

Paper Mill Owners Must Pay \$650,000 Penalty and Clean Up Toxic Black Sludge Polluting Potomac River

Verso Luke LLC Signs Consent Decree with Potomac Riverkeeper Network and Maryland Department of the Environment

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Washington, D.C. – In a major victory for cleaning up the Potomac River, the owners of the closed Luke paper mill in Western Maryland have agreed to clean up toxic pollution that has been seeping into the waterway and pay the state a \$650,000 penalty. The pollutants leaking into the river include “black liquor,” a caustic byproduct of the paper pulping process, as well as contaminants associated with coal ash waste.

To resolve a pair of federal lawsuits over the pollution, Verso Corporation and Verso Luke LLC signed a consent decree with the Potomac Riverkeeper Network, represented by the Environmental Integrity Project, and the Maryland Department of the Environment.

“This long-awaited resolution of an even longer-standing pollution problem was hard won, but, as always in protecting our precious river, was well worth the struggle,” said Brent Walls, the Upper Potomac Riverkeeper. “Through diligence -- and innovation in our use of drone technology to obtain photographic evidence -- we, with our dedicated partners at Environmental Integrity Project -- have finally achieved the basis to assure the health of the river.”

The settlement requires Verso to investigate and identify the sources and the extent of contamination at the mill, including the area around a million-gallon storage tank that had at one time held black liquor. The company must also develop and implement a comprehensive plan to clean-up all the contamination so that public health and the environment, particularly the river, are protected.

In addition to cleaning up the area around the former black liquor tank, Verso is also required to pump and treat contaminated groundwater, close a coal ash waste lagoon, and conduct monthly water quality sampling in the river and groundwater for at least three years following all cleanup measures to make sure that pollution from the site is no longer harming the river.

“Credit is due to the Potomac Riverkeeper Network for raising the alarm about the toxic waste flowing from the mill – and to Maryland officials for then joining our citizen action to ensure a more robust and thorough remedy,” said Natalia Cabrera, attorney for the Environmental Integrity Project (EIP). “This consent decree requires an extensive, comprehensive cleanup and years of follow up water quality monitoring to make sure the pollution stops, permanently.”

The Verso Luke paper mill closed on May 31, 2019, after 131 years of operation. The company said at the time that the closure was due to “continuing decline in customer demand for the grades of coated free-sheet paper produced at the mill, along with rising input costs, a significant influx of imports,” and other factors.

Shortly before the closure, on April 6, 2019, a fisherman notified the Potomac Riverkeeper that black waste was leaking into the North Branch of the Potomac River. Soon after, the Potomac Riverkeeper notified state authorities.

The investigation that followed identified many potential sources of the black discharge that was occurring from multiple seeps along the mill’s banks, along with pollutants from coal ash waste areas. The tar-like gunk is so acidic it could burn people who touch it. And the wastes contain metals such as arsenic, mercury, and lead, which are highly toxic to aquatic life.

The Potomac Riverkeeper Network and their attorneys at the Environmental Integrity Project sent a notice of intent to sue Verso on November 19, 2019 for creating an imminent endangerment under federal hazardous waste law (the Resource Conservation and Recovery Act). The groups then filed a federal lawsuit on March 24, 2020.

In partnership with the Potomac Riverkeeper’s efforts to address the toxic pollution, on May 28, 2020, Maryland’s Attorney General and Maryland Department of the Environment also filed a federal lawsuit against Verso on May 28, 2020, and joined the Potomac Riverkeeper’s action.

The Potomac Riverkeepers Network, EIP, and the Maryland Attorney General’s Office then worked together to hammer out the consent decree that imposes the \$650,000 penalty on Verso and demands the cleanup and monitoring.

The Environmental Integrity Project is an 18-year-old nonprofit organization, based in Washington D.C., dedicated to enforcing environmental laws and strengthening public policy to protect public health and the environment.

Potomac Riverkeeper Network is a registered 501(c)3 non-profit organization with three regional Waterkeeper branches: Potomac Riverkeeper, Upper Potomac Riverkeeper, and Shenandoah Riverkeeper. Our mission is to protect the public's right to clean water in our rivers and streams. We stop pollution to promote safe drinking water, protect healthy habitats, and enhance public use and enjoyment.

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