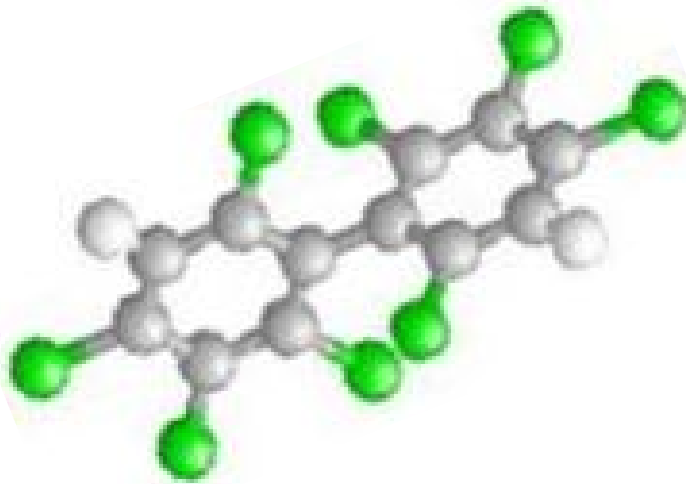
Paper Manufacturing

24 paper and pulp mills

5.3 million tones per year



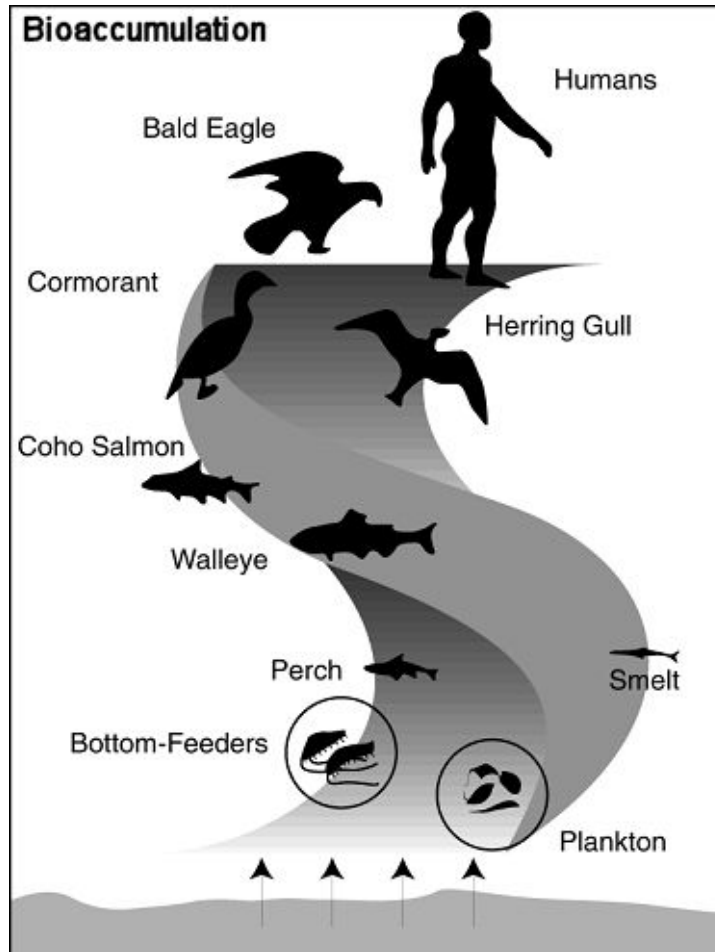
. Polychlorinated biphenyls (PCBs)



1954 NCR Corporation/Appleton Papers begin manufacturing carbonless paper using PCBs

1971 Stopped using PCBs

Environmental Toxicity

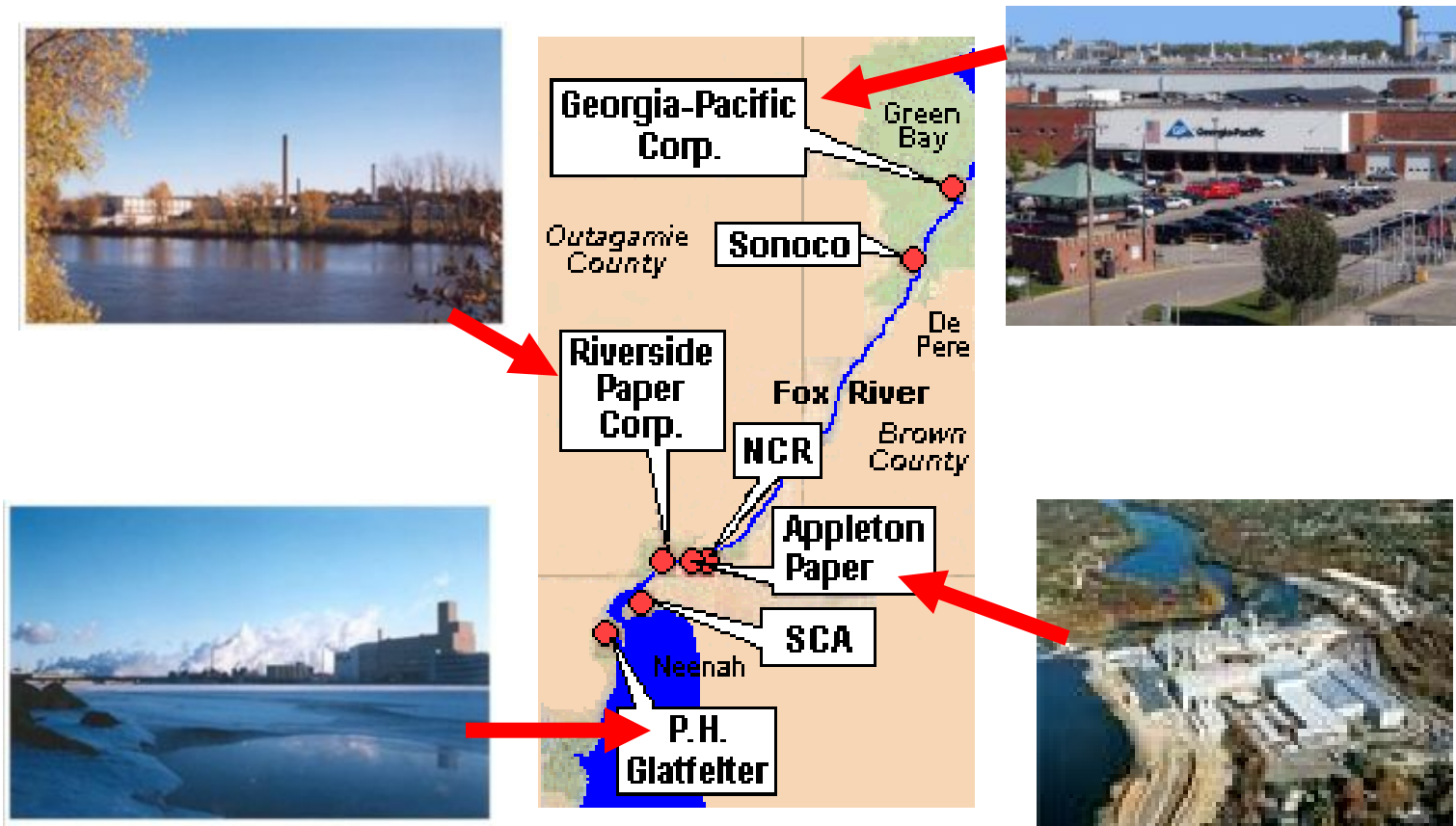


Persistent,
bioaccumulative
toxin

1972 Clean Water Act
is passed

1976 Toxic Substance
Control Act

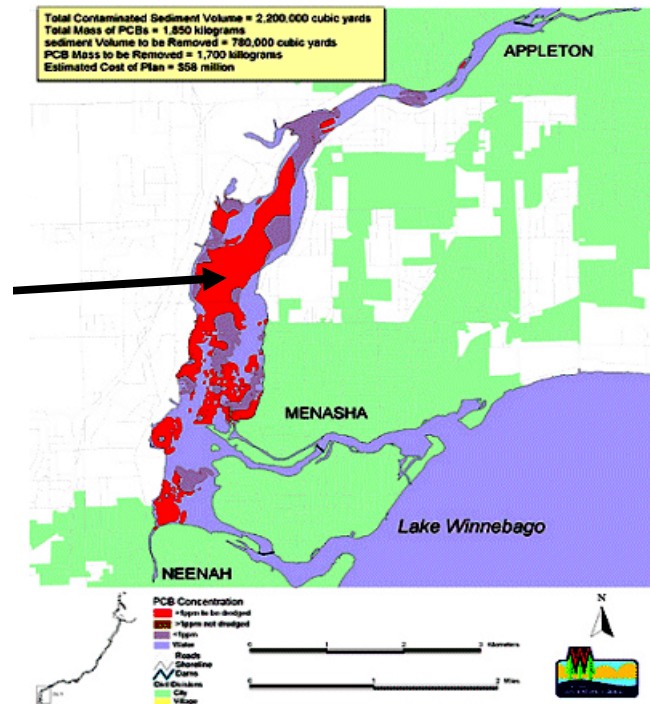
Point Source Release



113.400 kg released into the lower Fox River

River Sediment Contamination

Hot spots with
over 1 ppm



Over 5.5 million m³ of sediment contaminated

Massive Cleanup

Remove 2.7 million m³ of sediment
Cap another 2.8 million m³



\$701 million dollars



Stakeholders:

- Paper Manufactures
- General Public
- Environmental groups
- Sports and recreation groups
- Municipalities
- U.S. Environmental Protection Agency (EPA)
- U.S. Fish and Wildlife Service
- Wisconsin Dept. of Natural Resources (DNR)
- Menominee and Oneida Indian Tribes



1976 -1985 Setting the Stage

- 1976 DNR releases a major report on PCBs in the lower Fox River
- 1980 Super Fund Act
- Early 80's Initial analysis of damage, stakeholders, and legal remedies



1986 – 1995 Maneuvering

- **1986** DNR begins a Remedial Action Plan (RAP) and forms planning committees
- **1988** The RAP document is completed and implementation begins with public hearings
- **1989** DNR and U.S. Fish and Wildlife discuss legal action



1986 – 1995 Maneuvering

- 1991 EPA and DNR pinpoint areas for remediation. DNR opts out of Super Fund
- 1991 Environmental advocates disagree with government and industry
- 1991 State government and industry back Fox Wolf Watershed Alliance. Environment advocates form Clean Water Action Council
- 1992 DNR postpones legal action and creates the Fox River Coalition to mediate



1986 – 1995 Maneuvering

- 1995 With a Republican Governor and Republican majority in the state legislature, the DNR is downsized and the Governor is given right to fire and hire the DNR Secretary



Public/Private Advisory Councils and Lobbying Groups

- Remedial Action Plan
Committee/Fox River Coalition
- A Fox River Group
- Fox Wolf Watershed Alliance
- Clean Water Action Council of
Northeast Wisconsin



1996 – 2005 Legal Action and Agreements

- 1996 Wisconsin asks Fish and Wildlife, EPA, and other stakeholders to negotiate a MOU with the paper companies to avoid litigation
- 1997 Before a MOU is obtained Governor Thompson makes his own deal with the paper companies
- 1997 EPA threatens Super Fund action, blocking the Governor's agreement
- 1997 Paper companies walk out of negotiations



1996 – 2005 Legal Action and Agreements

- 2000 Fish and Wildlife completes a Natural Resource Damage Assessment and begins public hearings
- 2000-2007 Seven legal agreements or orders requiring paper companies to fund, design and/or complete the cleanup work
- 2001 DNR and EPA release cleanup plan for public comment and hold public hearings



1996 – 2005 Legal Action and Agreements

- 2003 DNR and EPA release Record of Decision on cleanup plan
- 2003 P.H.Glatfelter and Wisconsin Tissue Mill agree to carry-out and pay for the cleanup of one section of the river
-
- 2005 An Administrative Order and Consent with NCR and Georgia Pacific is issued for a cleanup design for the rest of the river



2006 – 2017 Cleanup and Costs

- 2006-09 Section 1 is cleaned
- 2008 NCR/Appleton Papers sue 9 insurance companies, and court finds insurance companies liable
- 2009 Cleanup of Sections 2-5 starts
- 2009 NCR/Appleton Papers sue 20 companies and municipalities for contribution, but court rules no contribution
- 2017 Expected finish date for remediation



Lessons Learned



- Laws with consequences
- Real threat of enforcement
- Attractive alternatives to enforcement
- Meaningful stakeholder involvement
- Transparency
- Limits on political interference
- Patience

Web sites

- State of Wisconsin Legislative Research Bureau
www.legis.state.wi.us/lrb/pubs/wb/04wb6.pdf
- State of Wisconsin Department of Natural Resources
- www.dnr.state.wi.us/org/water/wm/foxriver
- Clean Water Action Council
- www.foxriverwatch.com
- United States Environmental Protection Agency
- www.epa.gov/Region5
- Fox Wolf Watershed Alliance
- www.fwwa.org
- Appleton Public Library
- www.apl.org/community/pcb

