



**Department of Justice**

Office of Public Affairs

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## **NCR Corporation Agrees to End Litigation and Complete Massive Superfund Cleanup at Wisconsin's Fox River**

### **Final Phase of Cleanup Expected to Cost \$200 Million**

The Department of Justice's Environment and Natural Resources Division and the U.S. Environmental Protection Agency announced a major settlement today that requires NCR Corporation to complete one of the nation's largest Superfund cleanup projects at Wisconsin's Lower Fox River and Green Bay Site. An enormous amount of cleanup and natural resource restoration work has already been done in the area under a set of partial settlements, an EPA administrative cleanup order, and court orders in a federal lawsuit brought by the United States and the State of Wisconsin. The final phase of cleanup taken on by NCR will cost up to \$200 million or more over the next few years. The total cleanup costs for the Fox River Site will exceed \$1 billion. The cleanup work will reduce the risks to humans and wildlife posed by polychlorinated biphenyls (PCBs) in bottom sediment of the Fox River and Green Bay.

"After years of hard fought litigation, this settlement requires NCR to take full responsibility for completing this important cleanup effort," said Assistant Attorney General John C. Cruden of the Justice Department's Environment and Natural Resources Division. "Lawsuits and settlements like this vindicate the principle that polluters should pay the cost of Superfund cleanups, rather than the taxpayers. And, we are pleased that our co-plaintiff, the state of Wisconsin, is also a key part of this settlement."

"Fox River is a treasure – and it's been polluted for too long. People should be able to swim, boat, and eat fish from all parts of the river," said Acting EPA Region 5 Administrator Robert A. Kaplan. "This cleanup will ensure that PCB levels continue to reduce downstream as they have upstream."

The cleanup remedy for the Fox River Site was jointly-selected by EPA and the Wisconsin Department of Natural Resources. The remedy will remove much of the PCB-containing sediment from the Fox River by dredging. In other portions of the River, contaminated sediment is being contained in place with specially-engineered caps. The dredging and capping will reduce PCB exposure and greatly diminish downstream migration of PCBs to Green Bay. The sediment cleanup began in the uppermost segment of the River in 2004. Under this settlement, NCR has committed to complete the final phase of remediation by the end of 2018.

In 2010, the United States and Wisconsin sued NCR and other parties in a Superfund lawsuit to require them to continue the ongoing cleanup at the Site. The defendants in the government's lawsuit included paper companies that contaminated the sediment when they made and recycled a particular type of PCB-containing "carbonless" copy paper. NCR and its affiliates produced that paper with PCBs from the mid-1950s until 1971.

This settlement requires NCR to take on sole responsibility for completing all remaining sediment cleanup work at the Site. NCR has done much of the dredging and capping under protest during the last several years, with some

funding and assistance from two other defendants, Georgia-Pacific Consumer Products LP and P.H. Glatfelter Company. Once NCR finishes its work, Georgia-Pacific and Glatfelter will have primary responsibility for long-term monitoring and cap maintenance activities under prior court orders from the litigation. The settlement with NCR also resolves the government's potential claims against Appvion, Inc., which purchased NCR's paper manufacturing facilities in the Fox River Valley in the late 1970s. Appvion will not be involved in the remaining cleanup work at the Site.

The United States and Wisconsin reached prior settlements with most of the other parties that contributed to the PCB contamination at the Site. The prior settlements included \$105 million for natural resource damage assessment activities and natural resource restoration projects selected jointly by federal, state, and tribal government trustees.

The proposed settlement is in the form of a consent decree that must be approved by the federal judge overseeing the legal proceedings over the Fox River Site. If approved, this settlement would end the government's litigation with NCR and Appvion. The United States and Wisconsin would continue pursuing unresolved claims against Glatfelter for reimbursement of government costs of planning and overseeing the cleanup. Unlike Glatfelter, Georgia-Pacific previously settled with the governments and paid a share of the government's unreimbursed costs.

The government's settlement with NCR and Appvion also would narrow the legal claims in a separate federal lawsuit that NCR and Appvion filed against other parties for an overall allocation of the costs associated with the Fox River Site. The claims against most of the original defendants in that case have been settled, but NCR and Appvion are still litigating with Georgia-Pacific and Glatfelter. Under their proposed settlement with the government, NCR and Appvion have agreed to give up most of their claims against Georgia-Pacific and Glatfelter, and NCR and Appvion would be protected against most of the counterclaims filed against them by Georgia-Pacific and Glatfelter.

Today's settlement, lodged with the U.S. District Court for the Eastern District of Wisconsin, will be subject to a 30-day public comment period after notice of the settlement is published in the Federal Register. To view the consent decree or to submit a comment, visit the department's website: [www.justice.gov/enrd/Consent\\_Decrees.html](http://www.justice.gov/enrd/Consent_Decrees.html).

For more information on cleanup activities at the Lower Fox River and Green Bay Superfund Site, go to the Environmental Protection Agency's website: <https://www3.epa.gov/region5/cleanup/foxriver/>

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