



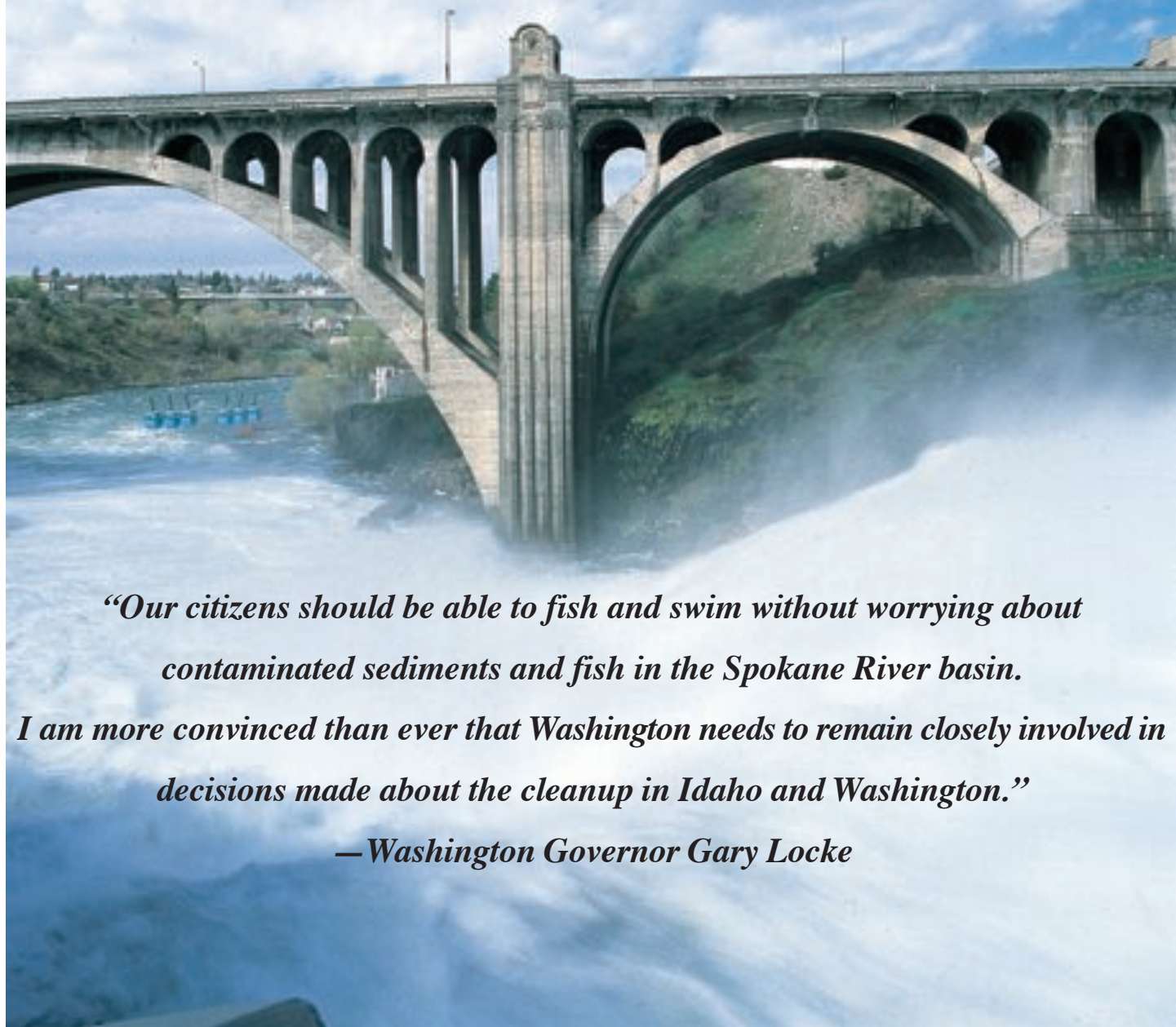
TRANSITIONS

Working for Sustainable Forests and Diversified Economies in the Pacific Northwest

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Exxon Valdez in slow motion: Decision Time for Spokane River



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I am more convinced than ever that Washington needs to remain closely involved in decisions made about the cleanup in Idaho and Washington.”

—Washington Governor Gary Locke

Exxon Valdez in slow motion: Decision Time For Spokane River

By John Osborn, M.D.

In October, 2000, the Department of Interior released a 10-year scientific study of the pollution of the Coeur d'Alene basin by mining companies: the Natural Resources Damage Assessment (NRDA). Included in the NRDA's findings:

- 15,000 acres of wetlands between the Cataldo Mission and Harrison, Idaho, are polluted with redistributed mine waste killing tundra swans, Canada geese and mallards;
- 113 miles of surface waters, including Lake Coeur d'Alene, are contaminated with lead, arsenic, and other heavy metals; and

"The evidence continues to mount that the long-time mining practices in Idaho are creating health and environmental threats downstream in our state. And it further illustrates the need for a full and thorough Superfund cleanup in the Spokane River basin."
—Washington Governor Gary Locke

- trout populations are reduced or eliminated entirely from the Coeur d'Alene River and tributaries. Some streams are entirely devoid of aquatic life.

This scientific study of the Coeur d'Alene Basin adds to previously released data documenting heavy-metal pollution of fish and some beaches of the Spokane River.

Lead, cadmium, zinc, and arsenic have infiltrated the fabric of the ecosystem. The science is clear. The Coeur d'Alene basin is extensively contaminated. Idaho is polluting Washington waters.

Continued on page 3

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For 12 years we have chronicled the rich history of our forests and rivers in about 4,000 pages of *Transitions* – journal of The Lands Council.

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May the forest be with you!


John Osborn, M.D. – founder
The Lands Council

TRANSITIONS – Journal of The Lands Council

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Without a comprehensive clean-up, toxic mine waste in the Spokane River watershed will continue poisoning and killing for hundreds and perhaps thousands of years: an Exxon Valdez in slow motion. Still to be decided are (1) the extent of the clean-up and (2) who will pay. EPA is scheduled to release clean-up alternatives within a few months. The trial of polluting mining companies to recover damages opens on January 22 and is scheduled to run four months in Boise.

Idaho and Washington contrast sharply in their response to the pollution.

Idaho has demonstrated for more than a century that it is unwilling and incapable of correcting the pollution of the Spokane River basin. In the 1980s the Idaho Legislature withheld funding from the state Attorney General's lawsuit to recover damages from mining companies. Idahoan Robie Russell, appointed to head the EPA's regional office with help from Idaho politicians, used his power within EPA to thwart clean-up of communities poisoned by mining and smelting pollution. Idaho, belatedly, has proposed spending \$500 million – a step forward, but still far short of a comprehensive clean-up proposal.

Idaho's Congressional members continue to "shoot the messenger" – viciously attacking EPA officials to pressure them against a comprehensive clean-up, and working to eviscerate Superfund law.

On the Washington side of the state line, responses to the pollution contrast sharply with Idaho. Agencies moved quickly to inform the public that fish and beaches are polluted, issuing health advisories and posting signs along the river. Washington Governor Gary Locke responded to a health advisory in June, "The evidence continues to mount that the long-time mining practices in Idaho are creating health and environmental threats downstream in our state. And it further illustrates the need for a full and thorough Superfund cleanup in the Spokane River basin."

Local and regional business leaders fear adverse publicity from a Superfund label. A recent court decision, however, supports EPA's ability to expand the clean-up and use Superfund dollars without labeling the 1,500 square mile basin a "Superfund Site." Despite business leaders' concerns about publicity, Idaho politicians are moving the Coeur d'Alene to center stage as a "poster child" for pitched battles in Congress over the nation's pollution laws.

The lakes and rivers of the region are celebrated and held dear by the people who live here. Indeed a world's fair was held at the waterfall and islands of the Spokane River. Expo '74 was the first international exposition to celebrate the environment. Expo '74 was a watershed event, reconnecting the community to the river, and marking the flowering of an environmental ethic in the Spokane region.

In the spring of 1974 – while lead from smelter smokestacks in Kellogg, Idaho, was causing perhaps the worst epidemic of childhood lead poisoning of its kind in history – finishing touches were placed on Expo '74. On May 4, eighty-five thousand people gathered at Spokane Falls for the opening ceremonies. On a stage floating in



Expo '74 opening day ceremonies. Eighty-five thousand people gathered at the Spokane River to celebrate the opening of the first environmental world's fair.

the Spokane River, Danny Kaye spoke on behalf of all the children of the world and the importance of our environment. His statement is a fitting, uplifting closure to this sordid Idaho story of pollution:

We believe that the universe is a grand design in which man and nature are one.

That planet earth, a small part of the universe, is the residence of mortal man whose needs and aspirations are limited by the finite resources of planet earth and man's own finite existence.

That man is the custodian of his environment as the environment is the custodian of man.

That man, in his growing wisdom, will renounce the age-old boast of conquering nature, lest nature conquer man.

That the skies and the seas and the bountiful earth from which man draws his sustenance are the preserves of all mankind and that in the brotherhood they derive from nature, the nations of

the earth will join together in the preservation of the fragile natural heritage of our planet.

We believe –

In the restoration of the reverence of nature which once filled our own land where the American Indian roamed in respectful concert with his environment.

We believe –

That the human spirit itself must set its own limitations to achieve a beauty and order and the diversity that will fill the hearts of the children of the world with a new and happier vision of their destiny.

That from this City of Spokane there goes forth today to the world the message and challenge that the time of great environmental awakening is at hand.

All this we believe.

***"That from this City of Spokane
there goes forth today to
the world the message and
challenge that the time of
great environmental awakening
is at hand."***

–Danny Kaye, opening Expo '74

Statement by Gov. Gary Locke on Spokane River basin cleanup

OLYMPIA - "The evidence continues to mount that the long-time mining practices in Idaho are creating health and environmental threats downstream in our state. And it further illustrates the need for a full and thorough Superfund cleanup in the Spokane River basin.

"Our citizens should be able to fish and swim without worrying about contaminated sediments and fish in the Spokane River basin.

"I am more convinced than ever that Washington needs to remain closely involved in decisions made about the cleanup in Idaho and Washington."



**Contact: Governor's Communications Office, 360-902-4136
Issued June 20, 2000**

Agencies warn of lead in river's fish Advisory targets consumption of contaminated fish caught in stretch of Spokane river

By Karen Dorn Steele, Staff writer

A sweeping new health advisory warns pregnant women and small children not to eat whole fish caught in the Spokane River from the Idaho state line to the Seven Mile Bridge because the fish contain elevated lead levels.

The news prompted Washington Gov. Gary Locke to renew his call for a thorough cleanup of historic mining pollution in the Spokane River.

Parents should also limit children's consumption of Spokane River fish fillets, which are less dangerous than whole fish, the Washington departments of Health and Ecology and the Spokane County Regional Health District said Tuesday.

The fish warning is a consequence of a two-year joint federal-state study of the river's health. Rainbow trout, whitefish and large-scale suckers were caught for the study.

The river survey also found elevated levels of cadmium, arsenic, zinc and lead in sediments near popular beaches in the Valley. The heavy metals have washed downstream during a century of mining in Idaho.

"Lead is the metal we are most concerned about," said John Roland of Ecology's regional office in Spokane.

"Elevated levels of lead can be especially harmful to children because it can cause changes in their behavior and reduce their ability to learn," he said.

Large-scale suckers were the most-contaminated fish in the river, but the whole bodies of trout and whitefish also showed worrisome lead levels, the study found.

State health officials decided to issue the whole-fish warning because a 1998 Spokane Regional Health District survey showed some immigrant groups in Spokane fish the river heavily.

Russians and other immigrants said they use the whole fish, including bones and internal organs, in fish stews. The lead concentrates in the bones and brains, the fish study showed.

"They said they eat whole fish often enough to cause us some concern," said Michael LaScuola of the regional health district.

Children and the fetuses of pregnant women are especially vulnerable to lead because they are growing rapidly, LaScuola said.

Copies of the health advisory, which contains recommended fish consumption levels, are available at the health district at (509) 324-1560.

It warns parents to limit monthly meals of children under 5 to three eight-ounce rainbow trout filets, six servings of sucker or 13 servings of whitefish.

"Children should not eat whole fish or any meals prepared using whole fish," the advisory says.

The tainted fish are more ammunition for regional groups urging the U.S. Environmental Protection Agency to extend a Superfund cleanup of mining contamination in Idaho into Washington.

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“Of the approximately 400,000 people who share this watershed, approximately 80 percent reside downstream in Washington state. ... This is a bi-state issue requiring a federal bi-state solution. The citizens of Washington want safe beaches, safe fish to eat, and a safe river in which to recreate.” – Washington Citizens Advisory Committee, Letter to Gov. Gary Locke, April 17, 2000

Editorial

What's a little lead poisoning between neighbors?

Idaho Gov. Dirk Kempthorne, Sens. Larry Craig and Mike Crapo and Rep. Helen Chenoweth-Hage tell Washington Gov. Gary Locke to stop worrying about all that lead being flushed from their state into his.

Lord knows, Idaho's never worried about it.

Even after the owners of the smelter that processed much of the lead played Idaho for a sucker by walking out on the Kellogg community and siphoning their assets into off-shore investments, the state's elected officials continue to see no evil in the Coeur d'Alene River Basin.

Sure, the smelter owners agreed to pay from \$7.1 million to \$8.1 million to families of children they poisoned in the neighboring community. But Kempthorne, Craig, Crapo and Chenoweth-Hage know the Superfund cleanup should be confined to the smelter site itself.

And the water in a river into which mining companies directly dumped their mill wastes until the mid-1960s? If it flows clean out of the 21-square-mile smelter site, it must flow clean into Washington, right?

Worry-wart Locke thinks elevated levels of lead and other heavy metals found in the upper Spokane River are evidence that

a “full and thorough” cleanup is needed of the basin, that runs through Lake Coeur d'Alene and into the Spokane River. And his Chicken-Little Departments of Health and Ecology have issued warnings against eating much fish taken from the river.

“I am more convinced than ever that Washington needs to remain closely involved in decisions made about the cleanup in Idaho and Washington,” Locke says.

But what's he know? The mining companies are not whispering in his ear the way they are into those of Kempthorne, Craig, Crapo and, Chenoweth-Hage. Locke has to get his information from people like John Roland of the Department of Ecology.

“Elevated levels of lead can be especially harmful to children because it can cause changes in their behavior and reduce their ability to learn,” Roland says.

See what we mean? Washingtonians just don't have the experience with lead that Idahoans have. If they did, they would do what Kempthorne, Craig, Crapo and Chenoweth-Hage do when alarmists call for protecting children from environmental poisons.

Nothing, in other words. - J.F

Lewiston Tribune, June 22, 2000

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The EPA has said it will incorporate the fish survey into a “remedial investigation and feasibility study” of mining pollution from Idaho to Lake Roosevelt.

In February, the EPA said lead contamination on the shores of the Spokane River in the Valley poses a “moderate risk” to children who swim, picnic and fish.

Lead levels on the beaches in the eastern-most 10-mile stretch of the river in Washington range from 357 to 1,410 parts per million on average, with peaks up to 2,360 parts per million.

The average background lead level throughout the United States is 23 parts per million, while average lead levels on the beaches of Lake Coeur d'Alene are less than 400 ppm, EPA studies show.

Meanwhile, Locke wants the EPA to deal with the Spokane River contamination. He recently wrote EPA Administrator Carol Browner about the need for a Washington state presence in regional negotiations over the mining pollution.

He issued another statement Tuesday on the heels of the new fish advisory.

“Our citizens should be able to fish and swim in the Spokane River without worrying about contaminated sediments and fish,” Locke said.

“The evidence continues to mount that the longtime mining practices in Idaho are creating health and environmental threats downstream in our state,” Locke said.

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River is political mess

A Superfund site in Idaho might extend to Washington's sullied river, but any cleanup is troubled by tensions between the states

By Jim Lynch of The Oregonian staff

SPOKANE — Idaho's Lake Coeur d'Alene narrows to a piling-lined 75-foot-wide chute that turns, without fanfare, into the Spokane River and moseys out of sight into Washington.

The aquatic passage between the states is so subtle that many residents on both sides of the state line don't realize that the lake mothers the river. But officials are trying to pound the connection into the public psyche these days.

Signs are popping up along the riverbanks warning that some of its popular beaches are polluted with crushed metals scratched from north Idaho mines. More signs are expected soon to warn that its rainbow trout and other fish are contaminated, too.

The Spokane River, which slashes through Washington's second-biggest city, may become the next Northwest river to become a federal Superfund cleanup project. It also may be one of the region's most difficult messes to resolve.

Unlike the Willamette and most other sullied rivers, the Spokane's pollution is rooted in another state and nearly impossible to get rid of any time soon. Plus, Idaho and Washington, often prickly neighbors, appear to be bracing to brawl over the issue.

"Longtime mining practices in Idaho are creating health and environmental threats in our state," Washington Gov. Gary Locke announced late last month after being briefed on a study showing lead, cadmium and zinc in fish caught all the way from the Idaho line to the river's confluence with the Columbia River about 60 miles downstream. "It illustrates the need for a full and thorough Superfund cleanup in the Spokane River basin."

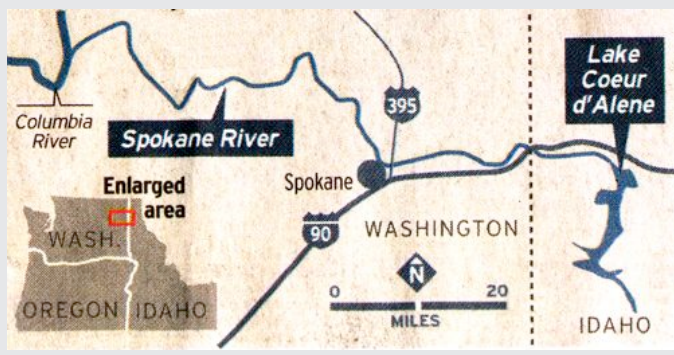
Most prominent Idaho politicians are bent on getting state control of the Superfund project that, at this point, is limited to a 21-mile box around the core mining district. Their biggest fear is that the cleanup project will continue to expand to the point it brands a large swath of north Idaho, some of the state's premier tourism turf, as one giant Superfund site.

On Wednesday, Idaho Gov. Dirk Kempthorne announced that three mining companies have pledged to spend \$250 million toward a 30-year cleanup of the Coeur d'Alene River Basin in exchange for protection from litigation.

Kempthorne urged federal officials to accept the plan and wrap up negotiations within 60 days to get the cleanup started without lengthy legal wrangling.

THE NEXT NORTHWEST SUPERFUND SITE?

The banks of the Spokane River are polluted with crushed metals scratched from north Idaho mines, where a century of silver, lead, and zinc mining contaminated Lake Coeur d'Alene.



Werner Bittner/The Oregonian

That would be before the EPA completes its study of the entire basin, including the Spokane River, in an investigation that will shape the future Superfund cleanup plan. The EPA study is slated to conclude next spring.

Overwhelming evidence

It's been known for years that Lake Coeur d'Alene, one of Idaho's premier tourism draws, is somewhat deceptive; the bottom of the sprawling, pristine-looking lake harbors a motherlode of pollution created by a century of silver,

lead and zinc mining.

And it isn't a revelation that some of the metals overflow into the Spokane River. It just hadn't ever been well documented how that happens, and how often. That changed with a series of federal and state studies in the past two years.

First, the U.S. Geological Survey discovered a surprisingly efficient lake current that shuttles mining waste from the polluted mouth of the Coeur d'Alene River to the source of the Spokane River even during non-flood seasons.

Then lead and arsenic were detected on beaches along the easternmost stretch of the Spokane River in Washington. Most recently, a study found lead, cadmium and zinc in fish caught in the river.

"The evidence that is building is overwhelming," says John Roland, project director for the Washington Department of Ecology.

"Longtime mining practices in Idaho are creating health and environmental threats in our state. It illustrates the need for a full and thorough Superfund cleanup in the Spokane River basin."
— Washington Gov. Gary Locke

U.S. Geological Survey discovered a surprisingly efficient lake current that shuttles mining waste from the polluted mouth of the Coeur d'Alene River to the source of the Spokane River even during non-flood seasons.

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"I believe the public is starting to grasp what's going on, and the magnitude of it."

Public warnings

New public health warnings released late last month announced that children and pregnant women should limit the amount of river-caught fish they eat and minimize contact with soil along some beaches because of potentially hazardous levels of arsenic, a carcinogen, and lead, known to slow mental development in children.

The news irks many Spokane residents who sometimes feel victimized by geography; downwind from Mount St. Helens and the Hanford Nuclear Reservation; downriver from one of the world's former mining hubs.

Plus, the Spokane River is the scenic centerpiece and oasis for the 400,000 people in the area, including legions of rafters, fly fishing enthusiasts and swimmers who frequent the dozens of beaches along its banks.

It's been known for years that Lake Coeur d'Alene, one of Idaho's premier tourism draws, is somewhat deceptive; the bottom of the sprawling, pristine-looking lake harbors a motherlode of pollution created by a century of silver, lead and zinc mining.

On a recent evening, Justin Miller pulled his kayak out at the Barker Road beach where arsenic levels measured three times higher than normal background levels in Spokane.

Is Miller worried about pollution in the river?

"Big time," he says, displaying the earplugs and noseplugs he wears to keep the water out. "I try not to spend too much time on this river," he says, then tells his friend to not let his dog drink the river water.

Not everyone is concerned. And many still haven't heard the news flashes or read the signs.

Pat Lonam supervised three children wading in a copper-colored eddy near the state line where lead was detected at unsafe levels and higher than any other beach on the river.

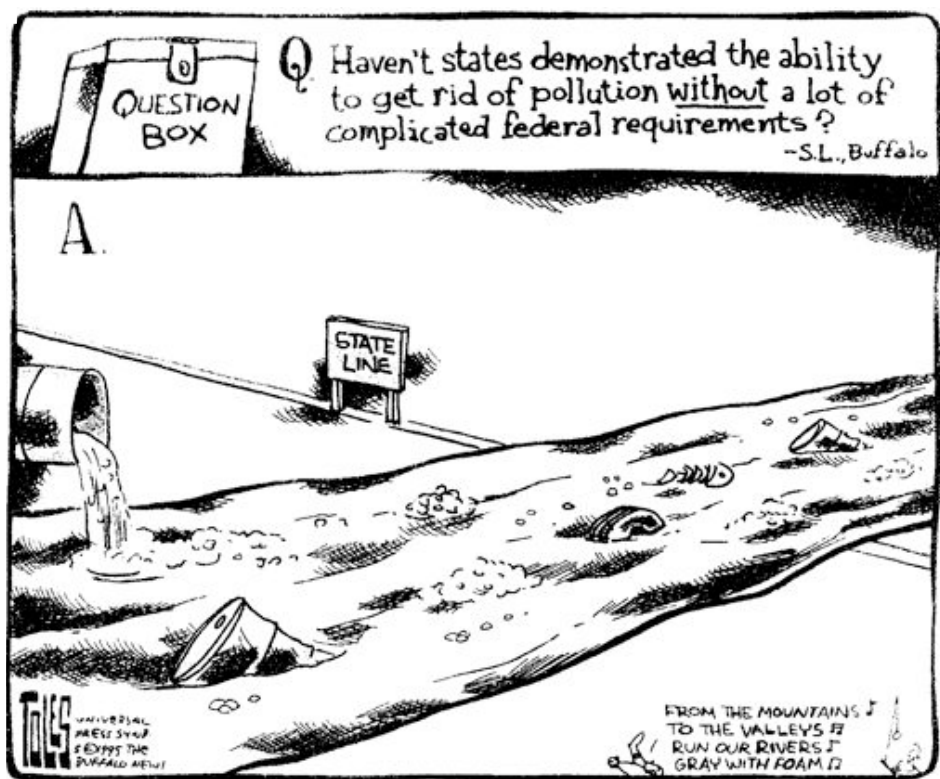
Lonam says lead fears haven't discouraged her neighbors from swimming. "We've all been going in the

Continued on page 8

Dawn Tudor, 9, plays at Boulder Beach, a popular swimming hole on the Spokane River east of downtown Spokane. The riverbank has potentially hazardous levels of arsenic and lead.



Bruce Ely / The Oregonian



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But she hasn't seen the new sign and, given more information, begins to look concerned, noting the baby she's cradling went in the water, too. She groans, then says, "I'm going to go read the sign."

Spokane health officials are scrambling to translate fish warnings into Russian and possibly other languages to make sure the city's immigrants are aware of the health risks, too. Russians are of particular concern because they often cook whole fish in stews — and lead often settles in organs and bones.

Holly Houston, a spokeswoman for Idaho's mining interests, says Washington's governor overstated or misread the health advisory — which she calls "not that big of a deal" — and unfairly scapegoats Idaho and its mining companies for the river's pollution.

She also suggests Locke's comments hint at a future lawsuit Washington may try to file against Idaho's mining outfits. "I think you're going to find out that Washington state is not going to have enough evidence to pursue injuries or damages against the companies," she says.

Tests offer warnings

Idaho's monument to the side-effects of a century of mining could be the massive raised wedge of mine tailings and polluted soil stacked alongside Interstate 90 in Kellogg.

"This is our biggest opportunity for cleanup in 100 years — and perhaps our only one," says Michelle Nanni, director of the council's Get the Lead Out project, which helped spark the state's interest and involvement in the issue.

"This is it. It'll never happen again. It's now or never. Now's the time to voice our opinion."

Art Bookstrom, who has studied the Spokane River for the Geological Survey, says it's hard for anyone to grasp the complexities and depths of the problem.

"It's not like you're going to clean up once and be done with it," he says. "You could spend a lot of money and clean it up and in a few years it'd be right back where it was."

Potential cleanup options include removing polluted soils, stabilizing stream banks and capping the deadliest deposits. But as Bookstrom points out, uncovering or disturbing imbedded tailings can create more problems than it resolves.

"Unless someone figures out a way to fix this," Bookstrom says, "it could go on for hundreds, or even thousands, of years."

The Associated Press contributed to this report. You can reach Jim Lynch at The Oregonian's Puget Sound bureau at 360-867-9503, or by e-mail at lynchj@home.com.

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On one high runoff day in 1996, the Geological Survey estimates, 1 million pounds of lead flowed into the lake.

"The evidence that is building is overwhelming. I believe the public is starting to grasp what's going on, and the magnitude of it."
—John Roland, Washington Department of Ecology.

"Unless someone figures out a way to fix this, it could go on for hundreds, or even thousands, of years." —Art Bookstrom, who has studied the Spokane River for the US Geological Survey

A Deep and Wide Mining Scar in Idaho

Many thought cleanup was nearing its end, but pollutants have spread throughout the beautiful Coeur d'Alene River basin.

By Kim Murphy, Times Staff Writer

SILVER VALLEY, Idaho—This is a pollution story that's supposed to be over. The Environmental Protection Agency in 1982 declared the 21 square miles around the old Bunker Hill lead smelter the nation's second-largest Superfund site. Since then, the agency has spent \$200 million digging up contaminated lawns, demolishing the smelter site and cleaning up parks, roadsides and schools.

By all accounts, the effort has been a success: In towns like Kellogg and Smelterville, children in the 1980s had the highest levels of lead ever recorded in humans; today, only about 6% show elevated levels. In houses with children—who are most vulnerable to lead's deadly effects—yards have been dug up and covered with new dirt.

But only now, with the cleanup virtually over, is the true extent of mining's legacy in northern Idaho being revealed. Sediments contaminated with lead, cadmium, zinc and arsenic have spread far outside the original Superfund site, across an area so large—up to 1,500 square miles of the Coeur d'Alene River basin, from the Montana border to the Columbia River in eastern Washington—that it dwarfs most cleanups attempted by the EPA.

Children living miles away from the Superfund site are being tested, with disturbing results: 11% of those under age 10, and 26% of the 2-year-olds, have lead in their blood above the federal intervention level.

Beaches as far away as the Spokane River in Washington are so contaminated with metals originating high in the Idaho hills that warning signs have been posted against playing in the sand. Children and pregnant women are cautioned not to eat whole fish caught near Spokane.

The fact that the EPA now considers the entire Coeur d'Alene River basin a potential Superfund site sets the stage for a political slugfest of epic proportions.

More than 11,000 people live in the Coeur d'Alene Valley and 300,000 or more across the Washington state line in Spokane. The Coeur d'Alene Indian tribe, which says its historic dependence on the basin's waters for survival is at risk, has filed a massive federal lawsuit seeking compensation for the environmental devastation.

And at the heart of the basin—and the controversy—is Lake Coeur d'Alene, one of Idaho's premier tourism destinations, with its stunning azure waters and top-rated golf course.

The lake is clean enough to meet federal drinking water standards, and all but two of its beaches have been deemed unpolluted. Officials estimate, however, that 72 million tons of mining pollutants lie dormant on the lake bottom—with more seeping in every day.

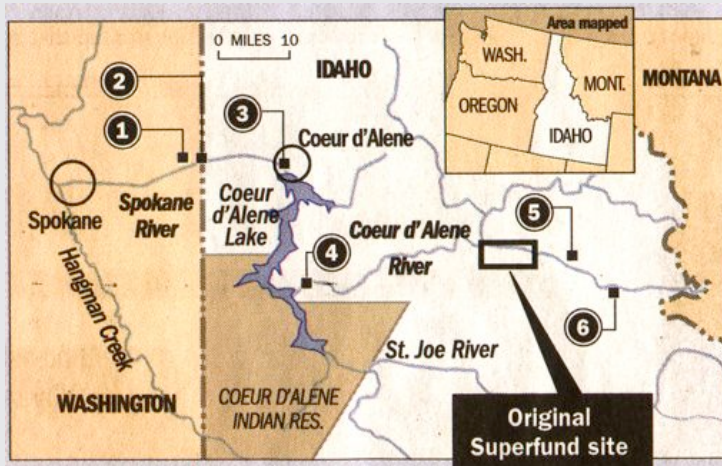
It will take 20 to 30 years to reverse the damage across the entire basin, federal officials say, at a cost of \$1 billion—and possibly more than \$3 billion.

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Poison Spreads

Mining contamination has spread far beyond the original Superfund site, to include the Coeur d'Alene River basin and into eastern Washington. Below, lead levels in select locations:



River Rd.	(1,410/million)
Harvard Rd.	(357/million)
River at state line:	(70/billion)*
North Idaho College	(204/million)
Harrison Beach	(1,250/million)
Elk Creek	(12,100/million)
Wallace City Park Monument	(3,170/million)

*Concentrations of zinc. All other measures are of lead

Sources: Environmental Protection Agency, Washington Department of Environmental Quality



Mark Solomon of the Inland Empire Public Lands Council leaps across the flooded banks of the Coeur d'Alene River. Mining companies dumped toxic waste directly into the river up through the 1960s.

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Nowhere have the complexities of the Superfund law been more apparent than in northern Idaho—where mining pollution dates back to the 1880s, involves scores of companies that long since have disappeared and includes pollution so extensive and intermingled that it would be nearly impossible to trace it to a direct source.

Moreover, the federal government shares part of the blame: The War Department pushed so hard to boost lead production in the Silver Valley during World War II that it dispatched troops to work in the mines. State and federal pollution controls were virtually nonexistent.

GOP Holds Most Political Offices

In Idaho, Republicans hold the governorship, the entire congressional delegation and 90% of the state Legislature. And so the EPA move into the basin is just one in a series of Clinton administration environmental initiatives—ranging from wolf relocation to designation of vast areas of central Idaho as permanent roadless areas—that have been a source of irritation.

Sen. Michael D. Crapo (R-Idaho) has called for an investigation of the EPA. State officials say they can do the cleanup themselves for little more than the \$250

Children living miles away from the Superfund site are being tested, with disturbing results: 11% of those under age 10, and 26% of the 2-year-olds, have lead in their blood above the federal intervention level.

Beaches as far away as the Spokane River in Washington are so contaminated with metals originating high in the Idaho hills that warning signs have been posted against playing in the sand.

million the mining companies recently offered as a settlement.

“Superfund was intended to clean up 20-acre industrial sites. Superfund is not intended for a 1,500-square-mile region,” said Bret Bowers of Citizens for EPA Accountability Now, organized to fight the Superfund expansion. “The EPA would like people to believe we have this major health concern, when the fact is we

should be celebrating the vast gains we have made [inside the existing Superfund site]. . . . We have community leaders up and down the basin saying we know the Superfund process is a mess and we don’t want to go through it.”

EPA officials say they are mystified that Idaho appears to be turning away its only hope of a comprehensive, basinwide cleanup—paid for primarily by the mining companies and federal taxpayers.

Shoshone County, where most of the affected communities lie, has seen its assessed value drop from \$1.3 billion to \$450 million since the Bunker Hill smelter closed in 1982. The county has the highest child poverty level in the state—approaching 31% of all children—and an unemployment rate of 12.3%.

“These communities are in extreme disrepair, predominantly retired citizens, low tax base. These people might have a

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street budget that's a hundred thousand bucks a year, and they've got a 1956 Ford dump truck to deal with it," said Earl Liverman, head of the EPA's field office in Coeur d'Alene.

How, Liverman wants to know, are little towns like Wallace, Osborn, Cataldo and Harrison going to deal with lead, cadmium and zinc still washing down off the hills above them? With lead continuously eroding off the riverbanks, lead poisoning their yards, playgrounds and day-care centers, lead permeating the dust in their attics?

"The community's concerns [about the pitfalls of a Superfund designation] have not fallen on deaf ears. I hear them on a daily basis. My wife hears it; my children hear it," Liverman said. "But this stuff is ubiquitous throughout the valley, and it poses a significant threat to human health."

The slopes of the Silver Valley have been probed for ore since the 1880s, with the four largest silver mines in the country still operating there. More than \$5 billion worth of metals have been unearthed.

Up through the 1960s, mining firms dumped toxic waste directly into the river. The smelter poured lead out of its smokestack, denuding surrounding hills and depositing fine bits of lead dust on yards, carpets, sofas, roads, roofs and trees for miles. When fire swept through part of the Bunker Hill facility in 1973, destroying many of the filters that took lead out of the exhaust, Gulf Resources and Chemical Co. decided to keep running without pollution controls.

In handwritten notes uncovered later, company executives calculated it would cost them \$7 million to compensate any children poisoned by lead—a fraction of what they would earn that year with skyrocketing lead prices. That year alone, the smelter deposited 30 tons per square mile of lead over the surrounding neighborhoods.

A few years later, as the extent of the pollution became known, Gulf Resources transferred most of its assets overseas and declared bankruptcy, leaving behind a \$100-million cleanup bill and stranding about 2,000 employees who were owed their pensions.

"You could go down any alley out there and have 'A Civil Action' or an 'Erin Brockovich,'" said regional Superfund director Mike Gearheard, referring to movies about citizens locked in battle with corporate polluters. "The only sad thing

about going out there now is you don't get to appreciate the sort of Dickensian quality of the mining buildings that used to cascade down those hillsides: boiling, fuming, spewing fire and smoke."

Even in the smelter's heyday, doctors knew exposure to significant quantities of lead could cause reduced IQ, slow growth and development, hyperactivity, miscarriage, infertility, memory loss, stomachaches and hearing loss. Since then, the federal government has reduced the amount of lead that is considered safe by a factor of four. Now, a blood level of as little as 10 milligrams per 10 liters is enough to call for prompt intervention; researchers have documented a higher incidence of juvenile delinquency at levels as low as 2.5.

Marlene Yoss remembers officials coming to her door in the 1970s and asking to test her children's blood. Arlene, just a baby, had a lead level of 174. Her slightly older siblings measured 122 and 111.

"They said we had three walking dead babies," Yoss recalled.

The mining company settled with the family for several million dollars, but Yoss said the money was never enough to compensate for the health of her children, now in their 20s. "They still have headaches, and their memory: Just remembering things from day to day, a period of time goes by and they can't remember."

"Some people call me 'lead head,'" joked a 43-year-old Kellogg man, George, who attended a school half a mile between the lead smelter and the zinc smelter. He remembers playing by the creek, which ran purple during parts of the year. "If you saw your kids playing in what I played in, you'd go out and get 'em and probably move. I did fairly well till seventh grade, and my grades dropped. . . . Pretty soon, I couldn't remember anything."

The Idaho attorney general filed suit against the mining companies for \$50 million. But when the Legislature refused to fund the suit, the case was settled in 1986 for \$4.5 million, less than 2% of what it cost to clean up the 21 square miles nearest the lead smelter—an area known as "the box."

The initial Superfund project has cleaned up 1,600 yards in Kellogg and Smelterville. Workers dug out the top 12 inches of tainted soil, capped it with a fabric marker and replaced it with a foot of clean soil.

Parks and schoolyards were treated in a similar fashion. Old waste piles are

The fact that the EPA now considers the entire Coeur d'Alene River basin a potential Superfund site sets the stage for a political slugfest of epic proportions.

And at the heart of the basin—and the controversy—is Lake Coeur d'Alene, one of Idaho's premier tourism destinations, with its stunning azure waters and top-rated golf course.

The lake is clean enough to meet federal drinking water standards, and all but two of its beaches have been deemed unpolluted. Officials estimate, however, that 72 million tons of mining pollutants lie dormant on the lake bottom—with more seeping in every day.

It will take 20 to 30 years to reverse the damage across the entire basin, federal officials say, at a cost of \$1 billion—and possibly more than \$3 billion.

EPA officials are mystified that Idaho appears to be turning away its only hope of a comprehensive, basinwide cleanup—paid for primarily by the mining companies and federal taxpayers.

being picked up and hauled into a 200-acre, 60-foot-tall impoundment area in Kellogg.

The results have been marked: Where 46% of the children inside “the box” had blood lead levels above 10 milligrams per 10 liters in 1988, only 6% are above that now.

But, cautioned Steve Allred, administrator of Idaho’s Department of Environmental Quality: “We have a fragile removal. It will take significant [effort] to maintain it.”

What that means is that most of the contamination wasn’t removed; it was simply moved to areas where people would be less likely to come into contact with it. New problems could erupt as easily as someone digging below the fabric barrier in their yard into still-contaminated soil. Dust blowing in off untreated hillsides and waste piles poses a constant threat of recontamination.

Wes Aamodt, who owns a truck stop in Smelterville, says his property was declared clean when he bought it in 1994. But since then, lead-contaminated dust constantly blows over it, fouling air filters and shutting down his refrigerators. “You can’t have a cafe and have the people eating this dust,” he told the EPA at a hearing last month.

And while local health officials have loaned out industrial-strength vacuums to anyone who wants them, the greatest potential source of human lead exposure, household dust, has not been part of the cleanup.

In the rest of the basin, the worries are worse.

Yards, parks and playgrounds in towns like Mullan, Osborn and Wallace—up the river from the Superfund site—have tested at several times above federal safety limits for lead. A chain of lateral lakes leading into Lake Coeur d’Alene is heavy with lead sediments.

In Burke Canyon, a rustic community that sits astride an old mining creek, several children have elevated blood lead levels. The EPA, even without an official Superfund designation, has moved quickly to try to clean up yards.

“Just half a mile from here, in any direction you go from my house, there are over 70 mine openings. And there’s water coming out of most of them,” said Charles

As the extent of the pollution became known, Gulf Resources transferred most of its assets overseas and declared bankruptcy, leaving behind a \$100-million cleanup bill and stranding about 2,000 employees who were owed their pensions.

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“We have a fragile removal. It will take significant [effort] to maintain it.” —administrator of Idaho’s Department of Environmental Quality, Steve Allred

Dust blowing in off untreated hillsides and waste piles poses a constant threat of recontamination.

“It’s all full of lead, zinc. And it goes right into Canyon Creek. . . . They did some [cleanup] work down at the bottom, but it was just a bunch of political mumbo jumbo. I mean, they started at the bottom of the canyon and worked their way up! That’s about like washing your car from the bottom up.”

Down the road, Debra Wilson had her yard replaced when county officials found high blood lead levels in her daughters, ages 4 and 7.

“They say lead can affect learning disabilities. . . . Both of my girls were 36 weeks, and they were both learning delayed, they call it,” Wilson said. “The special ed department says it could be because of lead or because they were early, or a combination of the two. Or it could be nothing.”

Most of the contaminated schoolyards in the basin will be cleaned up by the end of this summer, but officials did little about the interior of schools. That is until Robert C. Huntley, a former member of the Idaho Supreme Court, went to court in March and won an order mandating testing.

Huntley took the order to the EPA, where officials told him they had no funding under the current plan. Next, he went to the governor’s office, the state Department of Environmental Quality, the superintendent of public instruction and, finally, the three school districts involved. All refused to pay for the testing.

So Huntley paid the \$6,292 to do the first tests out of his own pocket. The first results are due soon.

“It’s really a Chamber of Commerce-type thing, where we don’t want to admit we have a problem because it would have an adverse effect on tourism,” Huntley said.

EPA and school officials downplay the problem, saying there is little chance of exposure in schools that are mopped twice a day.

“When you drive a car, there’s lead in the battery that’s less than 10 feet ahead of you. That’s a risk factor. In our school district, we do not have an exposure factor with the children,” said Robin Stanley, school superintendent in Mullan.

Local health officials have done everything possible to minimize the risk. Homeowners in yards that haven’t been

Continued on page 13

replaced with clean soil are advised not to grow root vegetables, such as carrots and potatoes. Contractors who dig into contaminated soil after being ordered to halt can face fines of \$300 a day and six months in jail. County nurses make regular visits to the schools, conducting puppet shows with frogs (The message: "Keep clean, eat clean and play clean."). Health officials scrutinize dust collected on doormats for contamination. Once a year, nurses go door-to-door for children's blood lead screenings.

Voluntary Program Hasn't Been Successful

There is one thing almost everyone can agree on: No one knows what the real lead exposure is because relatively few children have been tested under the voluntary program. Health officials recently raised the payment made to those who agree to blood tests from \$20 to \$40 to increase participation.

"There's a long list of things that are far greater risk [to children] than heavy metals," said state Sen. Jack Riggs, a physician who believes the EPA's efforts outside the existing Superfund site should be limited to a few isolated areas along the Coeur d'Alene River. For example, Riggs said, "there is older housing in the Silver Valley where lead paint is an issue. You can't just automatically conclude that it's all from meandering sediment."

The political and legal issues surrounding cleanup of the entire basin are formidable. In addition to jockeying over Superfund designation, there is the issue of how to assess legal liability. While Gulf Resources easily could be blamed for much of the pollution inside the box, at least four major companies and 22 minor companies are targets of the EPA's massive \$1-billion liability lawsuit for pollution throughout the basin, scheduled to go to trial early next year.

The companies argue that 100 or more mining operations have generated waste over a period of a century or more, much of it long before there were environmental regulations prohibiting it. Much of the pollution stopped in the 1960s, a full decade before the Superfund law even was adopted, they say. And most of the companies that mined during the worst pollution years are long gone.

"We don't really know who's responsible for which materials. You've

got a hundred different mining companies, and the ones who happened to survive are the ones who are being blamed," said Holly Houston of the Mining Information Center, which represents three of the four major mining companies still operating in the basin: Hecla, ASARCO and Sunshine.

Instead of spending \$1 billion on cleaning up soil all over the basin, Houston said, the EPA should be finding children who have been exposed to lead, finding out where their exposure came from and stopping the problem at the source.

What about, the EPA counters, those children who haven't been exposed yet? The families who have not yet moved into a contaminated house?

EPA officials believe a recent federal appeals court decision gave them authority to begin Superfund cleanup throughout the 1,500-square-mile study area, wherever mining pollution has reached. It may be more practical, they admit, to set up individual cleanup sites in the areas of worst contamination.

And Washington Gov. Gary Locke has stepped into the fray, signaling the state's reluctance to depend solely on Idaho

to clean up waters that flow across state lines.

Washington's stake in the issue is becoming increasingly clear. Last year, the U.S. Geological Survey found in the Spokane River—about 70 miles from the heart of the mining district—some of the highest levels of metals ever recorded in freshwater fish in the state. In February, the EPA completed tests showing that levels of lead and arsenic at several beaches along the upper river pose a health risk.

Warning signs have been in place on those beaches for at least a year. But last week, a young Spokane family was swimming along the shore, escaping the oppressive heat of a July afternoon.

"I didn't even see the sign," said Michele Caudill of Spokane, whose children, ages 2, 8 and 13, were splashing each other along the river's shallow bank.

If she had read it, it would have told her to avoid muddy soil that might cling to clothing, toys, hands or feet; to wash hands if mud gets on them; to avoid breathing any dust from around the river; to wash any toys, shoes or clothing that have been in contact with shoreline soils before entering her home; to avoid eating without washing her hands; and to clean out her car if any soils from the riverbank got tracked into it.

Caudill shrugged. "When we were kids, we were in this river every day."

*Los Angeles Times, July 17, 2000.
Reprinted with permission, Copyright, 2000, Los Angeles Times.*

***"Just half a mile from here, in any direction you go from my house, there are over 70 mine openings. And there's water coming out of most of them."
—former miner Charles Tirpik***

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U.S. Fish & Wildlife Service

Eight dead swans found in just a single day (April 9, 1997) in one still-polluted field of the Coeur d'Alene River's floodplain.



Easy

United States v. Asarco

In 1983, the Environmental Protection Agency (EPA) placed the "Bunker Hill Mining Site" on the National Priorities List (NPL), a list of the most contaminated sites in the nation. The list is maintained by the EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). See 42 U.S.C. S 9601 et seq. The listing of the Bunker Hill site reflected widespread contamination caused by more than 100 years of mining and mining-related activity. ...

In March 1996, the United States ... filed an action against various owners and operators of mining and mineral processing facilities to recover, among other things, damages under CERCLA for injury to natural resources with respect to the "Bunker Hill facility" ... [defined as] the Coeur d'Alene Basin. The Coeur d'Alene basin includes the main stem and south fork of the Coeur d'Alene river, most of its tributaries, and Lake Coeur d'Alene, and constitutes an area of approximately 1,500 square miles. ...

Ruling on the cross-motions for summary judgment, the district court held that, while the initial listing on the NPL did not confer fixed boundaries on the Bunker Hill site, "at some point the EPA ha[d] to draw a line on what the EPA considers the NPL facility to be." United States v. Asarco, 28 F. Supp.2d 1170, 1180 (D. Idaho 1998). ... [T]he district court granted partial summary judgment to the defendants and denied partial summary judgment to United States. ...

We vacate the district court's grant of summary judgment to the defendants and its denial of summary judgment to the United States on the statute of limitations issue, and remand with instructions to stay the proceedings for a reasonable period in order to permit the defendants to file a petition for review in the United States Court of Appeals for the District of Columbia.

[For full text of the opinion, see <http://www.ca9.uscourts.gov/ca9/newopinions.nsf/opinions+by+date?OpenView> click on year 2000, then click on June, search for decisions issued on 6/15/00 and click on US v. Asarco]

Court voids Superfund restriction

Federal panel strikes down ruling that blocked expansion of Bunker Hill site to basinwide cleanup

Zaz Hollander - Staff writer

Coeur d'Alene-A federal court dealt a blow Thursday to mining companies battling the federal government over pollution from Mullan, Idaho, to the Spokane River.

A three-judge panel of the 9th U.S. Circuit Court of Appeals voided a 1998 ruling that blocked federal officials from expanding the 21-square-mile Bunker Hill Superfund site.

The panel also ruled the companies need to take their case against Superfund expansion in the Coeur d'Alene River basin to a Washington, D.C., courtroom.

Thursday's ruling means companies could be held responsible for cleaning up toxic metals pollution across 1,500 square miles of the basin, federal officials said. The Superfund program allows the government to use federal dollars for cleanup and seek damages from polluters.

Seattle-based Environmental Protection Agency officials exchanged a

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few "quiet high-fives" Thursday morning, one staffer said.

"This is obviously a very significant victory for not only the U.S. and EPA but the opportunity for achieving real cleanup in the Coeur d'Alene basin," said Cliff Villa, EPA assistant regional counsel.

But mining companies downplayed the court decision.

The opinion simply means the companies, led by Asarco Inc. and Hecla Mining Co., will have to start over in their bid to get a court ruling against Superfund expansion, an industry spokeswoman said.

"It's not saying the lower court was right or wrong. It just wants the right court to make the decision," said Holly Houston of the Mining Information Office in Coeur d'Alene. "EPA's been treating this whole area as a Superfund site — spending their million dollars a month — anyway."

The mines likely will contest this week's ruling in the U.S. Court of Appeals for the District of Columbia, as directed by the 9th Circuit panel.

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Lead study finds broad contamination

Quarter of 2-year-olds tested in CDA River basin showed elevated blood-lead levels

By Zaz Hollander, Staff writer

For the first time, the public is getting a glimpse of the extent of potential health risks caused by mining in the Coeur d'Alene River basin.

Roughly a quarter of the 2-year-olds tested in the basin have elevated amounts of lead in their blood, according to a draft study released this week by the state of Idaho.

"Those blood lead levels are significantly high," said Marc Stifelman, a toxicologist with the U.S. Environmental Protection Agency.

The study evaluated risks from other heavy metals, and found the second primary chemical of concern after lead to be arsenic, which can cause cancer.

Anyone who eats homegrown vegetables, fish from the chain lakes of the Coeur d'Alene River, or works construction in leaded soil faces increased health risks, the study says.

To combat potential health effects, the study suggests a cleanup threshold for lead in people's yards starting between 400 and 800 parts per million.

About a quarter to a half of the roughly 1,000 yards tested in the basin contain that much lead, according to EPA estimates.

The study met with immediate criticism from mining companies and activists alike.

But officials, calling the document a first step, emphasized that a final cleanup decision is still far off.

Public comment, government policy makers and other data will influence the final strategy, said Rob Hanson, with the state Department of Environmental Quality in Boise.

"I wouldn't necessarily say it's going to be between 400 and 800," Hanson said.

"Look around the country, other action levels have been up to 1,200. I wouldn't say that's out of the question here."

For comparison, the cleanup threshold at the Bunker Hill Superfund site is 1,000 parts per million.

Young children and pregnant women are especially vulnerable to the effects of lead, which can cause mental and physical retardation.

Lead in house dust - tracked in from contaminated yard soils - is the leading cause of high lead levels in children's blood, the study states.

Preschool age kids showed the highest levels of lead in blood tests for children between nine months and 9 years, the study shows.

"Those blood lead levels are significantly high." EPA toxicologist Marc Stifelman

Anyone who eats homegrown vegetables, fish from the chain lakes of the Coeur d'Alene River, or works construction in leaded soil faces increased health risks.

Young children and pregnant women are especially vulnerable to the effects of lead, which can cause mental and physical retardation.

Metals contamination stems mainly from mining pollution and partly from lead paint in older homes, the study says.

Areas with the highest contamination were side canyons between Bunker Hill and Mullan, the lower Coeur d'Alene River

around Cataldo and Wallace.

The \$550,000 study was funded by EPA, and federal scientists worked on it. A similar analysis of risks to the environment is due out later this summer.

The two studies will combine into a giant cleanup plan due out next year showing the extent of contamination and what steps are necessary to protect human and environmental health.

Mining companies disputed the call for yard cleanups based on scientific models.

The most efficient cleanup targets lead hotspots that are causing elevated blood leads in children, said Holly Houston, executive director of the Mining Information Office in Coeur d'Alene.

"It's meaningless. It still will not take care of the blood leads in kids, because it's focusing on yard removal," Houston said. "You don't just clean up a yard and assume it's safe."

A Spokane lead activist also faulted the study's use of scientific models to calculate risk.

"You can get whatever you want out of this data," said Michele Nanni, with The Lands Council. "It doesn't change the fact we should protect the most sensitive populations."

People who live in the basin - rather than visitors - face the greatest risk from contamination, the study shows.

People relying on subsistence lifestyles face the highest risk of cancer from arsenic, the study states.

Coeur d'Alene tribal members no longer dig for water potatoes in the shallow lateral lakes of the Coeur d'Alene River because of mining pollution.

The tribe asked the state to gauge the risks posed by subsistence lifestyles so that someday tribal food sources in the basin might be safe to eat again, said Jack Gunderman, a tribal biologist.

"There's still quite a few tribal members that would use that area if they knew it was clean," Gunderman said.

Last May, the EPA also released a similar analysis of risks posed by lead along Spokane River beaches in Washington state. The study identified four sites that pose possible risk to children.

The Spokesman-Review, July 22, 2000. Copyright 2000, The Spokesman-Review. Used with permission of The Spokesman-Review.

Study pinpoints source of lead in river

Lake CdA plume regularly dumps pollutants into the Spokane, data show

By Zaz Hollander, Staff writer

COEUR d'ALENE—Researchers have confirmed their suspicion that a muddy springtime plume cruising across Lake Coeur d'Alene carries Silver Valley mining pollution to Spokane.

The 30-foot-deep plume carried one-third of the lead it picked up from the Coeur d'Alene River into the Spokane River, according to the U.S. Geological Survey.

The data was released at an Environmental Protection Agency technical workshop last week.

With lead and other toxic metals showing up at potentially harmful levels along Spokane River beaches, the discovery that metals flow down-river from the Coeur d'Alene isn't exactly earth-shaking.

"It confirms what common sense has told us all along," said Bob Bostwick, press secretary for the Coeur d'Alene Tribe, involved in an 8-year-old lawsuit against Silver Valley mines.

But Paul Woods, the lead USGS researcher, said this summer's data showed that metals move in the annual spring runoff plume surprisingly often.

Until now, scientists assumed only unusually heavy spring floods could push the plume across the lake. But this spring, runoff flowed from the mountains at rates seen every two or three years, Woods said.

Field crews spent two days in early June on the water, taking samples at eight sites including the mouth of the St. Joe River,

The 30-foot-deep plume carried one-third of the lead it picked up from the Coeur d'Alene River into the Spokane River.

At the outlet of Lake Coeur d'Alene into the Spokane River, lead still measured 10.5 micrograms per liter.

where heavy metals are practically nonexistent. Data crunchers then figured out what the plume contained, including levels of lead, zinc and cadmium.

Lead showed up at 30 micrograms per liter at the mouth of the Coeur d'Alene near Harrison. Lead levels dropped during

the trip across the lake due to metals falling out of the plume, dilution from the St. Joe and scientific error, Woods said.

At the outlet of Lake Coeur d'Alene into the Spokane River, lead still measured 10.5 micrograms per liter. A microgram is a millionth of a gram; a liter is a little more than a quart. Lead can cause mental and physical retardation, especially in young children.

A mining spokeswoman downplayed the importance of the findings. The amount of metals in the plume essentially matches EPA data already available, said Holly Houston, executive director of the Mining Information Office.

"I don't see these numbers as different from everything we've seen before," Houston said. "By the time they get to the outlet, you can see (lead) drops significantly, showing the majority settles out in the lake which is what people have been talking about."

The amount of lead found flowing into the Spokane River is within the 15 mg/l drinking water standards set at the tap, she said.

But Bostwick said the data underscores the need to get rid of mining pollution upstream.

"The damage from this is going to go on forever if it's not cleaned up," he said. "If you clean it up, you stop that plume."

The Spokesman-Review, October 15, 2000. Copyright 2000, The Spokesman-Review. Used with permission of The Spokesman-Review.

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The companies have 90 days to file a petition.

The D.C. circuit "has held that the EPA may at any time reassess site boundaries without engaging in notice and comment rule-making," according to the 9th Circuit opinion.

Avoiding new Superfund listings outside Bunker Hill has become a battle cry for Idaho politicians, mines and business interests because of economic losses linked to cleanup costs and the stigma of the cleanup program.

A spokesman for U.S. Sen. Mike Crapo, R-Idaho, said the senator couldn't comment specifically on the ruling.

"The senator is opposed to any unilateral EPA actions which would expand Superfund cleanup designation outside the 21-square-mile box," Boise-based spokesman Lindsay Nothern said.

In December, the EPA gave the state of Idaho a June 30 deadline to avoid new Superfund designations.

But the 9th Circuit ruling could "potentially" erase the need for work toward new sites if the EPA can expand Bunker Hill to include the basin, Villa said.

State officials were not available for comment.

The case does not affect the Coeur d'Alene Tribe's 1991 lawsuit against the mines, though negotiations are under way to settle the lawsuit the federal government joined in 1996.

Houston said Thursday's ruling won't affect negotiations. But EPA's Villa said Thursday's ruling — because it potentially sets the mines up for more cleanup costs — should spur a settlement.

Talks are coming down to the wire, and the lawsuit goes to court in November, said Chuck Matheson, a Coeur d'Alene tribal council member and participant in numerous settlement talks.

The tribe favors settlement, but wants cleanup accomplished regardless of how it's funded, Matheson said.

"If it pushes them toward settlement, I think it'll be better for everybody, including them," he said. "I think they'll end up paying eventually."

EPA is continuing work on a massive study of basinwide contamination from Mullan to Washington's Lake Roosevelt to show the extent of pollution, and the risks it poses to people and the environment.

Zaz Hollander can be reached at (208) 765-7129 or by e-mail at zazh@spokesman.com.

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EPA picks bellwether beaches

Studies will help guide cleanup downstream from mines

By Karen Dorn Steele, Staff writer

Scientists studying the legacy of Idaho's mining pollution will zero in on four Spokane River beaches where elevated lead and arsenic levels pose hazards to recreationists.

The beaches are contaminated with lead and arsenic flushed into the Spokane River from Lake Coeur d'Alene.

with lead and arsenic flushed into the river from Lake Coeur d'Alene, according to the U.S. Environmental Protection Agency's draft human health risk assessment of the river.

At a public meeting tonight in Spokane, EPA officials will present their risk findings and outline plans for further sampling along the shoreline.

Sediments at River Road 95, the closest beach to the Idaho state line, contain lead at twice the levels considered safe for recreation and are also laced with cancer-causing arsenic at nearly three times the safe limit, the EPA report says.

The other beaches - at Harvard Road North, Barker Road North and Flora Road - have elevated arsenic levels, the EPA notes.

Lead is a developmental toxin that can cause behavior changes and mental retardation in children.

Swallowing water or soil that contains arsenic can increase the risk of skin cancer in children and adults.

If the Spokane River beaches were private yards, Washington state's toxic waste cleanup rules would require a far stricter lead cleanup - to no more than 250 parts per million instead of the 700-ppm threshold the EPA has proposed for the beaches in the draft risk assessment.

"Our toxic cleanup standards don't apply to the Spokane River," said John Roland of the Washington Department of Ecology.

The EPA risk assessment assumes that children will visit the river beaches two days a week for 10 or more hours per visit from June through September.

Michelle Nanni, coordinator of the "Get The Lead Out" campaign for the Lands Council, a Spokane environmental group, encouraged people to attend tonight's meeting.

Public input "will help determine whether the heavy metals in the river and along the banks are cleaned up or whether we will be forced to just settle for health

The beaches are immediately downstream of the Idaho state line in the Spokane Valley.

They are contaminated

warning signs as protection for our children in the future," Nanni said.

The Lands Council wants the EPA to study more beaches because their contractor for the Spokane River study, the U.S. Geological Survey, detected elevated levels of heavy metals in other places along the river.

The discovery of the metals pollution prompted the Spokane Regional Health District to post warning signs along popular public beaches last year. The temporary signs became permanent this year.

Last month, regulators issued a new health advisory warning

pregnant women and small children not to eat whole fish caught from the Idaho state line to the Seven Mile Bridge because the fish contain elevated lead levels.

The advisory also set limits on consumption of fish fillets for children and pregnant women.

The EPA risk assessment is part of a sweeping plan for mining pollution cleanup that may eventually extend from the Silver

Valley in Idaho to Lake Roosevelt in Washington.

It includes an analysis of human health and ecological risks of the metals contamination, along with cleanup options for problem areas, such as the Spokane River beaches.

Basin-wide cleanup was given further impetus by a draft study released by the state of Idaho last week.

The study revealed that a quarter of all 2-year-olds in the Coeur d'Alene River basin have elevated amounts of lead in their blood.

The worst pollution was found in side canyons between Bunker Hill and Mullan

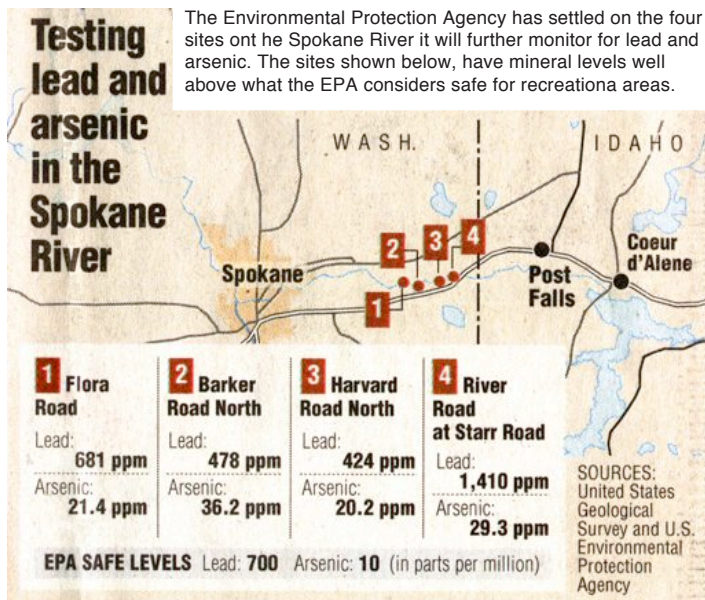


Spokane River beaches such as this popular swimming area at Harvard Road contain higher than normal levels of lead and arsenic from past mining activity in the Coeur d'Alene Basin.

Shawn Jacobson/The Spokesman-Review

The discovery of the metals pollution prompted the Spokane Regional Health District to post warning signs along popular public beaches last year. The temporary signs became permanent this year.

Public input "will help determine whether the heavy metals in the river and along the banks are cleaned up or whether we will be forced to just settle for health warning signs as protection for our children in the future."
—The Lands Council spokesperson Michele Nanni



and in the lower Coeur d'Alene River around Cataldo and Wallace, the study said.

The Idaho study recommended that hundreds of residents' yards be cleaned up to between 400 and 800 ppm.

The 9th U.S. Circuit Court of Appeals recently ruled that the EPA can chase Superfund cleanups where pollutants "come to be located" – in this case, far downstream from the mines.

That opinion vacated a ruling by an Idaho federal judge, who had said the Superfund cleanup was restricted to the original 21-square-mile area near Kellogg where cleanup has been under way since 1992 and is due to be finished in about a year. That effort has cleaned up lead to 1,000 ppm in soils.

Idaho mining companies had argued the Superfund effort shouldn't be expanded because they are addressing the source of the pollution.

The EPA's draft human health risk assessment for the Spokane River can be seen on the Internet at <http://yosemite.epa.gov/r10/cleanup.nsf/sites/cda>. Public comment on the document closes Aug. 18.

The Washington advisory committee will meet again at Ecology's Spokane office on Aug. 10 for decisions on the committee's formal comments to EPA.

The EPA study of the entire Coeur d'Alene Basin will wind up next spring.

The Spokesman-Review, July 27, 2000. Copyright 2000, The Spokesman-Review. Used with permission of The Spokesman-Review.



Health Advisory

Upper Spokane River Shoreline

This Health Advisory is posted to alert you to the presence of the elevated levels of lead and arsenic in soils along the shorelines and beaches of the upper Spokane River. This health advisory extends from State Line down to Plantes Ferry Park. Past mining activities in the Coeur d'Alene River Basin involved the discharge of mine tailings (crushed rock) that contain lead and arsenic. Decades of runoff have washed these metals into the upper Spokane River.

Swallowing or breathing loose shoreline soils may pose an increased health risk to people, especially infants, small children, and pregnant women. This advisory is directed particularly to those persons who regularly spend time along the upper Spokane River shoreline and beach areas.

To minimize the risk of exposure to lead and arsenic in shoreline and beach soils:

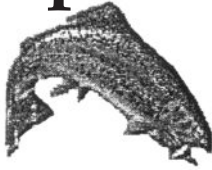
- Avoid muddy soil that might cling to clothing, toys, or hands and feet.
- Wash your hands and face if they get dirty, especially before eating.
- Avoid dry, loose, or dusty soils that you might breathe in.
- Wash toys, shoes, clothing, and other items that have been in contact with shoreline soils before leaving the river. If that is not possible, wash them as soon as you get home before entering your home. Also clean your car interior where loose soils have been tracked in.

Young children who are crawling or "hand-to-mouth" active are more at risk and should avoid playing on shoreline soils unless closely supervised to ensure that they don't eat any soil while playing.

To date there are no reports of children or adults with arsenic or lead related health problems from exposure to Spokane River soil.

For further information contact the Spokane Regional Health District at: (509) 324-1574

Spokane River Fish Advisory



Issued by:
Spokane Regional Health District
Washington State Department of Health
Washington State Department of Ecology

Health Advisory for Spokane River Fish Consumption

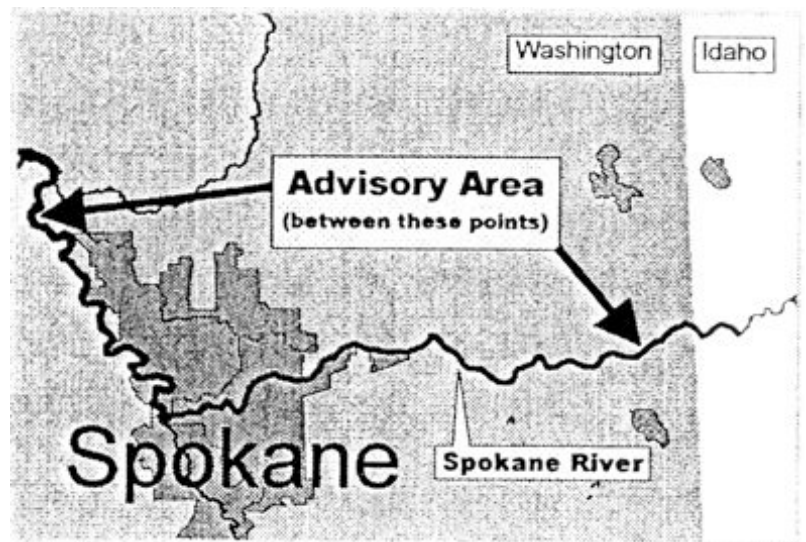
The Washington State Department of Ecology and Health, along with the Spokane Regional Health District have evaluated Spokane River fish to determine if the levels of metals found in fish might affect human health.

Major Findings

- Lead was found at elevated levels in all of the fish sampled from the Spokane River, (rainbow trout, mountain whitefish, and large-scale sucker). Cadmium and zinc were also found, but at levels that do not pose a health concern.
- Lead levels detected in whole fish were significantly higher than the levels detected in fillets.
- There are no increased health risks for most people who eat fillets from fish caught in the Spokane River. However, it is advised that parents limit a child's (age birth through five years) number of fillet meals. See Table 1 for suggested meal limits.

• **Children should not eat whole fish or any meals prepared using whole fish.**

• **Adults, particularly pregnant women, should also limit the number of whole fish eaten.** See Table 2 for suggested meal limits.



What was Done to Evaluate Health Risk?

Rainbow trout, mountain whitefish, and large-scale sucker were collected from the Spokane River between the Idaho State line and 7-Mile Bridge (Riverside State Park Area). These fish were analyzed for cadmium, zinc and lead contamination. Analysis was done on the fillet (boneless fish meat with the skin) and the whole fish (meat, bones, head, guts, and skin).

What is the Lead Risk?

Lead levels found in whole fish were significantly higher than levels found in fillets. Lead accumulates in the brain, guts, and bone of the fish. Since most people don't eat the whole fish, using the fish fillet to determine the health risk gives a better representation of potential health effects for the typical recreational angler.

Lead Affects Children and Adults Differently

Children

Because children are growing, they absorb more lead than adults. Elevated levels of lead in the blood can cause changes in a child's behavior and reduce their ability to learn. Families are advised to limit the number of filleted fish that their children eat per month. See Table 1. It is even more important that children do not eat any meals made with whole fish. The whole fish contains more lead than the fillet.

Continued on page 21

Adults and Pregnant Women

Exposure to high levels of lead may cause harmful health effects in adults, such as high blood pressure. Additionally, the developing fetus in a pregnant woman is extremely sensitive to the harmful effects of lead. Therefore, all adults, especially pregnant women, should limit the amount of whole fish that they eat. See Table 2.

How Much Fish Can You Eat?

The potential for harmful health affects will depend on how much Spokane River fish is eaten, what type of fish is eaten, and how often it is eaten.

Fillet

It was determined that Spokane River fish that have been filleted do not pose a health threat. However, as a precaution, children's filleted fish meals should be limited. Table 1 provides the maximum monthly eight-ounce meals of filleted fish that are advised for children (age birth through five years).

Whole Fish

Even though most people do not eat the whole fish, some people do include all of the fish when cooking certain meals. Because the levels of lead found were higher in whole fish, the meal limits are more restrictive. **Children should not eat whole fish or any meals prepared using whole fish from the Spokane River.** Adults, especially pregnant women, should limit eating whole fish meals. Table 2 provides the maximum monthly eight-ounce meals of **whole fish** that are advised for pregnant women and adults.

Table 1: Maximum Fillet Meals for Children

Species	8 ounce meals per month for Children
Rainbow Trout	3
Large-scale Sucker	6
Mountain Whitefish	13

Table 2: Maximum Whole Fish Meals for Pregnant Women & Adults

Species	8 ounce meals per month for Pregnant Woman All Adults	
Rainbow Trout	6	23
Large-scale Sucker	2	6
Mountain Whitefish	11	41

How Long Will This Fish Advisory Last?

Decades of hard-rock mining activity in our region have caused the waters entering the River from Lake Coeur d'Alene to be high in lead and other metals. Fine-grained sediments that have been deposited along the upper portion of the river are also high in lead. The levels of lead in fish are not expected to decrease until fish exposure to lead contaminated sediment and water is reduced. The public will be informed of any new information on contaminants in Spokane River fish.

What is Being Done?

Elevated levels of metals have been found in sandy beach soils along portions of the upper Spokane River, from Plantes Ferry upstream to the Idaho State line. The Spokane Regional Health District has issued an advisory on ways to enjoy the river—yet limit contact with soils that contain lead. For a copy of that advisory call the Spokane Regional Health District at (509) 324-1560.

To request a complete copy of the health consultation that addresses Spokane River fish consumption health issues, please contact DOH toll free at 1-877-485-7316. You may also call the SRHD at 509-324-1560 or Ecology at 509-456-6360.

Other Sources of Lead Exposure

Most exposures to lead occur in and around the home, due to hobbies or the use of lead-based house paint. If your home was constructed before 1978, there is a possibility that your home contains lead-based paint. For more information on lead, lead-based paint and ways to reduce your exposure, please contact the SRHD at (509) 324-1560.



Spokane River fish contain heavy metals

By Karen Dorn Steele, Staff writer

This week, the officials who directed the fish study said they haven't determined the health risks to the public of eating metals-contaminated fish.

Fish caught by scientists in the upper Spokane River last year contain some of the highest levels of heavy metals ever measured in the state's rivers, new laboratory results show.

"The only other place that has cadmium, lead and zinc levels this high is in the upper Columbia, due to Cominco's pollution," said Art Johnson, an environmental specialist at the state laboratory in Olympia that tested the Spokane River fish.

Bottom-feeding suckers were up to 40 times more contaminated with lead than wild rainbow trout in the upper river, the data show.

But in many whole-body samples, both species showed elevated levels of lead compared with national averages.

Crayfish and caddis flies, food sources for the fish, also showed elevated lead levels.

The fish were taken from the Spokane River last July, August and October in a joint Washington Department of Ecology-U.S. Geological Survey expedition.

The work is part of a larger effort to determine the downstream damage to Washington resources from Idaho's historic mining pollution and to determine the Spokane River's overall health.

***"The only other place that has cadmium, lead and zinc levels this high is in the upper Columbia, due to Cominco's pollution."
— Washington State lab environmental specialist
Art Johnson***

"It'll be one heck of a sign, with the sediments and now the fish," LaScuola said.

The Spokane River fish study is the second pollution study with bad news for Spokane residents. In fall 1998 and February 1999, another USGS team found heavily contaminated sediments in the same stretch of the upper Spokane.

Discussions with state and local health officials will begin within the next couple of days, said John Roland of Ecology's regional office in Spokane.

Spokane County health officials said Tuesday they hadn't seen the fish data yet.

But recent revelations of elevated lead and arsenic in shoreline sediments along the upper Spokane warrant further public warnings on signs along the river, said Michael LaScuola, the district's risk specialist.

Ecology recently sent the fish data on to the EPA "without the benefit of interpretation," according to a Feb. 16 Ecology memo.

That's because EPA is working on a tight deadline to examine the Spokane River's ecological health for its Superfund work, Roland said.

"We wanted their ecological risk assessment to have the benefit of this information, so we fast-tracked it," he said.

The EPA is expected to decide this spring how much more mining-related heavy metals cleanup should be done in the Coeur d'Alene Basin outside the 21-square-mile Superfund site at Kellogg.

The Spokane River fish study is the second pollution study with bad news for Spokane residents.

In fall 1998 and February 1999, another USGS team found heavily contaminated sediments in the same stretch of the upper Spokane.

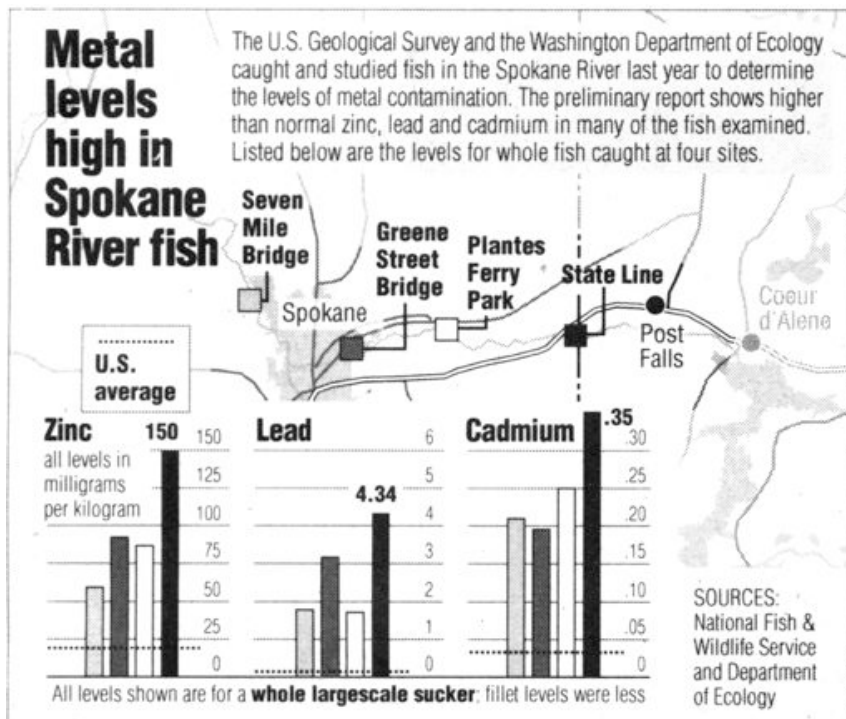
The results surprised the EPA, which extended its risk assessment to the beaches along that stretch of the river.

Last July, Spokane's regional health district posted a health advisory at trail heads along the river warning that exposure to lead, cadmium and zinc is a health hazard for infants and children.

This month's fish results may give additional momentum to a push to extend the EPA's Superfund study far downstream into Washington.

The fish study results will be discussed Thursday at a meeting of the Washington Citizens Advisory Commission on mining pollution in the Spokane-Coeur d'Alene watershed.

The meeting is at 7 p.m. at Ecology's regional office at 4601 North Monroe.



Closer to cleanup?

A new study of the Coeur d'Alene basin may provide a foundation for a cleanup plan

By Pia K. Hansen

The Environmental Protection Agency (EPA) released its Draft Coeur d'Alene Basin Ecological Risk Assessment (ECORA) at the end of August. As expected, the draft's overall conclusion is that high concentrations of heavy metals are pervasive in the soil, sediment and surface water in the Basin, and that these chemicals pose substantial risks to the plants, animals and people that inhabit the area.

"You have to remember this is a draft document, so basically we shouldn't draw final conclusions from it," says Anne Dailey, the EPA environmental scientist who is in charge of the ECORA. "The way these draft documents work is that we are going get some input back, and then we'll try to come up with some conclusions."

The review period for the ECORA runs through Oct. 6.

"We've already had input from a lot of different people, basically anybody we could think of," says Dailey. "Also people in the mining business, we've sent out a lot of documents to them and some have been at our work group meetings, but I wouldn't say there has been a substantial amount of participation on their behalf." But miners have plenty of opinions on the ECORA, its conclusions and the EPA's treatment of their businesses.

"The EPA is drawing its conclusions on false premises. There is precious little data to back up the things they are saying," Bob Hopper, who's owned and operated the Bunker Hill Mine in Kellogg for nine years. "All I'm saying is: Give me the data. Show me the results, show me the samples and show me where you got them — because the EPA can't."

The field study that laid the ground for the ECORA is a very detailed sampling and analysis of more than 80 different animal and plant species, which were first determined to be representative for all the other thousands of species that inhabit the Coeur d'Alene Basin. Furthermore, says Dailey, some species were considered special-status, species that include federally listed endangered species and state listed sensitive plant species, or species that have a high cultural value, such as water potatoes. The results from these species were weighted heavier in the final conclusions.

Soil, sediment and surface water were evaluated by the EPA, but groundwater wasn't because animals and plants rarely come in contact with it. The plant risk assessment was based on the amount of heavy metals actually found in the plants.

Arsenic, cadmium, copper, zinc and lead were the chemicals of potential ecological concern (COPECs) that the EPA tested for in

Arsenic, cadmium, copper, zinc and lead were the chemicals of potential ecological concern (COPECs) that the EPA tested for in both soil, sediment and surface water, and sediment was also tested for silver and mercury.

In all of the 24 bird species tested, risks to health and survival posed by at least one metal in at least one area of the Basin was found in all species.

both soil, sediment and surface water, and sediment was also tested for silver and mercury.

In all of the 24 bird species tested, risks to health and survival posed by at least one metal in at least one area of the Basin was found in all species. The same goes for the 18 mammals that were tested, with the only difference being that birds were at risk from specific COPECs (lead, zinc and cadmium). No single COPEC stands out

as a dominant risk for the mammals.

"Nobody has ever really looked at it that closely with all these species," says Michele Nanni, spokeswoman for the Lands Council. "And the EPA is not just looking at mortality rates. They are looking at the risks to the creatures that are chronically exposed, and they are showing the impact even at a low level of exposure."

But Hopper is not convinced the ECORA is in any way scientifically valid, and he accuses the Lands Council and the EPA of ganging up and trying to influence legislators and policy-makers both in Spokane and Coeur d'Alene to take a

stand against mining.

Actually, the Lands Council sued the EPA in June, together with the Idaho Conservation League, over the EPA's failure to issue total maximum daily load water quality plans for the Coeur d'Alene River System. Earlier on, both the Lands Council and several other environmental groups appealed to the EPA to take steps to enforce the Clean Water Act in the Basin, because they claimed the state of Idaho was reluctant to do so.

But Hopper stands his ground, refusing to believe that the only thing the Lands Council and the EPA has in common is the goal of protecting the environment.

"The EPA has an agenda, you bet they do," he says. "They are out to shut down all the mines, and there are so few of us left now they are getting ready for the final kill," says the miner, who mines silver, lead and zinc. "The EPA always gets what it wants."

For now, what the EPA wants is to come out with a feasibility study listing several cleanup options for the Basin by the end of the year.

Both Nanni and Dailey agree that this is where the ECORA is going to be of the greatest help.

"This draft really makes a strong case for cleanup," says Nanni. "There are going to be many different cleanup proposals that'll come up, because people have many different interests, but now we have a detailed study we can turn to. That's really going to help us."

*The Inlander
Spokane, Washington, September 14-20, 2000*

GARY LOCKE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 753-6780 • TTY/TDD (360) 753-6466

May 9, 2000

Ms. Carol M. Browner
Administrator
U.S. Environmental Protection Agency
401 M Street SW
Washington, DC 20460

Dear Ms. Browner:

EPA recently provided us with data confirming our fears that sediments along the upper reach of the Spokane River recreation corridor are contaminated with lead at levels that may pose a threat to human health.

I am writing to express my concerns about the possibility that the Spokane River may be excluded from the Spokane River/Coeur d'Alene River Basin feasibility study (Study) and from cleanup planning efforts being conducted by the Environmental Protection Agency (EPA).

It is my understanding that Mr. Mike Gearheard, Director, EPA Region 10 Office of Environmental Cleanup, has informed the staff of the Washington Department of Ecology that EPA is considering eliminating the Washington State portion of the Study and not pursuing necessary cleanup actions within our state. The prospect of such a decision is troubling because it is a reversal of EPA commitments made a year ago. Moreover, your staff recently provided us with data confirming our fears that sediments along the upper reach of the Spokane River recreation corridor are contaminated with lead at levels that may pose a threat to human health.

I encourage you to maintain sufficient funding to complete work on the Spokane River as part of the basin-wide study so appropriate cleanup and restoration actions can be evaluated. At a minimum, the portion of the Spokane River above the center of the City of Spokane, where the highest lead and zinc levels have been found, should be included in the Coeur d'Alene basin Feasibility Study.

Washington appreciates the leadership demonstrated by the Environmental Protection Agency in the Spokane River/Coeur d'Alene basin cleanup process. I urge you to continue applying a vigorous and comprehensive approach.

Sincerely,

Gary Locke
Governor

cc: Chuck Clarke, Administrator, EPA-Region 10
Mike Gearheard, EPA

Washington appreciates the leadership demonstrated by the Environmental Protection Agency in the Spokane River/Coeur d'Alene basin cleanup process. I urge you to continue applying a vigorous and comprehensive approach.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue
Seattle, WA 98101

June 29, 2000

Reply To
Attn Of: ECL113

Governor Gary Locke
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

Dear Governor Locke:

I am writing in response to your letter to Carol Browner, dated May 9, 2000, that expressed concerns regarding EPA's Superfund activities in the Spokane River. Specifically, your letter conveyed concern regarding EPA's commitment to include areas of the State of Washington in the scope of the ongoing Remedial Investigation/Feasibility Study (RI/FS) and cleanup efforts.

EPA believes that the State of Washington and Spokane and Colville Tribes must play a critical role in the cleanup of the historic mining contamination found in the Coeur d'Alene Basin and Spokane River. EPA has been working closely with the State of Washington, the Spokane and Colville Tribes, local governmental agencies, and citizen groups through the RI/FS process to identify data gaps, develop sampling protocol, and evaluate the potential risks associated with contamination throughout the Coeur d'Alene Basin, including the Spokane River. EPA is providing funds to both the State of Washington and Spokane Tribe via cooperative agreements to ensure resources are available for their continued involvement, not only in the Spokane River but in all aspects of the Coeur d'Alene Basin RI/FS.

While it continues to be a challenge for us to accommodate all concerns of all parties, given the breadth of the study area and the competing resource needs, I am committed to completing the RI/FS in coordination with the States and Tribes. To that end, I have directed our Superfund staff to work closely with the Department of Ecology, Eastern Regional Office, to address your concerns. I am also enclosing, for your information, a copy of a recent letter to Senator Patty Murray on this same subject.

Thank you for your continuing support about the difficult cleanup challenge we all face in the Coeur d'Alene and Spokane River Basins. If you have additional questions or would like to discuss this further, please call me at (206) 553-1234 or have your staff contact Mike Gearheard at (206) 553-7151 or Tom Eaton at (360) 753-8086.

Sincerely,

A handwritten signature in black ink that reads "Chuck Clarke".

Chuck Clarke
Regional Administrator

cc: Tony Grover, Department of Ecology
Mary Verner, Spokane Tribe
Michelle Nanni, The Lands Council
Jim Wilson, WCAC
Governor Gary Locke
Mary Selecky, WA Department of Health
Tom Fitzsimmons, WA Department of Ecology
Senator Lisa Brown



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

January 13, 2000

Mr. Mike Gearhard
U.S. Environmental Protection Agency
Office of Environmental Cleanup
1200 Sixth Avenue
Seattle, WA 98101

Re: Spokane River/Coeur d'Alene River Basin Feasibility Study

Dear Mike:

I am concerned about what appears to be a lessening in priority of the federal Spokane/Coeur d'Alene River basin-wide feasibility study (FS) process now underway for the Spokane River in the State of Washington. The U.S. Environmental Protection Agency (EPA) announcement in 1998 to step outside the "box" is providing an historic opportunity for the development of a legitimate, comprehensive investigation and cleanup plan for mining pollution throughout the basin. The basin-wide effort centers on the concept that facility contamination should be defined as wherever mine waste has come to be located. For this reason the Spokane River is critically linked to the cleanup study.

EPA commitment to the Spokane River has been recognized on several occasions. News interviews and articles have highlighted the EPA's resolve to study contamination and evaluate cleanup options. EPA commitment also has been conveyed at numerous technical meetings. The establishment of, and EPA support for, a Washington State-based remedial investigation and feasibility study (RI/FS) Citizens Advisory Committee is another example. EPA resolve to complete the basin-wide RI/FS as planned is a critical component for any lasting solution.

Current data indicate that future federal cleanup actions solely upstream of Lake Coeur d'Alene will only serve as part of the remedial solution for the Spokane River. While the identification and eventual implementation of comprehensive cleanup remedies in Idaho should, over time, improve the quality of water entering Washington, those actions will not eliminate existing, documented contamination in Spokane River sediments, nor likely reduce ongoing stresses to the aquatic community in a timely manner. Eventual cleanup or risk management actions in Idaho will not adequately address potential human health risks along the Spokane River, nor provide for site-specific remedies.

Completion of the FS along the Spokane River may be best achieved in a phased manner. Preliminary results coming from the RI effort are indicating that the availability of new

Continued on page 27

Continued from page 26

Mr. Mike Gearhard

January 13, 2000

Page 2

ecological data may lag behind the FS work schedule. Also, a broader study may be needed in order to complete a comprehensive Spokane River FS. These limitations do not, though, prohibit initiating the FS for the Spokane River, as part of the basin-wide year 2000-work product.

A phased FS approach for the Spokane River is suggested. Under this approach the basin-wide FS work would include, at a minimum, the following Phase 1 FS work scope items:

The presentation of specific preliminary remedial action objectives (RAOs) for the river, both human health and ecological.

An initial evaluation of river-specific applicable, relevant and appropriate requirements (ARARs).

A focused, preliminary alternatives/technologies screening process for the river. This would include qualitative conceptual alternative discussions, as well as selected quantitative evaluations. Both human health and ecological risks would be considered.

A defining of provisions for upstream remedial measures to drastically reduce metals loading from the Lake Coeur d'Alene and the Coeur d'Alene River system.

An FS discussion of data gaps and future data needs. This would provide the bridge to a Phase 2 FS and supplemental data acquisition, as necessary. Phase 2 would include a refinement of detailed FS alternatives and data acquisitions, where appropriate.

An initiation of the Spokane River FS will be of particular benefit for the upper Spokane River. I hope these suggestions will establish an effective approach for EPA to honor their basin-wide commitments, including the performance of an FS for the Spokane River, while also providing some relief to the challenging completion schedule that is weighing on the effort.

Sincerely,



Anthony W. Grover
Regional Director

AWG:mn

cc: Mary Ann McCurdy, Governor Locke's Eastern Washington Office

John Roskelly, Spokane County Commission

Rudy Peone, Spokane Tribe of Indians

Kevin Robinette, Washington Department of Fish and Wildlife, Spokane Dr. Kim Thorburn, Spokane Regional Health District'

Members, Washington Citizens Advisory Committee

Owen Clarke, Washington Attorney General's Office, Spokane

PATTY MURRAY
WASHINGTON

United States Senate
WASHINGTON, DC 20510-4704

COMMITTEES:
APPROPRIATIONS
BUDGET
HEALTH, EDUCATION, LABOR
AND PENSIONS
VETERANS' AFFAIRS

May 9, 2000

Ms. Carol M. Browner
Administrator
Environmental Protection Agency
401 M Street SW
Washington, D.C. 20460

Dear Ms. Browner:

I am writing regarding the status of plans to cleanup the Coeur d'Alene River Basin and areas downstream of the Basin. I appreciate the Environmental Protection Agency's (EPA's) efforts to work cooperatively with the State of Idaho, the State of Washington, the Congressional delegations, the Coeur d'Alene, Spokane and Colville Tribes, local government agencies, community groups and interested citizens on these complex and challenging issues.

Washington state has a considerable interest in expedient and thorough cleanup of contamination caused by decades of mining in the Coeur d'Alene River Basin, which drains into the Spokane River. As you know, recent sampling revealed elevated levels of heavy metals in the sediment and banks of the upper Spokane River. I am concerned about the possible human health and ecological impacts of exposure to these contaminants, and I strongly support cleanup of polluted areas as soon as possible.

At the request of Governor Kempthorne, in January of this year EPA delayed for six months proposing to list parts of the Coeur d'Alene River Basin on the National Priorities List (NPL). EPA agreed to wait to see if progress could be made in the State of Idaho's efforts to bring about a comprehensive settlement of the Basin cleanup claims. I understand the parties involved in the negotiations, which do not include Washington state, have not yet reached a binding agreement.

I also understand EPA recently extended its schedule to complete the Remedial Investigation/Feasibility Study (RI/FS) and the Record of Decision (ROD) for the Coeur d'Alene River Basin. EPA now plans to release the final RI/FS in the summer or fall of 2001, instead of completing the study by December of this year. In addition, the agency has decided not to complete the study for the Upper Spokane River at this time.

I have concerns with the status and scope of these processes. First, I am concerned about continued delays in plans to develop a comprehensive strategy for cleaning up contamination caused by mining operations in the Coeur d'Alene Basin. While I appreciate the need to respond to stakeholders'

Continued on page 29

requests, I am concerned about continued delays in the processes currently in place. These delays further delay cleanup of the Basin. The people of Washington state and Idaho deserve access to clean water, river beds and banks as soon as possible.

I believe it is important for all cleanup options to remain on the table. While I agree it is appropriate for states to take the lead in overseeing remediation of hazardous waste sites, I also believe it is crucial for states to ensure adequate funding for cleanup will be available. Mining activities in Idaho have caused downstream contamination in Washington state, and I want to ensure all potential funding sources remain an option. Given the breadth of contamination, cleanup of the Coeur d'Alene Basin and the Spokane River will be very expensive, and we may need to rely on Superfund for assistance.

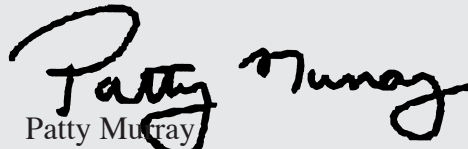
As we search for solutions, we must remember the bi-state nature of the problem and develop strategies with this in mind. I am concerned Washington state does not have a role in the ongoing settlement negotiations. I am also concerned about EPA's decision not to focus on completing the RI/FS for the Upper Spokane River at this time. While removal and remediation of contamination in Idaho will reduce future influx of heavy metals into Washington state, it will not address cleanup of existing contamination within my state's boundaries.

I am sensitive to concerns about the stigma associated with expanding the Bunker Hill Superfund site to include other areas in the Coeur d'Alene Basin. However, I must point out there is also a stigma associated with river banks and stream beds laced with heavy metals. We must find the best way to leverage enough funding to clean up polluted areas in Idaho and Washington.

I am committed to working for continued bi-state leadership in addressing mining related pollution in the Coeur d'Alene River Basin and beyond, regardless of the area's status under Superfund. At the same time, I am committed to continuing to work with EPA to develop comprehensive solutions agreeable to all parties involved.

Thank you again for all of the time and energy you and your staff have devoted to these issues. If you have any questions about my concerns, please do not hesitate to contact me directly or have the appropriate staff member contact Ms. Anna Knudson, Legislative Assistant, by calling 202-224-2621. Thank you.

Sincerely,


Patty Murray
United States Senator

PM\adk

cc: Mr. Chuck Clarke, Regional Administrator

Groups back feds for cleanup

Environmentalists, unions attack critics' claim that Superfund label brings stigma to CDA basin

By Zaz Hollander, Staff writer

Labor and environmental groups on Friday aligned to send a message to Environmental Protection Agency ombudsman Bob Martin.

The federal government should direct cleanup of metals pollution throughout the Coeur d'Alene River basin, the groups said at a news conference.

They attacked the perception that federal Superfund projects bring economic stigma, as alleged by regional politicians and business interests.

Sometimes paying wages up to \$29 an hour, jobs cleaning up pollution at the Bunker Hill Superfund site are a mainstay of the local economy hard-hit by mine closures, a union organizer told the small group of reporters.

"I think the only stigma is people that don't want to see the truth," said Mel Thoreson, organizer for the Operating Engineers Local Union No. 370. "If cleanup is going to be effective, you have to have someone there who can do the job. So far, EPA has done that job."

Thoreson and Bill Carter, board member of the Idaho State AFL-CIO, urged Martin to recommend any cleanup workers get paid prevailing wages, which hinge around federal involvement.

But North Idaho business leaders and elected officials are wary of federal attempts to declare the entire Coeur d'Alene basin and Spokane River a Superfund site, said Bret Bowers, with Community Leaders for EPA Accountability Now. CLEAN is an arm of the Coeur d'Alene Chamber of Commerce.

"EPA is very much needed to help resolve the remaining cleanup," Bowers said following the conference. "But we don't feel there's cleanup that has to be done in (Lake Coeur d'Alene). We don't feel they need to paint the entire region in a negative light."

The news conference at City Park served as a prelude to Martin's hearing today, organizers said. Though several of the presenters will also be testifying today, organizers said most panels are weighted with EPA detractors.

The daylong hearing includes eight panels followed by public testimony. Martin will also review data before making a recommendation to EPA by the end of the year.

Activists from the Kootenai Environmental Alliance, The Lands Council and the Silver Valley People's Action Coalition joined the union representatives.



Jesse Tinsley/The Spokesman-Review

Michele Nanni of The Lands Council declares in Coeur d'Alene City Park Friday that today's EPA ombudsman hearing is stacked with pro-mining speakers.

Martin last April decided to review the coalition's claim that botched EPA cleanup at Bunker Hill is exposing residents to potential health problems.

In May, Martin also agreed to review complaints by Idaho's congressional delegation that EPA is breaking its own laws with planned Superfund work outside Bunker Hill.

Delegation members have said they want Idaho - not EPA - to control cleanup.

People's Action Coalition founder Barbara Miller said the delegation's

request risks leaving "the citizens who originally requested this investigation without a voice."

"We want to emphasize how we need EPA to be present at the site to continue the work they started," she said.

The future of cleanup throughout the Coeur d'Alene basin revolves around the use of Superfund, other activists said.

A recent 9th U.S. Circuit Court of Appeals decision gave EPA the authority to use Superfund wherever contamination poses a health or environmental threat.

The state's 30-year, \$478 million plan to deal with mine waste also relies on up to

\$200 million in Superfund dollars.

Sometimes paying wages up to \$29 an hour, jobs cleaning up pollution at the Bunker Hill Superfund site are a mainstay of the local economy hard-hit by mine closures.

Idaho State's 30-year, \$478 million plan to deal with mine waste also relies on up to \$200 million in Superfund dollars.

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Report details basinwide damage

Mining pollution has left some tributaries of the Coeur d'Alene devoid of aquatic life

By Zaz Hollander, Staff writer

COEUR D'ALENE – In the late 1800s, fishermen pulled out so many fish from the Coeur d'Alene River system that a local news editor urged cutbacks to stem the glut of trout at the Wallace meat market.

A few decades later, hundreds of mines dumping tailings straight into the water had created a dead zone. Scientist M.M. Ellis in 1932 pronounced a 50-mile stretch downriver from Wallace essentially devoid of fish.

Today, some creeks in the basin are still so polluted they are devoid of aquatic life, according to a new report.

Experts testifying for the Coeur d'Alene Tribe and the federal government will use the report as scientific proof that Silver Valley mining companies are on the hook for at least \$1 billion in mine waste cleanup costs.

The U.S. Fish and Wildlife Service, Coeur d'Alene Tribe and U.S. Department of Agriculture compiled the report, which documents environmental damages from mine waste throughout the Coeur d'Alene River Basin.

The long-awaited "injury determination" was reached after seven years of data collection. Research begins with the classic study by M.M. Ellis and ends in 1999, incorporating work from numerous scientists and agencies.

Findings include:

- More than 15,000 acres of the basin — the floodplain from Cataldo to Harrison — contain lead levels lethal to waterfowl. Scientists counted 682 dead birds and mammals between 1992 and 1997, and expect they missed many more. Tundra swans, Canada geese and mallards topped the list.

- More than 113 miles of surface water are contaminated by toxic metals including Lake Coeur d'Alene, which exceeds water quality standards when floods wash metals into the lake. The U.S. Environmental Protection Agency last year found that lake beaches are safe.

- Trout populations reduced or eliminated by pollution in the South Fork of the Coeur d'Alene River and tributaries. Canyon and Ninemile creeks are nearly devoid of all fish below mining releases.

- Evidence that zinc levels are causing cutthroat trout and salmon to avoid the Coeur d'Alene River altogether.

- Despite modernizations at mines including tailings ponds in the 1970s, surface water tests don't show declines in hazardous concentrations of metals.

Mining officials had not seen the report, quietly announced Sept. 29 in the Federal Register.

Coeur d'Alene tribal elder Henry SiJohn used to tell biologists to get to the bottom of the tribe's misgivings about mine pollution. "He'd say: You people. We need to go out and collect the irrefutable data and show people what is really going on and what the tribe believes."

"I think we finally did what Henry asked of us." – Coeur d'Alene Tribe biologist, Phillip Cernera

An industry spokeswoman said research by the companies shows that any contamination problem is limited and not basinwide.

The mere presence of metals does not indicate a problem, said Holly Houston, of the Mining Information Office in Coeur d'Alene.

"They think the ecosystem is still very healthy here," Houston said. "The areas where there are some injuries, where there have been wildlife deaths, those will be addressed by the cleanup plans they've put up a settlement for."

The extent of contamination in the basin makes it unique, according to Robert Foley, with the U.S. Fish and Wildlife Service in Portland.

"I've seen injuries from oil spills and other types of contamination problems," Foley said. "This happens to be a large site, it's widespread in nature. There aren't a lot of sites around the country to really compare it to."

This report is different from others released in recent months because it is so comprehensive, researchers say.

"No one's ever collected this amount of data on the contamination," said Jack Gunderman, a biologist with the Coeur d'Alene Tribe

The report, however, did not address the effect of metals on human health. That job is being done by various agencies, including EPA, the state and Panhandle Health District, Gunderman said.

Researchers say the report points to cleanup priorities. Two of the biggest problems are: fish-killing zinc from Canyon and Ninemile creeks and the Central Impoundment Area at the Bunker Hill Superfund site; and lead from the contaminated floodplains along the lower Coeur d'Alene River.

State politicians are urging tribal and federal officials to accept a mining cleanup settlement of \$250 million over 30 years. Otherwise, the lawsuit is scheduled to go to trial in January.

Coeur d'Alene tribal elder Henry SiJohn used to tell biologists to get to the bottom of the tribe's misgivings about mine pollution.

Phillip Cernera, the tribe's lead biologist on the lawsuit, remembers SiJohn's words:

"He'd say: 'You people. We need to go out and collect the irrefutable data and show people what is really going on and what the tribe believes.'"

"I think we finally did what Henry asked of us," Cernera said Friday.



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Celebrate & Defend the Spokane River!

- Attend the November 14 public hearing in Spokane.
- Speak out for the future of our great river.
- Insist on a comprehensive clean-up of our polluted watershed, including the “toxic ore body” between the Cataldo Mission and Harrison, Idaho, that is dumping lead and arsenic into Lake Coeur d’Alene and the Spokane River.

For additional information contact:
Judith Gilmore, Executive Director of The Lands Council.



“That from this City of Spokane there goes forth today to the world the message and challenge that the time of great environmental awakening is at hand.” – Danny Kaye, opening Expo ’74



SPOKANE RIVER & THE WORLD'S FAIR. Fireworks above the United States Pavilion at Expo '74 World's Fair. The first environmental world's fair was held on the Spokane River's islands and shores. The U.S. pavilion trumpeted the theme of “Man and Nature: One and Indivisible,” and featured words attributed to the prominent Indian leader Chief Sealth.