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| Schochor, Federico, and Staton, P.A. - Baltimore Magazine | **Text  Description automatically generated** |  | **Text  Description automatically generated** |

**NEW-INDY CONTAINERBOARD SUED FOR POISONING AIR AND WATER OF NEIGHBORS IN SOUTH CAROLINA AND NORTH CAROLINA**

***New-Indy, co-owned by Robert Kraft of the New England Patriots, is dodging environmental rules and putting 1 million people at risk***

***Town Hall scheduled for June 16***

**CATAWBA, S.C. (June 8, 2021)** – **New-Indy Containerboard** has been cutting environmental corners and releasing dangerous, noxious chemicals and pollutants into the air and inadequately treated wastewater to the Catawba River, according to a [**new federal lawsuit filed today**](https://elrodpope.com/new-indy-paper-mill-air-pollution/). The company’s actions at its Catawba, S.C. paper mill is affecting the health and wellbeing of more than one million residents and workers in South Carolina and North Carolina.

The class-action lawsuit seeks damages from New-Indy and asks that the company – co-owned by **New England Patriots owner Robert Kraft** – be forced to shut down operations and cease all nauseating emissions until it can fix the problem and comply with all local, state, and federal environmental laws.

[**Philip C. Federico, of Schochor, Federico and Staton, P.A**](https://www.sfspa.com/attorney/philip-c-federico/)**.** of Maryland and [**Chase T. Brockstedt of Baird Mandalas Brockstedt, LLC**](https://bmbde.com/chase-t-brockstedt/)of Delaware**,** joined [**Tommy Pope, of the Elrod Pope Law Firm**](https://elrodpope.com/thomas-e-tommy-pope/) and [**Leon Stavrinakis, of the Stavrinakis Law Firm**](https://www.stavlaw.net/about-leon)**,** LLC, both of South Carolina, in filing the lawsuit in U.S. District Court in South Carolina’s Rock Hill Division.

Federico and Brockstedt bring their experience in environmental law to the case. They recently reached a landmark [**$205 million settlement**](https://mountairecase.com/) on behalf of Delaware residents whose drinking water had been poisoned for more than two decades by [**Mountaire Farms**](https://mountairecase.com/), one of the country’s largest chicken processing companies, which had been releasing inadequately treated wastewater into the area.

“This is very much like our successful battle with Mountaire – a big company comes into a small industrial community and switches to a cheaper but far more dangerous way to dispose of waste,” said attorney **Chase T. Brockstedt**. “We need to make New-Indy care about the community and not just their bottom line.”

The lawyers believe that the actions so far by the South Carolina Department of Health and Environmental Control (DHEC) and U.S. Environmental Protection Agency (EPA) to curtail New-Indy have not been enough.

“The interim orders by DHEC and EPA do not compensate people for the harm – past, present and future – caused by New-Indy’s wrongful actions,” said attorney **Philip C. Federico**. “They also fail to require New-Indy to take immediate steps to eliminate its pollution of the air and to stop discharging inadequately treated wastewater to the Catawba River. We need Robert Kraft to pay attention to the problems that tens of thousands of families are experiencing.”

Attorney **Tommy Pope** grew up in the area and said he remembered when the New-Indy mill was owned by Bowater. “Many of my friends and their families made a good living at Bowater, which was a good corporate citizen to all of us. Unfortunately, what we are dealing with now at New-Indy is not what we grew up with. This is not your Daddy’s Bowater; this is out-of-state owners denying responsibility. The ongoing damage to our air, our water and our health must be addressed.”

The legal team, along with health, engineering and environmental experts, will host a **Town Hall** concerning the New-Indy pollution on **June 16 at 6:30pm** at Southern Charm Events: 534 Waterford Glen Way, Rock Hill, SC 29730. More information can be found at: <https://elrodpope.com/new-indy-paper-mill-air-pollution/>

New-Indy is a joint venture of the Massachusetts-based **Kraft Group, LLC**, run by Patriots’ owner Kraft, and Indiana-based **Schwarz Partners LP**. In 2018, New-Indy bought the former Resolute Forest Products paper mill in 2018. Since it was opened in 1957, the mill has manufactured bleached paper used in magazines and catalogs. New-Indy shut the mill in 2020 to convert it to producing brown paper for containerboard. Before the conversion, there were no issues with air and water quality in the area.

But as part of the conversion, New-Indy ceased sending foul wastewater to a steam stripper and incinerator and instead sent all foul wastewater to its open-air lagoons. This led to a nearly 900% increase in the amount of foul wastewater piped to the open-air lagoons, causing a condition where hydrogen sulfide and other dangerous pollutants could evaporate into the air and be carried to the surrounding communities by the prevailing winds.

New-Indy has admitted in toxic release filings with the U.S. Environmental Protection Agency that it emitted 31,700 pounds of hydrogen sulfide, 148,400 pounds of ammonia and over a million pounds of methanol to the atmosphere in 2019 -- before it began sending the foul wastewater to the lagoons.

New-Indy also discharges up to 25 million of gallons of wastewater per day to the Catawba River that includes tens of thousands of pounds of ammonia and nitrate. The Catawba Riverkeeper has reported “chunky foam” in areas downstream of the New-Indy wastewater discharge since the fall of 2020, when New-Indy converted its plant. The EPA has cited New-Indy for being non-compliant with the Clean Water Act three times since April 2020

New-Indy completed the conversion in November 2020 and began high-volume production in February 2021. It is about that time that residents for miles around started smelling the foul odors and feeling the physical effects.

That included residents of York, Lancaster, and Chester Counties in South Carolina, and Union and Mecklenburg Counties in North Carolina. The South Carolina DHEC has received more than 17,000 complaints of noxious odors.

Plaintiffs Marty and Terri Kennedy live in Indian Land, S.C., about seven miles northeast of the mill, and started noticing the odor in January 2021. The smell of rotten eggs sewage seeped into their home, often waking them up in the middle of the night. The odor would come in waves, three to five times a week. They suffered health effects including headaches, bloody noses, sinus issues, and persistent nausea and had to seek medical treatment.

Inhalation of hydrogen sulfide has been shown to cause adverse health effects, ranging from eye, nose and throat irritation, difficulty breathing, and headaches to poor memory, tiredness, and bronchial or lung hemorrhage. Repeated or prolonged exposure can cause neurologic symptoms, including psychological disorders, with chronic exposure posing more serious consequences to children and pregnant women.

**NEW-INDY TOWN HALL Information:**

**When: June 16 at 6:30pm**

**Where: Southern Charm Events: 534 Waterford Glen Way, Rock Hill, SC 29730.**

**More information** [**https://elrodpope.com/new-indy-paper-mill-air-pollution/**](https://elrodpope.com/new-indy-paper-mill-air-pollution/)

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