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Greenway cleanup suit settled

Award to be directed toward second scrap yard site

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After three years and more than 900 document filings, a federal judge has approved a \$4,375,000 settlement in a legal battle over the costs of cleaning up an Evansville site that was contaminated with lead and polychlorinated biphenyls, or PCBs.

The site already has been cleaned up and incorporated

as part of the Pigeon Creek Greenway Passage, including the Shirley James Gateway Plaza.

The Evansville Greenway & Remediation Trust filed the lawsuit against Southern Indiana Gas & Electric Co. (a Vectren predecessor), Heritage Coal, Mead Johnson and numerous other companies in 2007, alleging their discarded electrical transformers containing PCBs and lead-containing batteries polluted the de-

cadec-old scrap yard that had been owned and operated by General Waste Products from 1956 to 1998.

"A lot of the transformers came in the 1960s, 1970s and 1980s before regulations made it more difficult to dispose of PCBs," said Michael Nelson, an attorney for the trust.

The site is one of two located near each other and near where Pigeon Creek empties

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JASON CLARK / Courier & Press archives

This parcel of land south of the Lloyd Expressway, once the site of a sawmill and scrap yard, is now part of the Pigeon Creek Greenway, thanks to remediation of the property.

LAWSUIT

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into the Ohio River in Downtown Evansville. The second is near 2350 Broadway Ave. Nelson said dumping at the sites probably extended back to the 1940s.

The lawsuit was filed in the United States District Court for the Southern District of Indiana under the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Although the lawsuit was filed in 2007, the entire process began in 2002 when the city first expressed an interest in acquiring the property for the Greenway.

That prompted General Waste, which already had closed the business, to seek cleanup costs from its insurer.

The trust was created and the insurer agreed to loan it \$3.5 million to fund the cleanup with the understanding that the trust would sue to recover the money from other potentially responsible parties. Nelson said the cleanup cost was \$3.2 million plus attorneys fees.

However, before the insurer can receive any reimbursement, money from the current settlement will be used by the trust to clean up the second scrapyard, the three-acre site on Broadway Avenue between Evansville Marine

Services and ADM.

That site, surrounded by commercial properties, eventually will become commercial property, too, after its cleanup, Nelson said. Its cleanup, like that of the first site, will be overseen by the Indiana Department of Environmental Management through the state's Voluntary Remediation Program.

Nelson said resolving the lawsuit was a contentious process complicated by cloudy issues of responsibility and cost.

"Nobody wants to pay money to clean things up that happened decades ago," he said.

Chase Kelley, a Vectren spokeswoman, said the company acknowledged

that the disposals took place but that the practice wasn't uncommon for the time it occurred.

"This is something that was certainly done by all electric companies," she said. "We are glad it is settled."

She said Vectren has been an enthusiastic supporter of Downtown redevelopment and noted its cleanup of another contaminated site nearby on which SIGECO once operated a manufactured gas plant.

"It shows you can get these type of contaminated parcels cleaned up, but it takes a lot of work and a lot of time in these times of economic uncertainty," Nelson said.