



# **T**TRANSITIONS

*Working for Sustainable Forests and Diversified Economies in America's Pacific Northwest*

[www.landscouncil.org](http://www.landscouncil.org)

Volume 11, Number 2, June 1998

## **Cleaning up the Coeur d'Alene**

**U.S. Senator  
Patty Murray (WA)**

**WA Attorney General  
Christine Gregoire**



## **Washington Wades into Polluted Waters**

# Cleaning up the Coeur d'Alene

## Washington Wades into Polluted Waters

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### TRANSITIONS – Journal of The Lands Council

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# Cleaning up the *Entire* Coeur d'Alene

By John Osborn, M.D.

After a century of pollution, neglect, and willful ignorance by the mining companies, the U.S. Environmental Protection Agency (EPA) has taken the first steps toward cleaning up the entire Coeur d'Alene basin.

EPA's announcement is part of a continuum that began in 1983 with establishing the Bunker Hill Superfund Facility upstream from Lake Coeur d'Alene. The area of remediation initially covered only a small fraction of the polluted watershed: a 3 mile by 7 mile rectangle. This 21-square-mile box included communities poisoned by the Bunker Hill Lead Smelter. Inside the box EPA concentrated its first clean-up efforts.

The box doesn't work as a strategy for cleaning the entire polluted watershed. Every day thousands of pounds of hazardous wastes wash into the rivers, lakes and streams outside of the box. Lead levels for children are elevated upstream and downstream. The mine waste kills swans, waterfowl, aquatic species, and other life outside the box.

In February, 1998, EPA publicly announced it would study the full extent of pollution from mine waste in the 1500-square-mile Spokane-Coeur d'Alene river ecosystem. This study is formally termed a "RI/FS" (remedial investigation/feasibility study), and is a detailed examination of a "site" and a preliminary study of possible remedies.

EPA's newly announced RI/FS will track hazardous wastes wherever they are located, not just inside the box. The RI/FS will follow the polluted waters from the Idaho-Montana border, across Idaho, through downtown Spokane, and into Lake Roosevelt.

Washington State officials support EPA in this clean-up effort to protect state residents. Of the half-million people who live in this bi-state watershed, 80 percent live in Washington. Mining companies deliberately dumped 165 billion pounds of toxic mine waste into the river system upstream from Washington State. Hazardous wastes do not stop at the Idaho state line. Both states have a stake in cleaning up the Coeur d'Alene.

During the 1990s Washington State established a record of involvement in the clean-up. Since 1992, scientists with the Department of Ecology have been collecting data on the lead, cadmium, and zinc flowing through the Spokane River. In 1997 the Washington Legislature allocated \$300,000 to further assess the environmental and health impacts of upstream

mining pollution on the Spokane River. In March, 1998, Senator Patty Murray formally asked her colleagues from Idaho, Larry Craig and Dirk Kempthorne, for a bi-state effort to clean-up these shared waters.

The response of Idaho politicians has been consistent, anticipated, and disappointing. In the U.S. Senate, Kempthorne attached an amendment to Superfund reauthorization, transferring sole authority for the Coeur d'Alene clean-up to the governor of Idaho (Section 705 of S. 8). Idaho's governor (and the mining corporations) would control decisions affecting Washington waters. Kempthorne is now running for governor of Idaho.

A former Kempthorne staffer and current mayor of Coeur d'Alene, Steve Judy, has led the effort to stop the RI/FS: the City of Coeur d'Alene and Kootenai County have filed legal briefs in federal court trying to stop the analysis.

In a small state like Idaho, the unseemly relationship between corporations and politicians, while not unique, is revealing. The money trail leading from mining corporations to Idaho politicians is clearly marked and much traveled. And even in "retirement," Idaho politicians serve mining corporations: the state's former senior senator, Jim McClure, is now a director of Coeur d'Alene Mines and a leading corporate lobbyist blocking reform of the 1872 Mining Law. Former Idaho Governor Cecil Andrus (who was in public office during the worst of the mining industry's deliberate lead poisoning of Idaho children) has also served on Coeur's board of directors.

Washington's role as a defender of the public interest, however tardy, is essential. Recently the Washington Attorney General, Christine Gregoire, objected to proposed legislation by Kempthorne and Craig, and filed a legal brief with the federal courts asserting Washington's interests as a recipient of Idaho's poisons.

One of the lessons of childhood is that if you make a mess, you should clean it up. Idaho political institutions have for a century virtually looked the other way while mining companies have trashed an entire river ecosystem. The time has come for Idaho to join with the Coeur d'Alene Tribe of Idaho, Washington State, the United States government, and the citizens of the region to clean up the entire Coeur d'Alene.

***Washington's role as a defender of the public interest, however tardy, is essential.***

***Idaho political institutions have for a century virtually looked the other way while mining companies have trashed an entire river ecosystem.***

# (1) EPA Expands Clean-up

## EPA to investigate entire CdA basin

**Agency to study effects of mining pollution outside Superfund site**

By Susan Drumheller, Staff writer

COEUR d'ALENE — It's time to step outside "the box," the U.S. Environmental Protection Agency says.

The EPA announced Wednesday that it's investigating the extent of mining contamination outside the 21-square-mile Bunker Hill Superfund "box" with the intent of developing a comprehensive cleanup plan for the entire Coeur d'Alene River basin.

The agency is using its authority under the Superfund law to take on the job.

"It is time for us to broaden our focus," said Mike Gearheard, regional director of the EPA's Superfund program. "It's among the most serious environmental challenges long-standing in the country and viewed by some people as hopeless."

The agency plans to spend two or three years studying contamination and then developing a cleanup plan. Then, negotiations will begin with mining companies over how to pay for it. Litigation could follow to force mining companies to pay.

Studies are under way to measure the extent of contamination from Mullan, near the Idaho-Montana border, to Long Lake, northwest of Spokane. But that does not mean that the entire area will be included in a cleanup plan, EPA officials cautioned.

The process is the same as that used for a Superfund site — without the EPA actually listing the area as a Superfund site. Gearheard said the area doesn't need to be listed because, as far as the government is concerned, it is considered part of the Bunker Hill Superfund site.

Nonetheless, reaction was swift and defensive from some politicians.

"Lake Coeur d'Alene is not a Love Canal," Coeur d'Alene Mayor Steve Judy said, referring to the nation's most infamous Superfund site. "We do not need the stigma of a Superfund site. We cannot afford it."

Idaho Sen. Larry Craig's office also criticized the move.

"We don't need to do more study," said Mike Tracy, the Idaho Republican's spokesman. "The EPA continues to want to drag its feet on the actual cleanup and spend more time on studies and legal wrangling."

The EPA has been talking with the state, mining companies and others for months about stepping up its involvement in basin cleanup, but mining interests still expressed shock at the news Wednesday.

"The companies understood that they wouldn't go ahead under Superfund . . . while we were in the middle of negotiation and mediation," said Holly Houston of the Coeur d'Alene Basin Mining Information Office. The office represents Silver Valley mining companies that are being sued by the federal government and the Coeur d'Alene Tribe over pollution in the basin.

The formal investigation and study under Superfund is proceeding at the same time that a mediator — hired by the EPA, state, mining companies and tribe — is trying to find consensus on a comprehensive clean-up plan of the Bunker Hill site.

The mining companies prefer the mediation approach to the Superfund approach, Houston said.

"(It (Superfund) is the wrong way to go," Houston said. "If you look at the examples of the EPA doing it this way, they've never shown it being done without it being very litigious and costing a lot of money."

Mining companies also have more to lose under a Superfund lawsuit. Under Superfund, if they lose in court they pay triple damages.

Gearheard highlighted the positive aspects of the EPA's track record: The agency will have cleaned up 585 Superfund sites by the end of this year and the major work at the Bunker Hill project is nearly finished.

"It's a process we know how to do and we've done it for a number of years," he said. "This is a big one, but we're going to take advantage of the information that's out there. We're not going to re-invent all that."

EPA officials said they did not have an estimate for how much the investigation and study would cost.

While Houston, Craig and others say enough studies have been done, "to that I would say, 'Show me the agreement,'" Gearheard said.

"I would hope when we put down our cleanup plan, that it achieves peace in the valley," he said.

So far, state officials are withholding judgment.

An informal group of state environmental officials, members of the Silver Valley Natural Resource Trustees and the state-appointed Coeur d'Alene River Basin Commission met Wednesday morning to discuss their role in the basin cleanup.

They decided the basin commission should move forward with putting together a state cleanup plan.

"The state's got to figure out what we would like to see happen and see if we can make it fit" with the EPA's process, said Chuck Moss, chairman of the Silver Valley Natural Resource Trust Fund — a state fund that's dedicated to clean-up in the basin.

EPA officials emphasize that their process is open and inclusive. They are planning on holding public meetings in April.

"They seem to be interested in getting public input and locally elected officials input," said state Sen. Jack Riggs, R-Coeur d'Alene. "That seems to be the right approach."

*The Spokesman-Review, February 26, 1998. Copyright 1998, The Spokesman-Review. Used with permission of The Spokesman-Review.*

# To The Citizens of the Coeur d'Alene Basin

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue  
Seattle, Washington 98101

May 5, 1998

### **To The Citizens of the Coeur d'Alene Basin:**

For the past month or so, there's been a lot of talk about exactly what the EPA plans to do concerning mining contamination cleanup in the Coeur d'Alene River Basin. In order to help answer some of the questions raised by our recent announcement, EPA Administrator Carol Browner has personally met with members of the Idaho Congressional delegation, I have met with Governor Batt and other EPA officials have been working with the Coeur d'Alene Tribe and local elected officials to explain EPA's responsibility for, and interest in, protecting public health and the environment throughout the Basin.

Existing information indicates that metals from past mining activities, including lead and zinc, continue to enter waters in the Coeur d'Alene River system and continue to settle in soils and sediments. In many places, these and other pollutants may pose a serious threat to environmental health, causing injury and death to waterfowl, fish and other natural resources. Contamination may even pose risks to human health in certain cases. In other places, there may be little or no threat, or simple capping might be in order.

As we move forward to create a clearer picture of the threat posed by over a century of mining-related contamination, let me assure you that working closely with community leaders, neighborhoods and families in the area is very important to us. To our knowledge no one in the area disputes that contamination exists. Rather, the discussion seems to be more centered on where the levels of contamination are high enough to warrant concern or action, how the cleanup will be paid for, and by whom.

To help create this picture, we've been working for several months with a long list of partners — including Governor Batt's office, the State Division of Environmental Quality, the Panhandle Health District, the Coeur d'Alene Tribe, the state of Washington, the U.S. Forest Service, the U.S. Fish & Wildlife Service, mining companies and other experts — to create a comprehensive profile of the Basin's land and water quality. To knit all these studies, reports and analyses together, and to fill in any gaps that might exist, EPA is conducting a Remedial Investigation/Feasibility Study or RI/FS. Thanks to the wealth of information already

available, we're hoping this can happen quickly. In fact, during the month of May, EPA will be sampling water and sediments to identify the types and extent of mining contamination in the Coeur d'Alene Basin.

Given the breadth of issues, depths of concerns, and diversity of views in the Basin, you have my word that EPA will encourage public participation well beyond the legal requirements or "business-as-usual" process. EPA will be actively seeking broad involvement of community members as well as representatives from local governments, state agencies, natural resource trustees, and mining companies. We firmly believe that an open, inclusive, and coordinated process will produce a comprehensive cleanup plan for the Basin within a couple of years.

EPA believes that the parties legally responsible for the contamination have already been clearly identified and notified. It is not the purpose of the RI/FS to identify any additional responsible parties. EPA is conducting the RI/FS to comprehensively determine the extent of contamination existing within the Bunker Hill Facility, which was placed on the Superfund National Priorities List (NPL) by EPA in 1983. We understand that people are concerned about whether or not the Coeur d'Alene Basin — or Lake Coeur d'Alene — is now considered to be a Superfund site. In reality, when Bunker Hill was declared a Superfund site in 1983, EPA made clear that the "site" would include areas both upstream and downstream that are contaminated with mining wastes. Our studies now underway in the Basin will determine exactly where those areas are that need special attention, treatment, removal or capping.

EPA is keenly aware of the social and economic desires of the community, and we are committed to demonstrating that protecting human health and the environment can and must go hand in hand with economic development. Working together, we feel confident that we can make this happen in the Coeur d'Alene River Basin.

Sincerely,

Chuck Clarke  
Regional Administrator  
U. S. EPA Region 10



## (2) Washington State Wades In

# Washington welcomes Superfund probe Spokane River pollution needs to be investigated, officials say

COEUR d'ALENE—The Spokane River is so heavily laced with heavy metals from Silver Valley mining that the Environmental Protection Agency should expand its Superfund investigation, Washington state officials say.

No other major river in Washington contains such high levels of lead, cadmium and zinc, they argue in court documents filed with the U.S. District Court in Boise.

During high runoff in 1997, for example, lead in the Spokane River was three to six times higher than federal standards for fish and other aquatic life.

So the EPA's decision that it was going to investigate pollution outside of the Bunker Hill Superfund site "was welcome news for state agencies and environmental groups in Washington, who are concerned about metals contamination of the Spokane River for the threat it poses to the environment and potentially to public health," Washington state officials argue.

This position puts Washington at odds with Kootenai County and the City of Coeur d'Alene, who filed legal motions late last month aimed at stopping the EPA from testing for lead and other contaminants beyond the official Bunker Hill Superfund site.

City and county officials say they weren't given enough notice of the EPA's plans to probe Lake Coeur d'Alene and the Spokane River or the chance to have a say in the plan.

The result: "News articles and agency announcements implying that Lake Coeur d'Alene is within a contaminated Superfund site damages the well-deserved and hard-earned popularity of Coeur d'Alene and erodes the public perception of it as a scenic and attractive place with a high quality of life," Coeur d'Alene Mayor Steve Judy said in the city's legal filings.

One of the offensive news stories includes a major piece done by "U.S. News & World Report" on North Idaho's contamination consternation.

But the Idaho Conservation League and The Lands Council, who have joined the federal court fight on the side

of the EPA, says Judy is to blame for tarnishing the area's image.

"If Mayor Judy had not, on a number of occasions compared Lake Coeur d'Alene with Love Canal, there would have been little publicity locally and certainly no 'U.S. News World Report' story," the environmental groups argue.

Judy told U.S. News and other publications, "This is not Love Canal and there is no demonstrated public health risk from the lake."

In addition, the EPA's plans were "blown totally out of proportion into a federal threat to make a Superfund site out of Lake Coeur d'Alene."

While the Lands Council and the Conservation League don't support expanding the formal Superfund site, they do want the EPA to look at mining contamination throughout the Coeur d'Alene River Basin, they said.

Lead from Silver Valley mining has been found in eight Spokane Valley water wells, the environmentalists' claim. And a federal study found more than 1 million pounds of lead washed from the Silver Valley into Lake Coeur d'Alene during one day of flooding in 1996.

The city and county's efforts to stop the EPA investigation will not stop tailings from the defunct mine and smelter from washing downstream, said Scott Reed, who represents the environmentalists. At least one riverside businessman — resort manager Bob Templin — supports the EPA probe.

"I'm not a scientist; I don't know if there's some contamination or not," said Templin, of Cavanaugh's Templin's Resort in Post Falls. "If there is, it should be exposed and we should do whatever it takes to clean it up." While a Superfund stigma could hurt Templin's hospitality business, "we'll take our hit now," he said, if that means the area is clean in the future.

• Staff writer Laura Shireman contributed to this report. The Spokesman-Review, June 10, 1998. Copyright 1998, The Spokesman-Review. Used with permission of The Spokesman-Review

***EPA: Lead found in  
Spokane wells***

***State says  
no other major river in Washington  
contains such high levels of  
lead, cadmium and zinc***

# Washington Attorney General

## On mining wastes in the Spokane River flowing from Idaho into Washington State

(Excerpts from *Amicus Curiae* Brief)

[Washington] State ... is a downstream recipient of hazardous substances which have come to be located in Washington from mining-related sources in Idaho via the Spokane River. The Spokane River is geologically and ecologically a part of the Coeur d'Alene Basin. The State has evidence that heavy metals, particularly lead, zinc, and cadmium, which are related to historic mining activity in Idaho are contaminating the Spokane River. Levels of dissolved lead, zinc, and cadmium, which have been monitored by the State's Department of Ecology, exceed federal and state standards for the protection of aquatic life. According to the Department of Ecology, the Spokane River has the highest level of contamination from those heavy metals of any river or stream in the State of Washington.

EPA has recently announced that it is extending its Remedial Investigation/Feasibility Study ("RI/FS") to include areas upstream and downstream of the 21 square mile Bunker Hill Superfund Site, which has been the main focus of their investigation and remediation efforts to date. EPA's announcement was welcome news for state agencies and environmental groups in Washington who are concerned about metals contamination of the Spokane River for the threat it poses to the environment and potentially to public health.

Monitoring of the Spokane River by the State's Department of Ecology ("Department") since 1992 has shown that concentrations of dissolved lead, cadmium, and zinc in the Spokane River are higher than in any other river in Washington by one to two orders of magnitude. The Spokane River is the only major river in the state known to exceed water quality criteria for dissolved metals of any type.

The Department conducted a study of concentrations of dissolved metals (cadmium, copper, mercury, lead and zinc) between July 1992 and September 1992. (The Pelletier study.) The Pelletier study, published in 1994, found that Washington's water quality criteria for the protection of aquatic life were not being met for dissolved zinc during high and low flow seasons; for dissolved lead during the high flow season; and for cadmium during the high flow season in the upper part of the Spokane River. The study area spanned 32.5 miles of the Spokane River between the Idaho State Line and Riverside State Park just below Spokane. The study concluded that "Non-point sources of Cd, Pb, and Zn from historical mining practices in Idaho are considered to be the major reason for violation of Washington's water quality criteria. . . ."

Since May 1994, the Department has conducted an Ambient Monitoring Program to analyze levels of dissolved metals in the Spokane River. The study initially involved collection on a bi-monthly basis and laboratory analysis of samples of river water collected at the Idaho State Line and Riverside State Park.

In the spring of 1997, the Spokane River experienced historic high flows. The Department investigated the high flow effects of heavy metals concentrations entering the Spokane River from Idaho. Six sampling stations located from 2.5 miles upstream of the

state line in Idaho to 63 miles downstream of the state line, below Long Lake, Washington, were used to collect samples for the high flow study. During the three month period of the high flow study (April, May and June, 1997), more than the usual number of samples were collected from the river.

The results of the 1997 high flow study of the Spokane River showed levels of lead three to six times higher than the Federal criteria for chronic (long term) exposure of aquatic life at all sampling sites. Zinc exceeded both the chronic and acute (sudden, short-term) exposure criteria by a factor of two at all sampling sites. Although fewer exceedances were seen for cadmium, the chronic criteria for cadmium were exceeded on three of five sampling occasions at the state line monitoring station.

The results of 1997 high flow study conducted by the Department were virtually indistinguishable from the levels of dissolved lead, zinc and cadmium found by the United State's Geological Survey (USGS) at the Post Falls dam in Idaho, located approximately nine miles downstream from Lake Coeur d'Alene. It was apparent that hazardous metals were coming into Washington from Idaho through the Spokane River, whose source is Lake Coeur d'Alene. The ongoing Ambient Monitoring Program's sampling of the Spokane River has demonstrated that the State's water quality criteria are exceeded for lead, zinc and cadmium which enter Washington through the Spokane River. The metals are "hazardous substances" which have "come to be located" in Washington. . . .

### CONCLUSION

EPA's announcement of its intention to refocus the RI/FS upstream and downstream of the 21 square mile Bunker Hill Site is logical and not unanticipated. Evidence exists that hazardous metals eroding from mine tailings above the 21 square mile rectangle have washed far downstream from their sources. This is not surprising. The Coeur d'Alene Basin encompasses a large geographic area, whose central geologic feature is the inter-connected waterway which extends from near the Montana border in Idaho to Lake Roosevelt in Washington. Highly mobile metals which dissolve upon being released from tailings piles are transported in water and sediments into Lake Coeur d'Alene. Because the Spokane River is the lake's only outlet, dissolved metals which have washed through the Coeur d'Alene river system, or which have been released from sediments on the lake bottom, are inevitably carried into Washington. EPA's decision to investigate these hazardous substances in the Spokane River is proper and necessary if remediation and cleanup of the Coeur d'Alene Basin is ever to be accomplished.

– Christine O. Gregoire (Attorney General) and Owen F. Clarke, Jr. (Asst. Attorney General): "Amicus Curiae Brief of the State of Washington Regarding the Scope of the Bunker Hill NPL Site" June 8, 1998; *United States v. ASARCO, Coeur d'Alene Tribe v. ASARCO in U.S. District Court, District of Idaho.*

**PATTY MURRAY**  
WASHINGTON

## United States Senate

WASHINGTON, DC 20510-4704  
March 12, 1998

COMMITTEES:  
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BUDGET  
LABOR AND HUMAN RESOURCES  
SELECT COMMITTEE ON ETHICS  
VETERANS AFFAIRS

The Honorable Larry Craig  
313 Hart

The Honorable Dirk Kempthorn  
304 Russell

Dear Senators Craig and Kempthorne:

We have tremendous challenges facing us as we clean up the contamination in the Coeur d'Alene basin, including the Spokane River. Last year, the Washington state legislature appropriated \$300,000 to the Washington State Attorney General's Office to assess the environmental and public health impacts and costs related to pollution in the Spokane River basin. Studies conducted by the Washington State Department of Ecology revealed high levels of dissolved lead, zinc, and cadmium, especially during the high spring flows. Washington citizens deserve clean water.

In an effort to avoid costly and lengthy litigation, interested parties have hired a mediator to determine whether mediation of substantive cleanup and restoration issues for the entire Coeur d'Alene basin is feasible. Participants in these discussions include the Environmental Protection Agency, the U.S. Departments of Justice, Interior and Agriculture, the Coeur d'Alene tribe, and states of Washington and Idaho, and the five largest mining companies with operations in Idaho's Silver Valley. EPA recently expanded the geographic area of its remedial investigation feasibility study of mining contamination

in the Coeur d'Alene basin to include critical areas in Washington state. I applaud that decision.



Many of my constituents have asked me to help ensure we have a voice in ensuring the Spokane River is restored, including the former Mayor of Spokane, the Spokane County Commission, the Spokane City Council, and the Washington Attorney General. As the half-million residents of the Spokane/Coeur d'Alene watershed seek high water quality in their common aquifer, Washington state must share in a trustee decision-making role regarding restoration plans for upstream Idaho waters.

I welcome the opportunity to discuss these issues with you. We need a bi-state effort to clean up our shared waters. Thank you for your interest and consideration of my request.

Sincerely,

Patty Murray  
United States Senator

cc: Christine Gregoire, Attorney General  
Gary Locke, Governor of Washington  
Washington congressional delegation

# Murray seeks Washington voice in cleanup

Sen. Patty Murray on Friday asked her Idaho colleagues to allow Washington a voice in the cleanup of decades of mining pollution in the Coeur d'Alene River Basin.

Murray, D-Wash., said in a letter to Sens. Larry Craig and Sen. Dirk Kempthorne, both Republicans, that mining-related contamination has been found in the Spokane River.

Last year, the Washington Legislature appropriated \$300,000 to assess environmental and health impacts of the pollution in the Spokane River.

"Washington state citizens deserve to have a say over their water," Murray said.

Her letter was in response to legislation pushed by Craig and Kempthorne that would establish a structure to clean up the basin with all decision-making power in the hands of Idaho's governor.

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**Christine O. Gregoire**  
**ATTORNEY GENERAL OF WASHINGTON**  
1125 Washington Street SE • PO Box 40100 • Olympia WA 98504 0100  
June 9, 1998

The Honorable Slade Gorton  
United States Senate  
730 Hart Senate Office Building  
Washington, D C 20510

Senator Patty Murray  
United States Senate  
111 Russell Senate Office Building  
Washington DC 20510

RE: Superfund Reauthorization - Senate Bill 8

Dear Senators Murray and Gorton:

I am writing to express concerns about section 705 of S. 8 which recently passed out of the Senate Environment and Public Works Committee. The ramifications of section 705 for the citizens of the state of Washington are significant. If enacted in its present form, section 705 of S. 8 will give sole authority to the Governor of Idaho to adopt a Coeur d'Alene Basin cleanup and restoration plan and to negotiate binding cost allocation agreements with parties who are legally responsible for mining related environmental problems in the region. By definition in the bill, the Coeur d'Alene Basin includes all areas downstream of Lake Coeur d'Alene that are or have been affected by mining activities. As you know, the Spokane River lies directly west and downstream of Lake Coeur d'Alene and has been impacted by dissolved heavy metals whose source is in Idaho.

Section 705 was offered as an amendment to S. 8 by Senator Kempthorne of Idaho. The section provides that the Coeur d'Alene Basin Commission, an advisory group to the Governor of Idaho, will develop within two years a Coeur d'Alene Basin Plan to restore, manage, and enhance the "natural recovery" of the Coeur d'Alene Basin necessitated by 100 years of mining activity. The Basin Plan will identify programs and sources of funding (including Federal funds) to accomplish those objectives. The Governor of Idaho will have the sole authority, after receiving the Basin Commission's Plan, to make changes and to then negotiate binding agreements with responsible parties which will determine their share of the costs for implementing the Plan. Although the agreements will be subject to review by the United States District Court for the District of Idaho, it appears that they can be disapproved only for unfairness, unreasonableness, or if they are found not to be in the public interest.

I am troubled that section 705 of S. 8 places important environmental and potential public health issues which greatly affect the state of Washington in the hands of the governor of another state. Approximately eighty percent of the half-million people who live in the Coeur d'Alene Basin reside in the state of Washington. It seems extraordinary that section 705 gives

Washington no role in formulating policy or decision making concerning goals, implementation, or funding of a plan for returning the Basin to good health. Washington's goal of achieving a mediated resolution for the environmental and public health impacts incurred because of the degradation of the Spokane River will be frustrated if section 705 is permitted to become law.

When I wrote to you about the Spokane River metals issue last July, I stated my belief that it is essential for any Federal legislation concerning the Coeur d'Alene Basin to place Washington on an equal footing with Idaho for dealing with the mining related environmental problems that affect both states. It is apparent that section 705 does just the opposite.

For these reasons, I urge you to remove section 705 from the bill or alternatively seek an amendment to give Washington a role on par with Idaho. Without such an effort by our delegation, Washington will be unable to pursue remedies on behalf of its citizens for the harm caused by the pollution of the Spokane River.

Sincerely,

CHRISTINE O. GREGOIRE  
Attorney General

cc: Members, Washington Delegation  
Honorable Trent Lott, Senate Majority Leader  
Honorable Thomas Daschle, Democratic Leader  
Katy McGinty, White House Policy Adviser



### (3) “Taking Back The Land”

## Taking back the land that once was so pure A tribe’s victory, a huge Superfund cleanup

By Michael Satchell, *U.S. News & World Report*

Growing up amid the clear mountain lakes and white pine forests of Northern Idaho in the 1920s, Henry SiJohn lived close to the land. Like his tribal ancestors, he drank water from Lake Coeur d’Alene, gathered roots and plants for food and medicine, and fished for trout and perch for his table. But the idyll didn’t last. Silver mining had begun in the Coeur d’Alene River basin in the 1880s, and by the time SiJohn was in his early 20s, the beginning of the end had arrived. “First, we stopped drinking the lake water and eating the fish and aquatic plants because of a strange, metallic taste,” recalls

SiJohn, the Coeur d’Alene tribe’s environmental leader. “The pollution grew worse, the wildlife began dying, and the river ran milky white with mine wastes. When we tried to protest, the reservation superintendent told us we could not go against the state or federal government. We had no voice.”

Now, decades later, SiJohn finally has a voice — a powerful one. After years of their protests being ignored, he and his 1,600-member tribe today have the mining companies on the defensive, the economic boom city of Coeur d’Alene alarmed, and the Idaho congressional delegation scrambling to block what could become a Superfund cleanup of staggering

*Henry SiJohn remembers fishing as a child in a much less polluted Lake Coeur d’Alene.*



Chris Anderson-Aurora For USN&WR

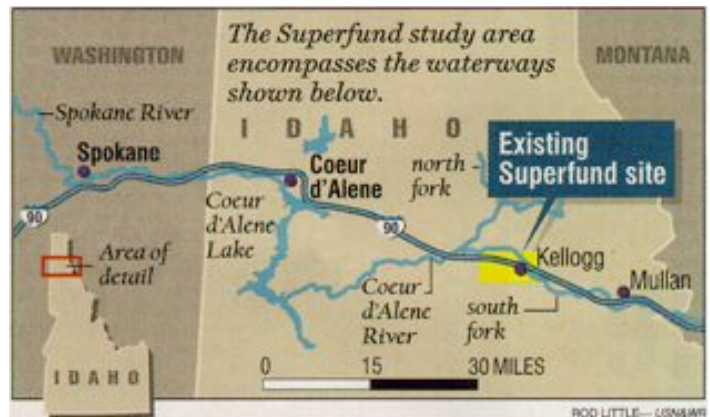


proportions. The fight is not over: Idaho Sen. Dirk Kempthorne, for one, strongly opposes the Superfund cleanup. But the Environmental Protection Agency in February announced it will investigate the full extent of mining wastes, not only on the tribal reservation but across the entire basin. The agency will assess the damage to people, wildlife, land, and water, and determine the feasibility of expanding its \$150 million Superfund project at the town of Kellogg.

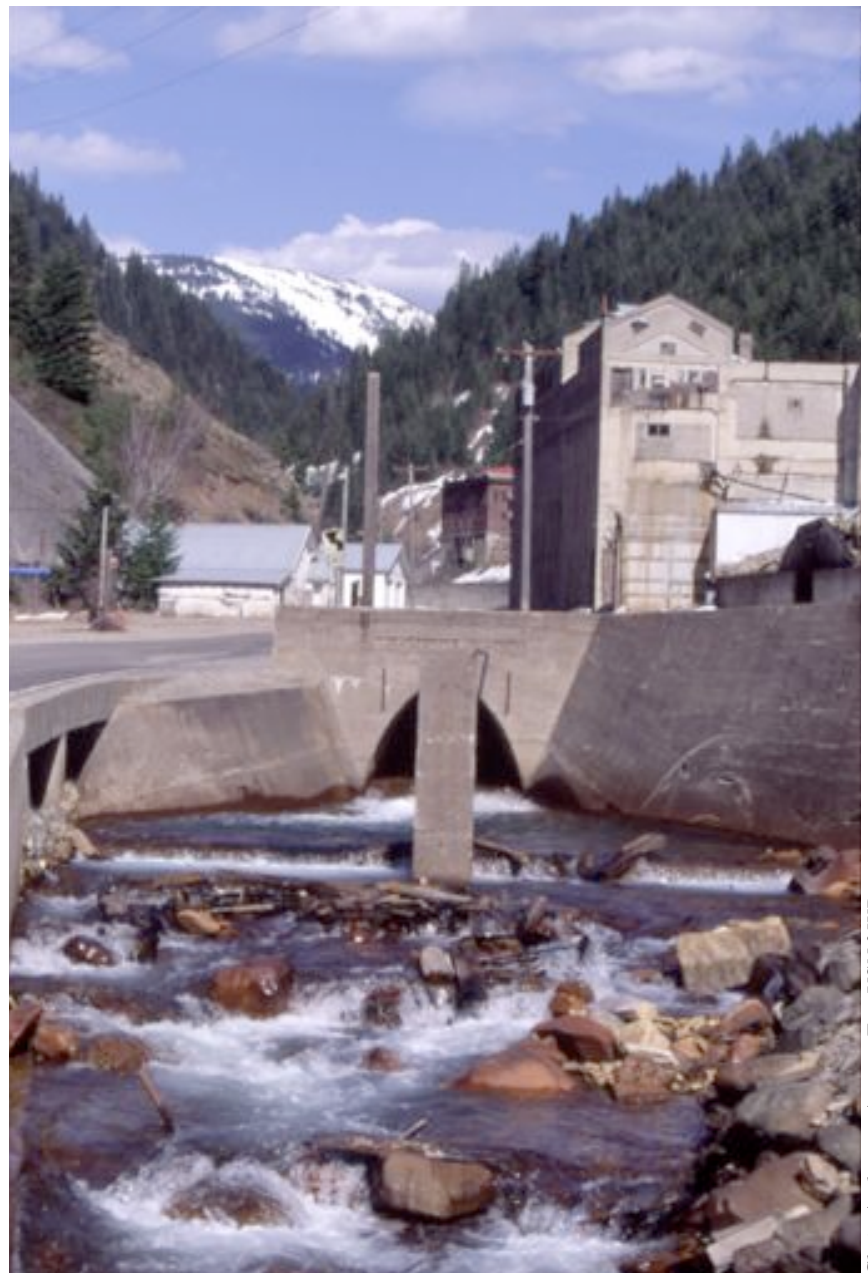
The study will cover a 1,500-square-mile swath from near the Montana border west across the Idaho Panhandle and into Washington State, where the wastes have also polluted the Spokane River, which flows out of Lake Coeur d'Alene. The project's scope is unprecedented in terms of its size, complexity, political ramifications, and potential cost, which could exceed \$1 billion. "We want to find out just how widespread and how serious the hazards and health risks are throughout the region," says Michael Gearheard, the EPA's regional Superfund chief. Gearheard acknowledges that pressure from SiJohn and his tribe, including their \$1 billion lawsuit against the mining companies, strongly influenced the agency's decision.

Nationwide, a century of mining has left its mark. Sixty-one mine and mineral processing sites, mostly out West, are now undergoing Superfund remediation at a combined cost of \$20 billion. Some 12,000 miles of rivers and 180,000 acres of lakes are contaminated by acid drainage or crushed rock wastes containing heavy metals, and half a million acres of worked-out claims lie barren and abandoned. Thousands of old tunnels and piles of tailings continue to leach lead, arsenic zinc, cadmium, mercury, copper, and other heavy metals into creeks and rivers each time it rains.

**Heavy metal.** On a single day in February 1996, for example, U.S. Geological Survey engineers estimated that 1 million pounds of lead washed into Lake Coeur d'Alene during a flood, adding to the 75 million tons of heavy metal tailings that lie at the lake bottom in a foot or more of poisonous sediment. Heavy metals damage human health, kill fish and wildlife, and destroy vegetation. Today, some 500 abandoned mine sites and tailings piles in the Idaho Panhandle region continue to send toxins flowing west for 120 miles from the town of



*Red rocks in Canyon Creek are a legacy of the Star Mine, now closed. The red is a sign of zinc contamination.*



*Chris Anderson-Aurora For USN&WR*

Mullan, down the south fork of the Coeur d'Alene River, into the lake, and out into the Spokane River.

Since the 1880s, mining companies have wrested more than \$5 billion worth of silver, lead, and zinc from northern Idaho. Until the passage of the Clean Water Act and other legislation in the 1970s, environmental concerns were minimal — particularly during the two world wars, when the government ordered maximum production to bolster the war effort. In 1992, a 10-year Superfund cleanup began in a three-by-seven-mile rectangle around the town of Kellogg, where the region's ore smelters spewed lead particles into the air for decades, causing one of the worst incidences of childhood lead poisoning in the nation's history.

The Kellogg cleanup is already the nation's second-largest Superfund project, after a copper mine in Butte, Mont. Tiny in relation to the geographical migration of the mine wastes, it was a political compromise in 1983 between the EPA, the state and the mining companies, which collectively rejected the tribe's demand for an extended cleanup on its reservation and beyond.

Incensed at the rebuff, the Indians filed a \$1 billion lawsuit against the mining companies for lost and damaged natural resources. With SiJohn as their leader, they lobbied for the entire Coeur d'Alene watershed downstream of the mines to be restored to its original pristine condition. It was a proposal so audacious few took it seriously, even when the U.S. Justice Department joined the tribe and filed a \$600 million companion lawsuit against the mining companies. Today, in the wake of the EPA's decision, Henry SiJohn finally has everyone's attention.

The prospect of a widespread Superfund cleanup would normally be welcome, but reaction has been mixed. Kempthorne calls the cleanup, which could include dredging Lake Coeur d'Alene, an expensive, unnecessary, and "Draconian step" that could damage the region's flourishing economy. He vows to try to block it in Congress. Coeur d'Alene Mayor Steve Judy, who drinks coffee from a mining company mug and displays a "BAD EPA!" bumper sticker in his office, also is unenthusiastic. "This is not Love Canal and there is no demonstrated public health risk from the lake," he argues. "It will be staggering to tourism and the image we portray to the rest of the world."

That image is reflected in the spread of multimillion-dollar waterfront homes and the construction of the world-class Coeur d'Alene resort hotel downtown, where vacationers relax in high-rise lake-side luxury, pay \$135 for a round of golf, and glide across glassy waters on gourmet dinner cruises. The boom is mirrored in surrounding Kootenai County, which recently placed in the top 1 percent of the nation's fastest-growing counties.

Those who favor an expanded cleanup argue that the politicians are putting economic concerns ahead of the public's health. John Rosen, professor of pediatrics at New York's Montefiore Medical Center, has designed the Lead Health Project, a treatment program for some 2,000 Kellogg children exposed in the '70s to high levels of lead through contaminated dust and soil. Rosen believes there is a "profound" continuing risk to area youngsters because poisonous tailings are pervasive across the region. But while lakes and rivers throughout the basin are posted with signs warning people not to eat fish, waterfowl, or aquatic plants, breathe dust, or touch soil and mud, there are no such cautionary signs at the area's biggest and most polluted body of water, Lake Coeur d'Alene. "As far as playing in the water or eating the fish, I would not let a child near that lake," Rosen says.

Right now, the lake meets federal drinking water standards, and the more than 70 million tons of contaminated sediments at the lake's bottom are not known to be causing any immediate public health problems. But as regional population increases, nitrogen, phosphorus, and other nutrients from sewage and other sources are expected to increase the growth of oxygen-depleting algae in the lake, a process known as eutrophication that is already in its early stages. When change in the water's chemistry reaches a critical point, it could release the heavy metals. Poisonous sediments from the lake bottom have already flowed down the Spokane River into Lake Spokane, the region's chief recreational area. Washington State recently set aside \$300,000 to assess the level of contamination in the lake and to sue the State of Idaho over the contamination.

Judy and others back a more limited proposal to clean up the abandoned mine sites, halting the continuing flow of heavy metals each time it rains, but not dredging the lake or containing the sediments underwater. This restricted approach also is favored by the four large mining companies potentially responsible for financing all or part of any future remediation. Fearful of spending years in expensive litigation or being socked with massive costs under a regionwide Superfund cleanup, the companies want a brokered agreement in which the state — traditionally friendly to mining interests — sets the financial terms. Regardless of who ends up paying how much, Henry SiJohn and his people will be satisfied with nothing less than a full-scale cleanup of their reservation and the Coeur d'Alene basin beyond it, a place the tribe once occupied and still claims as its rightful homeland.

*May 4, 1998. Copyright © U.S. News & World Report.*



# CdA basin scoured for dead birds

## Official cites lead poisoning as common cause of death

By Laura Shireman, Staff writer

COEUR d'ALENE — Bird-watching in the Coeur d'Alene basin took a morbid turn Saturday, as 11 volunteers searched the wilderness for dead birds.

These conservationists were trying to document the locations of birds in the area that had died of lead poisoning from mine tailings in the soil.

"The main trend is that lead poisoning is the highest cause of death in this system," Dan Audet, contaminant specialist for the U.S. Fish and Wildlife Service, told the group before they set out.

Waterfowl such as swans are especially vulnerable because, in the course of their feeding, they swallow large amounts of silt from the bottoms of ponds and lakes. The tailings are found in the silt.

Symptoms of birds with lead poisoning include gasping, drooped wings and what Audet referred to as hatchet breast, in which the muscle tissue around the bird's breast is wasting away.

"Just from our little outing, we saw a Canadian goose that was doing exactly what Dan (Audet) described. Its neck was distended," said Michele Nanni director of the Lands Council's "Get the lead out" campaign. The Lands Council is a Spokane-based conservation organization.

Before Saturday the Fish and Wildlife Service had found five dead birds this year, one of which had adequate flesh left to test whether it had died of lead poisoning, Audet said. Test results are not in yet, Audet said. Between January and June of last year, however, the service found 311 dead birds around the Coeur d'Alene River basin. About 60 percent were diagnosed with lead poisoning, the service said.

Nanni did not know how many birds the group found Saturday afternoon.

Holly Houston of the Coeur d'Alene Mining Basin Information Office questioned how much of a problem there is if only five birds had been found before Saturday.

"It shows that the river system is cleaning itself," she said.



Staff map: Warren Huskey



Hal Rowe surveys Kilarney Lake looking for dead birds. Rowe and other volunteers were searching for birds that might have been victims of lead poisoning.

Craig Buck - The Spokesman - Review

"That's just what you'd expect the mining companies to say," Nanni said.

"When they say 'cleaning itself,' what do they mean? It's flushing itself into Spokane?"

The Lands Council's project comes about a month after the Environmental Protection Agency's controversial announcement that it may expand its investigation of the Bunker Hill Superfund site to examine mining contamination throughout the Coeur d'Alene basin. Local business groups and Coeur d'Alene Mayor Steve Judy have protested the move.

Environmental groups such as the Lands Council, however, have lauded the announcement.

"It's time for us to start working together to solve this problem," Nanni said.

That's exactly what the mining companies want, Houston said.

The mining companies have been experimenting with ways to treat mine tailings so birds don't digest them, Houston said. She wants the mining companies and groups such as the Lands Council to work together toward implementing the companies' plan.

"If the government and the tribe cared as much about swans as they do about calling the media, then we'd have this swan death problem solved," Houston said. "That's their way toward pushing their lawsuit, but it doesn't help the swans."

The federal government and the Coeur d'Alene Tribe are suing local mining companies for contaminating the area during decades of mining. Mining companies have stated that while mining practices decades ago were not as environmentally friendly as they are with modern technology, the damage they caused also is not as extreme as environmentalists have portrayed it to be.

The Spokesman-Review, March 29, 1998. Copyright 1998, The Spokesman-Review. Used with permission of The Spokesman-Review.

# Cleanup controversy

## The EPA, Coeur d'Alene Tribe, local and state officials wrangle over where Superfund begins and ends

By Amy Cannata

Who thought that one doctor could cause such an uproar? But when Dr. John Rosen, a national expert on the pediatric effects of lead, commented on lead contamination in Lake Coeur d'Alene in the national news magazine *U.S. News & World Report*, saying that he would, "not let a child near that lake," the outcry was instantaneous, setting off a new wave of denial, finger-pointing and blame in the Coeur d'Alene area.

The response has been loud and vitriolic, but hardly surprising. The furor that was unleashed in North Idaho over the three-page story about the Coeur d'Alene Tribe's involvement in cleanup efforts in the Coeur d'Alene Basin is just the latest installment in a century-old battle over the environmental and health effects of mining in Idaho's Silver Valley — specifically, who should be responsible for cleaning up the mess and just how clean is clean. The most recent round of controversy began back in February, when the United States Environmental Protection Agency (EPA) announced it is moving beyond "the box" (as the 21-square-mile Bunker Hill Superfund site in Kellogg is called) to study mining waste contamination throughout the Coeur d'Alene Basin — from the South Fork of the Coeur d'Alene River into Coeur d'Alene Lake and then on to the Spokane River all the way to the Idaho/Washington border.

The EPA says its Remedial Investigation/Feasibility Study (RI/FS) is part of its 1983 Superfund declaration. Local officials, including Coeur d'Alene Mayor Steve Judy and Idaho Gov. Phil Batt, fear the new focus will affect tourism and say that the expansion of the RI/FS is beyond the scope of the initial 1983 Superfund site and is therefore illegal.

Michael Gearheard, EPA spokesman for the project, says the agency focused first on the Bunker Hill site because contamination was greatest there. He points to extremely high lead levels in children and piles of mining tailings on the river banks as health hazards that had to be attended to before other cleanup could begin.

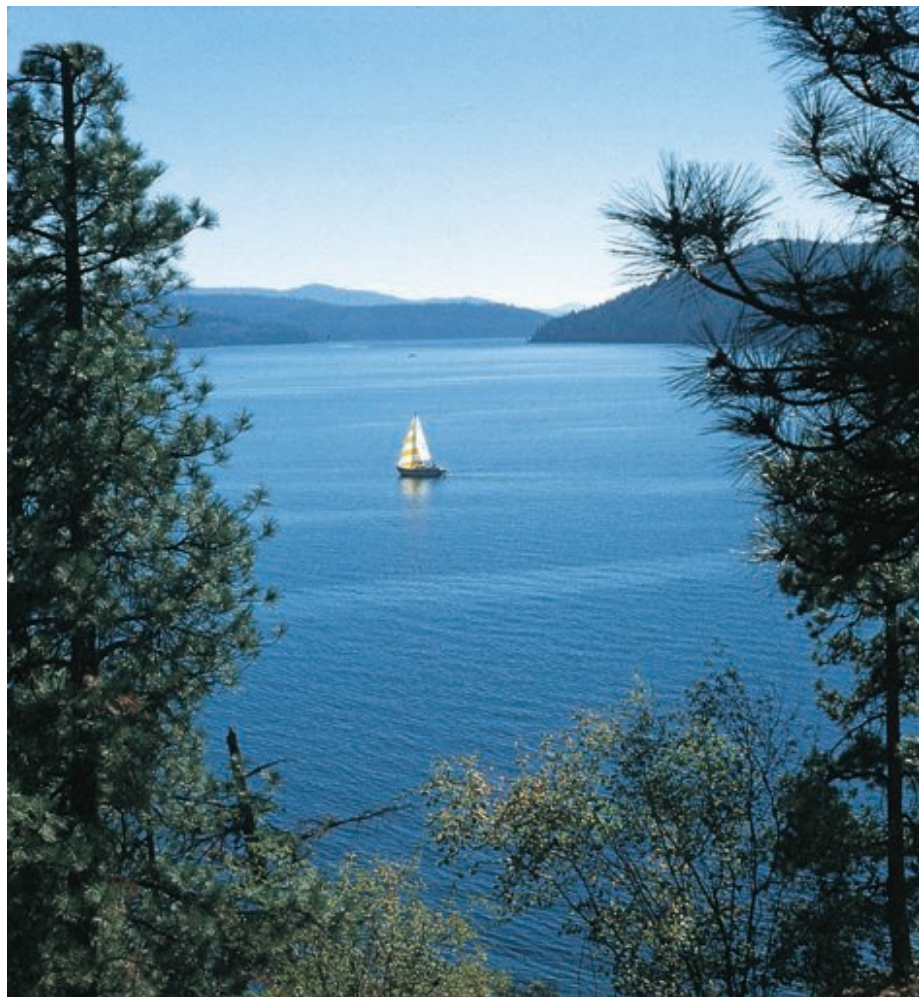
"There's been a whole lot of back and forth of what is and is not included in the Superfund site," says Gearheard. "Our view, ever since 1983, is that our listing package concerns included [Coeur d'Alene] Lake. It's time to do more. That area is the fastest growing area in the state and needs to be cleaned up."

Local mining companies, which are on the line for a percentage of the Superfund cleanup bill, have another take on the issue. Holly Houston, executive director of the Coeur d'Alene Basin Mining Information Office, maintains that

*Beneath Lake Coeur d'Alene's calm surface,  
the lake bottom is  
covered by tons of heavy-metal laced sediment.  
Some say the sediment poses no threat;  
others suggest dredging it up.  
Coeur d'Alene Mayor Steve Judy  
thinks the issue is being blown out of proportion  
by the national media and is hurting his city:*

*"We've been basing our economy  
on the beauty of the lake, but now the national  
image to tourists is that  
the lake is dirty and toxic."*

Lake Coeur d'Alene, Idaho



The Lands Council Photo Archives



the Superfund site should be limited to the Bunker Hill site. Efforts to extend that site, she says, are the result of federal government attempts to justify its joint lawsuit with the Coeur d'Alene Tribe against the mining companies for basin cleanup. Beyond that, she half-jokes that some EPA officials brought to North Idaho for the project may have an ulterior motive in the expansion of the project's scope.

"They obviously are not following what the record of law is," Houston says. "The Superfund site was always 21 square miles. Now they've extended it. It's probably because they want to live here longer. They've moved here and built beautiful homes on the lake. I wouldn't put it past the EPA to extend its work so they can stay."

Houston says that rather than suing mining companies, the EPA should be working with local and state officials and the mining companies to come up with a cleanup plan and to get started implementing it. Pushing to exert authority throughout the basin, she says, is not productive.

"The EPA and mining companies will always be doing their battles in court or have a settlement, but that doesn't have anything to do with the effects on the community," she says. "The community has to decide how far the EPA should go and to say what work should be done. Where are the options? Has the EPA ever presented them to the community?"

## GETTING THE LEAD OUT

At this time, the EPA and affected mining companies are working with an independent third-party to determine if mediation of the lawsuit and damage liability is possible.

"The mediation is something that began last winter," says Houston. "Everybody wants it to work. What it would do is see if there is some way to come to common ground. Then we could move on to some cleanup. That's better for both the mining companies and the people in the area who want to see cleanup."

Others, however, are not so sure that mediation will result in any cleanup progress.

"I think we all want world peace and a pollution-free world, but I personally think this mediation thing is a diversion and a delay tactic," says Michele Nanni, Get the LEAD Out coordinator for The Lands Council, an Inland Northwest environmental group. "I believe in a cooperative process, but I don't have any faith in it here."

Nanni says that past experience has shown that the mining companies only want to limit their cleanup liability by downplaying the health hazards of the mining pollution in the Coeur d'Alene Basin. And while she says that Dr. Rosen's *U.S. News & World Report* statement about the water in Coeur d'Alene Lake goes too far, she adds that the waterway is far from benign.

"I wouldn't agree with Dr. Rosen's statement — that you can't swim in Lake Coeur d'Alene — but at the same time I understand where he is coming from," she says. "There is no safe level of lead for children, and there is lead in the lake."

The water in Lake Coeur d'Alene does, however, meet clean drinking water standards. Studies have also shown that the beaches are safe.

Coeur d'Alene Tribal members say that the mining industry has rebuffed previous opportunities to come to a mutually acceptable solution to the contamination.

"The inevitable happened because there was no other route to go. It wasn't our policy to go after a Superfund designation, but that was all that was left," says Bob Bostwick, the tribe's press secretary. "The mining companies pushed it themselves by refusing any other way. They relied on their political clout to get them out of this, but it's becoming obvious that tactic isn't going to work this time."

Bostwick says the Tribe proposed federal legislation back in 1994 that would have made the federal government pick up most of the tab for cleaning up the Coeur d'Alene Basin. The reasoning behind the legislation, which was taken up by then Rep. Larry LaRocco and supported by Tom Foley, was that mineral demand during World Wars I and II was a large factor in the area's mining pollution, and that taxpayers across the country should therefore pick up a large chunk of the bill. That legislation never came to pass. Bostwick says it was blocked by the mining industry.

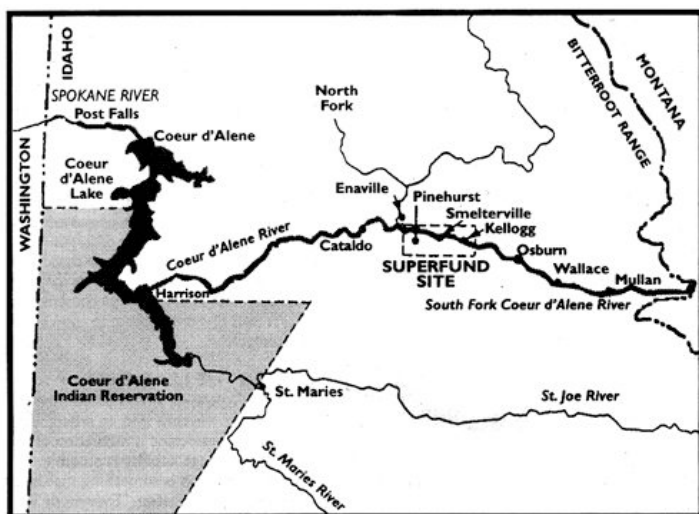
But Houston says that the legislation called for a cleanup far beyond what is necessary in the basin and would not have prevented the mining companies from being responsible for the lion's share of the bill.

***"We don't need a  
Jaws scenario here,  
where protecting tourism is  
more important  
than making sure things are safe  
for the people who live there."***

***—Mike Gearheard  
U.S. Environmental Protection Agency***

***"Historically, nothing has been cleaned up  
in this basin unless  
the federal government became involved.  
At the Bunker Hill site,  
Idaho was doing nothing.  
The state fears losing local control.  
I feel local control means  
letting the industry  
do what they have been doing forever."***

***—Phil Cernera  
Tribal Basin Assessment Manager***



*The EPA says its Superfund authority has included all of the above shaded waterways since 1983, but local officials, the state of Idaho and mining companies say the federal government's cleanup authority is limited to the 21-square-mile Bunker Hill site near Kellogg.*

## WHOSE TURF IS IT?

To further add to the mix of groups involved in trying to come up with a cleanup plan for the Coeur d'Alene Basin, the state of Idaho is joining the mining companies in maintaining that the EPA's decision to turn its attention outside the box is counterproductive. Still, Lindsay Nothern, Batt's press secretary, says that Idaho's main concern is that cleanup meet its standards — some more and some less stringent than the EPA's.

Nothern says that Idaho has been very active in cleanup of the area, agreeing to match a \$40,000 Hecla Mining Company, ASARCO Inc., Coeur d'Alene Mines and Sunshine Mining Company initiative to review and prioritize the cleanup. He says Idaho wants to be in charge of how cleanup is managed in the Coeur d'Alene Basin.

"Our involvement is more based on cleanup standards than on the size of the cleanup area. We're not necessarily buying off on what the EPA says is good," says Nothern. "We want the basin cleaned up, and want to take the lead role in that cleanup."

Coeur d'Alene Mayor Judy says that the state should be the lead agency in the cleanup and that it is right to proceed without the federal government. He is concerned that an EPA cleanup means that local officials and the public will have no say about what happens in their backyard. EPA officials, he says, have told him that the public will only be allowed to decide how it should be informed about what is taking place in the cleanup process.

"I want to know if there is a health problem, but they've never proven one," he says of Lake Coeur d'Alene. "There are some places where there are problems, like the chain lakes and the Coeur d'Alene River, but we don't have to have the federal government to get that cleanup done."

Judy is in the process of forming a bi-state commission on Coeur d'Alene Basin cleanup. He has invited the Coeur d'Alene and Spokane city councils, the Spokane County and Kootenai County commissioners, the Coeur d'Alene and Spokane chambers of commerce and the Spokane County and Panhandle health districts to participate.

Meanwhile, Coeur d'Alene Tribal representatives are suspicious of the state's motives. Phil Cernera, manager of the tribe's damage assessment project, says that it is in the best interests of the state to come up with a less intensive cleanup plan because Idaho must come up with 10 percent of the cleanup costs.

"We welcome EPA's involvement," says Cernera. "Historically, nothing has been cleaned up in this basin unless the federal government became

involved. At the Bunker Hill site, Idaho was doing nothing. The state fears losing local control. I feel local control means letting the industry do what they have been doing forever."

Bostwick concurs: "You can't go on winking at the mining industry for another century."

## THE BLAME GAME

Just about everybody has something to say about what Superfund designation means to Lake Coeur d'Alene. And just about everybody has their finger pointed at somebody else.

Houston says the tribe isn't doing the region — or the process — any favors by advertising the area's problems through letters to the editor and on the Internet.

Bostwick counters by saying that the tribe has only the area's best interests at heart.

"The unfair thing here is that all these people want to shoot the messenger and aim their guns at the tribe," he says. "Someone has to have the political will to do something about the problem. Our enemy the whole time has been the pollution."

Others, like Judy, say that Lake Coeur d'Alene is getting an undeserved bad rap in the local and national media because of the Superfund designation. He says he has received phone calls from parents concerned about whether it is safe to let their kids swim in the lake.

"We've been basing our economy on the beauty of the lake, but now the national message to tourists is that the lake is dirty and toxic," he says. "That is the impression of Superfund."

Cernera, however, maintains that any Superfund backlash is by Judy or other local politicians' own doing.

"Steve Judy is creating this problem by saying words like 'Love Canal' and 'Superfund,'" says Cernera. "Everyone else is saying, 'Let's not focus on Superfund; let's do what we can to clean this area up and keep the area economically viable.' Restoration is an economic component of cleaning up the basin."

EPA's Gearheard says he fears that all of the discussion about how the word "Superfund" will impact North Idaho's tourism industry is taking away from issue of getting any contamination cleaned up.

"We don't need a Jaws scenario here, where protecting tourism is more important than making sure things are safe for the people who live there," he says.

Regardless of which side of the lake they are standing on, most agree that increased media attention on North Idaho and repeated stories about mining contamination in the Coeur d'Alene Basin are going to impact how people across the country view the area. In fact, Bob Templin, longtime owner of Templin's Resort, first located in Coeur d'Alene and now in Post Falls, says the area has already been impacted by the attention. The question, he says, is what now?

"Over the past 50 some years that I have been in business, we derived I don't know how many dollars of income from the mines," he says. "Through the years, we have all had some good times from the mining people. We all have to take a little blame and not just look at one person and point the finger."

"I was happy to feed those people at Templin's Grill and take their money then," adds Templin. "Now, if EPA says there is something bad, then let's go ahead and get it cleaned up and move on."

The Pacific Northwest Inlander,  
Spokane, Washington, May 13, 1998

*"If EPA says there is something bad, then  
let's go ahead and  
get it cleaned up and move on."*

*—Bob Templin, resort owner*



The Lands Council Photo Archives



## (4) Idaho Poisons, Idaho Politicians

# Don't expand Superfund, CdA leaders say Kootenai County investigation could harm tourism, court told Leaders cite *U.S. News* article

By Ken Olsen and Laura Shireman , Staff writers

COEUR d'ALENE — A federal judge should stop the Environmental Protection Agency from expanding its Superfund investigation beyond the Silver Valley, Coeur d'Alene and Kootenai County officials say.

The Superfund stigma unfairly would endanger the area's tourism-based economy, the city and county argue in legal documents filed in U.S. District Court.

The EPA also has failed to give residents and local officials a chance to comment on plans to look for lead and other heavy metals outside the 21-square-mile Bunker Hill Superfund site, say the documents filed in Boise.

The city and county insist that from 1983 until May, the EPA acted as if Superfund cleanup needed to take place only around Bunker Hill.

Then, on May 5, the federal agency announced it would search for mining contamination both upstream and downstream from the defunct Bunker Hill mine and smelter.

"Not only is this unfair to those who would be stigmatized by the expanded Superfund designation . . . it is directly contrary to what EPA has said and done over the last 15 years," Coeur d'Alene and Kootenai County argue. The county's economy, once natural-resource based, now depends heavily on tourism — and that tourism revolves around Lake Coeur d'Alene, one of the places where the EPA wants to test for lead.

One example of the damage to the area's reputation is a recent U.S. News & World Report article prompted by the Superfund dispute, the city and county said. The story quotes a New York professor of pediatrics who has studied lead contamination in the Silver Valley (saying) "as far as playing in the water or eating the fish, I would not let a child near that lake (Coeur d'Alene)."

In addition, the EPA's decision to look further for contamination under the Superfund flag means Coeur d'Alene and Kootenai County suddenly have responsibility to "protect public health against a legally presumed but scientifically unproven risk of contamination by hazardous substances," the city and county argue.

But the EPA says it is only doing what it always said it would do — find and clean up contamination from decades of mining and smelting lead and silver.

"The 1983 listing for Bunker Hill said nothing about a 21-square-mile Superfund site," said Cliff Villa, an EPA attorney. Instead, the EPA's original Superfund designation includes contamination in the Silver Valley as well as mining and smelting wastes that flowed down the Coeur d'Alene River into Lake Coeur d'Alene.

The EPA originally focused on the area closest to the smelter because that's where children's health was most seriously threatened, Villa explained.

While the agency is expanding its focus, that doesn't mean the original Superfund site has changed, he said.

U.S. District Judge Edward Lodge will hear arguments from the U.S. Justice Department, the state of Washington and others before deciding whether to allow the city of Coeur d'Alene and Kootenai County to enter the fight over the Superfund site. Even if they lose this round, they aren't likely to let the issue die quietly.

Both Coeur d'Alene and the city of Post Falls have set aside \$5,000 to sue the EPA if the agency expands the Superfund site. While neither city has spent any of that money, Coeur d'Alene Mayor Steve Judy estimates that the legal work done to date will cost between \$10,000 and \$12,000.

Judy hopes to start a legal fund to gather donations to continue to fight the EPA.

The Spokesman-Review, June 9, 1998. Copyright 1998, The Spokesman-Review. Used with permission of The Spokesman-Review.

*Dead swan, Coeur d'Alene watershed.*



*The Lands Council Photo Archives*

# Basin bill revived to give the state cleanup control

## Kemphorne amendment aimed at removing EPA oversight

By Susan Drumheller, Staff writer

Federal legislation designed to clean up mining pollution in the Coeur d'Alene River basin was resurrected Thursday as an amendment to a Senate Superfund reform bill.

The Senate Environment and Public Works Committee passed by voice vote the amendment introduced by Sen. Dirk Kempthorne, R-Idaho.

The amendment is a modified version of fellow Idaho Republican Sen. Larry Craig's basin cleanup bill which was introduced last session. The legislation puts the responsibility for developing and implementing a cleanup plan on the state.

"This amendment brings cooperation where there is now polarization," Kempthorne told the committee. "It's vital that we get away from the litigation and gridlock that have plagued this process far too long."

The legislation relies on a Coeur d'Alene Basin Commission to devise a plan "to restore, manage and enhance the natural recovery of the Coeur d'Alene basin . . . in a cost effective manner" and submit it to the governor for approval within two years. The governor then would negotiate with mining companies and other parties potentially responsible for the pollution to determine their contribution to the cleanup.

Ultimately, any agreements made by the governor would have to be approved by a U.S. District Court. The legislation also allows for the appropriation of \$5 million to Idaho to pay for the plan and the state's share of the cleanup costs.

The amendment was greeted with disdain by Idaho's environmental community.

"It does not bode well for future cleanup," said Scott Brown of the Idaho Conservation League. "It undermines what EPA (the federal Environmental Protection Agency) is now undertaking. The fact is that EPA has beaten them to the punch."

Last month the EPA announced that it was using its authority under the Superfund law to examine the extent of pollution and develop a cleanup plan for the entire Coeur d'Alene River Basin. The process is expected to take two or three years, according to EPA officials.

Although the EPA has hired a mediator to involve all interested parties in the development of the plan, mining companies and Idaho politicians were dismayed by EPA's action.

Local politicians fear the Superfund stigma will hurt business in the Coeur d'Alene area, while others are concerned that the EPA's

action could lead to more litigation under the Superfund law and a delay in the cleanup.

But Brown believes the EPA will bring more expertise and money to the job.

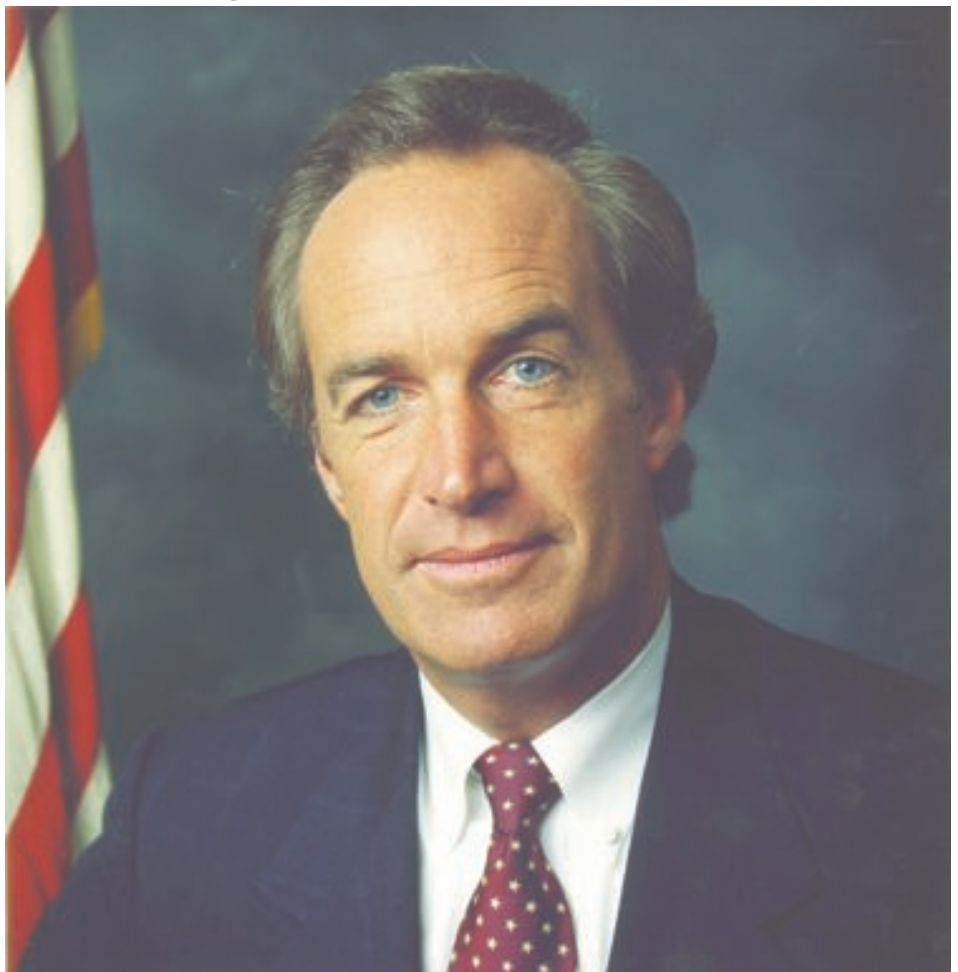
"If we have the choice between the EPA and Sen. Craig's commission, we have to go with the EPA," he said.

The state of Idaho has formed a Coeur d'Alene Basin Commission, which includes county commissioners, state bureaucrats, a tribal representative, industry and other Idaho interests. The commission has developed water quality plans that establish pollution limits for the Coeur d'Alene River, Lake Coeur d'Alene and the Spokane River as required under the Clean Water Act.

The state has not yet submitted the plans to the EPA for approval.

The *Spokesman-Review*, February 27, 1998. Copyright 1998, The *Spokesman-Review*. Used with permission of The *Spokesman-Review*.

U.S. Senator Dirk Kempthorne (ID)



## Editorial

# The insider's game

JEERS to Coeur d'Alene Mayor Steve Judy and U.S. Sen. Dirk Kempthorne, R-Idaho, for putting the northern Idaho economy ahead of human health.

Judy and Kempthorne want the Superfund clean-up project in that Panhandle area restricted to a 21-square-mile area concentrated largely in the Kellogg area. The Environmental Protection Agency is moving to neutralize contamination in a 1,500-square-mile area.

There is no denying this scientific fact: The contamination caused by more than a century of silver mining stretches from the Montana border all the way to the Spokane River in Washington.

There are 500 abandoned mines in that area, sending more toxins into the region.

What worries Mayor Judy? Listen to his concerns: "It (the EPA plan) will be staggering to tourism and to the image we portray to the rest of the world — that Coeur d'Alene is beautiful."

Kempthorne is no better. He sees the EPA's plan as a "draconian step that could damage the region's flourishing economy."

Sounds like Judy and Kempthorne are in denial.

*J.Robb Brady and Marty Trillhaase  
The Post-Register, Idaho Falls, Idaho, May 8, 1998*

*JEERS to Coeur d'Alene Mayor Steve Judy and U.S. Sen. Dirk Kempthorne, R-Idaho,  
for putting the northern Idaho economy ahead of human health.*

*Senator Kempthorne's Staff Office, Coeur d'Alene, Idaho, 1994*





# In Coeur d'Alene, no pollution news is good news

If the entire Coeur d'Alene River basin in Idaho's Panhandle is poisoned from decades of mine waste being dumped into it, Coeur d'Alene Mayor Steve Judy doesn't want to know.

And Judy, elected with financial help from developer Duane Hagadone, has enlisted the assistance of Gov. Phil Batt, Sen. Dirk Kempthorne and Rep. Mike Crapo in trying to cap the Environmental Protection Agency's expansion of knowledge about the basin. The EPA wants to find out how badly the heavy metal pollution centered around the former Bunker Hill lead smelter at Kellogg contaminates the rest of the river drainage.

It's a good question. Up into the 1960s, mining companies upstream from the smelter dumped their mill wastes directly into the South Fork of the Coeur d'Alene and its tributaries.

The government has concentrated its cleanup efforts under the federal Superfund program on the smelter site and surrounding neighborhoods, where entire yards have been hauled away and replaced with uncontaminated soil. But everyone knows the contamination does not stop there. The former Bunker Hill Co. even maintained a "dead horse fund" to compensate downstream land owners whose animals died after drinking from the river.

Judy and state officials are demanding that the EPA stop trying to find out how far, and to what degree, contamination does extend. And it

sounds as if Judy is assuming the worst. He says the investigation alone will tar the entire basin, including Lake Coeur d'Alene, with the Superfund brush.

"How do you overcome that perception in the national mind?" he asks. "It will be staggering to tourism and to the image we portray to the rest of the world — that Coeur d'Alene is beautiful."

Judy adds that he fears the result could be signs warning swimmers not to drink the lake's water.

"That's not acceptable; people won't understand this is a precautionary measure," he says.

Misha Vakoc, an EPA spokeswoman in Seattle, says the agency has no plans to order such signs. "We hope not; we don't want to do that," she says, explaining that the agency is just starting to collect information.

Kempthorne, like Judy, needs no more information, though. "There is no reason in the world the city of Coeur d'Alene and the lake should become America's largest Superfund site," he declares.

So don't bother Judy, Kempthorne and the others with data about pollution outside the current Superfund borders. They know all they need to know already.

If you do too, you can sing along with them. All together now: "It's a beautiful day in the neighborhood." — Jim Fisher

Lewiston Tribune, Lewiston, Idaho, March 9, 1998

## Judy urges fight over EPA pollution study CdA mayor says city can't afford Superfund label

By Ken Olsen, Staff writer

COEUR d'ALENE — Residents should fight the Environmental Protection Agency's efforts to probe mining contamination throughout the Coeur d'Alene Basin, the Lake City's new mayor said.

"We can't afford it, especially when there's not a proven health risk," said Steve Judy in his first State of the City address Tuesday morning before the Coeur d'Alene Chamber of Commerce.

The EPA investigation will hang the Superfund label on Coeur d'Alene, Lake Coeur d'Alene, and the rest of the basin he said. That will bring a stigma that the Coeur d'Alene Basin is damaged, unsafe and unclean.

"How do you overcome that perception in the national mind?" Judy asked. "It will be staggering to tourism and to the image we portray to the rest of the world — that Coeur d'Alene is beautiful."

The EPA announced last week it is going to study contamination from Mullan — near the Montana-Idaho border — to Long Lake, northwest of Spokane. The information will be used to develop a cleanup plan, although the actual cleanup won't necessarily encompass that much ground.

The federal agency isn't declaring the entire Coeur d'Alene Basin a Superfund site, cautioned Misha Vakoc, an EPA spokeswoman. Instead, the agency is "looking at where the contamination has gone." That includes contamination from the defunct Bunker Hill mine and smelter site and from mining upstream and downstream from Kellogg.

Judy, however, says he is especially concerned about two possibilities. One is signs that warn against things like swimmers ingesting water from Lake Coeur d'Alene.

"That's not acceptable — people won't understand this is a precautionary measure," Judy said.

Judy also said he worries about the threat of additional landowners being tapped to pay for the cleanup. That will kill economic development because anyone with land where mine tailings have landed is potentially liable, he said.

Judy has contacted U.S. Sen. Dirk Kempthorne, R-Idaho, who is on the EPA oversight committee. Kempthorne was going to meet with EPA Director Carol Browner this week to ask "how can they do this to us?" Judy said.

Judy is taking his anti-EPA message to the Post Falls Chamber's economic development committee today.

The EPA says it isn't preparing to put warning signs on Lake Coeur d'Alene beaches. "We don't know that," Vakoc said. "We hope not, we don't want to do that."

Judy is assuming the EPA will find dangerous levels of contamination in the lake and on its shores, Vakoc said. "We are saying this is the start of a process . . . we hope everybody will be actively involved."

"The idea is to clean up the areas that need to be cleaned up as quickly as possible."

The mayor touched on a broad range of other topics during his Tuesday morning address. He still hasn't made a decision on a parade permit for the Aryan Nations planned April march downtown. But options for denying the permit are limited.

He is encouraging residents not to attend the parade. That will send a message to the Aryans and will avoid threats to public safety.

"Folks in the ultra-minority don't represent who we are," Judy said, "and we need to get that message out."

The Spokesman-Review, March 4, 1998. Copyright 1998, The Spokesman-Review. Used with permission of The Spokesman-Review.



# Not all river residents opposed to EPA study

## Many want to know if there's heavy metal pollution downstream from Superfund site

By Laura Shireman, Staff writer

POST FALLS — Jud Melton has lived in Post Falls on the bank of the Spokane River just shy of 16 years and has no plans to move — even if the U.S. Environmental Protection Agency finds heavy metals contaminating the water.

His children used to play in the river and now his grandchildren do. Melton has no problem, he said, with the EPA testing for possible contamination.

In February the agency announced it would test the river for heavy metals from mining outside of the Bunker Hill Superfund site. It has said it will study whether mine tailings have been carried downstream as far as where the Spokane River meets Lake Roosevelt northwest of Spokane.

“What’s it going to hurt?” Melton asked. “If they don’t find anything, they aren’t going to do anything.

“Who else better than the EPA has the means, has the authority and has the money—or at least the ability to get the money—to do it?” he wondered.

Other property owners along the Spokane River endorse the idea of testing as well — from mothers worried about children ingesting lead to people who enjoy swimming along tree-lined banks where the river stretches through Millwood in the Spokane Valley.

“If there is something there, then we should clean it up and if there isn’t, then, well, we’ve got a clean bill of health,” said Bob Templin of Cavanaugh’s Templin’s Resort, a hotel on the riverfront in Post Falls. “If there is something in our water that needs to be cleaned up, then I’d like to see this generation do it.”

Still, others protest the actions of the EPA as possibly going too far. They grumble that the EPA is failing to give local people enough input into the process.

“I don’t like the attitude of them coming in and saying ‘We know what’s best,’” said Rusty Sheppard, a board member of the Spokane River Property Owners Association. “That’s — in a nutshell — saying people in Washington, D.C., know better than the people in Idaho, Washington and the Coeur d’Alene Tribe know what to do with our water.”

The EPA plans to work with local government and is setting up public hearings in Spokane, Coeur d’Alene and other towns closer to the Superfund site, said Cliff Villa, an EPA attorney.

Maryadell Morton, a self-proclaimed old-timer, has lived in Millwood on the Spokane River for 40 years. She thinks the EPA sometimes goes too far.

“It’s a wonderful thing — the environmental protection — but I think they should slow down because we’re all alive. My mother lived to 101 on what they say is a contaminated river and I swim in the river every summer,” she said.

Property owners opposed to the EPA’s decision to conduct tests cite concerns about liability and wonder whether they would have to pay to clean up any contamination found on their property.

In almost all cases, the answer is no, Villa said.

The EPA’s policy is not to go after individual property owners, he said. Even if they did, the “innocent property owners’ defense” means property owners cannot be held responsible for any contamination if they did not contribute to it.

Even without the potential of liability, testing becomes a financial issue for property owners worried that their property values will plummet if word gets around that heavy metals lurk in the Spokane River.

Tourism could suffer under the stigma of Superfund, some say.

Melton says the potential stigma doesn’t bother him much.

“There are other things in the area that bother me a lot more — we’ve got an Aryan Nations compound right up there (in Hayden Lake),” he pointed out.

However, even those who support the tests believe the EPA probably won’t find much contamination as far downriver as Coeur d’Alene, Post Falls or into Washington.

“The (Coeur d’Alene) lake is very deep in some places, and I think it acts to an extent like a distilling basin,” Melton said. “Heavy metals by definition are heavy. They filter out.”

“I just don’t think they’re going to find anything,” said Janet Smith, a Millwood resident who lives on the river. But she also thinks not testing would be “hiding your head in the sand.”

Many people along the Spokane River haven’t made up their minds about the testing or haven’t even heard it is taking place. The Spokane River Property Owners Association, for example, readily admits it’s still gathering information before taking a stand.

Even Melton, who joined the association because he worried about water quality, says he’s “just trying to figure out what’s going on.

“I’m not sure I know where I stand.”

The Spokesman-Review, June 2, 1998. Copyright 1998, The Spokesman-Review. Used with permission of The Spokesman-Review.

*“What’s it going to hurt?” asks Post Falls resident Jud Melton of EPA plans to study the effects of mining on the Spokane River.*



Craig Buck/The Spokesman-Review

## Letter to the Editor

# Laxity jeopardizes tourist income

In November 1997, the Idaho Board of Health and Welfare waived all mineral extraction areas from having to comply with Idaho's own rules for ground water quality. In February, the board approved an increased concentration of lead in the South Fork of the Coeur d'Alene River that is 268 times the national standard. Allowed levels for cadmium and zinc were also increased.

Only recently, Idaho was the subject of national attention because of the effects of lead on children in the Silver Valley. The profoundly detrimental effects of lead on children include mental retardation.

Would the state of Idaho subject the 500,000 people of the Spokane and Coeur d'Alene watersheds to the certain dangers of increased lead levels? Knowing that the EPA must intervene to keep the Coeur d'Alene River Basin from becoming a toxic site, do Idaho's senators really want to interfere with the one agency that can save the entire region?

Idaho is in a major public relations dilemma. Understandably, no one wants potential tourists to see Idaho as a toxic Superfund site. But at the same time Idaho would discharge increased metals into an area that already has signs warning the public not to drink the water, eat the fish or breathe the dust.

Allowing increased lead levels can only hurt Idaho's economy. Restoring clean, safe water takes effort, but the funds are a wise investment in the long-term health of Idaho's economy and of its children.

William R. Osebold, Spokane

The Spokesman-Review, April 29, 1998. Copyright 1998, The Spokesman-Review. Used with permission of The Spokesman-Review.

# More metals in river basin gets approval

By Erica Curless, Staff writer

BOISE—The Idaho Board of Health and Welfare voted Thursday to allow more zinc, lead and cadmium in the Coeur d'Alene River basin, a move several groups said is premature.

These metals are found naturally in the area, although a century of mining has boosted their presence in the river.

Getting rid of the metals involves cleaning up polluted dirt in the Smelterville Flats and along miles of stream in Burke Canyon.

In a 4-1 vote, the board approved the state Division of Environmental Quality's temporary rule that sets water quality standards based on the assumption that fish are adapting to the level of pollution in the upper river around Mullan.

The new standard for metal levels, which takes effect March 1, applies not only to the South Fork, but the entire river basin. Mining companies will not be required to filter as much out of water going downstream as under the old rules.

The state DEQ and the Idaho Conservation League asked the board to postpone its vote because they haven't had time to study the effects. The groups also questioned whether the standards should apply to the entire river.

Mark Shumar, DEQ's senior water quality analyst, said the board's decision isn't final and that members have until the 1999 legislative session to make changes.

Shumar said adopting the rule was critical because the state missed its Jan. 1 deadline for submitting water quality standards to the federal Environmental Protection Agency.

The deadline is a result of a lawsuit filed by the Idaho Conservation League. The lawsuit complained that the EPA wasn't making the state comply with the federal Clean Water Act.

On Thursday, the EPA and the ICL pleaded the same case in asking the board to postpone its decision.

"If someone is going to be sued it's the EPA," state Director Lynn McKee said about the

consequences of missing the deadline. "It's worth that risk to have a credible water standard."

Scott Brown of the ICL agreed.

"We are more interested in getting a product that is responsible and implementable," Brown said. The Coeur d'Alene Tribe and the Inland Empire Public Lands Council also opposed the quick decision.

The Spokesman-Review, February 13, 1998. Copyright 1998, The Spokesman-Review. Used with permission of The Spokesman-Review.

Dead swans, Coeur d'Alene watershed.



U.S. Fish and Wildlife Service

# Proposal would let Hecla put more metals in river

## EPA poised to reject lenient standards for zinc in South Fork of CdA River

By Susan Drumheller, Staff writer

COEUR d'ALENE—The state of Idaho is proposing water-quality standards that would allow Hecla Mining Co. to discharge more heavy metals into the South Fork of the Coeur d'Alene River.

Four years ago, the state, federal government and Hecla Mining agreed to come up with special water-quality standards for the South Fork of the Coeur d'Alene River.

That agreement recently resulted in state-sanctioned standards that the Environmental Protection Agency is poised to reject.

While the state recently adopted a temporary rule that establishes new, more lenient standards on the South Fork, the standards have not been submitted to the EPA for approval under the Clean Water Act provisions. The state missed its deadline of Dec. 31, 1991.

The new state standards increase the allowable concentration of lead 268 times over federal standards. The South Fork already is lead-laden from historic mining operations. The proposed state standard could mean even higher concentrations of lead, according to the EPA.

The state's standards are the basis of a plan that places limits on the amount of contaminants mining companies, wastewater treatment plants and others can discharge into the river.

Under the state's proposed plan, Hecla could discharge about five times more zinc than it does now, said Bill Riley, EPA's regional coordinator for discharge permits. That amount of zinc discharge could be prevented by 20-year-old technology, according to the EPA.

Zinc is toxic to fish, but poses no health threat to humans. Hecla said the new rules won't prompt the company to increase what it discharges into the river.

Meanwhile, the state's plan calls for the Bunker Hill Superfund Site's wastewater treatment plant to significantly decrease its toxic discharges to the river.

EPA wrote to the Idaho Division of Environmental Quality that the inequity between what mining companies and Bunker Hill would be allowed to dump in the river "raises a number of serious concerns."

The state DEQ justifies its temporary water quality rules and the proposed pollution limits (called Total Maximum Daily Loads, or TMDLs) with a study that shows that fish can survive in the Mullan area of the South Fork of the Coeur d'Alene River, below Hecla's

Lucky Friday Mine. The new standards are based on metal concentrations in those parts of the river.

DEQ's Geoff Harvey said the federal standards, developed in a laboratory in Georgia, are impractical for the South Fork.

"We have exceedance of (federal standards) in the very headwaters of the stream," Harvey said. "The intake of the Lucky Friday mill exceeds the lead criteria and it doesn't have any mining on it."

The state's attempt to come up with site-specific rules for the South Fork originated because of a dispute between Hecla and the EPA over Hecla's discharge permit, Harvey said. According to Hecla, however, the dispute was between EPA and the state.

"This question between the state and the EPA needed to be resolved," said Matt Fein of Hecla. "The question was what water quality standards were applicable to the river there."

Hecla is still operating under an outdated 1977 discharge permit.

The three parties signed a letter of agreement in 1993 that said the state would develop site-specific criteria for the South Fork of the Coeur d'Alene River.

"Hecla, EPA and DEQ share the common goal of maintaining levels of water quality which are supportive of (fish) in the South Fork Coeur d'Alene River above Canyon Creek," the letter reads.

The state initially didn't have any money to pursue the site-specific studies, however, so Hecla Mining helped lobby the Idaho

Legislature to come up with the necessary funds, Harvey said.

That's brought criticism from environmental quarters that the criteria were developed primarily for Hecla's benefit.

"Hecla Mining has a close relationship with the state of Idaho through the Legislature and through DEQ," charged Michelle Nanni of the Lands Council. "Idaho used taxpayers' money to complete these studies."

The mining company made no attempt to skew the results, Fein said.

"We didn't go to the state and say, 'Do this, do that,'" Fein said. "The state said, 'We don't want your money. We'll just fund it from the Legislature.'"

Harvey said DEQ made its intentions clear all along that it just wanted more reasonable water quality standards for the entire South Fork — standards that recognize that the river will never be pristine.

***The new [Idaho] state standards increase the allowable concentration of lead 268 times over federal standards. The South Fork already is lead-laden from historic mining operations. The proposed state standard could mean even higher concentrations of lead.***

***[Idaho] state initially didn't have any money to pursue the site-specific studies, however, so Hecla Mining helped lobby the Idaho Legislature to come up with the necessary funds.***

*Continued on page 24*



# Conservation group raps Legislature for mining's exemption from water rules

Associated Press

POCATELLO—Although it held its own throughout much of the 1998 legislative session, Idaho Conservation League officials believe they suffered their major setback within weeks of the opening gavel.

League issues director Scott Brown says he believes the measure exempting the mines from state groundwater quality standards in certain circumstances has the potential for environmental damage.

The Division of Environmental Quality rule will not consider naturally occurring substances as pollutants when found in groundwater around active mines as long as the miners have used best management practices in extracting the ore.

Environmentalists urged lawmakers to reject the rule, arguing that contamination can migrate from mining sites in groundwater that is all but impossible to purify again.

But Idaho Mining Association Director Jack led the campaign in support of the proposal, maintaining it would not threaten public health or the environment.

He said state regulators could still hold mining companies responsible if contamination away from mines reached unacceptably high

concentrations of mining-related pollutants and force them to cease operations.

In addition, Lyman said miners could be held responsible for excessive contamination inside the mine if they were not using best management practices.

That, Lyman argued, will deter the industry from releasing contaminants to groundwater, threatening people and the environment.

And as management practices improve, the rule requires miners to upgrade the technologies they use to keep up with those practices.

While the rule exempts active mining areas, conservationists said it was difficult to keep groundwater contaminants contained within artificial boundaries.

Pumping groundwater out and trying to remove contaminants from it is one approach to dealing with excessive pollutants, Brown said, but it is often very expensive and frequently unsuccessful.

"That's backwards," he said. "We need to prevent contamination of our waters and our land. This rule is one of the most blatantly threatening things lawmakers passed because once you pollute an aquifer you can't contain it. It's going to move."

*Post-Register, Idaho Falls, Idaho, March 31, 1998*

*Continued from page 23*

Still, critics say the standards are still too lax even by those guidelines.

"The tribe all along has stated that there's far more things going on than living and dying," said Phil Cernera, the coordinator of the Natural Resource Damage Assessment for the Coeur d'Alene Tribe. "That fish could be in that system, but it could be severely impaired. . . . Do we want to set standards for just the survivors, or do we want all the fish?"

While the state, EPA, tribe and environmental groups argue over the science behind the new water quality limits, the clock is ticking past the court-ordered deadline for federal Clean Water Act approval.

The new standards were supposed to be in place by March 1, according to a federal Clean Water Act lawsuit brought by the Idaho Conservation League.

"If anyone challenges the fact that the schedule hasn't been met, no doubt EPA will be back in court," said EPA's Leigh Woodruff.

The Conservation League said it's willing to give the EPA a little more time.

"Idaho has made it very difficult for EPA to meet the schedule on this," said Scott Brown, the league's state issues director. "We're more interested in

getting good (load limits) done. . . . The writing is on the wall that the EPA is going to have to write the TMDL."

*The Spokesman-Review, March 2, 1998. Copyright 1998, The Spokesman-Review. Used with permission of The Spokesman-Review.*

*At the boat launch near the Cataldo Mission, a large sign warns people to stay away from dirt and water in the contaminated Coeur d'Alene River basin.*



*File/The Spokesman-Review*



## (5) Economics Of Cleaning Up

# EPA says cleanup won't hurt CdA basin economy

By Erica Curless, Staff writer

COEUR d'ALENE—The area's economy will not suffer if parts of the Coeur d'Alene Basin are declared a Superfund site, an Environmental Protection Agency official said Thursday.

"That's not making that up as a pie-in-the-sky EPA statement," said Michael Gearheard, regional Superfund director.

Community leaders balked earlier this week when the EPA said parts of Lake Coeur d'Alene and the Spokane and Coeur d'Alene rivers may become Superfund cleanup sites.

Coeur d'Alene Mayor Steve Judy said the impact of putting the lake on the cleanup list threatens the area's tourist-based economy.

"I think that's a quote from a government bureaucracy that has no clue or responsibility about the economy that drives our community," Judy said.

But Gearheard argued these outcries are unfounded. He said removing metal contaminants such as lead from the lake and rivers actually would boost the area's image.

"Everyone knows there are high levels of contaminants in the bottom of the lake," Gearheard said. "What is the status of the economy now? I just read (Kootenai County) is the fastest growing county in the state."

Judy countered by saying there is no evidence Lake Coeur d'Alene or the Spokane River pose health risks. He acknowledged the upper Coeur d'Alene River near Kellogg may have contaminants. But associating the entire basin with Superfund is unfounded, he said.

"The facts are you can swim in the lake," Judy said. "It exceeds federal drinking water standards. And you can eat the fish."

Now that the Bunker Hill cleanup is near completion, the EPA is studying other "hot spots" in the Coeur d'Alene Basin because contamination goes beyond the 21-square-mile boundary, Gearheard said.

In a letter released Wednesday, EPA Regional Administrator Chuck Clarke wrote that the 1983 Bunker Hill Superfund agreement "made clear that the 'site' would include areas both upstream and downstream that are contaminated with mining wastes." That means from Mullan, near the Idaho-Montana border, to Long Lake, northwest of Spokane.

But Judy claims Lake Coeur d'Alene never was in the agreement and that the EPA is backpedaling.

Including Lake Coeur d'Alene and the Spokane River in the 1983 Superfund agreement allows the EPA to bypass public involvement in designating cleanup areas, Judy said.

The mayor is forming a coalition to oppose the EPA's efforts and educate the community.

Clarke vowed that the EPA is committed to working with residents and businesses to ensure that both human health and the environment are preserved along with the area's economic development.

The EPA is accelerating its study to prevent the "lengthy uncertainty," which inflates the worries of many North Idaho residents, Gearheard said. The agency is sampling water and sediment in the Coeur d'Alene Basin this month to identify mining contamination.

Gearheard refused to speculate on what the cleanup plan will entail when it's completed in 2000. But, he added, the EPA has few options for cleaning contaminated river sediment — dredging, capping or in-place treatments. Deciding there's not enough contamination to warrant a cleanup is another option.

"There's serious levels of contamination in places throughout," Gearheard said. "We don't want to say the entire basin is contaminated."

Gearheard is adamant that cleanup won't dry up development in Kootenai County.

"We've seen Superfund sites with positive developments in terms of economic development," he said.

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## Workers strip toxic tailings from flats

By Julie Titone, Staff writer

The Smelterville flats once was a cedar swamp. Like ghosts of the past, huge tree stumps emerge there as toxic mine tailings are scraped away.

By November, 1.5 million cubic yards of tailings will be removed from 100 acres. The rocks and dirt are coming out at a rate of 16,000 cubic yards per day, Monday through Thursday. Two 10-hour work shifts cover the time between 6 a.m. and 2 a.m.

Twenty trucks travel a haul road that loops around Interstate 90 and the Shoshone County airport.

The tailings, which washed in from upstream mining operations, are an average of 4 feet deep. They're contaminated with toxic metals such as zinc, lead and arsenic.

The Smelterville flats is the second-biggest source of metals going into the South Fork of the Coeur d'Alene River, which winds through the area.

While the riverbed is being cleaned up, the water has been temporarily rerouted into a straight channel on the north side.

The tailings are being dumped on the Central Impoundment Area, a toxic pile on Kellogg's west side.

The impoundment is the biggest source of metals going into the river. It eventually will be capped with a plastic liner, sand-like black slag, and either sand or dirt. Grass will go on top. There's serious talk of turning it into a golf course.

*The Spokesman-Review, April 28, 1998. Copyright 1998, The Spokesman-Review. Used with permission of The Spokesman-Review.*

# Workers cleaning up

## Superfund work a boon to Silver Valley economy

By Julie Titone, Staff writer

KELLOGG—From a distance, they look like a fleet of yellow Tonka toys.

But the big earthmovers and trucks are going about the serious work of scraping and hauling a century's worth of mining wastes out of the flood plain.

The operators inside them are carrying off hefty paychecks, too.

"These guys start out at \$22.50 an hour. The best-paying job you're going to get around here is \$20 or so," said Rich McDonald of Pinchurst.

McDonald is a machinery operator who's been watching as his Silver Valley neighbors get jobs cleaning up the Bunker Hill Superfund site. Over the past few years, the work has included tearing down the lead and zinc smelters, which along with the mines once were Shoshone County's biggest source of jobs.

Even though Shoshone County unemployment is still high at about 10 percent, the Bunker Hill cleanup is a definite economic bright spot. Almost all of the workers are local, as federal officials promised.

One of the most labor-intensive Superfund projects resumed this month. That is the removal of metals contaminated mine tailings from the Smelterville flats east of Kellogg.

In order to get the work done by November, the work was expanded to two, 10-hour shifts, Monday through Thursday.

"When they doubled the work force, that created a big stir in the valley," said Gary Beck, manager of the state Job Service office in Kellogg. "Everybody wanted to drive the big trucks."

Not everyone wanted to join a union to get the jobs, though, and that's a prerequisite. McDonald is among those who has hesitated. He said it would cost him \$1,200 to pay dues and take a mandatory hazardous materials class.

Union workers are allowed to deduct the dues from their paychecks, so the money doesn't all have to be paid up-front.

The Superfund project is spearheaded by the Environmental Protection Agency. EPA officials eased concerns in the economically depressed valley when they said

locals would get preference in hiring.

Boise-based Morrison-Knudsen is the company that landed the big contract for the Smelterville flats cleanup.

With the number of workers reaching 160, "We've just about peaked out," said M-K project manager Bill Ingersoll. "One hundred percent of those people are from the Silver Valley."

M-K subcontracted with Morrison Construction of Richland, Wash. Because Morrison has union contracts, the hiring is done through three Spokane union chapters.

The 20 big trucks are driven by members of Teamsters Local 690.

Sixty-seven Teamsters had been hired late last week. Most of the referrals are word-of-mouth, said business manager Dennis Dumaw. It seems everyone in the valley has a relative or friend who needs a job.

"They're a good bunch of people," said Dumaw.

Operating Engineers Local 370 finds workers to run the other heavy machinery, such as excavators and rollers.

***Even though Shoshone County unemployment is still high at about 10 percent, the Bunker Hill cleanup is a definite economic bright spot. Almost all of the workers are local, as federal officials promised.***

*Heavy equipment operators are busy excavating tainted soil from the Smelterville flats.*



Craig Buck/The Spokesman-Review

Bucky Arnold, who started work last week, was self-employed before joining the 40 or so operators who found work with Morrison.

"They called four other people in front of me, but no one was home," said Arnold, who's glad he was home to take the call. A lot of his coworkers used to labor in the woods.

"They're pretty few and far between — good jobs where you don't have to stay in camp 400 miles away," said Arnold. "Logging's a tough job."

Dennis Morris has operated heavy equipment for 10 years, and said he's been pretty fortunate to find union work. This is the second year on the Superfund job; he was laid off from this project during the winter.

Laborers Union Local 238 provides the balance of workers, who do everything from flagging to dust control.

Only half a dozen Silver Valley residents belonged to the union at the start of the project, said Local 238 held representative Bill Carter.

"They were the first ones to be hired," he said.

Along with the union dues come medical insurance and pensions noted Carter. And when the job is done, "those with union cards can go anywhere in the United States and work."

*"It provides an area for us to promote growth, expand our economic base and provide affordable housing"*

*— Kellogg planner Walter Hadley*

Not all jobs at the Superfund site require union membership. Other work contracted by the government includes road maintenance, yard cleanup, site security and erosion control.

All construction jobs are dangerous, notes M-K safety officer Ken Worley. This one is a little more so. Working around lead, zinc and other heavy metals poses a health risk. Workers shower after every shift, wear protective clothing, get full annual physicals.

Their blood is checked for the presence of metals every two months for the first half year, and every six months after that, Worley said.

John Waldo is a former logger whose dad worked for Bunker Hill. He's been working at the Superfund site for several years. He helped tear down the smelter, and now is driving truckload after truckload of tailings.

The Superfund project, which will soon be winding down, has gone better than Waldo expected.

"I think it's a plus for the Valley," he said.

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# Silver lining

## Boosters excited by opportunities in Bunker Hill cleanup

By Julie Titone, Staff writer

KELLOGG—A lot less ugly and a lot more jobs.

That's what Silver Valley boosters foresee as the environmental cleanup of the Bunker Hill smelter complex barrels toward completion.

Hopes are rising higher than the smokestacks that came crashing down two years ago. Thoughts are turning to what will replace them: definitely a business park, possibly a golf course. Condos, houses, offices, stores. A riverside greenbelt tying it all together.

"It's kind of a new beginning down there," says Margie Gravely Todd, director of the Silver Valley Economic Development Council.

Brenda Stinson, owner of Kellogg's Silver Needle Inc., believes this will end up being one of the cleanest spots in the whole country. She figures that's only fair.

"We stuck it out through all the bad times."

It's been 17 years since Bunker Hill shut down, taking with it the valley's biggest source of paychecks and leaving behind a legacy of toxic metals.

In 1983, 21 square miles surrounding the plant was designated a federal Superfund site. That seemed to bring only the stigma of pollution, not the promise of improvement, to Kellogg, Smelterville, Wardner and Pinehurst.

But recent progress has been dramatic, as anyone driving Interstate 90 can see. Industrial buildings have been demolished, gulches cleared of toxic dirt. Thanks to tree planting and the absence of smokestack emissions, the highway corridor has been steadily "greening up."

This year, there will be a renewed effort to get something to grow on those eroding terraces above the smelter site.

A convoy of monster trucks soon will resume hauling mining wastes from the Coeur d'Alene River flood plain. By October, 1.5 million tons of tailings will have been dumped on the Central Impoundment Area, where toxic waste has been stockpiled for decades.

Buildings can't be erected upon that plateau of pollution. Once it's capped, though, the impoundment could turn into an emerald centerpiece for the valley: a golf course.

The state of Idaho, which will oversee the sale of Superfund property, would love to turn over responsibility for landscape maintenance to a private company. One that's shown interest is Eagle Crest, which operates Kellogg's Silver Mountain ski resort but is better known for its golf course developments.

The Oregon-based Eagle Crest is doing an economic analysis, and Kellogg real estate agent Dale Brown hopes that firm ends up with the golf course. He's eager to walk the fairways in four or five years.

But long before that, Brown expects to stride into the Silver Valley Economic Development Council's new business park. The first building will open in the summer of 1999, he says. The 78-acre site is south of I-90 across from Shoshone County Airport.

"We hope to have a multifaceted business center, with warehousing, light manufacturing, office space workforce training, an incubator," Brown says.

Some companies already are doing business in the Bunker Hill area. SVL Analytical Inc., an environmental lab, has set up shop in Government Gulch. Whiteman Lumber of Cataldo bought a planing mill at Smelterville four years ago.

Banks are becoming more willing to lend money to businesses that want to set up shop in the area, say Ken Schueman, owner of the Super 8 Motel. It was more difficult getting financing five years ago, when he and his wife opened the motel, than when they recently refinanced.

Environmental issues aside, Schueman says the Kellogg area offers advantages. It's relatively inexpensive, has big potential and businesses are greeted warmly.

"Some places you go, permitting is a big hassle, growth is a problem. The growth is a problem the other way here: We need more of it."

Schueman expects a lot more businesses will be attracted to the site when the cleanup bustle ends in a year or two. The economic development



council is pinning its greatest hopes on companies that are in the valley and looking to expand.

The Environmental Protection Agency will turn smelter-area land over to the state as quickly as possible, says EPA project manager Earl Liverman. People who want to buy it will make proposals to the Idaho Land Board.

The cleanup should be finished sometime around 2002. It'll be another five years before the area can be officially taken off the Superfund list, says Jerry Cobb of the Panhandle Health District.

While getting the independent-minded people of the Silver Valley to agree on anything is "like herding cats," Cobb contends, they've developed a common vision for the Superfund area.

Smelterville signed on when it became certain that the once-polluted land could be developed.

"That's our gold mine," Mayor Bill Keller says. New business tax revenues could mean freshly paved streets for his hamlet of 243 homes, maybe even a police department of its own.

Kellogg has the biggest stake in the Superfund site, much of which lies within its boundaries. The City Council has zoned residential, commercial and light industrial areas there.

Cities rarely have such an opportunity to guide the future of a big chunk of land, Kellogg planner Walter Hadley says.

"It provides an area for us to promote growth, expand our economic base and provide affordable housing," he says. "You'll have the old town and the new town — new streets, new street lighting, new trees."

Hadley is seeking grants to complete a recreational trail along the abandoned Union Pacific Railroad tracks that served the smelter.

Much of the property in town is owned by people from such places as Seattle, Vail and Aspen, who are waiting for the community to soar, Hadley says.

Meanwhile, a full-court press is under way to make the Superfund land attractive to businesses. Public health officials are promising something rare in the commercial world. It's called certainty.

Businesses must follow some simple construction procedures that won't disrupt toxic soil. In return they will be free of liability for environmental hazards. The Panhandle Health District agrees to guide them through the process at no extra charge.

To spread that message, Cobb landed a \$100,000 federal grant to produce a 12-minute videotape and a booklet titled "Silver Valley Prospects."

Both products, to be released this summer, are the creations of planning consultant Tom Hudson. Now he's working on an Internet Web page designed to entice businesses to the Silver Valley.

Hudson points out that the Superfund system for land development has been used successfully by such businesses as Silver Mountain, McDonald's, Super 8, Chevron and Subway.

The building rules are "much more simple and inexpensive than anywhere I know of, especially in the Inland Northwest," Hudson says.

"Environmental conditions are well-known, well-studied. And to the extent that there are any problems, a system is in place to deal with that."

Cobb has been telling people for years that the heart of the Superfund site would be the best place to build.

"They said 'Cobb, you're crazy. You've been dealing with lead for too long.'"

As absurd as it may have sounded years ago, it's true, Liverman says. "This area may become one of the region's crown jewels."

*The Spokesman-Review*, March 15, 1998. Copyright 1998, *The Spokesman-Review*. Used with permission of *The Spokesman-Review*.

*Silver Valley resident surveys the Superfund site where contaminated dirt is being moved to a containment area.*



*Liz Kishimoto/The Spokesman-Review*

## (6) Idaho & The Coeur d'Alene

### Editorial

# Doing his sponsors' bidding

**Either the mining companies are going to clean up the mess they created in northern Idaho — or you will if they don't.**

By J. Robb Brady

Sen. Larry Craig, whose most recent re-election campaign took in nearly \$69,000 from mining companies, wants to weaken the ability of the federal government to force the mining companies to meet their responsibility.

The issue involves the future of the Superfund program — which draws environmental restoration funds from private polluters and then directs cleanup efforts. The Superfund is supposed to clean up the toxic wasteland created by mining companies in northern Idaho earlier in this century. So far, the program hasn't been able to do it, and Craig's answer seems to be drawing up a new recipe for failure.

The money stakes are big. It's estimated that the cost of restoring the 50-mile area from the mining sites of Kellogg and Wallace to Lake Coeur d'Alene and Washington state is \$600 million to \$1 billion.

The U.S. Justice Department says the mining companies should pay the major share of the cleanup cost. Justice, along with Indian tribes in the Panhandle area, sued mining companies to force the issue.

At the same time, the U.S. Environmental Protection Agency wants to expand the cleanup area beyond the mining sites to — and including parts of — Washington state as well as Lake Coeur d'Alene, a lake now below drinking water standards.

The history of the heavy metal poisonings of humans and land from both air emissions and leaching from mine tailings in this area is a long, sordid story of the mining companies evading responsibility — and Idaho politicians from the governor's office to the congressional delegation helping them to do it.

Serious neurological problems for humans are associated with high lead percentages in the blood. Wildlife, their well-being always an accurate barometer of human health, have not escaped the poisonings either. In 1997 alone, 150 waterfowl and mammals died, largely in the deltas of the Spokane and Coeur d'Alene rivers.

If you learn nothing else about the mining industry's attitude toward the public well-being, know this: In the wake of a fire which destroyed the Bunker Hill mine's stack filtration in the 1970s, the mine's owners had two options: Shut down and fix the system to protect human health or continue operating and reap huge profits from inflated prices.

The company elected to go without filtration, pumping a lead-heavy emission directly into the air. The lead contamination covered the region.

The following year the highest blood-lead levels ever recorded in human beings were registered in children living within a mile of the smelter. After some modest cleanup, the blood-lead levels in humans in the area are still three times the national average.

Now Craig wants to take some of the pressure off. His answer is to essentially bypass the federal Superfund law and establish the authority for environmental cleanup in the governor's office. His Republican colleague, Sen. Dirk Kempthorne — who could very well inherit this responsibility as Idaho's next governor — thinks the Craig bill "is a good model."

A good model for what?

The problem with the Superfund is that it lacks money — and sufficient authority or, in some cases, federal gumption to execute it.

It's a federal responsibility to clean up these pollution sites — and to force national and multinational firms to meet their responsibilities. The federal government sets environmental standards.

States simply lack the leverage to do this. Just examine the paltry settlement that then-Gov. John Evans arranged in 1986 with the mining companies — an embarrassing \$4.5 million that didn't settle anything.

Even worse, Craig's proposal gives the governor authority to release the polluters from Superfund liability.

It would suspend the Clean Water Act and the Solid Waste Disposal Act for pollution damages.

It also would shield the governor and the state from liability if the cleanup plans don't work.

And, according to Craig's plan, "the viability of the mining (activities) and mining companies" must be weighed in approving the scope of any cleanup.

So, in the end, who would pay? Nowhere in Craig's bill is there any definition of who pays what — in contrast to the Superfund law. If the industrial polluters are let off the hook, that leaves the public purse.

Responsibility has been hard to come by in this huge problem but it has to land with government finally.

A cleanup model is needed quickly, but dismantling the federal Superfund law is not the answer.

*Post-Register, Idaho Falls, Idaho, February 4, 1998*

## Editorial

# Afraid of News?

By Carol Horning Stacey

In Ibsen's play "The Enemy of the People," the enemy is a country doctor who discovers that his town's healing springs — a major attraction in the town — have been polluted by a tannery. That's why he's the enemy of the people. He threatens the economy.

Ibsen's play should be recommended reading for Coeur d'Alene's young Mayor Steve Judy.

At his presentation on the State of The City, Judy took issue with the Environmental Protection Agency's plan to study the watershed downstream from the existing Superfund Site in Shoshone County. The study would reach clear down to Long Lake, the other side of Spokane. Judy is afraid that if EPA is studying the effect of mining contamination here it will cast a stigma on Coeur d'Alene. He places great importance on what tourists might think.

How about placing great importance on our health? We who live here put in more hours swimming in Coeur d'Alene Lake than any tourists. We who live here are more likely to have snacked on blueback. We who've lived here a long time drank city water pumped from the bottom of the lake, and some Idahoans still pump their water from the lake. And unlike the swans feeding at Cataldo Flats, we aren't dead yet. Perhaps EPA will study and then pronounce that we shouldn't worry. That's better than wondering and worrying.

A lot of bad stuff finds its way into our waters. The view of the Coeur d'Alene River from the air won't reassure you - the mines really have done violence to our watershed. It's not news that the places to fish lie outside the main channel, a fact which fishermen attribute to mining pollution. While no very thorough studies of pollution in North Idaho's lakes have been done, the Idaho Department of

Environment has completed some baseline studies, and we suspect it's bad to disturb the bottom because it might release unwholesome metals into the stream. Yet the state has not felt confident in saving yes or no to requests for dredge permits.

One advantage of an EPA study is that the EPA would be spending money in our area. Surely the most zealous Chamber of Commerce member could see the virtue in money, which we all know is next to Godliness.

For years environmentalists have wanted the State of Idaho to put up the money to do something about the pollution of Coeur d'Alene Lake. So now here are some dollars! As for the Spokane River, the mere thought of what goes into it . . . but never mind. We don't want to be the Enemy of the People.

And now EPA wants to spend the money — Super!

Another item to note — and this might benefit the mine interests by distributing the blame more broadly — is that a good study could identify and perhaps quantify the participation of other lake polluters. The mines do not stand alone in mucking up the waters. Agriculture, road building, construction on the shoreline, sewage, boats, log storage, and even homeowners trying to green up the grass between themselves and the lake — all merit EPA's attention.

Our lake is a treasure. But it has suffered neglect and abuse. Public interest in the lake and in the beaches has been slighted for years. If the water is dangerous, we should know. If the lake requires restoration, it should be done. If shoreline alteration and dredging make things worse, which some of us have long believed, they should be prohibited.

As for our reputation — how much better to be known as a community that faces its problems than a community that fears to know about them.

Nickel's Worth, *Coeur d'Alene, Idaho, March 6, 1998*

## Editorial

# Idaho should be last on list to clean up CDA basin

Let's see now, will the cleanup of northern Idaho's Coeur d'Alene basin — which Sens. Dirk Kempthorne and Larry Craig want removed from the federal Environmental Protection Agency's Superfund program and turned over to the state — be put in the hands of people like those planning to take over management of national forests in Idaho?

The task force doing that has several representatives from the mining, timber and ranching industries, but has no voice from the environmental community. The task force's lone environmentalist, Scott Brown of the Idaho Conservation League, resigned two weeks ago with Boise State University political scientist John Freemuth.

Both said the proceedings were too one-sided for them to be a part of anymore.

Or will the Idaho commission Kempthorne and Craig got a Senate committee to approve Thursday be more like the state's work to restore dwindling bull trout to state waters? As of October, that undertaking consisted of more promise than program, according to internal documents from the U.S. Fish and Wildlife Service, the U.S. Forest Service and even the state's Division of Environmental Quality. Although Gov. Phil Batt had warned Fish and Wildlife to keep its hands off while "the state of Idaho has been actively implementing my comprehensive plan for the bull trout," all three agencies agreed not much had been done. And the state didn't even have the money to proceed.

But it was thinking about it, said DEQ bull trout coordinator Nate Fisher. "We've got to figure out what the priorities are and I'm confident we'll find the money," Fisher said.

Meanwhile, said Chuck Lobdell, former Fish and Wildlife director for Idaho, "generally we're worse off than when we started four years ago."

And what about encouragement and cooperation from Idaho legislators, who this year turned back every piece of Batt's modest environmental improvement package?

Designate two wilderness rivers, the Selway and the Middle Fork of the Salmon, Outstanding Resource Waters? Forget it.

Upgrade the DEQ to a separate department instead of a branch of the Department of Health and Welfare? Nothing doing.

But legislators did give mining companies an exemption from groundwater protection standards, and set water temperature limits for bull trout that are too high to protect the fish.

Amid this splendid record, Kempthorne and Craig say the cleanup from decades of mine wastes being dumped directly into the Coeur d'Alene River would be better performed by the state than by the federal government. Their legislation would rely on an appointed state commission for a plan "to restore, manage and enhance the natural recovery of the Coeur d'Alene basin ... in a cost-effective manner." The plan would go to the governor, who would then negotiate with mining companies responsible for the pollution to determine their contributions to the cleanup.

Meanwhile, the same companies would be determining their own contributions to the governor's campaign committee — with that governor likely to be none other than Kempthorne himself.

Even from a state known for environmental sellouts, what Kempthorne and Craig propose is a sellout of record magnitude. The companies that polluted the Coeur d'Alene have been trying for years to cut the cost of cleaning it up, and then to shove that cost off on taxpayers. And now, thanks to Kempthorne and Craig, Congress is closer to giving them what they want.

Somewhere there might be a state that could do a massive job like this better than the feds. The record emphatically shows that Idaho is not that state.

Jim Fisher, *Lewiston Tribune, Lewiston, Idaho, March 30, 1998*



# Idaho officials must recognize scope of cleanup concern

By Michele Nanni

Just as Washington state shared in the wealth that was derived from mining activities that took place in the Silver Valley, so, too, do we share in the heavy metals contamination that has been migrating across the border through the river system.

It is in the interests of both states to pay off the proverbial credit card debt and invest in removing the threat of heavy metals from our water and lands for future generations. In fact, it will require the involvement and cooperation of all levels of government to bring about this formidable but achievable goal.

Unfortunately, however, forces are rallying against the basin-wide study and cleanup plan that the Environmental Protection Agency is undertaking using its federal Superfund authority. On the congressional level, Idaho Sens. Dirk Kempthorne and Larry Craig introduced specific legislation and amended the Senate Superfund Reauthorization bill, to remove EPA's cleanup authority in the basin and vest it exclusively with the governor of Idaho.

Then, we have the mayor of Coeur d'Alene and the Kootenai County commissioners spending taxpayers' dollars to join the side of the mining companies in the natural resource damage lawsuit filed by the Coeur d'Alene Tribe and U.S. Department of Justice. In a legal brief, the City of Coeur d'Alene and Kootenai County argue the Superfund site is confined only to the arbitrarily drawn 21-square-mile box around Kellogg. This would mean the entire rest of the basin, contaminated with the very same heavy metals pollution, would become ineligible for millions of federal cleanup dollars.

Also, in his quest to supposedly prevent a negative impact on tourism, Coeur d'Alene Mayor Steve Judy has himself been the one associating Love Canal and Lake Coeur d'Alene in the same sentence for the local and national media.

Is it rational or responsible for public officials to attempt to thwart health and contamination studies from moving forward? Is it a basic Idaho separatist mentality to "Keep out the feds!"

that's at work? Or is it the age-old case of the natural resource industries controlling the politics in Idaho at all costs?

If we could get past all the flailing and hysteria, we might be able to see the historic opportunity that stands before us.

By identifying problem areas and isolating the mine wastes from the river system, we can significantly improve the health of our children, environment and overall quality of life for future generations. There are an additional 70 million tons of mine tailings waiting to migrate downstream into our yards and lives if we do not seize this cleanup opportunity.

At this stage, EPA is sampling soil and water throughout the basin—from the Idaho-Montana border all the way to Long Lake in Washington. Based on those results and the results of other studies conducted in the basin, EPA will propose cleanup remedies for the various problem areas. At that point, it will be crucial for citizens, communities and state and local officials to provide their input into the "what, where, and how" of any proposed solutions.

EPA is holding its first round of public information meetings that will provide for education and input into the process. In addition to meetings scheduled in Wallace, Harrison, and Worley, there will be meetings in Coeur d'Alene on July 6 and in Spokane on July 8.

The state of Washington, the Coeur d'Alene Tribe and the other federal trustees are cooperating in this process.

The state of Idaho also has a valuable and important contribution to make if it, too, would choose to cooperate instead of fight. But that will only come when Idaho recognizes that both the pollution and control over its cleanup no longer rest solely within Idaho's borders.

• Michele Nanni is the Get the LEAD Out! campaign director for The Lands Council (formerly the Inland Empire Public Lands Council). The Lands Council is a not-for-profit environmental conservation organization based in Spokane, with membership in North Idaho and Eastern Washington.

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***In a legal brief, the City of Coeur d'Alene and Kootenai County argue the Superfund site is confined only to the arbitrarily drawn 21-square-mile box around Kellogg. This would mean the entire rest of the basin, contaminated with the very same heavy metals pollution, would become ineligible for millions of federal cleanup dollars.***



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# Dead Swans - Coeur d'Alene



U.S. Fish and Wildlife

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

**Mining corporations deliberately dumped 165 billion pounds  
of toxic waste into the Coeur d'Alene River.  
Lead and other heavy metals have poisoned children and  
killed thousands of swans.**