

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**UNITED STATES OF AMERICA
and the STATE OF WISCONSIN,
Plaintiffs,**

v.

Case No. 03-C-0949

**P.H. GLATFELTER COMPANY
and WTM I COMPANY,
Defendants.**

ORDER ENTERING AMENDED CONSENT DECREE

Plaintiffs, the United States and the State of Wisconsin, filed this action under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. §§ 9601-9675, alleging that defendants, P.H. Glatfelter Company and WTM I Company, are among the parties responsible for polychlorinated biphenyl (“PCB”) contamination in the portion of the Lower Fox River and Green Bay Site that is known as Operable Unit 1 (Little Lake Butte des Morts). On April 12, 2004, the Court entered a Consent Decree addressing the defendants’ responsibility to perform certain environmental cleanup work in Operable Unit 1, and the Court retained continuing jurisdiction over this matter for the purpose of modifying or enforcing that Decree.

The parties have now entered into a proposed Amended Consent Decree that would require the defendants to complete the cleanup work in Operable Unit 1 in accordance with a Record of Decision Amendment that the U.S. Environmental Protection Agency and the Wisconsin Department of Natural Resources issued in June 2008. The United States published notice of the lodging of the proposed Amended Consent Decree in the Federal Register on June 30, 2008, which commenced a thirty-day public comment period. 73 Fed.

Reg. 36,900 (June 30, 2008). The United States received no public comments on the Amended Decree. The United States, the State of Wisconsin, and the Defendants all support entry of the Amended Decree, and the United States has filed an unopposed motion asking the Court to approve and enter the Amended Decree.

Like the original Consent Decree in this case, the Amended Consent Decree is fair, reasonable, and consistent with the purposes of CERCLA. See United States v. P.H. Glatfelter Co., No. 03-C-0949, slip op. at 4-5 (E.D. Wis. Apr. 12, 2004). In its motion, the United States has represented that the Amended Consent Decree is the product of arms-length negotiations that stretched over more than ten months in late 2007 and early 2008. The Amended Decree would ensure the completion of the selected remedy for Operable Unit 1. It also would require the Defendants to fund that cleanup work, thereby imposing accountability on parties who are deemed liable under CERCLA. Finally, the Amended Decree is consistent with CERCLA's strong preference for settlement, and it would ensure that resources are devoted to cleanup rather than wasteful litigation.

For the reasons stated,

IT IS ORDERED that the United States' unopposed motion to enter the Amended Consent Decree is **GRANTED**, and the Amended Consent Decree is hereby **APPROVED** and **ENTERED**.

Dated at Milwaukee, Wisconsin, this 13 day of August, 2008.

s/ Lynn Adelman
LYNN ADELMAN
District Judge