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For Immediate Release

Partial Settlement Offers some relief to Pigeon River Pollution

A partial Settlement Agreement has been reached between several conservation organizations and the Blue Ridge Paper Products mill in Canton, NC regarding a controversial wastewater discharge permit that allows for industrial pollution to be released into the Pigeon River.

In the summer of 2010, six organizations, Cocke County, Clean Water Expected in East Tennessee (CWEET), Clean Water for North Carolina (CWFNC), Tennessee Scenic Rivers Association (TSRA), Tennessee Sierra Club Chapter (TNSC), and Western North Carolina Alliance (WNCA), sued to challenge the water pollution permit and color pollution variance issued to Blue Ridge Paper Products by the state of North Carolina. That variance gave Blue Ridge Paper an exemption from complying with North Carolina's water quality standard for the color of river water. The groups were represented by the Southern Environmental Law Center.

This partial Settlement places stricter limits on temperature releases to the Pigeon River at the discharge pipe. A high temperature release in 2007 resulted in a fish kill leaving over 8000 dead fish downstream of the papermill. The benefit of the Settlement is that it should result in less fluctuations in temperature releases offering protection to aquatic life immediately downstream of the mill.

During litigation, the Haywood County, NC judge dismissed Tennessee based petitioners from the lawsuit due to Blue Ridge Paper's arguments that these groups did not have standing in the case. The Southern Environmental Law Center argued that all 6 groups who originally filed suit to the case did in fact have standing in the case, however the NC judge ruled that Cocke County, Clean Water Expected in East Tennessee, and the Tennessee Scenic Rivers Association lacked standing.

Clean Water Expected in East Tennessee (CWEET) members expressed their dismay at being dismissed from the case. "The judge's decision that we don't have standing in the case conveys the message that the people and wildlife downstream of the mill don't matter. We didn't matter to the State of NC 103 years ago when the papermill opened and they still don't care about the effects of that pollution on our livelihoods over a century later" said, Amelia Taylor of CWEET.

Litigation has not been entirely resolved by the current Settlement. Conservation groups argued that the discoloration of the Pigeon River's water by the mill makes it less appealing for recreational use downstream of the paper mill. All parties to the case have agreed to a stay on the color portion of the case, which places a pause on litigation until Blue Ridge Paper completes a color perception study that will determine how non-biased observers perceive the color of the river above and downstream of the mill. The lawsuit will be stayed until January of 2013 to give the mill time to complete the study. Litigation will resume after that date and when petitioners to the suit may go to trial.

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