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 m$^3$ of sediment
Cap another 2.8 million m$^3$

$701$ 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  
- State of Wisconsin Department of Natural Resources  
  [www.dnr.state.wi.us/org/water/wm/foxriver](http://www.dnr.state.wi.us/org/water/wm/foxriver)
- Clean Water Action Council  
  [www.foxriverwatch.com](http://www.foxriverwatch.com)
- United States Environmental Protection Agency  
  [www.epa.gov/Region5](http://www.epa.gov/Region5)
- Fox Wolf Watershed Alliance  
  [www.fwwa.org](http://www.fwwa.org)
- Appleton Public Library  
  [www.apl.org/community/pcb](http://www.apl.org/community/pcb)