

# WisDOJ: Companies agree to cover all costs for Fox River cleanup

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MADISON, Wis. – Attorney General Josh Kaul today announced a federal judge has approved a settlement to ensure all future costs related to the decades-long contamination of the Fox River will be paid by the responsible parties.

“Generations of Wisconsinites have been affected by the contamination of the Fox River,” said Attorney General Kaul. “This settlement ensures that final cleanup will be fully funded by those who contaminated the Fox River, and not taxpayers.”

From the mid-1950’s until 1971, river sediments were contaminated with polychlorinated biphenyls (PCB’s) discharged by paper companies that made and recycled “carbonless” copy paper containing PCB’s.

Yesterday, Chief Judge William C. Griesbach, of the U.S. District Court for the Eastern District Wisconsin, approved a settlement that ensures all future costs related to this contamination will be paid by the parties responsible for the contamination. This settlement resolves all pending state litigation regarding the remediation and natural resource damages of the Lower Fox River and Green Bay.

The agreement further obligates three of the original responsible corporate parties: NCR Corporation, P.H. Glatfelter Company, and Georgia- Pacific Consumer Products LP to cover all future costs, rather than the state. The remediation costs are expected to exceed \$1.2 million.

Through previous settlements, the three companies and other responsible parties have paid for much of the remediation as well as \$100 million in natural resource damages for restoration efforts. The integrity of the remediation in the river will be monitored for many years to come at the companies’ expense.

The cleanup, which began with pilot projects in 1998, is expected to be complete in 2020. The cleanup remedy for the Fox River and Green Bay was jointly selected by the Wisconsin Department of Natural Resources and the United States Environmental Protection Agency.

Remediation has included removing some sediment which contains the PCB's by dredging, and containing some sediment in place with specially engineered caps. The remedial work has reduced PCB exposure to the fish and humans who consume fish from the Fox River. As a result of the remediation, fish consumption advisories have recently been relaxed, although not eliminated.

In 2010, the Wisconsin Department of Justice and the United States Department of Justice sued 10 paper companies and two municipalities that produced, recycled or discharged the PCB contaminants. The civil action demanded that the defendants pay for the remediation, past and future government oversight costs, and natural resource damages. Most of the companies and municipalities participated in earlier settlements, while the remedial work has continued subject to court orders.

This final settlement guarantees that the remediation will be completed, and that the responsible companies will pay for the maintenance, monitoring and sampling of the river and the fish, that will be required for decades to come. The state retains the authority to oversee all future work.

The state approved and signed the settlement on December 14, 2018. The settlement was lodged by the United States Department of Justice with the U.S. District Court on January 3, 2019. After a period allowed by statute for comments, Judge Griesbach approved the settlement on March 14, 2019.

Relevant court documents are available [here](#).