

Midwest Environmental ADVOCATES

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Local Residents Take Action to Restore the Fox River and Green Bay

Green Bay, WI – Today, members of Clean Water Action Council of Northeastern Wisconsin and the National Wildlife Federation filed a petition challenging the Department of Natural Resources' (DNRs') issuance of a water pollution discharge permit that allows Fort James Operating Company to increase the amount of phosphorus it sends into the lower Fox River and Green Bay. The permit also allows the company to discharge mercury without restriction.

Midwest Environmental Advocates, a nonprofit environmental law center, is representing Clean Water Action Council in the challenge to the DNR's action.

"The DNR has not done the required analysis to determine whether Fort James' increased discharge of phosphorus will cause or contribute to the already severe water quality problems in the lower Fox River and Green Bay," said Andrew Hanson, staff attorney with Midwest Environmental Advocates.

Hanson was referring to Fort James' 10,000 pound increase in the amount of phosphorus it sends into the lower Fox River and Green Bay every year. Both waters suffer from severe algae blooms that give the water a "pea green soup" appearance. Algae blooms like those in Green Bay are caused, in part, by high phosphorus concentrations in the water. As a result, both the lower Fox River and Green Bay have been officially listed as "impaired" by phosphorus by the DNR on its biannual list of state waters needing clean-up.

Excess levels of phosphorus and algae can degrade the value of the lower Fox River and Green Bay for boating, swimming, wading, and can harm habitat for fish and waterfowl.

"This water is not fishable and it is certainly not swimmable," said Rebecca Katers, Executive Director of Clean Water Action Council. "How much longer will the citizens of Green Bay have to face dirty water everyday? Adding another 10,000 pounds of phosphorus every year to Green Bay is a step in the wrong direction. We are simply asking the DNR to impose limits in Fort James' permit that will prevent the lower Fox River and Green Bay from becoming even more polluted than they already are."

In addition to phosphorus, Fort James has detected mercury levels in its discharge that are not safe for people or wildlife. However, rather than imposing limits now, the DNR has allowed Fort James to continue to simply monitor its wastewater discharge for mercury.

Mercury is a potent neurotoxin that has been linked to adverse health effects in children. Mercury accumulates in the muscle tissue of fish, and therefore accumulates in people who consume those fish. The DNR has officially listed both the lower Fox River and Green Bay as “impaired” by mercury.

“The DNR should not postpone its obligation to impose mercury limits on Fort James’ wastewater discharge, especially when federal law requires those limits, and data submitted by Fort James clearly shows a need for the controls,” said Neil Kagan, senior counsel with National Wildlife Federation, which is participating in the challenge to the DNR’s decision.

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FAST FACTS

- The Clean Water Action Council is a non-profit citizen organization, founded in 1985, working to protect public health and the environment in Northeast Wisconsin. Clean Water Action Council works to increase public awareness of the many threats to water quality, and to build support for improved management. For more information, go to <http://www.cwac.net/>.
- Midwest Environmental Advocates is Wisconsin's first and only non-profit, public interest environmental law center. Midwest Environmental Advocates provides legal representation and community organizing assistance to groups that are working to protect air and water resources. For more information, go to www.midwestadvocates.org.
- National Wildlife Federation's mission is to inspire Americans to protect wildlife for our children's future. NWF has over 900,000 members nationally, including more than 20,000 members in Wisconsin. NWF's Great Lakes Natural Resource Center in Ann Arbor, Michigan, focuses on cleaning up and restoring the Great Lakes. For more information, go to www.nwf.org.
- Phosphorus is a valuable nutrient for plant growth but also can be serious water pollutant that contributes to algae blooms and an aging process in lakes known as "eutrophication." Phosphorus comes from many sources, including agricultural runoff, urban stormwater, sewage treatment plants, and paper mills.
- Fort James has **significantly increased** its total discharge volume from its facility. With the increase in discharge volume, the mass loading of phosphorus discharged by Fort James to the lower Fox River increased from an average of 42.6 lbs. per day to 69.9 lbs. per day. This translates to an increased phosphorus discharge of approximately 10,000 lbs. per year (9,964.5 lbs., assuming Fort James increases its P discharge by 27.3 lbs. per day on average, and that Fort James operates 365 days per year).
- Fort James' addition of phosphorus to the lower Fox River is significant compared to other sources of phosphorus. As a reference, City of Madison discharges approximately 3,700 lbs. per year of phosphorus into the Lake Mendota watershed through stormwater runoff. As another example, one manure spill into Lake Mendota in the spring of 2005 added 2,400 lbs. of phosphorus to the lake. Fort James is discharging three times more phosphorus annually than the entire city of Madison discharges to the Lake Mendota watershed. Likewise, *Fort James is adding the equivalent of more than four manure spills to the lower Fox River every year.*
- Mercury is a potent neurotoxin that poses a health and wildlife risk for those that consume mercury-contaminated fish. Children and developing fetuses are most at risk from the effects of mercury exposure. Mean fish consumption in Wisconsin is 42 meals per year, compared to 36 meals of fish per year in the United States. Members of Indian tribes average 75 meals of fish per year, an amount that is more than double the national average.
- Members of Clean Water Action Council and National Wildlife Federation who are challenging the DNR's issuance of the Permit to Fort James include:
 - Curt Andersen
 - James L. Baldock
 - John Hermanson
 - Christine Fossen-Rades
 - Rebecca Leighton Katers
 - Thomas Sydow