FOX RIVER CURRENT

January/February 2003 Vol. 6, No. 1 Update from the Lower Fox River Intergovernmental Partnership

DNR, EPA Announce Agreement with Georgia-Pacific

By Greg Swanson, Wisconsin Department of Natural Resources

A $4 million interim agreement with Georgia-Pacific Corp. to fund preliminary engineering and design work for the Lower Fox River cleanup was announced by Department of Natural Resources Secretary Scott Hassett and U.S. Environmental Protection Agency Regional Administrator Tom Skinner at a Jan. 29 press conference.

The design work for the cleanup activities addressed by this agreement will take place on the reach of the Fox River below the DePere Dam. This section of the river, identified as Operable Unit 4 in the proposed cleanup plan, is approximately seven miles long and contains over 90 percent of the Fox River's PCB mass in a large, continuous sediment deposit.

During the press conference, Hassett noted, "This agreement will allow us to get some preliminary work started on this stretch of the river this summer, instead of losing a year's construction season. The release of the record of decision for OUs 3, 4 and 5 this summer will also help speed the cleanup process along."

DNR Secretary Scott Hassett and EPA Administrator Tom Skinner announce an agreement with Georgia-Pacific Corp. at a press conference on Jan. 29.

EPA's Skinner added, "We're going to push hard and we're going to push fast to get the cleanup done."

Along with providing funds, another key provision of the agreement allows DNR and EPA to use Georgia-Pacific's property for staging the cleanup work when it begins. Hassett and Skinner noted the need for all parties, including the communities in the Fox Valley, to continue to work together on the cleanup. "A settlement of this nature is always preferable to litigation," Skinner said. "Georgia-Pacific's commitment to working with the government parties bodes well as the cleanup effort continues forward."

The agreement does not release Georgia-Pacific from its ultimate liability for the cleanup of the river.

DNR, EPA Host Meeting To Explain Decision

By Susan Pastor, U.S. Environmental Protection Agency

Nearly 100 people attended a Jan. 29 public meeting in Appleton to ask the Wisconsin Department of Natural Resources and U.S. Environmental Protection Agency questions about their recent decision for cleaning up the upper portions of the Lower Fox River.

DNR and EPA representatives covered a variety of topics during the question and answer session that followed short presentations. The audience, which seemed knowledgeable about the project's technical terms, ran down a list of questions relating to cleanup levels, dredging equipment, and sediment disposal methods.

DNR Project Manager Ed Lynch stood firm on the agencies' decision to clean up to a level of 1 part per million rather than .25 ppm. "A half of a ppm more will not take contamination down in young fish much faster,"

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Site Split Not Unusual for EPA, DNR

By Susan Pastor, U.S. Environmental Protection Agency

While some people in the Fox Valley may disagree with the recent decision to split the Lower Fox River record of decision for the cleanup, this strategy is not unusual for Superfund projects.

In Wisconsin, U.S. Environmental Protection Agency and the Wisconsin Department of Natural Resources decided to split up many sites into "operable units" to get cleanups started in one area while completing their studies in another. Although they did not always involve stretches of river, they did involve complicated problems that were better addressed individually.

A barge pumps waste from an on-site lagoon at the National Presto Industries site, Eau Claire, Wis.

The National Presto Industries, Inc. site in the Eau Claire area was split into three portions, or OUs. While EPA and DNR investigated this site, which served as a federal government munitions plant from the 1940s to the 1980s, it was discovered that over 400 people were drinking contaminated water with National Presto as the source. This discovery led to a decision to support citizens' wishes for a new sanitary district in 1990. A year later, EPA and DNR issued a second decision to clean up the source of the contamination, which was from contaminated ground water on the National Presto property. In 1996, a third cleanup decision was made to combine and cover an area on site that was used for sludge disposal. Between the second and third decision, EPA cleaned up on-site sources of ground-water contamination by removing sludge and contaminated soil from several disposal lagoons.

According to Mike Gifford, who was the EPA remedial project manager for the National Presto site in the 1990s, the work would have been unmanageable if he attempted to keep it as one big project. "It was a large site, so it made sense to deal with certain areas first after we determined what the problems were," he explained. "We were able to address known areas of contamination as they were identified."

Gifford, who has worked on Superfund projects for 17 years, said splitting sites can be more effective. "It allows you to deal with areas that you know you have to address sooner," he continued. "It also affords you some flexibility on large sites, which can present a challenge."

Another example where a Superfund project was divided is the Hagen Farm site in Dane County, southeast of Madison. EPA and DNR agreed that cleanup could happen faster if the landfill, the known source of the contamination, was addressed while ground-water studies continued.

Paul Kozol, DNR project coordinator, explained how separating the project into two OUs sped up the cleanup.

"It seemed to be more efficient and more fast paced," he said. "Multiple contractors were used to get the work done. We were already constructing the source control OU while the ground water OU was being designed."

Kozol, who has worked on Hagen Farm since 1992, added that it was a logical way to proceed because of the numerous technical issues involved. "Breaking it into components allowed for easier analysis," he said.

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Natural Resource Trustees Meet

By Greg Hill, Wisconsin Department of Natural Resources

At its first organizational meeting on Feb. 6, the Fox River/Green Bay Natural Resource Trustee Council began to lay the groundwork for the working relationship that will be in place to direct and monitor restoration activities to be done under Natural Resource Damage Assessment regulations.

The trustees will finalize a restoration plan and make a decision on their draft environmental assessment this spring after considering and addressing public comments that were received last fall. At the same time, the trustees will look at a number of potential restoration and protection projects that can be done using funds received under the interim August 2001 $40 million agreement with Appleton Papers, Inc. and NCR Corp.

"Generally speaking, we will be looking at projects like wetland protection, fish population enhancement and improvements to aquatic and near shore habitat," said Colette Charbonneau, restoration coordinator for the U.S. Fish and Wildlife Service. "The trustees are also looking forward to planning the first official Trustee Council meeting, which will be open to the public. There will be a business meeting in the daytime and an information session in the evening. People will be welcome to attend both."

The Trustee Council consists of the Wisconsin Department of Natural Resources, FWS representing all federal agencies (Bureau of Indian Affairs and National Oceanic and Atmospheric Administration), the Oneida Tribe of Indians of Wisconsin, the Menominee Indian Tribe of Wisconsin, and the Michigan Attorney General.

FWS Adds Phone Number

U.S. Fish and Wildlife Service has added a second general telephone number since its move from Green Bay to New Franken in December 2002. Callers may dial (920) 866-1717 to reach an operator. The direct number for Colette Charbonneau, FWS restoration coordinator, is (920) 866-1726.

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he explained. "Either ppm will reduce contamination levels in less than a year."

Lynch also explained the types of dredges that are available. He said a hydraulic dredge, similar to what was used at the Sediment Management Unit 56/57 project, is being considered for Little Lake Butts Des Morts. "Mechanical, or bucket, dredging may leave material outside of the bucket," he continued. "The equipment we use will need to be designed to dredge without spilling out of the sides and resuspending the contamination."

As for where the dredged sediment will be taken, Lynch said a location has not been found. "An upland disposal location will be looked at, but none has been identified yet," he stated. "After the sediment is dredged, it will be dewatered into a cake-like material and put in a disposal facility. Disposal is a safe management technique because the contamination will be contained and not put back into the environmental food chain."

Several people asked questions pertaining to the estimated $76 million cost to clean up the lake as well as the Appleton to Little Rapids Reach. In particular, audience members were concerned about the economic effect on the Fox Valley. "EPA and DNR have looked at that," Lynch said. "The bottom line suggests that the companies can do the work without any negative consequences."

A representative from the City of Appleton was more concerned about the possible cost to local municipalities. "None have given any money or in-kind services," Lynch explained. "Any contributions from municipalities, such as help with managing wastewater, would be appreciated. Up until now, we have just kept the municipalities informed."

While many people were in favor of a total river cleanup, they questioned whether it is worth the estimated $400 million cost. According to Dr. Milton Clark, EPA's senior health and science advisor, it is absolutely worth it. "The Fox River heads out to Green Bay which is well fished and in turn it heads to Lake Michigan," he said. "So, if we can clean up the Fox, we have made some good headway."

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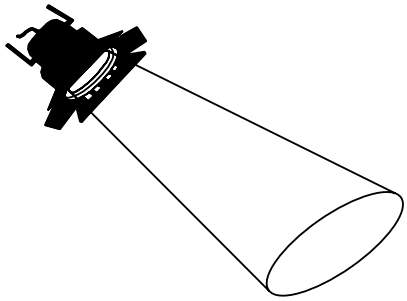
In response to reader requests, the Fox River Current will regularly feature successful natural resource damage assessments similar to what may occur at the Lower Fox River.

Spotlight On:

Elliott Bay/Duwamish River



By Susan Pastor, U.S. Environmental Protection Agency

The scenic Duwamish River, once known for its exceptional salmon fishing and later for favorable industrial purposes, winds its way south from Elliott Bay in downtown Seattle, Wash. through the city. Along the way, it passes the man-made Harbor and Kellogg Islands, several boat slips and an area where large ships can easily turn around. A five-mile stretch of the river is also known as the Lower Duwamish Waterway Superfund site**.** It is also the focus of many natural resource damage assessment restoration projects by government agencies and American Indian tribes, serving as natural resource trustees. A Superfund cleanup and an NRDA are needed because the river is contaminated with PCBs caused by transformer spills and intentional releases dating back to the 1970s, according to Director Robert Clark, National Oceanic and Atmospheric Administration Restoration Center Northwest.

PHOTO COURTESY OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION WEB SITE

Construction of the nearshore habitat enhancement study areas off of Duwamish Head in March 1998.

"There was a transformer spill in 1974, when Boeing Co. accidentally released PCBs from flooded transformers, that we found five or six years ago, and in 1990, the trustees took the city of Seattle and King County to court for release of toxic chemicals from storm drains and sewer overflow," Clark said.

The trustees, NOAA, U.S. Fish and Wildlife Service, state of Washington, and the Muckleshoot and Suquamish Tribes, have an aggressive plan. It involves eight sediment cleanup and habitat restoration projects that have been completed, proposed or are in the planning and design phase. Currently, the NRDA is being done under a legal agreement with the city of Seattle and King County. The restoration program was set up to fulfill sediment cleanup, habitat development and source control terms of that agreement. The overall cost of these projects is about $24 million–$12 million for sediment cleanup, $10 million for habitat restoration and up to $2 million for source control.

Clark, a 36-year NOAA veteran, said he has seen agencies and governmental entities gradually come together in the spirit of cooperation. "We have had so much cooperation that we are able to get some innovative things done," he stated. "It has taken awhile, but it has been worth it."

The trustees have completed or are working on the following projects:

- Hamm Creek Habitat Restoration: This included creating a new stream and channel and two acres of freshwater marsh, refurbishing access to the creek for salmon spawning and the planting of trees and shrubs to form a barrier on the bank.

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Spotlight *from Page 4*

- Seaboard Lumber/Herring's House Restoration and Park: This 17-acre site is where the former Seaboard Lumber Mill operated from the late 1920s to the early 1980s. Today, it serves as a home for young salmon with backwater pools providing a food source and safe place for fish. Contaminated soil and debris have been removed so the area is accessible to the public for educational purposes.
- Elliott Bay Nearshore: This project was done in phases to improve marine conditions by enhancing productivity of animals that live on the sea floor. It also improved the area so plants could grow and fish could thrive.
- North Wind's Weir: Among this project's objectives was better control of water flow, a shoreline protection program and a new home for young salmon to rest and eat as they migrate to the Pacific Ocean. The "grand opening" of the channel to let water and fish in was held at 9:30 p.m., Thursday, Jan. 30, 2003 at the lowest tide.
- Turning Basin No. 3: Located on the former Kenco Marine Services property at the boundary of a navigational channel, this project, led by the Muckleshoot Indian Tribe, involves the removal of the business' buildings and ending commercial activity to reduce pollution. Areas to see improvement include places where barges and boats are anchored, where plants can grow on their own and locations for food sources (insects, mud bugs, vegetation and algae) for fish. It is scheduled for completion in summer 2004.

Three sediment cleanup projects were developed to improve the Elliott Bay and Duwamish environment:

- Pier 53/54 cap was an experimental cover on the Seattle central waterfront in 1961.
- Norfolk storm drain PCB hotspot was removed by dredging in 1999.
- Diagonal/Duwamish storm drain/combined sewer overflow project will remove high levels of PCBs, metals and other contaminants by dredging and capping in 2003/2004.

Clark, who sailed the Duwamish River as a youth, emphasized that the trustees' projects were selected with input from the community. "One of the driving principles was that everything we did was public," he continued. "We started holding meetings immediately."

He added that the trustees learned a lot by listening to the community, which includes the Duwamish River Cleanup Coalition and an American Indian tribe not recognized by the federal government. "A number of their suggestions have helped us focus our ideas about habitat restoration and design better projects, which include long-term public stewardship and monitoring."

The coalition, a recipient of a U.S. Environmental Protection Agency technical assistance grant, has been especially active, according to Clark. "The group has been very good about giving its opinions and we certainly welcome them," he stated. "It's better to include them (the public) earlier than you are required to."

For further information on the Elliott Bay/Duwamish River restoration projects, contact: Robert Clark at (206) 526-4338, or refer to the NOAA Web site at http://www.darcnw.noaa.gov/eb-nrda.htm.

Out and About...

By Greg Swanson, Wisconsin Department of Natural Resources

The Fox River Intergovernmental Partnership, 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, regularly provides speakers to organizations in the Fox Valley area. The following partners recently made presentations:

February

- Tom Skinner, EPA: Lawrence University, Appleton; Anatomy of a Superfund PCB Cleanup: The Fox River.
- George Boronow, DNR: Nature Conservancy, University of Wisconsin, Green Bay; natural resource damage assessment restoration.

Profile On . . . Scott Hassett

New DNR Secretary is avid outdoorsman

By Greg Swanson, Wisconsin Department of Natural Resources

Since he became secretary of the Wisconsin Department of Natural Resources earlier this year, Scott Hassett has been thoroughly immersed in learning about his new job and the people and issues of the DNR. For example, he has spent a few days each week in all five of the DNR's regions meeting with staff and visiting properties and projects of interest. This comes on top of all the other workload matters dealing with the everyday DNR issues like budgets, chronic wasting disease and the Fox River cleanup, to name a few.

Hassett, 52, grew up in the Madison area and has practiced law as an attorney and partner in the firm of Lawton & Cates for the past 22 years. His love of the outdoors and respect for the environment grew from the example set by his father from the time he was very young. As a youth, he frequently accompanied his father, who at one time was president of Wisconsin Manufacturer and Commerce and a top aide to former Governor Warren Knowles, on business trips around Wisconsin and took the opportunity to fish and hunt as often as possible while on those trips.

Hassett graduated from the University of Wisconsin-Oshkosh with a degree in Journalism in 1974 and was managing editor of the *Jefferson Banner*, in Jefferson, Wis. before attending Rutgers University and graduating with a law degree in 1980. As an attorney, Hassett has specialized in litigation and handled a number of environmental cases. He is also a former chairman and board member of the Natural Resources Foundation, which is a grassroots conservation organization that awards grants for environmental and educational projects.

When asked about the Fox River during his first week with the DNR, Hassett said, "Cleaning up the Fox River is one of my top three priorities for the DNR. I plan to do what I can as secretary to clean up the Fox as fast as we can."

Scott Hassett

He added, "I believe that we can work closely with our partners at EPA and on the Wisconsin and U.S. Departments of Justice to make this cleanup a reality. And, I feel that by working with the companies and the communities in the Fox Valley, we can not only avoid litigation that could slow the process, but we can also achieve an effective and efficient cleanup that serves the best interests of the people of Wisconsin."

Hassett is an avid musky fisherman and bowhunter, and a member of several outdoor sporting organizations. He is married, and wife Chris is an occupational therapist. His two children, daughter Whitney, 17, and son Tyler, 15, share his appreciation for the environment. Whitney would like to study marine biology and Tyler enthusiastically shares his dad's interest in hunting and fishing.

Site Split *from Page 2*

Although the decision to split a site into two or more OUs usually occurs before a proposed plan for cleanup is completed, the Superfund program allows for a certain amount of flexibility to include this option after a proposed plan and feasibility study are issued for public comment. Often, changes are made based on those comments. This was the case at the Lower Fox River.

According to EPA Superfund Director William Muno, who is the last person on a long list of state and federal officials to approve and sign records of decision, this was a reasonable approach to take for the Lower Fox River. "We made this decision because it will allow work to get started sooner in the upper part of the river, it is logical to start the cleanup at the upstream portion of the river, and it will give us additional time to further evaluate the cleanup for Green Bay as requested by the public."

Other sites in the Midwest that have been split into OUs include:

Lemberger Transport and Recycling, Inc., Manitowoc County, Wis.

Kalamazoo River, Kalamazoo, Mich.

Thermo-Chem, Muskegon County, Mich.

Reilly Tar, Indianapolis, Ind.

Torch Lake, Houghton, Mich.

Electro Voice, Buchanan, Mich.

Tar Lake, Mancelona, Mich.

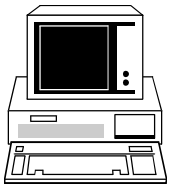
Check out these Web sites:

http://www.dnr.state.wi.us/org/water/wm/lowerfox/

http://www.epa.gov/region5/foxriver/

http://www.fws.gov/r9dec/nrdar/nrdamain.html

http://www.fws.gov/r3pao/nrda/



Meeting *from Page 3*

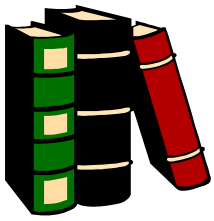
Although many of those in the audience were supportive of the cleanup, some feared the recent changes in state and federal administration may affect its progress. "There has been a commitment made to get the second record of decision out by summer," said Lynch. "In my five years on this project, I have had nothing but support."

EPA Project Manager Jim Hahnenberg agreed. "There has been no heavy interference from a higher level at EPA."

Information Available at Local Libraries

The Intergovernmental Partners invite the public to review technical reports, fact sheets and other documents related to the Lower Fox River cleanup at information repositories set up in the reference sections of the following local libraries. Information repositories at the public libraries in DePere, Kaukauna, Little Chute, Neenah and Wrightstown have been discontinued. However, binders containing fact sheets will be mailed to and maintained at these locations as well as at the repositories listed below.

- **Appleton Public Library**, 225 N. Oneida St., Appleton, Wis.; (920) 832-6170
- **Brown County Library**, 515 Pine St., Green Bay, Wis.; (920) 448-4381, Ext. 394
- **Door County Library**, 107 S. Fourth Ave., Sturgeon Bay, Wis.; (920) 743-6578
- **Oneida Community Library**, 201 Elm St., Oneida, Wis.; (920) 869-2210
- **Oshkosh Public Library**, 106 Washington Ave., Oshkosh, Wis.; (920) 236-5200



An administrative record, which contains detailed information upon which the selection of the final site cleanup plan will be based, is also available for review at two DNR offices: 801 E. Walnut St., Green Bay, Wis. and 101 S. Webster St., 3rd Floor, Madison, Wis. An administrative record is also available at the EPA Record Center, 77 W. Jackson Blvd., 7th Floor, Chicago, Ill.

Prepared by the Fox River Intergovernmental Partnership: Wisconsin Department of Natural Resources, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Menominee Indian Tribe of Wisconsin, Oneida Tribe of Indians of Wisconsin, and National Oceanic and Atmospheric Administration. Supporting agencies include the Wisconsin Department of Health and Family Services, the U.S. Agency for Toxic Substances and Disease Registry, and the U.S. Army Corps of Engineers.

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.

INSIDE FOX RIVER *CURRENT*

Fox River Current is published bimonthly by the Fox River Intergovernmental Partnership. Its purpose is to provide up-to-date information about cleanup and restoration efforts on the Lower Fox River. Call Greg Swanson at (608) 264-6024 to request a subscription or alternative format. Feedback on articles and ideas for future issues are welcome. Send comments to Greg Swanson, *Fox River Current*, DNR, CE/6, P.O. Box 7921, Madison, WI 53707 or e-mail <swansg@dnr.state.wi.us>