

\$55 million in settlements proposed in federal court

By Susan Pastor, U.S. Environmental Protection Agency



PHOTO COURTESY OF FWS

Northern pike restoration on the west shore of Green Bay is among the projects to benefit from these settlements.

Three legal agreements for settlements totaling about \$55 million were lodged in federal court on Wednesday, March 26.

If a judge approves these agreements, called consent decrees, this would resolve claims against six companies and two municipal sewer system operators for cleanup costs and natural resource damages in the Lower Fox River. They would be responsible for a set of one-time payments to cover costs associated with the cleanup and natural resource restoration. This is referred to as a “cashout.”

The companies and system operators are Kimberly-Clark

Corp., Menasha Corp., U.S. Paper Mills Corp., WTM I Co., CBC Coating, Inc., NewPage Wisconsin System Inc., city of Appleton and the Neenah-Menasha Sewerage Commission. The state of Wisconsin also would make an additional payment to resolve its own potential Superfund liability, which has been alleged by some of the other parties to the litigation over the site.

According to the consent decrees, a portion of the settlement dollars would repay some of the U.S. Environmental Protection Agency’s past expenses, as well as cover some future costs that EPA and the

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Historic shipwreck removal project is complete

By Susan Pastor, U.S. Environmental Protection Agency

The final pieces of historic shipwreck debris just north of the “railroad bridge” were pulled from the Lower Fox River in early May.

The removal project, which was shut down for the winter last November, resumed in April and was completed in about five weeks. Contractors picked up where they left off last fall by hauling away the last of the remnants from the river while an archeologist documented the work.

An interpretive exhibit to “replace” the sunken ships, or cultural resources, is being planned for the Neville Public Museum of Brown County, Green Bay. Work on the exhibit is scheduled to begin this summer, according to a legal document called a memorandum of agreement.



PHOTO COURTESY OF J.F. BRENNAN

The final pieces of shipwreck debris are removed from the river.

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Sediment cleanup enters sixth year

By Susan Pastor, U.S. Environmental Protection Agency

The sixth year of dredging in the Lower Fox River from DePere to Green Bay resumed on schedule in early April.

According to EPA Remedial Project Manager Jim Hahnenberg, work this year will take place upstream from the Georgia-Pacific plant in Green Bay and move north of the Highway 172 Bridge in Ashwaubenon.

He said plans tentatively include dredging 24 hours per day, five days a week, similar to last year. “About 20,000 cubic yards of sediment should be removed each week,” Hahnenberg explained. “We plan to have three 8-inch hydraulic dredges available to clean up PCB-contaminated sediment. In addition, we also have a 12-inch dredge working on Green Bay’s east side near the Porlier Pier Railroad Bridge.”

Hahnenberg added that this year’s goal is to remove 673,000 cubic yards of sediment by mid-November. It is expected that sand capping and covering, which started in 2011, will also continue.

Covering involves placement of a layer of sand while capping is a layer of sand covered by a layer of stone. Both are expected to continue into early November, weather permitting. “Our goal is to cap and cover 60 acres of sediment,” Hahnenberg continued. “That is a pretty wide area.”

Similar to past years, mud pulled from the river will be taken to licensed landfills for proper disposal. All dredged sediment is still being pumped into the State Street dewatering facility through a modified pipeline system. According to Hahnenberg, three dredges pumped sediment and water into a single pipeline in the past. This year, three pipelines will be used. “This will help the water flow better,” he added.

Then, the water is squeezed out by special equipment called a plate and frame press. The remaining dried sediment is loaded on a truck so it can be properly disposed of.



PHOTO COURTESY OF THE BOLDT TEAM

Dredging equipment remained in place throughout the winter.

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Some sediment with higher levels of PCBs is being trucked to Ridgeview Recycling and Disposal facility in Whitelaw, near Manitowoc. Owned by Waste Management of Wisconsin, this landfill received a permit in 2012 from the Wisconsin Department of Natural Resources to accept this type of material.

“We are fortunate to have a place nearby that accepts this ‘highly contaminated sediment,’” Hahnenberg

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Wisconsin Department of Natural Resources will incur in overseeing the ongoing cleanup work.

In addition, about \$45 million of the settlement money would reimburse natural resource damage assessment costs and pay for restoration projects to benefit fish and wildlife in the Lower Fox River and in Green Bay. The natural resource trustees include the U.S. Department of the Interior (working through the U.S. Fish and Wildlife Service), the Wisconsin DNR, the Oneida Tribe of Indians of Wisconsin, the Menominee Indian Tribe of Wisconsin, and the National Oceanic and Atmospheric Administration.

The U.S. Department of Justice accepted public comments on the consent decrees through May 1. DOJ reviews and considers the comments before deciding whether to ask a federal judge to approve the consent decrees. The settlement money would only be paid to the government agencies if the judge is convinced that the consent decrees are fair and reasonable.



PHOTO COURTESY OF WISCONSIN DNR

Projects such as Beaver Meadow Creek will be helped by these settlements.

continued. “This helps save money and time since sending trucks out of state can be costly. Most of the sediment will have PCB levels less than 50 ppm, so it can still be taken to Veolia Hickory Meadows Landfill in Chilton.”

Truck traffic will again be coordinated with the local communities including Wrightstown and Hilbert. “Safety is always our top concern,” Hahnenberg said.

The consent decrees are posted under the “Legal Documents” section at www.epa.gov/region5/cleanup/foxriver.

Out and About ...



By Susan Pastor,
U.S. Environmental Protection Agency

The Fox River Intergovernmental Partnership is made up of the U.S. Environmental Protection Agency, Wisconsin Department of Natural Resources, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, Oneida Tribe of Indians of Wisconsin and Menominee Indian Tribe of Wisconsin. These partners, as well as other supporting agencies, regularly provide speakers to organizations in the Fox Valley area. To request a speaker, please contact the agency directly or Susan Pastor, EPA Community Involvement Coordinator, at 312-353-1325 or 800-621-8431, Ext. 31325, or via email at pastor.susan@epa.gov.

January

- ◆ *Jim Hahnenberg, Susan Pastor and Kathy Halbur*, EPA: The Einstein Project Science Expo, Green Bay; Lower Fox River cleanup, Superfund emergency response and general information.

May

- ◆ *Jim Hahnenberg*, EPA: Kiwanis Club meeting, Allouez; Lower Fox River general cleanup.

The Fox River Current is featuring Natural Resource Damage Assessment projects in and near the Lower Fox River.

Spotlight On:

Land preservation and restoration within the Duck Creek corridor

By Betsy Galbraith, Fox River/Green Bay NRDA Trustee Council Coordinator

Duck Creek is a tributary to Green Bay and an important natural and cultural resource for the Oneida Tribe of Indians of Wisconsin and surrounding communities. Through progressive conservation programs, the Oneida tribe is protecting and restoring land along Duck Creek and its tributaries.

Fish and wildlife habitat is improved when land is protected along streams and waterways on the Oneida reservation. Parcels that have high value for conservation and cultural importance are targeted by the tribe for purchase.

“Fish found in Duck Creek, such as northern pike, bass, perch, walleye and white sucker support the traditional diet for Oneida tribal members,” stated Pat Pelky, Oneida division of land management director. “Engaging in cultural activities along Duck Creek, such as gathering plants, fishing and hunting are also important to tribal members.”



PHOTO COURTESY OF ONEIDA ENVIRONMENTAL HEALTH AND SAFETY DIVISION

Fish and wildlife benefit from preservation and restoration projects along the Duck Creek corridor on the Oneida reservation.



PHOTO COURTESY OF ONEIDA ENVIRONMENTAL HEALTH AND SAFETY DIVISION

Oneida youth participate in fishing activities on the reservation.

Once land is acquired, the tribe’s environmental health and safety division determines what additional conservation activities are necessary to improve habitat. Activities vary depending on the site, but examples may include putting large woody habitat in streams, restoring wetlands, or replanting areas with native vegetation or trees.

Other progressive Oneida tribal and federal conservation program staff work with agricultural producers that farm lands adjacent to Duck Creek and its tributaries. “Buffer” plantings are established along waterways and nearby lands to reduce run-off from sediment, phosphorous and other pollutants. These practices improve water quality in streams and waterways that eventually flow into Green Bay.

Regular monitoring of the health of Duck Creek and its tributaries indicates the tribe’s conservation strategies are paying off. “After studying Duck Creek and its tributaries for over 15 years, our monitoring information

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indicates the health of the streams is improving,” said Jim Snitgen, Oneida’s water resources supervisor. “The numbers of caddisflies, stoneflies and the redbreasted dace, a fish listed as a state species of special concern, have increased in these streams and water samples also show improvements.”

Fox River Natural Resource Damage Assessment settlement funds have supported several land preservation projects within the Duck Creek corridor on the Oneida reservation. Matching funds for land protection are also provided by the tribe.

The natural resource trustees are comprised of the Wisconsin Department of Natural Resources, Oneida Tribe of Indians of Wisconsin, Menominee Indian Tribe of Wisconsin, U.S. Fish and Wildlife Service, and National Oceanic and Atmospheric Administration.

For more information about Fox River/Green Bay NRDA projects, contact Betsy M. Galbraith, trustee council coordinator, at betsy_galbraith@fws.gov or 920-866-1753.

Paper companies stress boat safety with colored markers

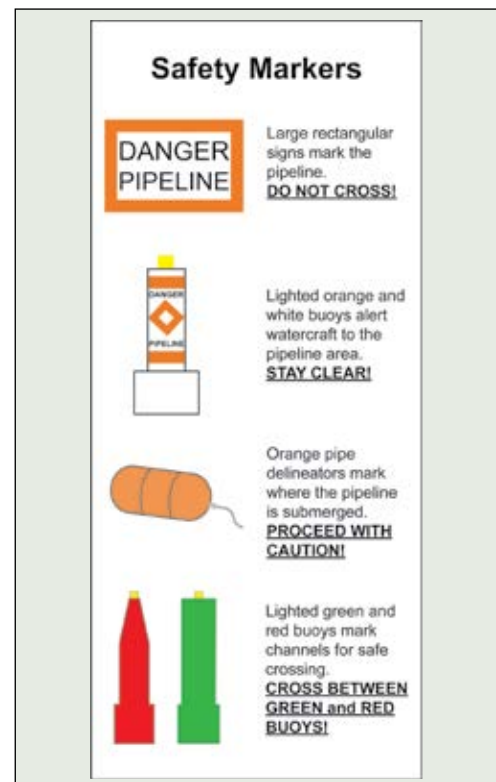
By Susan Pastor, U.S. Environmental Protection Agency

After a long winter, well over 100 vessels were spotted in the Lower Fox River by early April as boaters and anglers came out to enjoy the spring weather.

Because contractors reported that fishing was “huge” near the DePere Dam, crews working on the sediment cleanup also pointed out the buoys marking the areas to avoid. According to EPA Remedial Project Manager Jim Hahnenberg, recreational users should be aware of these areas and be careful not to interfere with the dredging equipment and pipelines.

“There are color-coded buoys and signs marking the dredge areas and pipelines,” Hahnenberg explained. “People should pay special attention to the pipelines, which can sometimes pop up or float near the surface. They are bright orange so they can easily be seen.”

For further information, go to <http://foxrivercleanup.com/attention-boaters-anglers>.



Warnings such as these are posted in the river.

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The MOA indicates that the exhibit should be ready for delivery to the museum by March 2016.

The exhibit will most likely highlight two ships built in the 1880s, the *Bob Teed* and the *Satisfaction*, since little information is available on the others. When the removal project started in 2013, the crew had been focusing on eight vessels. However, three more unnamed barges were discovered underneath them.

Dredging in that portion of the river as part of the ongoing cleanup has resumed, according to EPA Remedial Project Manager Jim Hahnenberg.

He concluded, “We’ve been working with archaeologists for about five years on how to properly handle the ships so the cleanup could continue without delay.”

New team member brings diverse background, experience to natural resource trustee council

By Ed Culhane, Wisconsin Department of Natural Resources

The technical team for the Fox River and Green Bay Natural Resource Trustee Council has a new member, an experienced fisheries biologist, who brings much more than technical expertise to the table.

Dave Boyarski, northern Lake Michigan fisheries supervisor for the Wisconsin Department of Natural Resources, is a native of Wisconsin, so he is right at home here. But his professional journey has taken him from the remote Alaska interior and the longest free-flowing river in the United States to the water-starved desert of Arizona.

Boyarski joins Wisconsin DNR Wildlife Biologist John Huff on the technical team, along with representatives from the U.S. Fish and Wildlife Service and each of the two Wisconsin Indian tribes on the council, the Oneida and the Menominee. They will cooperatively evaluate projects, funded by Natural Resource Damage Assessments, designed to address natural resource injuries caused by past releases of polychlorinated biphenyls, or PCBs, into the Lower Fox River and Green Bay.

“I bring some additional fisheries background to the team,” Boyarski said.

He is well suited for the role. Boyarski, 35, grew up hunting, fishing and camping in the Hayward area where his parents instilled his passion for the outdoors. He earned bachelor’s degrees in aquatic biology and environmental policy from Bemidji State University in Minnesota and a master’s degree in fisheries and wildlife management from Colorado State University.

Interested in the remote outdoors, he went to the Alaska interior, to the fly-in village of Aniak, 100 miles from the coast on the Kuskokwim River. The watershed is as big as the Wisconsin River basin with just 30,000 people, no roads or highways, and not a single bridge along the 700-mile main stem of the river.

“There is no cell phone service and no fast food,” he said. “Sometimes my cabin had running water and sometimes



Dave Boyarski

it didn’t. I burned wood for heat. I ate salmon, moose and bear meat. It is a remote and impressive place.”

He worked for the Kuskokwim Native Association, representing 11 native tribes, as the director of their fisheries program. His job was difficult, coordinating tribal fisheries management with federal and state authorities and both commercial and sport fishermen. The tribes, with their own commercial interests in the fishery, rely heavily on this great river for subsistence.

“People would leave for weeks at a time, set up fish camps, catch and dry salmon and put it away for the year,” he explained. “It’s what they eat. It’s their food source for the year.”

The tribes sought greater restrictions on the commercial and sport fish harvests. Subsistence fishing is generally given priority under federal law, but just what “priority” means is a constant source of debate.

“In my time there, I think we made some good progress in getting people to communicate and understand each other,” Boyarski said.

After five years in Alaska he moved to Arizona to get married. He met his wife, Valerie, another Wisconsin native, at Colorado State University. She was working in

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the desert as a herpetologist studying the area's reptiles, an area of expertise not much in demand in Alaska. There he worked on desert native fishes, threatened and endangered by habitat alteration and water use. After three years, he joined the Wisconsin DNR in his home state. "We kept our eye on Wisconsin and finally moved over here," he said. Dave and Valerie have a 3-year-old daughter and a second child due in June.

Working out of Sturgeon Bay, Boyarski supervises a staff of seven full-time employees and up to five limited-term employees, covering Door, Kewaunee and Manitowoc counties and the Wisconsin waters of Lake Michigan. They focus heavily on Chinook salmon and steelhead trout, but also on near-shore native species, smallmouth bass, walleye, northern pike, whitefish and a recovering native lake trout population.

"The biggest issue we deal with is balancing predator and prey populations," he said.

The trustee council technical team evaluates projects to ensure they will meet the goals of the NRDA program and are likely to achieve intended results. During the past 10 years, projects have included wetland and associated upland preservation and restoration; aquatic, near shore and riverbank habitat improvements; and enhancement to fisheries resources.

"I am fortunate to be on the team," Boyarski said. "For someone in the natural resources field, this is what it is all about – getting projects completed, getting the best possible benefit out of these funds and this historic opportunity."

Information available at local libraries

The Fox River Intergovernmental Partnership invites the public to review technical reports, fact sheets, newsletters and other documents related to the Lower Fox River cleanup at information repositories set up in the reference sections of the Wisconsin libraries listed below.

- **Appleton Public Library**, 225 N. Oneida St., Appleton; 920-832-6170
- **Brown County Library**, 515 Pine St., Green Bay; 920-448-4381, Ext. 394
- **Door County Library**, 107 S. Fourth Ave., Sturgeon Bay; 920-743-6578
- **Oneida Community Library**, 201 Elm St., Oneida; 920-869-2210
- **Oshkosh Public Library**, 106 Washington Ave., Oshkosh; 920-236-5205

In addition, fact sheets and newsletters only are maintained at the public libraries in De Pere, Kaukauna, Little Chute, Neenah and Wrightstown.

An Administrative Record, which contains detailed information upon which the selection of the cleanup plans was based, is available at:



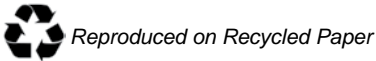
Check out these websites:

<http://www.epa.gov/region5/cleanup/foxriver>
<http://dnr.wi.gov/topic/greatlakes/greenbay.html>
<http://contaminants.fws.gov/issues/restoration.cfm>
<http://www.fws.gov/midwest/es/ec/nrda/index.html>
<http://www.foxrivernrda.org>

- **Wisconsin DNR**, Northeast Regional Office, 2984 Shawano Ave., Green Bay
- **Wisconsin DNR**, Bureau of Watershed Management, 101 S. Webster St., 3rd Floor, Madison
- **Appleton Public Library**, 225 N. Oneida St., Appleton
- **Brown County Library**, 515 Pine St., Green Bay
- **EPA Record Center**, 77 W. Jackson Blvd., 7th Floor, Chicago



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Disclaimer: The opinions expressed in these articles are solely those of the authors and are not necessarily shared by all members of the Fox River Intergovernmental Partnership.

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Fox River *Current* is published bi-annually by the Fox River Intergovernmental Partnership. Its purpose is to provide information about cleanup and restoration efforts on the Lower Fox River. Call Susan Pastor at 312-353-1325 or 800-621-8431, Ext. 31325, weekdays, 8:30 a.m. - 4:30 p.m. to request a subscription. Feedback on articles and ideas for future issues are welcome. Send comments to Susan Pastor, EPA Superfund Division (SI-7J), 77 W. Jackson Blvd., Chicago, IL 60604 or email pastor.susan@epa.gov.