



*T*TRANSITIONS

Working for Sustainable Forests and Diversified Economies in the Pacific Northwest

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Washington State Rallies To Save The Spokane River

1999 Dead Swan Award Senator Slade Gorton (R-WA)



Ghosts of mining's past . . . & future?

Washington State Rallies To Save The Spokane River

Cleaning Up Mining's Toxic Legacy – Part 12

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TRANSITIONS – Journal of The Lands Council

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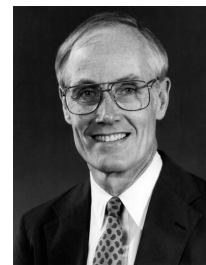


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Senator Slade Gorton: Dead Swan Award for 1999

By John Osborn, M.D.



Senator Gorton's Deplorable Record On Our Environment

YEAR	81	82	83-4	85-6	89	90	91	92	93	94	95	96	97	98
RATING*	38	31	8	67	30	50	40	17	13	31	0	8	0	0

Average for 1st Half of Career (81-86 & 89-90): 41%

Average for 2nd Half of Career (91-98): 14%

Source: The League of Conservation Voters' Congressional Scorecard, adapted by the Sierra Club. (*Ratings based on percentage of times the Senator voted for the environment.)

In the U.S. Capitol building key members of both the House and Senate met in conference to resolve differences on an emergency funding bill for Kosovo and hurricane victims.

Senator Slade Gorton (R-WA) was in that room. Reporters were there. And so, too, were lobbyists for the mining corporations.

As *Seattle Post-Intelligencer* Washington Correspondent Michael Paulson later recorded, Gorton got down on his hands and knees. Washington's senior senator was not praying to God. He was busy hand writing a special provision for a mining corporation that had nothing to do with Kosovo refugees or hurricane victims.

A Texas corporation, BMG (Battle Mountain Gold) wants to dig an open pit mine in Washington State. Local conservationists have long argued that transforming the top of Buckhorn Mountain into a cyanide leach pit would have devastating and everlasting impacts on the mountain's clean, headwater streams that flow into the Kettle and Columbia Rivers.

Yes, we do have laws that prevent the environmental destruction proposed for Buckhorn Mountain. Surprisingly, among these is the 1872 Mining Law – an archaic statute frequently criticized for its massive give-away of public wealth to mining corporations. But conservationists pointed out that the 1872 Mining Law actually restricts the amount of public land that BMG could use to dump its mining waste. The U.S. Interior and Agriculture Departments agreed. So, BMG Corporation turned to Slade Gorton to overturn the law.

Senator Gorton's hand-written "rider" was attached to the emergency funding bill and approved by Congress. Would President Clinton veto emergency help for Kosovo refugees and hurricane victims in order to undo Gorton's gift to a Texas corporation? No. The president signed the emergency funding measure into law with Gorton's language intact.

Gorton's deliberate effort to add to the toxic mine waste problems of eastern Washington and the Columbia River ecosystem earns him the first annual Dead Swan Award.

Washington State citizens carry a huge environmental debt on the east side of their state. People in eastern Washington – once one of the world's major industrial mining regions – struggle with an economy in transition and face an enduring legacy of toxic pollution.

During the past century, mining companies dumped their tailings into streams and rivers of the Columbia River ecosystem in untold quantities. The mines, mills and smelters are mostly gone now. But the lead, arsenic, copper, zinc, and cadmium are still with us. Like a toxic



Dead Tundra Swan, one of thousands killed by toxic mine waste upstream from Spokane.

wave in slow motion, the pollution is moving into our streams and rivers, our lakes, and even into our aquifers.

In Washington, rivers polluted by mining include the Similkameen-Okanogan, the mainstem Columbia, and the Spokane. Upstream from the city of Spokane, mining companies dumped 70 million tons of toxic mine waste into Idaho's Coeur d'Alene River. The worst epidemic of childhood lead poisoning ever recorded took place on the Idaho side of the state line in Kellogg. Toxic to the developing human fetus and child, lead causes brain damage – impairing intellectual development.

Compared with children, swans have a dramatic response to lead poisoning. Lead paralyzes the swan's esophagus, and it cannot swallow. This elegant and lovely bird slowly starves to death surrounded by food. Thousands of swans migrate each year into the wetlands of Lake Coeur d'Alene, upstream from Spokane. In these toxic wetlands, thousands of swans have died, victims of a century of dumping by mining corporations.

Washington State's waters are already contaminated with pollution that risks human health and harms our rivers; will cost millions – perhaps billions – of dollars to clean up; and hurts communities struggling to transition from resource exploitation to diversified and long-term sustainable economies. To this staggering public cost, Slade Gorton's rider would add yet another tab: a 100-million ton cyanide-laced waste pile on Buckhorn Mountain.

The Lands Council wishes to recognize Gorton's role in contributing to the already massive toxic mine waste that is polluting eastern Washington rivers by giving him the Dead Swan Award for 1999.

(1) Ghosts of Mining's Future?

Gorton mines legislative trick

Senator attaches rider to Kosovo bill, paving way for mine blocked by Interior

Gorton: Change intact but he'll vote against bill

By Jim Camden, staff writer

When Sen. Slade Gorton hitched a proposed Okanogan County gold mine to the air war in Kosovo, he was executing a congressional maneuver that is used regularly and condemned routinely.

It's not surprising that Gorton would slip a completely unrelated issue such as a permit for the gold mine into the \$15 billion emergency spending bill, say Washington, D.C., analysts who have decades of practice watching Congress spend the nation's money.

"Emergency appropriations loopholes are a running sore on the budget process," said Carol Cox Wait of the Committee for a Responsible Federal Budget. "These things are the messiest kinds of legislation we move."

Earlier this month, Gorton added an amendment to an emergency appropriations bill to help pay for the war in Kosovo and for repair of hurricane damage in Central America. The bill already was ballooning rapidly to cover the GOP's concern that the Defense Department is chronically underfunded, to provide relief for farmers and to repair damage from Midwest tornadoes.

The House of Representatives passed the spending bill, complete with Gorton's amendment, late Tuesday. The Senate is scheduled to vote on it this morning.

Gorton's amendment, called a rider, had nothing to do with money. Instead, it overturns an Interior Department ruling that is blocking the proposed Crown Jewel gold mine on Buckhorn Mountain in Okanogan County.

Environmentalists oppose the mine, which would use an open-pit, cyanide-leaching process to extract the gold. They roundly condemned Gorton's amendment.

The mining industry was incensed that even though Battle Mountain Gold Co. of Houston had obtained state and federal permits, it was blocked because the Interior Department ruled it would use too much public land to dump waste rock. Laura Skaer, executive director of the Northwest Mining Association, called Gorton "an American hero" for his action.

Wait and other budget watchers suspect that if the amendment had come from a liberal Democrat and was an attempt to strengthen environmental law, the cheering and complaining would be reversed.

Gorton is "as adept as most" in adding something to a large bill to benefit his state, Wait said.

He's not in the league with such kings of largesse as Sen. Robert Byrd of West Virginia, or former Sen. Warren Magnuson of Washington, the man Gorton replaced.

"We used to joke that with all the federal money Maggie sent to Washington, it was a miracle the state didn't fall off into the ocean," Wait said.

When Democrats controlled Congress and the Republicans held the White House, the roles were reversed, said Gary Ruskin of the Congressional Accountability Project.

"It's very much 'Meet the new boss, same as the old boss,'" he said.

In recent years, Gorton has used riders to change policy as well as spend more money. On different appropriations bills, his riders would have required that Congress approve any changes to dams in the Northwest, revamped the way federal money is spent on education, and restricted the sovereign immunity that Indian tribes have on their reservations.

In each case, those riders were eventually dropped from the bills, but not

before Gorton won concessions from either his colleagues or the administration.

This time, Gorton and other members of Congress had a better chance of getting what they wanted. They know President Clinton needs money for Kosovo and is unlikely to veto the emergency spending bill.

Pete Sepp of the National Taxpayers Union said it is "almost a given" that an emergency bill will be loaded with pet spending or policy projects. "That doesn't make it right," Sepp said.

At least with a normal appropriations bill, members of Congress try to keep to the theme of that spending, Sepp said. A policy change for the Environmental Protection Agency will usually be tacked onto the EPA appropriation; changes in education policy will be written into the programs for school spending.

By placing a policy change in an emergency spending bill, Congress avoids a debate on the merits of the change, Sepp said. "It's an easy way for Congress to make bad policy."

Cynthia Bergman, a spokeswoman for Gorton, said her boss did compromise on his rider, rewriting it so it applied only to the Crown Jewel mine rather than all mines in similar circumstances. Sens. Larry Craig, R-Idaho, and Harry Reid, D-Nev., will draft a bill and hold a hearing later this year on the Interior Department's stand on mine waste on public lands.

There is one wrinkle to Gorton's work on the emergency spending bill. As of Wednesday afternoon, his staff was saying Gorton would vote against the bill itself, because he opposes the way Clinton is handling the war in Kosovo.

That surprised the Accountability Project's Ruskin.

"Usually you do" vote for the bill you alter, he said. "But senators are famous for being able to sit on all four sides of a fence at the same time."

"It's an easy way for Congress to make bad policy."

• Jim Camden can be reached at 459-5461 or by e-mail at jimc@spokesman.com.
Spokesman-Review May 20, 1999
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Gorton known as the master of slipping new laws into bills

Law penned as lobbyists hover

By Danny Westneat, Seattle Times Washington bureau

WASHINGTON – In a basement room of the Capitol last night, Slade Gorton was down on both knees.

He wasn't praying. Pen in hand and surrounded by staff and lobbyists from the mining industry, the Republican senator was furiously scratching out the words to give Eastern Washington a gold mine.

It was nearly 10 p.m. EST, nine hours since a special committee of lawmakers from the House and Senate had begun debating an emergency appropriations bill. All day, it had seemed doubtful Gorton would persuade his colleagues to slip the gold mine into a bill aimed at more urgent matters, such as paying for the war in Yugoslavia.

But Gorton is known as a master at using money bills to write new laws. The idea is that Congress has to approve these bills, and the president has to sign them. Adding a little local project here or a wrinkle in environmental law there may anger some critics, but usually not enough to invite a veto of the entire law.

Gorton takes a lot of heat for it. Some people say it's sneaky. But often he gets his way.

Last night, he did it in the midst of an influence-peddling scene that has been replayed countless times during the 210 years of Congress. Shuffling papers, racing from once legislator or staffer to another, Gorton wrote the Crown Jewel Mine into existence on a scrap of paper less than an hour before it passed in a committee vote. It was approved while still in Gorton's handwriting.

The meeting was supposed to be closed to all but politicians, staff and press. But a guard who had enforced those rules during the day had vanished by 9 p.m.

Mining-industry lobbyists hovered over Gorton, offering helpful suggestions and buttonholing other lawmakers to vote their way.

Asked whether this was appropriate, a lobbyist from the National Mining Association said he was a "technical consultant" on hand

in case "Senator Gorton or anybody else had a question."

"Senator Gorton was writing that out himself," said Thomas Altmeyer, a senior vice president at the mining association. "He's a pretty damn good lawyer. He doesn't need our help."

At one point during the hearing, a mining lobbyist knelt at the elbow of a West Virginia lawmaker, whispering in his ear as the others around the table discussed how much to pay to help the refugees from Kosovo.

Gorton was elated by the effort to get approval of the gold mine and to correct what he says was an injustice.

But not everyone was convinced that such hasty lawmaking breeds good public policy.

"We are delving into areas where we haven't had any public hearings, we don't know anything about it, and now we're going to legislate them anyway,"

said Rep. John Edward Porter, R-Ill. "These things ought to be done with some thought."

Slade Gorton was down on both knees. He wasn't praying. Pen in hand and surrounded by staff and lobbyists from the mining industry, the Republican senator was furiously scratching out the words to give Eastern Washington a gold mine.

... he did it in the midst of an influence-peddling scene ...

Mining-industry lobbyists hovered over Gorton, offering helpful suggestions ...

Seattle Times

May 13, 1999

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Pure Water is more precious than Gold:

Buckhorn Mountain, Washington State



Tom Mulere

Proposed Open Pit Mine (artist's rendition). The Texas-based mining corporation, Battle Mountain Gold, would blast off the top of Buckhorn Mountain, crush up the rock, mix it with cyanide, and then dump it on a creek. The pit lake and the waste rock are predicted by both the Department of Ecology and the mining corporation's consultants to violate state water quality standards.



Frog Pond, Buckhorn Mountain. The proposed mine would surround the wetland with waste rock, exceeding the legal limits of the 1872 Mining Law.

The **Okanogan Highlands Alliance (OHA)** is at the forefront of people working to protect Buckhorn Mountain, and stop the open pit mine. From the beginning OHA has maintained the mine violates the law. The mining corporation has had politicians and regulatory agencies bend or exempt the mine from the laws. Senator Gorton's rider is the most recent episode.

For more information:
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Buckhorn Mountain, An open pit mine and cyanide leach operation would pollute five clean and healthy headwater streams flowing into the Kettle River and Columbia River.

Mine rider a threat to more than just Colvilles

By Joseph A. Pakootas

The Confederated Tribes of the Colville Reservation (Colville Tribes) are profoundly disappointed by a congressional appropriations rider aimed at forcing approval of the Crown Jewel open-pit gold mine in north central Washington.

If it becomes law, the rider, by Sen. Slade Gorton, R-Wash, and Rep. Ralph Regula, R-Ohio, would violate the treaty rights of the Colville Tribes. The Colville Tribes view this rider as the most objectionable of the many special interest riders that the Appropriations Conference Committee has loaded onto the emergency appropriations bill for hurricane and Kosovo relief.

The Colville Tribes have joined with many public interest and conservation groups in calling on Congress and the Clinton administration to reject the bloated, special interest bill of the Conference Committee.

The Gorton gold mine rider would reverse a portion of a March 1999 ruling of the U.S. Interior and Agriculture departments, which reject the Crown Jewel proposal because it would illegally use nearly 500 acres of public land for waste-rock dumps.

Crown Jewel proponent Battle Mountain Gold Co. of Houston, Tex., has complained bitterly about this decision to enforce the law. But instead of challenging it in court, it has worked with industry allies and Gorton to craft the rider that would exempt the entire industry from any limits on the use of public lands for toxic waste-rock dumps. The rider was attached to the bill May 12, literally in the middle of the night.

The Crown Jewel open-pit mine would be on lands where the Colville Tribes still hold hunting, fishing and water rights under an 1891 agreement with the United States and affirmed by a 1975 ruling of the U.S. Supreme Court. The mine would cause permanent devastation to the landscape, create a huge pit filled with contaminated water, harm fish habitat and waterflows in area

streams, and disrupt the habitat of a declining mule deer herd that Colville tribal members rely on for winter subsistence. The illegal waste-rock dumps would discharge water contaminated with heavy metals.

The March 1999 decision to reject the mine proposal recognized that the mine would violate not only the mining law, but also the United States' legal obligation to protect the rights of the Colville Tribes. The Gorton gold-mine rider focuses upon trying to exempt the Crown Jewel and other projects only from the mining law, and failed to consider the rights of the Colville tribes.

As chairman of the Colville Tribes' governing body, the Colville Business Council, I am urgently calling upon the Clinton

administration and Congress to reject the appropriations bill that contains the Crown Jewel and other special interest riders.

We are not surprised that Gorton would offer to give away an excessive amount of public land in our state to a multinational mining company from Texas so that it could cause permanent environmental damage for the sake of short-term profit.

But we would be shocked and outraged if Congress as a whole, or the Clinton administration, lets the Conference Committee rider become law.

The Colville Tribes' treaty rights have been completely ignored in the back-room deal-cutting by the Conference Committee, to say nothing of the interests of the public and taxpayers who will pay the costs not only for this land grab, but for every other big waste-rock dump that will soon be coming to other states as well.

We are not surprised that Gorton would offer to give away an excessive amount of public land in our state to a multinational mining company from Texas so that it could cause permanent environmental damage for the sake of short-term profit.

Joseph A. Pakootas is chairman of the Colville Business Council, Confederated Tribes of the Colville Reservation, Nespelem, Wash. Seattle Post-Intelligencer May 18, 1999

Crown Jewel mine still faces potential hurdles

Associated Press

Despite a recent save in Congress, the proposed Crown Jewel open-pit gold mine in Okanogan County faces many more obstacles before construction can begin.

The Bureau of Land Management has approved an operations plan by the mine's developer, Battle Mountain Gold Co. of Houston. The plan outlines standards for water and air quality monitoring, waste rock disposal, and reclamation and closure.

Some mine opponents characterized the plan as the last hurdle prior to construction.

But a company spokesman and an environmentalist said Wednesday that construction of the Buckhorn Mountain mine won't begin in the near future.

"We've said all along we will appeal," said Dave Kliegman of the Okanogan Highlands Alliance.

"We've said all along we will appeal," said Dave Kliegman of the Okanogan Highlands Alliance. "There are a lot of permits yet to go. The best we can tell, they can't move ahead with any kind of construction

right now."

BLM approved the plan June 2.

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Sneaky maneuver pushes a dirty mining deal

By Dori Gilels, Special to Roundtable

House and Senate negotiators recently hammered out an emergency funding bill designed to help victims of natural disasters and provide aid to American troops in the Balkans. Since the President was anxious to sign the bill and time was of the essence, Western Republicans used the opportunity to carry out a stealth attack on the environment by attaching outrageous riders.

Sen. Slade Gorton, R-Wash., attached a rider that affects mining communities throughout the West. Gorton's rider reinstates a gold mining permit in his home state and also shields mine proposals across the West from current mine waste dumping limits.

During March, the Interior and Agriculture departments released a joint decision denying a proposed Plan of Operations for the Crown Jewel gold mine, an open-pit, cyanide-process project in central Washington's Okanogan County. One of the partners in this project is Battle Mountain Gold of Houston, Texas, the same company that had a majority interest in the \$65 million deal not to mine next to Yellowstone National Park.

The agencies revoked the mining permit because the company's plan of operations failed to comply with requirements of the 1872 mining law that limits use of more than one mill site claim (generally used for industrial facilities associated with ore processing and mine waste storage) for each mining claim.

Agencies ignored this provision until recently because, unlike the days of pick-and-shovel mining, modern mining generates vast amounts of waste that require excessive acreage for processing and storage.

Gorton's rider and limitations of the 1872 Mining Law have repercussions around the West. Two major mining projects in the Cabinet Mountains of northwest Montana may, among other things, fail to comply with waste limitations under the mining law. Asarco Inc. of New York and Noranda of Canada plan to build enormous underground copper-silver mines beneath the federally designated Cabinet Mountains Wilderness. Both projects seek to remove millions of tons of low-grade ore, leaving massive waste piles (tailings) along the banks of the historic Clark Fork River and tributaries of the Kootenai River watershed, respectively. Mine waste pollutes surface and ground water, and forever alters the natural landscape.

The 1872 mining law subsidizes mining on public lands, even lands that are supposed to be protected from industrial activity, and offers no environmental protection measures. The mining law allows companies to buy public land at \$2.50 to \$5 an acre, reap billions in profits and leave U.S. taxpayers with the cleanup bill.

Thanks to that 1872 law, Asarco, for example, patented its claim to an estimated \$2 billion worth of copper and silver in the Cabinets for a mere \$9,045.

Numerous meaningful attempts to reform the mining law have been stymied by Republicans backed by special interests. American citizens are tired of congressional favors to the mining industry. In Montana, this became painfully obvious to mining corporations when citizens voted to pass a statewide referendum that bans future cyanide mining.

Now that even the industry can agree it's time to reform the 1872 mining law, we should have an open and public debate. Last-minute stealth riders demonstrate a commitment by the U.S. Congress to uphold the rights of special interests to pollute while ignoring citizens' demands to protect our natural resources. It's time for Congress to listen to the American people.

• Dori Gilels is the Montana Director of the Rock Creek Alliance in Missoula.

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Mine waste pollutes surface and ground water, and forever alters the natural landscape.

***For more information on Lake Pend Oreille and the proposed Rock Creek Mine:
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Mark Alan Wilson / Picture Tomorrow

Lake Pend Oreille, Idaho's largest body of fresh water, is threatened by toxic mine waste and the proposed Rock Creek Mine upstream in Montana. Immediately to the south is Lake Coeur d'Alene whose lake bottom is covered with 70 million tons of toxic sediments washing in from the upstream mining district.

Enemy Mine

Rock Creek Mine sparks a war between the states

By Ken Picard

As if there weren't enough environmental issues to demonstrate the old adage that we all live downstream, here's one that also proves that what goes around comes around.

As you may know, the Montana Department of Environmental Quality (DEQ) and the U.S. Forest Service have been mired in a decade-long review process of the ASARCO (American Smelting and Refining Company) application to build a massive underground copper and silver mine below the Cabinet Mountains Wilderness Area in northwest Montana. The proposed mine, which would extract about 10,000 tons of copper and silver per day for the next 30 years, lies near the town of Noxon, 15 miles from the Idaho border and 25 miles upstream from Lake Pend Oreille, Idaho's largest freshwater lake.

If approved, the mine would dump as much as three million gallons of polluted water every day into the Clark Fork River, the primary source of water for Lake Pend Oreille. In addition to the standard litany of toxic nastiness that oozes and flows from these mines, the discharged water would also be laden with inorganic nitrogen and phosphates.

Nitrogen and phosphates are nutrients that fuel the growth of algae, which seriously threatens water quality on the Clark Fork River and Lake Pend Oreille. Under Idaho law, both bodies of water are designated as "Special Resource Waters," meaning that the state cannot allow new sources of pollution into those waters or the streams that feed them. The Rock Creek Mine would clearly fit that description.

Since this problem of so-called "nutrient loading" into the Clark Fork-Pend Oreille system affects such a broad cross-section of interests throughout Montana, Idaho and Washington, a coalition of municipalities, tribes, conservation groups and private industries from all three states was formed about four years ago to address the problem. Last year, this Tri-State Implementation Council received approval by the EPA to implement a Voluntary Nutrient Reduction Program (VNR) on the Clark Fork River.

The concept is simple: The four major dischargers of nutrients into the Clark Fork—the cities of Butte, Deer Lodge, Missoula and Smurfit-Stone Container—all agreed to make a significant commitment to reduce their nutrient discharges in order to improve the basin's water quality. For Missoula alone, that commitment represents a \$15 million investment in a new wastewater facility slated for construction sometime in the next three years.

Ironically, the DEQ is now drafting a final Environmental Impact Statement for a project that, if approved, could undermine (excuse the pun) that entire effort. In a November 30, 1998 letter to Montana DEQ Director Mark Simonich, the Tri-State Implementation Council writes: "The Council believes it makes little sense to have the major dischargers agree to make significant nutrient reductions in the upper and middle river, only to have potentially consequential nutrient loads added further downstream."

While the state of Montana moves ahead with ASARCO's application (a final EIS is due out this fall), a group of five conservation groups has sent a letter to the Idaho Department of Environmental Quality (IDEQ)



"We would like to see the EPA exercise their authority on this mine, but they've been very reluctant to," says Mary Mitchell of the Rock Creek Alliance. Mitchell says ASARCO's Troy mine has been cited for repeated water quality violations.

calling on them to oppose the approval of the Rock Creek Mine because its pollution will violate Idaho's water quality standards.

Now here's the real kick in the head: If IDEQ takes no action to prevent this mine and fails to enforce its own water quality standards which protect not one but two threatened bodies of water, it exposes itself to litigation. However, if IDEQ opposes the mine, it then finds itself in the awkward predicament of asking Montana not to do to its lakes and rivers what Idaho has been doing for years to the state of Washington.

You see, Idaho's Silver Valley, the nation's second largest Superfund site, is the primary cause of widespread contamination to Washington's Spokane River and Lake

Roosevelt. Traces of lead, zinc and other heavy metals in those waters have been traced directly to the Silver Valley. Washington's best clean-up efforts have been contingent upon Idaho cleaning up its own act, something Idaho has been historically reluctant to do.

Idaho has stonewalled clean-up plans for 100 years now, says Michelle Nanni of the Lands Council in Spokane. "They have dragged their feet and

kicked and screamed that Washington has any say in the clean-up of the Spokane River. But Idaho is exceeding federal standards even before that water flows across the state line."

"The history of mining has been that states tend to look the other way and don't step on other states' sovereignty," says Scott Brown

of the Idaho Conservation League, one of the five environmental groups calling on the IDEQ to oppose the Rock Creek mine.

According to June Berquist of IDEQ, Idaho has yet to take a position on the Rock Creek Mine, saying they're awaiting more information from Montana. Meanwhile, Montana DEQ Director Simonich responded to the Tri-State Implementation Council's letter by writing that the DEQ "has no authority to require ASARCO to enter into a mandatory nutrient reduction agreement with other parties, although they are free to do so voluntarily."

Still, with both the Clark Fork and Lake Pend Oreille as crucial habitats for bull trout, a species listed last summer as threatened under the federal Endangered Species Act, this across-the-border water quality dispute may very well draw the intervention of the EPA, something opponents of the mine would probably not mind one bit.

Missoula Independent, June 3-10, 1999

If IDEQ opposes the mine, it then finds itself in the awkward predicament of asking Montana not to do to its lakes and rivers what Idaho has been doing for years to the state of Washington.

... this across-the-border water quality dispute may very well draw the intervention of the EPA ...

Sending riders to rule the West

Senators would change policies with amendments to Interior, Energy budgets

By John Hughes, Associated Press

WASHINGTON — One proposal would erase a limit on the amount of federal land that can be used for mining waste.

Another would delay a federal rule that could cost oil companies tens of millions of dollars in royalties.

Still another would allow cattle to graze on public land before federal studies on the grazing's impact are completed.

These amendments from Senate Republicans have been inserted into a \$13.9 billion bill providing operating funds for the departments of Interior and Energy and several other federal agencies. The Senate could take the measure up in the coming week.

Environmentalists say these amendments — along with similar “riders” in other appropriations bills — are a greater threat to the ecosystem than any other legislation in Congress.

The green groups are aggressively attacking the riders, saying Republicans are using the small, sometimes narrowly crafted amendments to gradually roll back environmental protections won in years past.

“What we’re doing here is—by use of a legislative process—undermining the basic environmental laws of the country one sentence at a time,” said Michael Francis of the Washington, D.C.-based Wilderness Society.

The lawmakers who crafted the riders — including Sens. Larry Craig of Idaho and Slade Gorton of Washington—have a decidedly different take.

They say riders are routinely used, and that environmentalists are overstating the potential impact of these amendments.

In fact, the measures are needed to try to slow down Clinton administration officials who are enacting policies through administrative action rather than working through Congress, the Republicans say.

“When executive branch officials are so emphatic about avoiding Congress ... they are essentially inviting the same riders that they later decry,” said Mark Rey, a Republican staffer with the Senate Energy and Natural Resources Committee.

Debate over environmental riders has become something of a regular event on Capitol Hill.

Republicans propose the riders in funding bills, environmentalists decry them, and the Clinton administration makes veto threats.

The outcomes vary. Most of the amendments eventually disappear or are altered. Others become law.

Republicans started slipping the riders into must-pass spending bills after frontal attacks on major environmental laws failed in 1995 and '96, said George Frampton, chairman of President Clinton's Council on Environmental Quality.

“This is an attempt to do the back way what they can't do the front way,” he said.

Congresses in years past used appropriations riders,” but not at this level,” he said. “What we have today is epidemic, a national epidemic.”

He counts at least a dozen “highly objectionable” current riders, which will prompt veto threats from President Clinton if they are not dropped or changed.

“The president feels very strongly that this has got to end,” Frampton said.

Craig says there are no more riders this year than when he first came to the Senate in 1991.

“Usually those who criticize riders are busily trying to get their own” approved he said. “It has become a fairly normal legislative process.”

Craig also rejects the notion that riders are tacked onto major bills in the “dark of night.”

“The Senate of the United States operates in a public forum,” he said.

Riders are clearly a tempting device.

Legislative proposals in stand-alone bills must weather a sometimes lengthy committee process. They can languish for months or years, and there are ample chances to water them down.

But Congress must pass 13 massive appropriations bills each year to keep the federal government operating, and these critical measures are on the fast track.

The president often signs such all-encompassing bills even if they contain a few provisions he doesn't like.

Riders attached to the bills in the past have sometimes made major policy changes.

A rider amended to the Appropriation Act of 1876 called for a study of American forests that eventually led to the creation of today's U.S. Forest Service.

Appropriation bill riders in the 1980s placed a moratorium on additional oil and gas drilling off U.S. coasts — a ban that still stands.

Francis concedes that riders have been used to make changes he supports. It's the substance of the current riders that bothers him — none are pro-environment, he says.

Here are a few examples:

- Craig's mining rider would allow at least 300 mining operations to ignore a 1997 Interior Department ruling that says a single operation can use no more than 5 acres of federal land for mining waste.

Craig contends the ruling was wrong and unreasonable. Environmentalists say larger waste sites harm groundwater, wildlife and national forests.

- A rider from Sens. Pete Domenici, R-N.M., and Kay Bailey Hutchison, R-Texas, would delay until June 30, 2001, a new rule requiring oil and gas industry to pay millions of dollars in additional royalties — unless the industry and the Clinton administration reach agreement on an alternative before then.

Industry officials disagree with the way the Clinton administration wants to assess the value of the resources.

Under current law, the rule is to take effect after Sept. 30. Interior Secretary Bruce Babbitt figures the 21-month delay will cost taxpayers \$120 million in lost royalty payments.

- Domenici's grazing rider would allow ranchers to continue grazing cattle on federal land before their existing leases are renewed.

Under current policy, federal officials must conduct environmental studies to determine the impact of the grazing before leases are renewed. Environmentalists say the amendment would allow continued damage in sensitive areas.

Cattlemen say the studies mean costly delays for ranchers who rely on those leases.

Other controversial riders would allow federal agencies to skip new species surveys before amending land-management plans, make it more difficult to reintroduce the grizzly bear in Idaho and Montana, and prevent the Clinton administration from implementing energy-efficiency plans in federal buildings to help curb global warming.

Environmentalists believe they — with the help of Democrats and the Clinton administration — will be able to defeat many of the riders.

But they say being forced to play defense hinders their work on advancing new proposals.

“We are spending copious quantities of energy to beat back attacks on the environment,” said Debbie Sease, legislative director of the Sierra Club. “It's the opportunity cost that troubles me in this.”

That's not the intent, Rey said.

“I don't think it's reasonable to speculate we are out there generating conflict to keep environmentalists busy,” he said.

Republicans propose the riders in funding bills, environmentalists decry them, and the Clinton administration makes veto threats.

Lewiston Tribune, July 18, 1999

Environmentalists protest in Helena

Groups say rider to federal law will allow more mine waste dumping

By Erin P. Billings, Missoulian State Bureau

HELENA - Four environmental groups gathered in downtown Helena on Wednesday to protest a provision added to federal legislation they say will allow unlimited dumping of mine waste on public lands.

The Mineral Policy Center, Rock Creek Alliance, Montana Environmental Information Center and Trout Unlimited held a rally against an amendment by Sen. Larry Craig, R-Idaho, to the fiscal 2000 Interior Appropriations Bill. The groups say the amendment would change the 1872 Mining Law to allow mining companies unlimited land upon which to dump waste.

The groups urged Montana Sens. Max Baucus, a Democrat, and Conrad Burns, a Republican, and Republican Rep. Rick Hill to oppose the amendment. The full House and Senate could consider the bill later this week at the earliest.

"Montana taxpayers and private property owners are intimately familiar with the messes made by the modern mining industry's industrial scale waste piles," said Jim Jensen, executive director of the Montana Environment Information Center. "Waste dumping like that done at the now-bankrupt Zortman and Landusky mine leaves us with an enormous financial liability, polluted dry water wells and long-term impacts."

In order to mine on public lands under the 1872 Mining Law, miners must stake a claim on the public land they intend to use. They may stake two types of claims. A mineral claim can be as large as 20 acres and contain the mineral to be mined, while a mill site claim consists of up to five acres and is used for mine waste disposal.

A 1997 ruling by the Interior Department solicitor general led to the full implementation of the mining law in limiting mine waste dumping, known as

the "mill site decision." The ruling enforces the portion of the law that allows one mill site claim for each mineral claim.

The latest amendment by Craig, called a "rider," seeks to do away with that ruling. A rider is an attachment to a bill that may or may not relate to the substance of the bill.

Jill Andrews, executive director of the Montana Mining Association, accused the environmental groups of trying to stop all mining on public land.

She said the rider is simply a means to help existing mines continue operating and prevent new ones from being stopped.

Andrews said the rider is needed because the solicitor general's ruling has changed the intent of the original mining law.

Before that decision, she said there wasn't a limit to the number of mill sites a miner could have. Now however, a miner can have only one

mill site, which Andrews said could be devastating to the mining industry.

"It attacks the size and scope of a project," she said. "If allowed to stand it will stop any new, large mining project."

But the environmental groups said that rider goes in the opposite direction of appropriate mining law revisions. They said if changes to the mining law take place, it should be the entire law, not one portion of it, they argued.

Laura Ziemer of Trout Unlimited accused Congress of "in one fell swoop" eliminating the one provision in the mining law that protects taxpayers. She said it's unfair such a major change could occur through an amendment upon which the public couldn't comment.

"Our clean water, native fish, public lands are not up for grabs with backroom deals," she said.

Missoulian, July 15, 1999

Trouble in Paradise

By Scott Brown

Remember what led to the very first convention of Idaho Conservation League members at Redfish Lake in the late 1980s? The answer is mining. Big mining. Sadly, those early fears of the impacts of huge mines have proven well-founded. The most recent example is particularly alarming.

In April we learned that Hecla's Grouse Creek gold mine was leaking cyanide into Jordan Creek, a major tributary of the Yankee Fork which flows into the Salmon River. Cyanide levels in Jordan Creek were well above federal standards set for the protection of aquatic life. Cyanide concentrations in certain springs next to the Creek exceeded the standards by a 1,000 times! The Forest Service has now posted signs next to some springs warning people not to drink the water.

In response to this problem, state and federal agencies have been meeting to present a unified front to Hecla, which was been hesitant to admit the problem stems from a new leak in their tailings impoundment.

The irony is that this modern mine was sold as state of the art, a showcase that would prove how environmentally compatible a large-scale mine could be. So the jury is in. Again. Huge mines, even those with all the bells and whistles, pose huge environmental threats that are impossible to prevent and expensive to fix.

The Grouse Creek mine opened in October 1994 and suspended operations in 1997, having grossly overestimated gold reserves. Spectacular mountains, unique wetlands, a lake, and critical habitat for salmon were

sacrificed for just three years of mining. As if that isn't bad enough, pollution problems and legal violations at the mine have been systemic.

In September 1994, before the mine even began operations, a construction-related landslide buried 100 yards of Jordan Creek. In August 1995, a leak in the tailings impoundment sent cyanide into Jordan Creek.

That leak was never fixed and contaminated groundwater has been pumped back into the impoundment since 1996.

The Environmental Protection Agency took legal action against Hecla for exceeding the legal discharge limits 258 times between May 1994 and June 1996. In July 1998, Hecla reported yet another spill of cyanide-contaminated water into a creek.

The situation at this mine is precisely why we must always assume the worst when it comes to large-scale mining. Clean water is far more precious than gold.

The Idaho Conservationist (newsletter of the ICL), Fall 1999

Hecla's Grouse Creek gold mine was leaking cyanide into Jordan Creek.

Cyanide concentrations in certain springs next to the Creek exceeded the standards by a 1,000 times!

The irony is that this modern mine was sold as state of the art.

***For more information on Jordan Creek, and mine waste problems in Idaho:
Scott Brown, Idaho Conservation League
Boise, Idaho, Phone: (208) 345-6933, ext. 13
sbrown@wildidaho.org • www.wildidaho.org***

Idaho metals plume flows to Spokane

USGS scientists say cloudy stream travels through Lake Coeur d'Alene

By Yaz Hollander, staff writer

COEUR d'ALENE — The plume of sediment flowing into Lake Coeur d'Alene apparently flows out the Spokane River.

The cloudy stream of silt and clay churning out of the Coeur d'Alene and St. Joe rivers this spring didn't disappear when it hit the lake, a U.S. Geological Survey study says.

That means Idaho's sediment — together with an unknown load of heavy metals — flowed into Washington state with the spring runoff.

Researchers are waiting for test results to determine the amount of lead cadmium and zinc in the plume at sites from Harrison, Idaho to the Spokane River.

But if metals flow across the lake instead of settling on the bottom, the research could add urgency to Washington state's growing interest in cleanup of Coeur d'Alene basin mining pollution.

Spokane County Commissioner Kate McCaslin said she is reserving judgment until the metals data are released and reviewed by the U.S. Environmental Protection Agency.

"I'm not going to be any sort of alarmist until we get the final data and get the EPA's comments," McCaslin said Thursday. "If there is a level of danger, we're going to have to address that."

Over the past two weeks, a crew of USGS scientists spent a series of choppy, rainy days on Lake Coeur d'Alene and surrounding rivers. The crew studied the 30-foot-deep plume of spring runoff and sediment gushing into the lake to see if it stopped there or drifted into the Spokane River.

The answer was as obvious as the muddy plume flowing just below the lake's surface and above the silty bottom, researcher Paul Woods said.

"This was exciting," Woods said.

Sediment pouring out of the Coeur d'Alene and St. Joe rivers and then sucked through a wide-open Post Falls dam probably hit the Spokane River in under a week, he estimated.

Most of the sediment suspended in the plume looked like tiny particles, many-sided pieces of silt and clay that draw contaminants such as lead.

Woods cautioned that the study reflects specific conditions this spring at flows of roughly 20,000 cubic feet per second.

During low flow years, he said, there's probably not enough water to push the plume through the lake. But this year's runoff was low compared to 1997 flooding.

The bottom of Lake Coeur d'Alene holds up to 75 million tons of metals-laden mud washed down from 100 years of mining. Scientists believe the metals are remaining locked into the mud.

Contaminated sediments flowing from the Coeur d'Alene Basin are nothing new, a mining industry spokeswoman said.

"I think it's pretty obvious to everyone that sediment does flow downhill," said Holly Houston, Coeur d'Alene-based director of the Mining Information Office. "That's not something to take issue with."

Houston said she would reserve judgment on the study until the metals data are reviewed and released.

Metals seep into the Coeur d'Alene River from myriad sources, the largest single source being the old Bunker Hill mine, now a Superfund site.

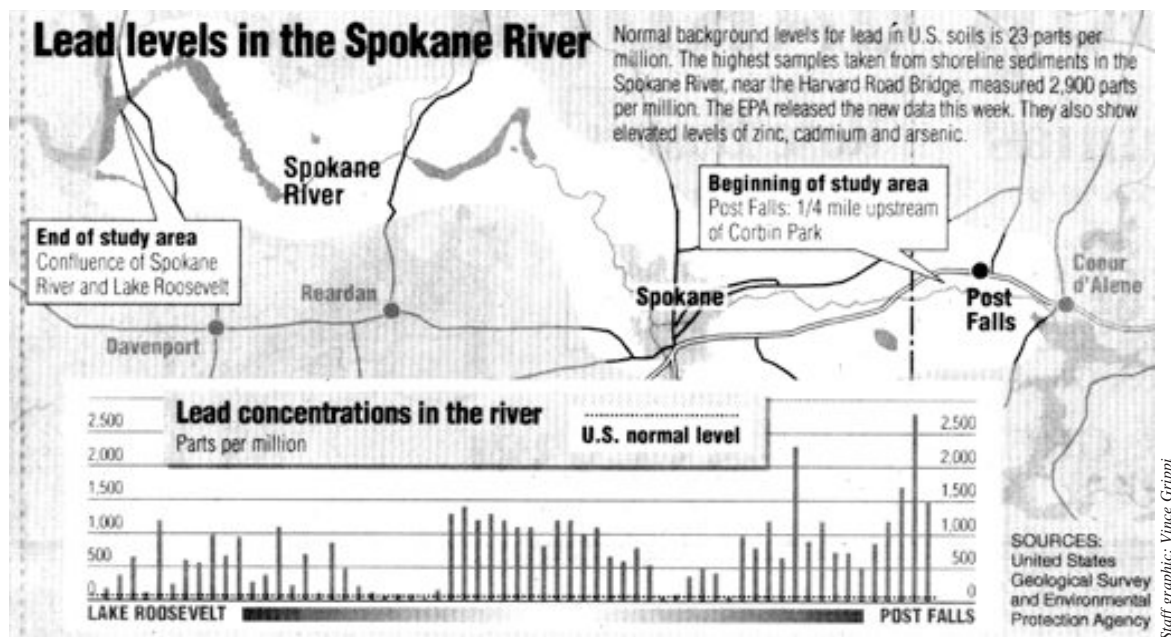
Abandoned mine tailings continue to leach metals, three operating Silver Valley mines contribute a hotly disputed share.

Phillip Cernera, the Coeur d'Alene Tribe's restoration coordinator, said the findings likely will echo tribal assertions that upstream cleanup is the only way to stop metals pollution.

"It's good stuff," Cernera said. "I don't think it will be refuted. This is kind of a no-brainer."

Future metals data will tell how effective various cleanup and mining pollution control techniques have been, he said. "That data will be really good to get."

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High level of metals in river

Upper Spokane may be health hazard, new EPA data show

By Karen Dorn Steele, staff writer

Elevated levels of heavy metals in the upper Spokane River may pose a public health risk, according to the U.S. Environmental Protection Agency.

The EPA released new data from a recent government study of river sediment from the Post Falls dam to Lake Roosevelt at a public briefing Thursday in Spokane.

Some of the samples obtained in the Spokane River by the U.S. Geological Survey show lead, zinc, arsenic and cadmium levels hundreds of times higher than normal background levels.

Some samples taken near the Harvard Road bridge in the Valley are as concentrated as heavy metals in approximately 70 million metric tons of mine sediments at the bottom of Lake Coeur d'Alene.

The new river pollution data surprised state regulators, who had pressed EPA to expand its Silver Valley Superfund study in North Idaho to include the Spokane River in Washington state.

"This comes as a major surprise to many people. Not even the USGS expected the numbers to be this high," said Tony Grover, regional director of the Washington Department of Ecology.

"In some cases, these numbers are approaching levels of concern for public health. We intend to work with EPA to make sure we don't have additional hidden pockets of contamination that pose a threat," Grover said.

"The news is alarming," said city Councilwoman Cherie Rodgers, who attended the EPA briefing. "We've wanted to think this is an Idaho problem, but now it's apparently our problem, too."

The Spokane River study still isn't complete and conclusions can't be made yet about steps to protect public health and river life, the EPA officials cautioned.

"There isn't anything immediately to be alarmed about," said Sean Sel Drake of the EPA's regional Superfund program in Seattle.

The data released Thursday is from sediment samples obtained last October during a 90-mile USGS expedition from Post Falls to Lake Roosevelt.

Because the metals pollution was so high, especially in the upper Spokane River east of the Spokane city limits, the USGS returned for more samples in February, said Art Horowitz of Atlanta, a USGS geologist and lead scientist for the Spokane River study.

Some of the most contaminated samples came from shallow water and shorelines between houses along the river in the Valley, Horowitz said.

"When you have lead levels up to 3,000 parts per million and zinc up to 6,000, that's a cause for concern. It isn't Love Canal or Times Beach, but if it's in your back yard, I'd be worried until they take a closer look at the levels," he said.

In the Silver Valley, residential yards are being dug up and replaced with clean soil when lead levels reach 1,000 parts per million. Elsewhere in the country, a "safe" level is below 400 ppm.

The EPA will conduct further tests this summer of areas USGS sampled where the public has access to the shoreline along the upper Spokane River, Sel Drake said.

The Spokane Valley areas where five surface sediment samples were collected in the river's wading zone last fall "are of potential concern from a human health perspective" because children and adults could be exposed while swimming or playing in the sand, the EPA said.

The EPA will use a different method than the USGS river study to evaluate larger particles that could cling to children's clothing or be breathed in, Sel Drake said.

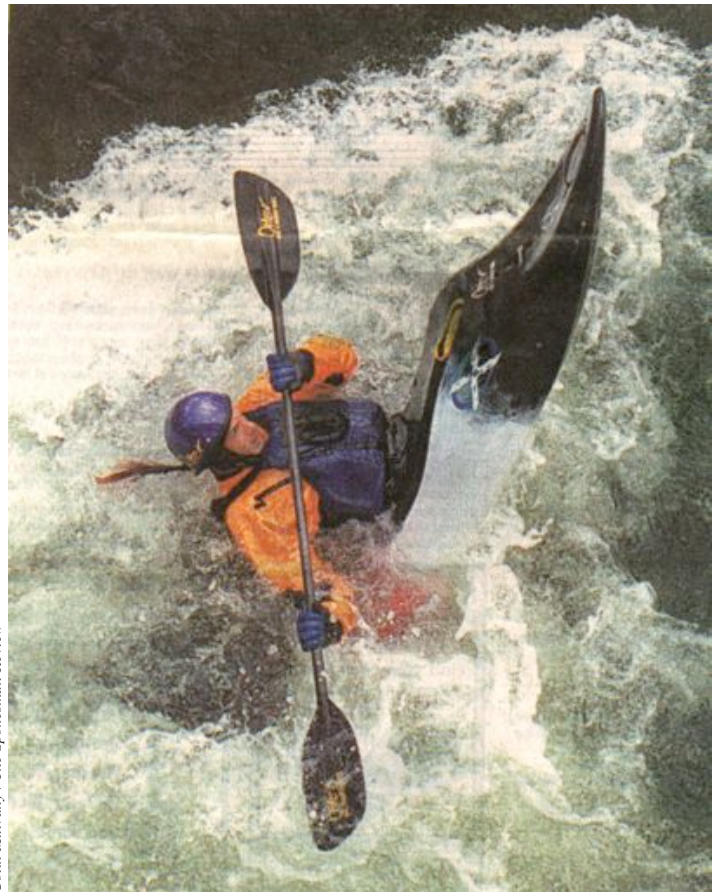
It's the same approach the EPA took to evaluate health risks along the beaches of Lake Coeur d'Alene. The EPA recently concluded most beaches were safe for recreational uses.

The Panhandle Health District is posting warning signs at recreational areas along the lower Coeur d'Alene River where lead levels reach 2,000 ppm and where children are frequent visitors.

The Spokane County Regional Health District will cooperate with the EPA in assessing public health risks along the upper Spokane River, said county health officer Dr. Kim Thorburn.

"The human health impacts aren't well-understood," she said.

Lead is a cumulative poison that can cause mental retardation in sufficient doses. Cadmium is a potential human carcinogen hazardous to people at low doses for prolonged periods. Zinc is a metallic element, and arsenic is a poison and a carcinogen.



Colin Mulvany / The Spokesman-Review

Under the state line bridge on Thursday, Jud Keiser tries to control his kayak in Dead Dog Hole. The EPA has concluded that elevated levels of heavy metals in the upper Spokane River may pose a health risk.

Lead and arsenic pose the greatest risks to human health, while cadmium, zinc and lead also can be hazardous to aquatic life.

In a related study, the USGS also will return to Lake Coeur d'Alene next month to track the plume of heavy metals flushed into Washington state during the spring runoff. That runoff is expected to be unusually high this year due to record snowpacks.

"We want to know whether the sediments are coming from the bottom of the lake or are carried through the lake with the Coeur d'Alene River flow. We think it's the latter, but we have to study it further," said Paul Woods, a USGS lake expert based in Boise.

Washington state also will be studying the impact of the newly-identified heavy metals sediments on aquatic life, said John Roland of Ecology's Spokane office.

"Lead, zinc and cadmium will be a big issue for the river's aquatic environment," he said.

The new study has given greater impetus to forming a Washington citizens advisory committee to advise EPA on a basinwide cleanup of mining

pollution.

"When the word gets out that the sediments are much more contaminated than we'd thought, people here are going to want to be involved with the EPA," Grover said.

Spokesman-Review April 23, 1999
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"We've wanted to think this is an Idaho problem, but now it's apparently our problem, too."

— Cherie Rodgers, Spokane city councilwoman

Lead and arsenic pose the greatest risks to human health, while cadmium, zinc and lead also can be hazardous to aquatic life.

Don't expand Superfund, CdA leaders say

Kootenai County investigation could harm tourism, court told

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.

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Lake Coeur d'Alene. The lake bottom is covered with 70 million tons of toxic-metal-laden sediments.

Washington welcomes Superfund probe

Spokane River pollution needs to be investigated, officials say

EPA: Lead found in Spokane wells

By Ken Olsen, staff writer

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.
Spokesman-Review June 10, 1998
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State's Contention

In court documents, the state says no other major river in Washington contains such high levels of lead, cadmium and zinc.

*"If there is, it should be exposed and we should do whatever it takes to clean it up."
— resort owner, Bob Templin*

Letter To The Editor

More process is what we don't need

The Lands Council (formerly the Inland Empire Public Lands Council) wishes to provide a clarification of its position regarding Superfund designation in the Spokane-Coeur d'Alene Basin.

Staff writer Ken Olsen's (June, 10) article reported that The Lands Council does not support expanding the formal Superfund site from the 21-square-mile box in Kellogg, Idaho. Unfortunately, the particular wording of that statement may confuse the council's true position regarding the EPA cleanup initiative currently under way.

The Lands Council's position is that EPA already possesses the authority under Superfund to conduct an investigation and cleanup of mining pollution in the basin, so there is no need for an entirely new Superfund designation process to occur.

This means the Council supports EPA continuing with its investigation of the contamination throughout the 1,500-square-mile study area, including

Lake Coeur d'Alene and the Spokane River. Wherever it is determined that serious contamination problems exist, the Council supports the use of federal Superfund dollars to enact cleanup and remediation.

But others, such as Coeur d'Alene Mayor Steve Judy and the Kootenai County commissioners, have expressed opposition to any Superfund expansion as an attempt to thwart EPA from moving

forward with an investigation and cleanup outside the box.

Our position is not to be confused with theirs.

Michele Nanni, Director, The Lands Council, Spokane

Spokesman-Review June 17, 1998
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"The Lands Council supports EPA continuing with its investigation of the contamination throughout the 1,500-square-mile study area, including Lake Coeur d'Alene and the Spokane River."

Washington wants say in basin

Idaho senators attempt to limit EPA decisions outside Superfund site

By Karen Dorn Steele, staff writer

Idaho politicians are trying to block any Washington state involvement in a federal plan to clean up a century of mining pollution in the Coeur d'Alene River basin.

Washington Attorney General Christine Gregoire has signaled she's ready to fight Idaho's attempts to control the cleanup.

Any federal legislation concerning the lower Coeur d'Alene basin must "place Washington on an equal footing with Idaho," Gregoire said in a recent letter to Washington Sens. Patty Murray and Slade Gorton.

About 80 percent of the Coeur d'Alene basin's half-million residents live in Washington and potentially are affected by downstream pollution, Gregoire said.

A Superfund cleanup of a 21-square-mile area around Kellogg is nearly complete. But the U.S. Environmental Protection Agency has proposed expanding the cleanup because tons of heavy metals are washing into Lake Coeur d'Alene and some contamination is showing up downstream in the Spokane River.

Gregoire opposes the efforts of Idaho Sens. Dirk Kempthorne and Larry Craig to give Idaho sole authority over the proposed cleanup.

They have introduced legislation in Congress that would give Idaho Gov. Phil Batt the power to direct any cleanup decisions in the Coeur d'Alene basin outside the existing Superfund site.

Craig also has placed a rider on next year's EPA appropriation that would give Idaho's governor veto power over any EPA spending on the expanded study and cleanup.

"These efforts would blatantly usurp Washington's sovereignty," said Mark Solomon of the Inland Empire Public Lands Council, a Spokane-based environmental group that supports a basinwide cleanup.

There'll be time later for Washington state to weigh in on the proposed cleanup, said Mark Snider, Kempthorne's press secretary.

"Sen. Kempthorne's concern is cleaning up the basin in Idaho. But I'm fairly confident that concerns from other jurisdictions will be addressed," he said.

"It's not accurate to portray this as Idaho not really caring about what happens to Washington," said Craig's spokesman, Mike Tracy. "But right now, the problems and the costs are being dumped on Idaho and Idaho companies."

Idaho blocked Washington state involvement in a series of regional meetings the EPA has been holding this summer in Idaho to discuss the cleanup.

The Coeur d'Alene Basin Commission, a group appointed by Batt that has no Washington members, threatened this spring to pull out of the EPA meetings if it couldn't decide the meeting format.

That format allowed no Washington state presence on the panel to explain the concerns of downstream communities. Washington officials testified from the audience.

Batt wants local people in the Coeur d'Alene area to direct the basin cleanup, said Lindsay Nothern, Batt's press secretary.

"Idaho is interested in Idaho issues. It has yet to be proved to us that this is a problem that goes past Spokane," Nothern said.

The only meeting where Washington will be officially represented is tonight in Spokane, the last of the five meetings, said Owen Clarke, assistant attorney general in Spokane.

"Washington has been allotted 10 minutes of EPA's time," Clarke said. Tony Grover, regional director of the Washington Department of Ecology, will make the state's case for expanding the EPA pollution study.

That would provide much more information about the health of the Spokane River, which hasn't been extensively studied. It could identify "hot spots" of heavy metals pollution in the river, Clarke said.

"We think the river should be investigated all the way to Lake Roosevelt," he said.

Since 1994, water quality studies have found elevated levels of lead and cadmium during high flows in the Spokane River, and elevated levels of zinc throughout the year.

The most recent study, from April to June 1997, found lead levels three to six times higher than the EPA's long-term water quality criteria for protecting aquatic life.

EPA wants to study the extent of the pollution and recommend specific cleanup projects by summer 2000, said Mike Gearheard, the EPA's assistant regional director in Seattle.

Reaction to the EPA proposal has been hostile in Coeur d'Alene, where it's seen as a threat to tourism and property values and an infringement by the federal government.

More than 200 people turned out for Monday's EPA meeting. Many said the EPA study should not be extended

to the lake and the Spokane River.

While Idaho and Washington officials jockey in Congress over the proposed cleanup, another effort may lead to cooperation across state lines.

Last April, the Washington Legislature approved \$300,000 for a study of pollution in the Spokane River requested by Washington Gov. Gary Locke. The money went to the attorney general's office in Spokane for an assessment of how badly the river has been damaged.

The Spokane County Commissioners and the Spokane City Council supported the study.

Last December, Locke and Gregoire announced the state won't sue the companies that mined Idaho's riches to pay for the cleanup.

Instead, Washington state, the EPA, the mining companies and Idaho officials agreed to hire a trained mediator to determine whether the conflict over the basin-wide cleanup could be resolved without going to court.

Richard Dana, a retired Colorado judge, will finish his report by the end of the summer, Clarke said.

The mediation effort "is being done voluntarily by the parties outside the context of Superfund," Clarke said.

Idaho blocked Washington state involvement in a series of regional meetings the EPA has been holding this summer in Idaho to discuss the cleanup.

***"Idaho is interested in Idaho issues. It has yet to be proved to us that this is a problem that goes past Spokane."
— Idaho Gov. Batt's press secretary.***

Spokesman-Review July 8, 1998
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River pollution findings prompt risk assessment

Officials worried about dangerous levels of lead found along upper Spokane River

By Karen Dorn Steele, staff writer

Prompted by the worst pollution news yet, a task force is mobilizing to examine sections of the upper Spokane River where dangerous levels of lead and other heavy metals have been found.

Federal, state, tribal and local officials are reviewing surprisingly high pollution readings in a February scientific survey of the river in the Spokane Valley.

Some of the mud collected in shallow water by the U.S. Geological Survey had higher levels of lead than similar samples collected by the scientists last October.

One sample taken near Harvard Road contains lead at 3,500 parts per million — 152 times higher than average lead levels in U.S. soils.

The Harvard Road "hot spot" is near a popular public access area for fishing and boating.

The February lead samples ranged from 470 parts per million to 3,500 parts per million, the U.S. Environmental Protection Agency said. The EPA released the data at the request of The Spokesman-Review.

Concerned by the results, the task force will meet in early July to draft a plan to determine the risks to people, fish and other aquatic life.

"Pretty obviously, there are human health questions," said Spokane County Health Officer Dr. Kim Thorburn.

The next step is to determine what areas of the river deserve a closer look, said Sean Sheldrake, the EPA's Superfund project manager in Seattle.

State actions could range from posting warning signs at beaches to digging up private yards fronting the river.

Margaret Bruce, 80, owns a home and property that fronts a bend of the river near the Harvard Road bridge. She likes to kayak in the river.

News of the metals pollution is a big surprise, Bruce said Wednesday.

"This news concerns me. Last year my grandkids were here wading in the river," she said.

Some of the heavy metal pollution approaches levels found in Idaho's Silver Valley, where yards are being dug up and replaced with clean soil when lead levels exceed 1,000 parts per million.

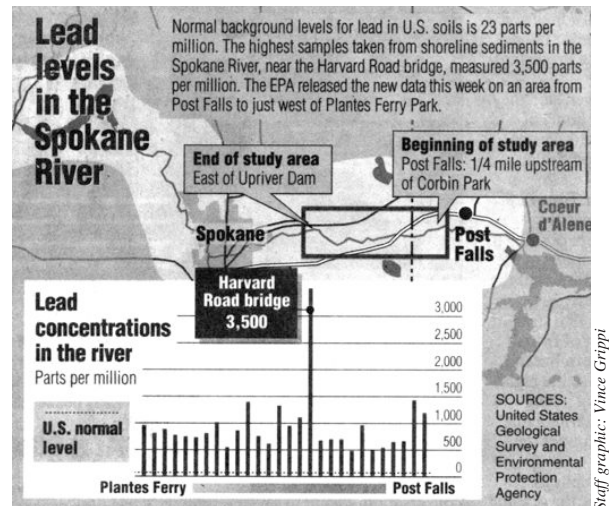
The national safe standard for lead is 400 parts per million, according to the EPA.

The Panhandle Health District is posting warning signs along the lower Coeur d'Alene River where lead levels reach 2,000 parts per million.

Washington regulators are using the high-tech Geographical Information System (GIS) to pinpoint the areas with high metal deposits to determine whether they are also high-use recreation areas.

One approach would be to measure lead levels in the blood of children living along the river near high-exposure areas. That would require additional money, Thorburn said.

But there's a problem with that approach, she said.



"We don't have a good handle at this time on what background blood levels of lead are in Spokane," Thorburn said.

A recent Washington Department of Health study raised the possibility that infants and children born to low-income mothers in Spokane are also being exposed to lead paint in old houses Thorburn said.

In the Silver Valley, where blood tests have been conducted on children in high-exposure areas, some children still

have blood-lead levels far higher than the national average.

Lead is a highly toxic metal that builds up in the environment. It can cause neurological damage and delays in physical development in babies and children.

"This news concerns me. Last year my grandkids were here wading in the river."
— Margaret Bruce, home owner.

Some of the heavy metal pollution (along the Spokane River) approaches levels found in Idaho's Silver Valley, where yards are being dug up and replaced with clean soil when lead levels exceed 1,000 parts per million.

In adults, exposure to high lead levels is associated with increased risk of cardiovascular disease and hypertension, as well as reproductive system damage.

Occasional contact with the tainted soil would not cause major health problems, experts say.

The new Spokane River figures are further evidence of downstream damage to Washington resources from historic

mining pollution in Idaho, said Assistant Attorney General Owen Clarke.

"There is more and more recognition that Washington has a real stake in the overall resolution of the heavy metals problem in the Coeur d'Alene Basin," Clarke said.

"Pretty obviously there are human health questions."
—Dr. Kim Thorburn, Spokane County Health Officer

The USGS team sampled a 90-mile stretch of the river from Post Falls to Lake Roosevelt last October — part of a contract with EPA for a Superfund investigation into how far mining pollution from Idaho's Silver Valley has spread.

The USGS scientists returned to the Valley in February to take additional samples because they were surprised by the high readings they obtained in the upper Spokane River last fall, said team leader Art Horowitz in Atlanta.

On the second trip, the USGS narrowed their focus to the Valley, taking dozens of sediment samples at the same sites they'd measured before and analyzing them for lead, arsenic, cadmium, zinc and a variety of other heavy metals.

The plan for additional work along the river will be ready later this summer.

• Karen Dorn Steele can be reached at 459-5462 or by e-mail at karend@spokesman.com
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Lead warnings overdue in Idaho

Politicians see threat to tourism as bigger risk than heavy metals pollution

By Zaz Hollander, staff writer

COEUR d'ALENE – Heavy metal warning signs for Coeur d'Alene River beaches are months overdue, but state and federal governments still are fighting over mud pies, laundry and fish parts.

The U.S. Environmental Protection Agency wants about 30 signs posted in Idaho warning people about unsafe concentrations of lead at popular public areas.

But nearly four months after the call for signs surfaced, none are up.

Meanwhile, Spokane County erected health advisories along the Spokane River from the state line to Upriver Dam in less than two weeks.

The difference is politics, observers say. Despite recent announcements of a state-federal partnership in Silver Valley cleanup efforts, the two sides still are having trouble deciding what the few dozen signs should say.

"There's no need to scare anybody," said Damon Darakjy, Gov. Dirk Kempthorne's coordinator for mining pollution cleanup. "It's simply a warning."

A working draft of Idaho's sign language shows lines deleting phrases such as "eat only fish filets," "launder clothing separate from the rest of your wash" and "no mud pies."

The original language was adopted in April by the EPA, Coeur d'Alene Tribe and Panhandle Health District.

The deletions came from Kempthorne's office within the past month, at the behest of North Idaho business leaders wary of scaring off tourists.

Rep. Helen Chenoweth said she asked state and federal officials not to post any signs at all.

"I see this as a very big concern to the health of the whole economy," Chenoweth said in Coeur d'Alene last weekend. "Governor Kempthorne said the only signs he wants to see here are signs that say, 'Welcome to Idaho.'"

Metals pollution from a century's mining in the Silver Valley flows down the Coeur d'Alene River through the lake, and into the Spokane River.

First-ever samples this year by federal researchers revealed lead levels averaging 3,000-5,000 parts per million at 32 public sites in Idaho and as high as 3,500 along the Spokane River in Washington.

Levels of 2,000 ppm at recreational sites triggers action by EPA; the national residential safe standard is under 400 ppm.

The Spokane Regional Health District posted 14 warning signs at Centennial Trail entrances along the river on July 12.

The district decided to put up advisories after a July 1 metals-linked Coeur d'Alene River camping ban generated a flurry of worried phone calls, said Mike LaScuola, environmental health specialist for the Spokane Regional Health District.

"It's a situation where people get alarmed," LaScuola said. "They settle down when they're properly informed. There's nothing that provides more anxiety than speculation."

The Spokane health district didn't send its signs out for review but the Idaho signs had to undergo multiagency scrutiny because they fall under an EPA study of impacts of mining pollution in the basin.

The politics that invaded Idaho's process are nothing new, say researchers working on human health issues.

"I see it all the time," said federal toxicologist Buck Grissom. But politics shouldn't be allowed to put anyone in potential harm, said the Atlanta-based Grissom, with the Agency for Toxic Substances and Disease Registry.

Lead can cause mental or physical problems in young children if inhaled or eaten. Children in the area of the Silver Valley are at higher risk, officials say, because their blood lead level already is three times higher than the national average.

Grissom last year found that people could safely eat filets from pike, perch and catfish in the shallow lakes along the Coeur d'Alene River.

Based on those findings, the governor's office wants to cut sign language warning people not to can whole fish and to eat only fish flesh.

But Grissom said his research didn't address whole fish, including bones and guts where lead can concentrate. Only someone with scientific training could decide if his data can be extrapolated to mean whole fish are safe, he said.

Another ATSDR researcher, Richard Kauffman, takes the mud pie deletion to task.

Kids who eat mud pies are perhaps at the greatest risk of ingesting enough lead to raise their blood levels, Kauffman said.

"Rather than waiting for kids' blood lead to go up, we know the stuff is there," Grissom said. "We're not going to not do something."

The fracas over seemingly simple fiberglass signs leaves locals scratching their heads.

The U.S. Forest Service recently banned camping at Medimont and Rainy Hill sites along the lower Coeur d'Alene, citing elevated blood lead levels in 14 kids who played at the high-lead beaches.

Lead levels ranged between 10 and 20 micrograms per deciliter of blood in the children. Health officials consider 10 mg/d the safe threshold.

The national average is 2.8 mg/d.

Area residents don't believe a health problem exists, says Jan Phillips, a local who owns a Medimont store. Kids and adults from the string of lakes along the lower river don't suffer any health problems, Phillips said.

"They're making jokes about it," she said. "Things like, 'You'll glow when you come out of the water.'"

Phillips agrees, however, that the signs are a good way to inform people, so they can make their own decisions.

It's still unclear when and what signs will go up.

'There's no need to scare anybody.' – Idaho Gov. Dirk Kempthorne's cleanup coordinator

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Warnings posted on river

Heavy metals advisories placed along upper Spokane

Heavy metals: Kids could ingest or inhale sediments from river

By Karen Dorn Steele, staff writer

One "hot spot" detected in February upstream of the Harvard Bridge in the Valley contained lead at 3,500 parts per million.

The Spokane Regional Health District has posted signs along the upper Spokane River warning of high levels of heavy metal contamination.

The "health advisory" was posted Friday at 14 trailheads from the Idaho state line to Upriver Dam.

The pollution warnings are in response to a first-ever federal survey of the upper Spokane River this year that found unsafe concentrations of heavy metals at several locations in the Valley.

Many of the sites have beaches and are popular places for fishing, swimming and rafting.

The new signs are a precaution, said Michael LaScuola of the health district.

"We wanted to be as proactive as we can. There are some anxious folks out there," LaScuola said. "We need to educate people about lead because there are kids out there playing."

Lead can cause mental and physical retardation in children if it's inhaled or eaten.

The signs warn: "Caution is advised for shoreline recreation activities, which increase the likelihood of ingestion or inhalation of river sediments by infants and small children."

The Spokane River study that prompted the health advisory was done by the U.S. Geological Survey for the Environmental Protection Agency. The EPA is studying the impacts of heavy metal pollution from a century of mining in Idaho's Silver Valley.

The Coeur d'Alene River flows out of the Silver Valley into Lake Coeur d'Alene, which feeds the headwaters of the Spokane River and is washing the pollution downstream into Washington, scientists say.

In their pollution survey of the upper Spokane, the USGS team detected heavy metal concentrations that are much higher than the normal 23 parts per million background level in U.S. soils.

The EPA normally requires removal of contaminated soils in populated areas when lead levels exceed 400 parts per million.

One "hot spot" detected in February upstream of the Harvard Bridge in the Valley contained lead at 3,500 parts per million.

A warning sign has been placed in the Harvard Road area, LaScuola said.

In North Idaho, the Panhandle Health District has posted warning signs along the lower Coeur d'Alene River, where lead levels have been measured up to 2,000 parts per million.

The EPA, working with state and local health officials, plans additional work this summer along the river to determine

potential human health risks.

The Washington Department of Ecology is also working with USGS on more studies of the risks to fish and other aquatic life from the heavy metal pollution.

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Spokesman-Review July 14, 1999

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One "hot spot" detected in February upstream of the Harvard Bridge in the Valley contained lead at 3,500 parts per million.

"We need to educate people about lead because there are kids out there playing." – Michael La Scuola, Spokane Regional Health District



Psst, wanna know where all that lead came from?

Residents of and visitors to the Coeur d'Alene River basin will receive brochures telling them how to avoid heavy-metal poisoning—as soon as Gov. Dirk Kempthorne decides how much to tell them.

Don't let on, for example, where all that lead and other metals came from, Kempthorne says. If people want to know that, let them look it up in a library.

If they do, of course, they will learn the mining companies upstream dumped their mine wastes directly into the river up into the mid-1960s. Many of those companies are still operating, and although they have cleaned up their act considerably, they probably don't welcome having their dirty riverbanks exposed to the general public.

Kempthorne spokesman Brian Whitlock says Kempthorne isn't kowtowing to those companies, which have contributed to his election campaigns, as much as he is trying to keep the brochure brief enough that people will read it. Don't expect this page to criticize brevity, but it would hardly make the brochure long-winded to include a statement explaining how the basin was contaminated.

Kempthorne spokesman Brian Whitlock says Kempthorne isn't kowtowing to those companies, which have contributed to his election campaigns . . .

In fact, it might be essential in order for people to take its warnings seriously. Dirt along the Coeur d'Alene doesn't look different from dirt elsewhere, and if you don't tell people it contains heavy metals from decades of upstream mining, they might not be as careful about hygiene as they should be.

That, after all, is the purpose of the brochure, to caution people about things like letting children ingest contaminated soil at places where the Environmental Protection Agency found lead levels high enough to warrant concern.

When the defunct Bunker Hill Co. was still operating its mine and smelter in Kellogg, it maintained a "dead horse fund" to compensate downstream residents whose animals died from heavy-metal poisoning. If those animals could have read brochures and the signs that will accompany them at the contaminated sites along the river, they might be alive today. Surely people recreating along the Coeur d'Alene River deserve a better alternative than a dead human fund.—J.F.

April 26, 1999, Lewiston Tribune



Follow The Money:

Idaho Governor Dirk Kempthorne And the Spokane River – Lake Coeur d'Alene

The worst pollution

Corporate money helps reveal how Idaho politicians make decisions about toxic mine waste flowing from Idaho State into Washington State.

In 1998 alone, Idaho Governor Dirk Kempthorne's corporate contributors included: ASARCO \$3,250, Hecla Mining Co. \$4,150, Coeur d'Alene \$9,500, Hagadone Corp \$10,000, totalling nearly \$28,000.

Date	Industry	New Contribution	Address	City	Amount
8/20/98	Mining	FMC Corporation	200 E Randolph Dr	Chicago	5,000
3/21/98	Mining	Hagadone Corporation	PO Box 6200	Coeur d'Alene	5,000
3/21/98	Mining	Hagadone Corporation	PO Box 6200	Coeur d'Alene	5,000
3/6/98	Mining	Coeur d'Alene Mines Corporation	505 Front St, Ste 400	Coeur d'Alene	4,000
1/20/98	Mining	Hecla Mining Company	6500 Minerald Dr	Coeur d'Alene	3,000
8/10/98	Mining	Coeur, The Precious Metals Co.	505 Front, Ste 400	Coeur d'Alene	2,500
5/21/98	Mining	FMC Corp	200 E Raldolph Dr	Chicago	2,500
1/30/98	Mining	Cyprus Minerals Co. PAC	517 Queen St	Alexandria	2,000
7/3/98	Mining	Mooney, Frank	PO Box 62	Clayton	2,000
5/29/98	Mining	Thompson Creek Metals Co	5241 South Quebec #103	Englewood	2,000
7/3/98	Mining	Thompson Creek Metals Company	PO Box 62	Clayton	2,000
10/4/98	Mining	ASARCO Employees' PAC	2121 K Street, NW	Washington	1,750
12/30/97	Mining	ASARCO Employees PAC	2121 K St NW Ste 700	Washington	1,500
6/2/98	Mining	Solutia Inc	PO Box 816	Soda Springs	1,500
7/20/98	Mining	Brown, Art	PO Box 1290	Hayden Lake	1,000
1/20/98	Mining	Coeur d'Alene Mines Corporation	505 Front St, Ste 400	Coeur d'Alene	1,000
3/6/98	Mining	Coeur d'Alene Mines Corporation	505 Front St, Ste 400	Coeur d'Alene	1,000
7/14/98	Mining	Coeur, The Precious Metals Co.	505 Front St, Ste 400	Coeur d'Alene	1,000
8/10/98	Mining	Hecla Mining Company	6500 Mineral Drive	Coeur d'Alene	1,000
10/20/98	Mining	ICF Kaiser	1850 K Street, NW, Ste 1000	Washington	1,000
10/9/98	Mining	Korologos, Tom	1850 K Street, Ste 850	Washington	1,000
12/30/97	Mining	Korologos, Tom	1850 K Street NW Ste 850	Washington	1,000
10/19/98	Mining	Hecla Mining Company	6500 Mineral Dr	Coeur d'Alene	500
6/29/98	Mining	Hecla Mining Company	6500 Mineral Drive	Coeur d'Alene	500
8/10/98	Mining	Johnson, Peter	PO Box 1591	McCall	500
3/6/98	Mining	Kaiser Aluminum	10220 N Nevad, Ste 260	Spokane	500
7/7/98	Mining	Kaiser Aluminum	10220 N Nevad Ste 260	Spokane	500
7/4/98	Mining	Magnuson, H.	PO Box 469	Wallace	500
7/6/98	Mining	Magnuson, H.	816 Sherman Ave	Coeur d'Alene	500
10/5/98	Mining	Coulson, Jim	PO Box 2610	Spokane	250
5/26/98	Mining	Coulson, Jim	PO Box 2610	Spokane	250
1/18/98	Mining	Griffith, William	630 S 14th St	Coeur d'Alene	250
2/26/98	Mining	Johnson, Peter	PO Box 1591	McCall	250
4/15/98	Mining	Hecla Mining Company	6500 Mineral Dr	Coeur d'Alene	150
10/31/98	Mining	Conroy, Richard	3470 S Marsh Creek Rd	McCammon	100
2/17/98	Mining	Conroy, Richard	3470 S Marsh Creek Rd	McCammon	100
4/10/98	Mining	Magnuson, Thomas	413 Cedar St	Wallace	100
7/3/98	Mining	Conroy, Richard	3470 S Marsh Creek Rd	McCammon	60
9/16/98	Mining	Conroy, Richard	3470 S Marsh Creek Rd	McCammon	50
12/6/97	Mining	Griffith, William	630 S 14th St	Coeur d'Alene	50
4/11/98	Mining	Jaeger, Jerald	PO Box 6200	Coeur d'Alene	50
2/17/98	Mining	Yochum, Paul	PO Box 4111	Pocatello	50
7/6/98	Mining	Yochum, Paul	PO Box 4111	Pocatello	35
11/2/98	Mining	Hansen, Kent	4912 Sheppard	Chubbuck	25
7/27/98	Mining	Hansen, Kent	4912 Sheppard	Chubbuck	20
Mining Corporation Total					\$ 53,040

Source: United Vision for Idaho. Rod Hall can be reached at uvirhall@rmci.net

Kids' lead levels prompted campsite closings

Children with high blood lead levels had played at Rainy Hill, Medimont

By Zaz Hollander, staff writer

COEUR d'ALENE—Elevated lead levels in the blood of some Silver Valley children led to recent Coeur d'Alene River campsite closures.

The U.S. Forest Service banned overnight use at popular Medimont and Rainy Hill beaches just before the July Fourth weekend.

Now health officials acknowledge the camping ban arose not merely as a precaution, but because kids with high blood lead levels had played at the two popular areas.

Both beaches are contaminated with lead from mining pollution, at levels up to twice the amount considered safe.

The U.S. Environmental Protection Agency and Panhandle Health District urged the ban to avoid the possibility of future health problems for more children, federal officials said.

"We're not waiting for kids to be leaded before taking action," the EPA's Sean Sheldrake said.

Health district staffers discovered that 16 children with elevated blood lead levels in 1997 and 1998 had played at one or more of three beaches — Rainy Hill, Medimont and Elk Creek Pond — according to the district's Jerry Cobb.

All of the children had blood lead levels between 10 and 20 micrograms per deciliter of blood, Cobb said. Nationally, 10 micrograms is viewed as a "threshold of concern" for lead poisoning. The national average is 3 to 4.

Cobb said he believes some of the lead in the children's blood came from the public-use areas, but it's impossible to be sure. Other places in the Silver Valley also are polluted, including residential yards, gardens and daycare facilities.

People can still use Rainy Hill and Medimont areas during the day, as long as they take steps to keep young children from ingesting dirt, he said.

"I personally don't think people should be afraid of recreating in these areas," Cobb said. "Do the right things, and you'll be fine."

Elk Creek Pond, a popular local swimming hole above Kellogg, has long posed a public health problem, he said. Along with lead of 3,360 parts per million in sediment, the shallow pond is a hot spot for fecal coliform bacteria.

The pond is on private property, so the government can't manage its use, officials say.

The EPA found lead levels at Rainy Hill at 4,140 ppm and 3,510 ppm at Medimont.

The trigger for action at recreational places in the Coeur d'Alene Basin is 2,000 ppm. The national residential safe standard is 400 ppm.

But some local residents and politicians question the government standards.

Since the 1974 Bunker Hill smelter fire spewed lead particles into the air, blood lead levels inside the Kellogg Superfund area have dropped from an average of 40 micrograms to an average of 4.5 micrograms, health officials say.

State Sen. Jack Riggs, R-Coeur d'Alene, questioned the federal government's increasingly aggressive stance on lead during a Wednesday meeting of a bi-state task force overseeing federal cleanup in the basin.

"The trend has been falling lead levels in kids," said Riggs, a physician. "So why is there greater urgency now?"

A Silver Valley doctor who saw more than 100 people with elevated blood lead levels in his career says he never saw outward symptoms of lead poisoning.

"I never saw anyone with a wrist drop, a foot drop, paralysis, anything like that," Dr. Orland Scott, now retired, said during the meeting.

Sheldrake said one reason for more aggressive action is the fact that the Centers for Disease Control dropped the level of concern from 25 micrograms to 10.

A federal risk assessment specialist said he was surprised at local opposition to the lowest possible safe level for lead in kids' blood.

"It's like saying one cigarette's not going to kill you," Marc Stifelman, a Seattle-based EPA toxicologist, said after the Wednesday meeting ended.

"We try to prevent the occurrence of lead poisoning. The symptoms don't appear to be reversible, so it makes sense to prevent it."

Of 125 kids tested outside the Superfund site in 1998, between 7 and 8 percent showed levels above 10 micrograms. Only one tested above 20: 2-year-old Jonathan Putz at 21 micrograms.

Stacie Putz said her son's elevated blood lead levels probably came from metals-polluted dust in the family's Wallace home.

"It scares me," Putz said. "It varies so much in how it affects each child. You don't know what cells it's killing off. It's horrifying."

***"We're not waiting for kids to be leaded before taking action."
— Sean Sheldrake, EPA official***

***"It scares me. It varies so much in how it affects each child. You don't know what cells it's killing off. It's horrifying."
— Stacie Putz, mother of a child with elevated lead levels.***

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Welcome to Idaho - state of undisclosed toxins

Signs are up in Washington warning people of high levels of toxic lead along the banks of the Spokane River. But in northern Idaho where the lead contamination originates in old mining sites, officials in state government are still blocking public disclosure of even higher levels of lead.

They are doing that not from concern for public health, but from concern for politics.

Gov. Dirk Kempthorne's office has rejected the federal Environmental Protection Agency's proposed wording for the signs. And at least one member of the state's congressional delegation, 1st District Rep. Helen Chenoweth, wants no signs at all.

"I see this as a very big concern to the health of the whole economy," Chenoweth said in Coeur d'Alene recently. "Gov. Kempthorne said the only signs he wants to see here are signs that say, 'Welcome to Idaho.'"

Meanwhile, the U.S. Forest Service has banned camping at the Medimont and Rainy Hill sites along the lower Coeur d'Alene River. The Coeur d'Alene drains into Coeur d'Alene Lake, which in turn feeds the Spokane River. The ban came after 14 children playing on the sites' beaches tested high for lead in their blood.

Those children registered blood lead levels between 10 and 20 micrograms per deciliter of blood. Health officials consider 10 mg/d the threshold of safety, and the national average is 2.8 mg/d.

Despite that, Kempthorne's coordinator for cleaning up the Coeur d'Alene basin says, "There's no need to scare anybody."

"It's only a warning," Darakjy says of the signs.

But until the signs do appear, it isn't even that. The sorry history of state government negligence regarding toxic mine and smelter emissions in the Silver Valley upstream from Coeur d'Alene continues.

This time, though, the state is unlikely to have the last word.

The federal Agency for Toxic Substances and Disease Registry is not going away.

"We're not going to not do something," the agency's Richard Kauffman told The Spokesman-Review's Zaz Hollander.

That good news is not necessarily bad news for the northern Idaho economy whose health Chenoweth places over that of children. It's no secret that the former Bunker Hill smelter site at Kellogg is one of the nation's largest Superfund cleanup sites, or that the entire valley is contaminated from a century's worth of mine wastes.

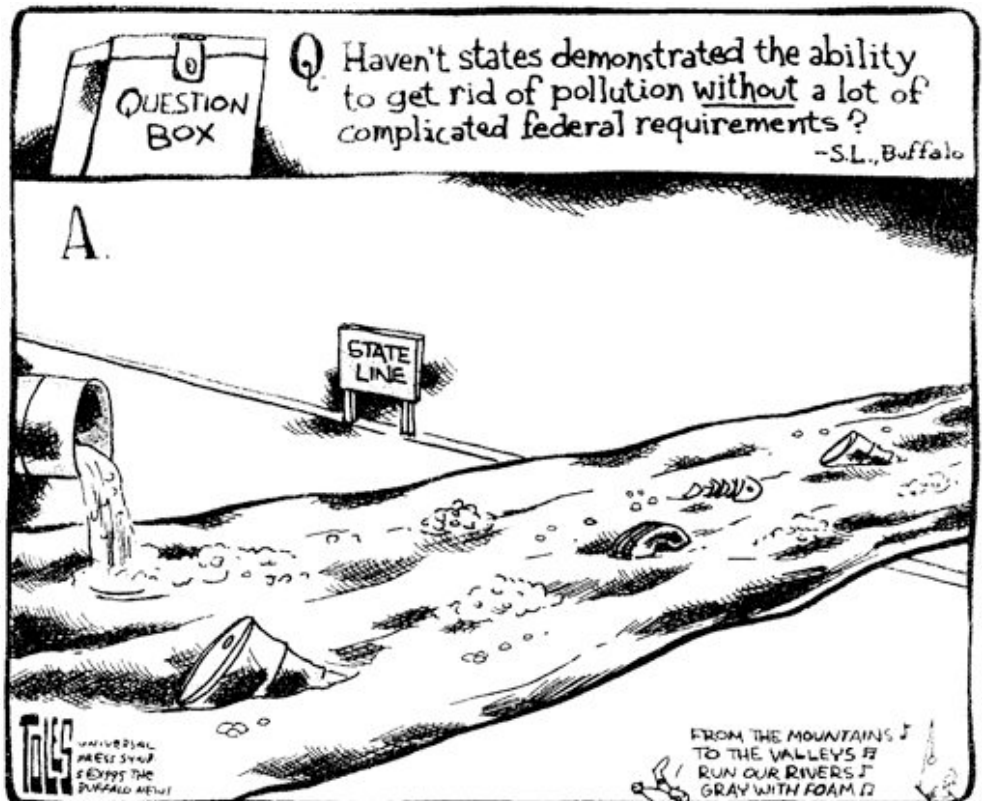
What would be bad news is a government that refused to recognize the contamination, and to warn the citizenry about it. Idaho might still have that kind of government, but thankfully the United States does not. —J.F.

"Gov. Kempthorne said the only signs he wants to see here are signs that say, 'Welcome to Idaho.'"
— Rep. Helen Chenoweth, R-ID

The sorry history of [Idaho] state government negligence regarding toxic mine and smelter emissions in the Silver Valley upstream from Coeur d'Alene continues.

What would be bad news is a government that refused to recognize the contamination, and to warn the citizenry about it. Idaho might still have that kind of government, but thankfully the United States does not.

Lewiston Tribune, July 28, 1999



Spokane environmentalists form basin group

By Mike McLean, Staff writer

COEUR d'ALENE—A Spokane-based environmental group is forming yet another citizens advisory committee to review federal cleanup plans for the Coeur d'Alene/Spokane River basin.

The Washington State Department of Ecology has announced The Lands Council will lead the effort to form a committee to look at cleanup "from a Washington state point of view."

The committee is being formed about a month after a basinwide "super task force" was launched to share information about the federal Environmental Protection Agency's Superfund study of the effects of contamination throughout the basin from mining activity in the Silver Valley.

The first meeting of the Washington CAC will be 7 p.m. June 10 at the Spokane Public Health Center, 1101 W. College Ave., Room 149. Ecology is encouraging the public to attend. The committee will meet once each month.

"Washington should have and does have intense interest in the way the cleanup is handled," said Tony Grover, Ecology's Spokane region director. "We have an historic opportunity to involve citizens in the cleanup of 100 years of mining pollution in our region's lakes and rivers."

The Spokane River currently exceeds Washington state water quality standards set for protection of aquatic life. During high-flow periods, the river exceeds the standards for lead and cadmium. Zinc standards are exceeded year round.

Cleanup plans are in the study phase. Next year, the EPA will begin choosing cleanup methods.

"We're the logical grass-roots group to convene something for the larger citizenry to participate in," said Michele Nanni of The Lands Council. "Our mission is adequate cleanup in the basin. We believe that can be done without putting the mines out of business."

Nanni said the new CAC will cover the western end of the 1,500-square-mile Superfund study.

"The CAC has a lot to do with just the vastness of the geographic boundaries," she said. "This CAC will also accommodate property owners from Lake Roosevelt and the Spokane Tribe."

Nanni is also a member of the Idaho CAC.

Frank Frutche, another Idaho CAC member, was suspicious of The Lands Council's motives in heading a new group in Washington just as the basinwide super task force is being formed.

"They are trying to align themselves with folks who see things the way they do," he said.

He suspects the issue is The Lands Council's support of proposed pollution limits called total maximum daily loads for lead, cadmium and zinc in the Coeur d'Alene Basin. The Lands Council had threatened to sue the EPA to put the TMDL in place.

The EPA is proposing national "Gold Book" standards for the TMDL.

"Hardly anybody in Idaho is in favor of that," Frutche said. "We do have an ore body and I don't think we can meet Gold Book standards — certainly not in the

South Fork Coeur d'Alene River."

Idaho officials are proposing site-specific criteria which are less stringent if it can be shown that aquatic life can exist with higher levels of metal.

Frutche, a Cataldo rancher, and member of Save Our River Environment considers himself an environmentalist. "We're hands-on. Let's fix the problem. They are sort of elitist."

Mining industry spokeswoman Holly Houston, who is a member of the Idaho CAC and the super task force, said The Lands Council has "muddled up and complicated" the work the Idaho CAC has been trying to do by consensus.

"Their group has not contributed anything to cleanup efforts," she said.

Holly said she hopes the group will work in a conciliatory manner if it takes a leadership role on the Washington committee.

Damon Darakjy, who is Gov. Dirk Kempthorne's liaison for basin cleanup, said Idaho has no problem with the state of Washington forming its own CAC.

But he wouldn't comment on the role of The Lands Council.

EPA community liaison Dick Martindale said he will share information with any interested group. "The broader the representation, the better," he said.

Ecology's Gilbert said the state agency isn't putting the committee together, although Grover may moderate its first meeting.

"It's not Ecology's show," she said. "(The Lands Council) stepped forward to get the ball rolling."

Nanni said the council may request grant funds from Ecology to fund the committee's nominal expenses such as mailings.

Meeting information: (509) 456-6360

The Coeur d'Alene Press, June 2, 1999

The Lands Council will lead the effort to form a committee to look at cleanup from a Washington state point of view.

"Washington should have and does have intense interest in the way the cleanup is handled. We have an historic opportunity to involve citizens in the cleanup of 100 years of mining pollution in our region's lakes and rivers." — Tony Grover, Washington Dept. of Ecology

Editorial

Washington wants to know, even if Idaho doesn't

It's bad enough that some Idaho politicians want to deny their own constituents information about how badly the Coeur d'Alene and Spokane river basins might be contaminated by decades of upstream mining. But when they try to prevent the people of Washington from learning the same thing, they cross more than a state line.

It's bad enough that some Idaho politicians want to deny their own constituents information about how badly the Coeur d'Alene and Spokane river basins might be contaminated by decades of upstream mining. But when they try to prevent the people of Washington from learning the same thing, they cross more than a state line.

In doing so, they have drawn opposition from Washington Attorney General Christine Gregoire and the state Department of Ecology. Both say they will fight attempts to make ignorance the law of the land not only for Idaho but for its downstream neighbor as well.

(Continued on page 25)

Hazards of lead detailed

Union invites advice from environmental consultant

By Jeff Selle, staff writer

KELLOGG—Despite a political twist taken by two environmental groups and an East Coast lead expert, the United Steelworkers Union got a little education on the occupational hazards of lead in the workplace.

Dr. John Rosen, a professor of pediatrics at New York's Albert Einstein College of Medicine, was invited to speak to the Local 5089 about workers rights where lead is concerned.

"We didn't pay anything to have him come in and speak," said union president Jim Poulson. "But we did ask the Silver Valley People's Action Coalition if he could speak with us the next time he is town."

Rosen, along with members of the SVPAC and the Environmental Health Network, spent most of their time pitching a new Lead Health Program they are trying to raise money for in the Silver Valley. But Rosen did take time to explain some of the hazards of lead in the workplace.

Poulson recently said about one-third of the millworkers at Sunshine Mine have experienced elevated blood lead levels. He wanted Dr. Rosen to explain some of the dangers involved with lead poisoning and some of the rights workers have in those environments.

"I know it sounds kind of crazy and it could seem like the steelworkers are backing an environmental movement that could eventually end all of our jobs, but that is not the case," he said. "This is not a joint effort, our members are simply looking for answers."

Ever since Sunshine Mining Company started mining the West Chance silver vein system, Poulson said millworkers have been handling "an awful lot of lead."

"We are essentially a lead mine now," he said, explaining the West Chance is comprised of 9 percent lead. "We started testing the millworkers a while back, and some were up little bit."

He said based on acceptable lead levels for children of 10 micrograms of lead per deciliter of blood, one-third of the workers tested high.

"We think the river should be investigated all the way to Lake Roosevelt," says Tony Grover, regional Ecology director.

That makes sense. If the mine wastes that were dumped directly into the Coeur d'Alene River until the 1960s have polluted Lake Coeur d'Alene and the Spokane River that flows out of it, it's also possible the pollution extends into the huge Columbia River reservoir. And water quality studies have already shown elevated levels of lead and cadmium in the Spokane River during high flows, and of zinc at all flows.

The two states are also squabbling about authority over whatever cleanup can be accomplished to reduce the heavy metals' risk to human health, with Idaho Gov. Phil Batt arguing for his state to take the wheel without any interference from back seat drivers. But Sen. Larry Craig goes well beyond reason—and beyond Batt's wishes—in trying to stop the accumulation of information about just how much cleanup needs to be done. Craig has attached

However, only two workers experienced blood lead levels above the adult standard of 40 micrograms set by the Occupational Safety and Health Administration in the 1970s.

Some of the underground miners were also tested, but showed much lower lead levels — around 25 micrograms per deciliter. The millworkers handle concentrated lead on a daily basis after it is extracted from the silver ore the miners dig out.

According to Rosen, a movement to lower the OSHA level to 25 micrograms started in 1992, but it has not yet been changed.

Rosen also outlined many rights each of the workers have under OSHA rules and focused heavily on medical requirements and testing.

Poulson said once Sunshine realized there was a problem, the company took action. The two

workers who were above 40 micrograms were given jobs outside the mill until their levels came down.

"After two months, their levels are back down to the low 30s, and the workers have come back to the mill," Poulson said.

In fact, he said almost everyone's lead levels has dropped off since the company instituted higher protection standards.

Special respirators and dust-control measures are being used to prevent further contamination, he said. The company even built a special lunch room for the millworkers.

"Although the lead levels have dropped off in quite a few people, we still wanted to speak with Dr. Rosen for educational purposes," he said.

While Sunshine has taken some initiative to resolve the problem, Poulson said the company can probably do more to protect the workers.

Rosen says he agrees.

"I would be willing to bet even the office workers at Sunshine are suffering from increased lead levels," he said, adding unrelated studies have shown it happening in other lead industries.

Poulson plans to work with the company in the near future to reduce further risk to workers, he said.

About one-third of the millworkers at Sunshine Mine have experienced elevated blood lead levels. [The local union president] wanted Dr. Rosen to explain some of the dangers involved with lead poisoning and some of the rights workers have in those environments.

Once Sunshine realized there was a problem, the company took action.

Coeur d'Alene Press, May 24, 1998

a rider to next year's Environmental Protection Agency appropriation giving the Idaho governor veto power over any expanded study or cleanup by the EPA.

Batt, who has resisted joining hysterical calls from Coeur d'Alene Mayor Steve Judy and others to block investigation of pollutants outside the Bunker Hill Superfund site at Kellogg, says he has not asked for that power. But Batt leaves office at the end of the year. That raises the issue of who does want the authority.

Idaho's other senator, Dirk Kempthorne, is also leaving office at the end of the year. But Kempthorne hopes to succeed Batt as governor. Does he seek the ability to cover up the toxic legacy Idaho mines might have left for the people of the two states?

It's a question Kempthorne should expect to be asked on the campaign trail, and one he should expect to answer. —J.F.

Lewiston Tribune, July 9, 1998

Cleanup called inadequate

Report says residents still at risk after Bunker Hill project

Homes remain contaminated; wastes stored improperly, scientist finds

By Julie Titone, staff writer

COEUR d'ALENE—The nearly complete Bunker Hill cleanup is failing to protect human health, according to a scientist who has studied Superfund sites around the country.

Kellogg area residents still are living in houses contaminated with heavy metals, Joel Hirschhorn contends, and mining wastes are not being properly sealed from the environment.

Because of that, he says, future generations face risk, uncertainty and incomplete economic recovery.

"The Silver Valley may remain the valley of the damned," Hirschhorn concludes in a new report.

The federal Bunker Hill cleanup, which began in 1995, is expected to be completed in the next few years. The bulk of the work is finished.

The project covers 21 square miles and deals with metals contamination from a century of mining and smelting. The metal of biggest concern is lead, which can cause damage to the nervous system. It has caused severe learning disabilities in some Silver Valley children.

Hirschhorn's report was written at the request of the Silver Valley People's Action Coalition. After nearly a decade of hoping for such help, the citizens group got a

\$50,000 grant from the Environmental Protection Agency last year to pay for the independent assessment.

"Our persistence has finally paid off," said coalition director Barbara Miller.

The coalition used the report as the basis for a 12-point list of demands to EPA. Last week, Miller and others discussed the issues with agency officials.

"(Regional administrator) Chuck Clarke told us it's not too late to make changes," Miller said. "They are going to take our demands and review them with their own technical people. We will get an answer back by Oct. 15."

Many of the coalition's concerns are already being examined by the EPA, according to Bunker Hill project manager Sean Sheldrake. They will also be evaluated during the project's five-year review, which will take place during the next six months, he said.

Among the concerns raised in Hirschhorn's 86-page report:

Housing

Given the high level of contamination, Hirschhorn said, he was amazed that EPA did not consider permanently moving people out of the 1,500 houses within the Bunker Hill site.

That's been done elsewhere, he said.

"Often you find out it's cheaper to relocate people, because you can pursue cleanup in a different way."

At the least, he said, residents could have been given air filters for their homes. He called the loan of high-powered vacuums an "almost comical"

way to deal with such a serious problem.

Sheldrake isn't sure why demolition of houses wasn't considered, though he cited high cost and disruption of residents.

He agreed that contamination of the homesites was so extreme that to remove all metals-tainted ground would have involved "going under foundation, propping up houses."

Instead, EPA has been digging up people's yards and replacing the dirt with clean topsoil.

Testing

The government's way of gauging the success of cleanup is to watch the results of blood-lead testing in local children. The lead levels have dropped

significantly. But the state-controlled testing program is entirely voluntary. To be valid, the testing should be mandatory and regular, according to Hirschhorn.

The federal government has commissioned an independent review of data regarding lead found in blood samples and the environment, Sheldrake said.

Contaminants

Hirschhorn contends that residents may be harmed by contaminants besides lead, but no one has studied things like arsenic and cadmium.

He also wants EPA to investigate dioxins and furans, which might have been present at the Bunker Hill smelter

and refinery. Those are organic compounds that have been linked to cancer.

The concern about dioxins surprised Sheldrake. "We haven't had any reason to believe that's out there."

Containment

EPA contractors have scooped up 20 million cubic yards of mine tailings from the Coeur d'Alene River floodplain and put

The metal of biggest concern is lead, which can cause damage to the nervous system. It has caused severe learning disabilities in some Silver Valley children.

*"You don't see the mills, you don't see the smokestacks, you don't see the pollution. But do you still have a problem? You do."
—Joel Hirschhorn*

Hirschhorn was amazed that EPA did not consider permanently moving people out of the 1,500 houses within the Bunker Hill site. That's been done elsewhere.

(Continued on page 27)



Dust from the Bunker Hill Superfund site's central impoundment area next to the Kellogg Middle School football field is one of the concerns raised by the Silver Valley People's Action Coalition.

the waste in a giant hole called the central impoundment area. Mining companies had already used that for a waste repository. The area will be capped to keep rainwater from trickling through the waste and carrying metals into the ground water and nearby river. But that's totally inadequate, Hirschhorn said.

"This is not a well-engineered landfill," he said, criticizing the lack of a liner under the waste and a system of collecting water that runs off the site.

Sheldrake acknowledged that some mining waste may be in direct contact with ground water. Runoff will be monitored and a decision will be made later whether seepage needs to be treated, he said.

Public opinion about the Bunker Hill project differs from others he's seen around the country, Hirschhorn said.

"I was flabbergasted, when EPA got involved, that people weren't screaming and hollering for strong action, including relocation," he said. "I see a community that's sick and poor. It's like they have been victimized several times over, and aren't totally capable of getting the best deal from the government."

Hirschhorn is not entirely critical of EPA. He said the Bunker Hill work has been significant, but largely cosmetic.

"You don't see the mills, you don't see the smokestacks, you don't see the pollution," the Maryland-based consultant said Tuesday. "But do you still have a problem? You do."

• Julie Titone can be reached at (208)765-7126 or by e-mail at juliet@spokesman.com.

Spokesman-Review September 30, 1998
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About the report's author

Joel Hirschhorn, author of a report critical of the Bunker Hill Superfund cleanup, discussed his findings at a Nov. 12, 1998 meeting in the Silver Valley. A time and place were announced.

Hirschhorn has worked for eight years as an independent technical adviser for government agencies, companies and, increasingly, grass-roots community groups. He is often hired to write reports that critically examine Superfund projects.

Formerly, Hirschhorn was a professor of engineering at the University of Wisconsin. He also worked as a senior associate at the Congressional Office of Technology Assessment, where he produced reports on the Superfund program and helped write the Superfund Amendments and Reauthorization Act of 1986.

Hirschhorn is editor of *Remediation: The Journal of Environmental Cleanup Costs, Technologies & Techniques*.

Julie Titone



Top EPA officials meet with community cleanup activists in Kellogg, Idaho. Tim Fields (3rd from right, Assistant Administrator under EPA Director Carol Browner) and Chuck Clark (2nd from right, Pacific Northwest regional director) met with members of the People's Action Coalition and others on August 10, 1999. Topics included interior house cleaning of lead dust, correct capping of the Central Impoundment Area, Page Ponds, and lead screening of children at risk for lead poisoning.

EPA sees cleanup of the Coeur d'Alene-Spokane as a top priority among over a thousand polluted sites in the United States. Superfund is a way to pay for the cleanup.

For more information on citizen efforts to clean up lead pollution in Idaho mining communities:
Barbara Miller, People's Action Coalition, Kellogg, Idaho, Phone: (208) 784-8891
paccrcco@nidlink.com • www.nidlink.com/~paccrcco

Idaho mines release toxic waste

Federal program requires companies to make chemical figures public

By Becky Kramer, staff writer

COEUR d'ALENE—Mining companies in the Silver Valley fear that community residents will gasp when they learn how much mining waste was generated last year.

1998 Mine Waste Totals

Hecla Mining Co.

- 19.9 million pounds of toxic compounds at Lucky Friday Mine

Silver Valley Resources

- 11 million pounds at the Coeur and Galena mines

Sunshine Mining and Refining

- 6.8 million pounds at Sunshine Mine

For the first time, mining companies are required to release that figure through a federal Community Right-to-Know reporting program.

But the total from three active Silver Valley mining operations — nearly 38 million pounds of toxic compounds — shouldn't be taken out of context, the companies say.

The chemicals are primarily trace amounts of metals found in waste rock, tailings and rock used as backfill.

"Ninety-eight percent of what we're reporting are naturally occurring substances," said Jack Lyman, executive vice president of the Idaho Mining Association.

Under the regulations, even trace amounts of minerals found in "development rock" must be reported, said Anne Walsh, communication director for Coeur d'Alene Mines Corp. Development rock is the rock moved so that miners can gain access to ore veins.

The Community Right-to-Know program was set up in 1986. It lets the public know what kinds of chemicals companies use, how much they use, and how they dispose of them, said Adam Browning, EPA's toxic release inventory coordinator in San Francisco.

EPA tracks nearly 700 chemical compounds through the program. A recent expansion of the program added metal and coal mines to the list of industries that must file annual reports.

"The mining process removes chemicals from where they naturally occur and may place them in a different environment, where they may be more susceptible to leaching," Browning said.

However, the list is not a "risk inventory," he added. "It's just one piece of information people might use when evaluating a particular site."

The reports must be submitted to EPA by Thursday. They will be available for public review in December or January.

Hecla Mining Co. reported 19.9 million pounds of toxic compounds at its Lucky Friday Mine in 1998; Silver Valley Resources reported 11 million pounds at the Coeur and Galena mines; and Sunshine Mining and Refining reported 6.8 million pounds at its Sunshine Mine.

Two surface mines in central Idaho brought the state total to an estimated 44.5 million pounds, Lyman said. The figures are preliminary and may be refined later, he said.

Twelve different compounds showed up in the reports, which represent Idaho's five largest metal mining operations, Lyman said.

Manganese, lead and zinc accounted for the majority of the toxic compounds reported in the Silver Valley, he said. Smaller amounts of other naturally occurring metals were also reported, along with nickel and chromium, which come from the grinders used to crush rock, and nitrates from the explosives.

Less than 1 percent of those compounds are released to the air and water, Lyman said. The majority are stored on land or used to backfill mines, and must be managed so they don't pose a risk to humans or the environment, he said.

Spokesman-Review June 30, 1999
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Getting a grip on mine wastes

Whether the Interior Department's new land-protecting restriction on acreage limits for mining wastes survives will now depend on joint congressional conference committee negotiations this fall. The Senate this week rejected the Interior Department's limit for mining dumps of five acres per claim in a 55 to 41 vote. The House of Representatives had overwhelmingly supported the department's limit in a previous vote 273 to 151.

If the limit is finally upheld in the joint conferencing of the two chambers, federal land-managing agencies will finally have a better grip on controlling land-damaging mine tailings over the West. It is a small victory for environmental protection over the West because it does not begin to address all of the federal mining law excesses. But it is a first and important inroad on a deplorably outdated 1872 mining law that gives miners overriding privileges on public lands.

Congress has failed to reform this 1872 mining law for most of this century despite billions of dollars of taxpayer costs for mine reclamation and lack of royalties.

The recent skirmishing in Congress between those who would reform the law and those favoring mining interests has been fought in a war of legislative riders shoehorned stealthily into federal spending bills. On their own, almost all of these riders would not survive the debate they would get. The Senate should reinstall Rule XVI, which in principle barred use of riders in all spending bills. Senate abandoned the rule in 1995 when Republicans tried to undermine the Endangered Species Act. Such riders are back-alley ruses, resorted to by Democrats and Republicans alike, and have been piped into the legislative underground to escape scrutiny — and this includes scrutiny of the relationship of political campaign benefactors to congressmen and women and their votes.

It was this political campaign relationship to senate votes that moved investigative reporter Tim Weiner to write in the New York Times recently: "In the U.S. Senate this year, western Republicans like Sens. Larry Craig of

Idaho, Slade Gorton of Washington and Ted Stevens of Alaska have inserted riders into spending bills that have gladdened oil men, loggers, miners and ranchers. Since 1991, these three pivotal senators have received more than \$850,000 in campaign contributions from these interests."

Sen. Patty Murray (D-Wash.), in whose state a large gold mine was temporarily barred operation by the Interior Department rule, organized an unsuccessful floor fight this week to uphold the department rule. She and 40 other senators were upset with a rider amendment by Idaho's Sen. Craig to eliminate the rule. Sen. Craig has in the past pushed for a law criticized by the Washington, D.C.-

based Mineral Policy Center as "the one the mining industry would settle for."

But the mining lobby, which has been able to resist each and every meaningful attempt to change the 1872 law, didn't have to compromise an iota this time in the Senate. Sen. Craig, Sen. Gorton and 53 other supporting senators carried the day. And it was a bad day for those who should expect the mining industry to pay for use of public land, which it doesn't, to fully reclaim land after mining, and to give up a patenting process which allows the industry to get full ownership to public lands.

The negotiations in the Joint Congressional Conference this fall will undoubtedly be clouded by the fact that the Interior Department has not routinely applied the five-acre limit on dumps. The department actually seized on a provision in the 1872 law on the acreage restriction as a last resort to find a way to control a modern-day gold rush over the West using cyanide in the extraction. Open pit mines, whatever the minerals sought, was another target because of their potential to pollute waterways. But the point, is whatever leverage it can give federal land managing agencies to protect public land and water has obvious merit. May the House vote for this admittedly limited measure of public land therapy prevail this fall.

"In the U.S. Senate this year, western Republicans like Sens. Larry Craig of Idaho, Slade Gorton of Washington and Ted Stevens of Alaska have inserted riders into spending bills that have gladdened oil men, loggers, miners and ranchers. Since 1991, these three pivotal senators have received more than \$850,000 in campaign contributions from these interests." — reporter Tim Weiner, New York Times

If the limit [on mine wastes] is finally upheld in the joint conferencing of the [House and Senate], federal land-managing agencies will finally have a better grip on controlling land-damaging mine tailings over the West.

*J. Robb Brady, July 30, 1999
Idaho Falls Post Register*

Idaho officials must recognize scope of cleanup concern

By Michele Nanni, Special to Roundtable

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 basinwide 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.

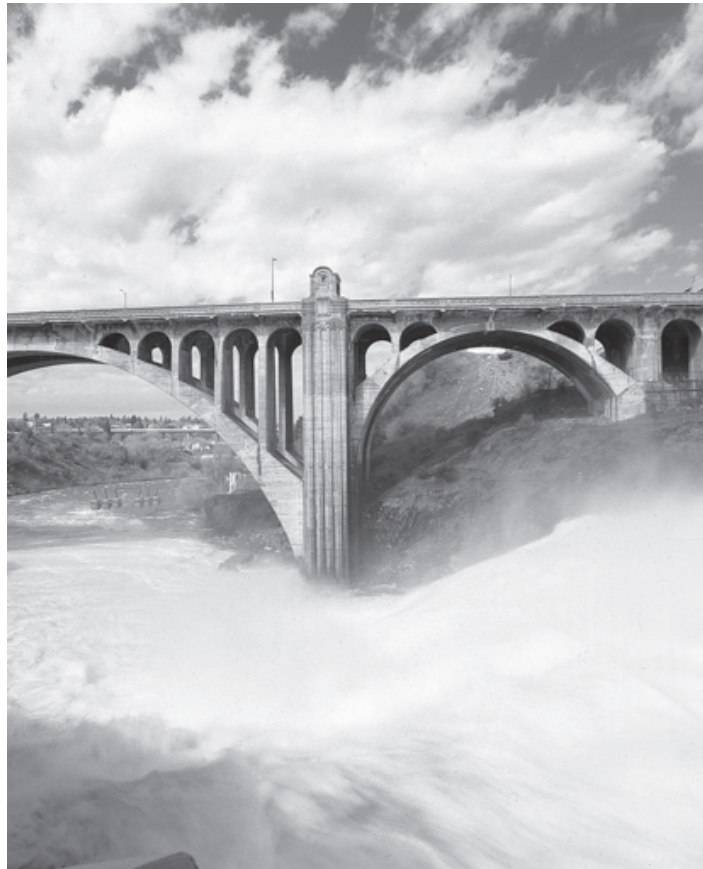
The state of Washington, the Coeur d'Alene Tribe and the other federal trustees are cooperating in this process.

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.

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.
— Michele Nanni, The Lands Council



Spokane Falls. The heart of Spokane, Washington

Don't sneak change in federal mining law

Memo to Sen. Slade Gorton:

If you don't like the provisions of the 1872 mining law, change the law in an open, thoughtful process.

Don't use the suffering of the war victims in Kosovo or the misery of hurricane victims in Central America to advance the goals of mining companies that want to mine unfettered by the law's environmental provisions.

Specifically, don't stoop to attaching a stealth rider amending the mining law amendment to humanitarian aid provisions that you think President Clinton will be forced to sign. Surely some common human decency governs political gamesmanship, even in the U.S. Congress.

If your changes to the mining law comport with the public interest, they should be able to stand on their own and withstand public scrutiny and debate in the full light of day.

We welcome your interest in changing the mining law, Senator. But since any changes will affect how mining is done, not just in Okanogan County but nationally, it's important that they be crafted in a responsible manner.

Thank you.

Post-Intelligencer Washington Correspondent Michael Paulson reported Tuesday that Gorton is preparing to attach a rider that would permit opening of the Crown Jewel open pit, cyanide-leach gold mine at Buckhorn Mountain in Okanogan County, despite federal government objections.

The state Department of Ecology has issued permits for the mine. But the U.S. Interior Department and the Agriculture Department rejected approval on grounds that the company proposed to cover more of the surrounding federal land with its wastes than the 1872 law allows.

"We've been trying to amend the 1872 mining law in an open process for 20 years. The first time this law is used against a mine, they want to go and amend the law under the table," said David Mann, president of the Washington Environmental Council.

Mann's point is well taken. The mining law is in acute need of reform. It's an outdated instrument that gives away far too much of the public's resources to the mining industry, even with its provision to limit to five acres the everlasting mess left behind by the companies.

Trouble is, it takes several tons of ore to extract one ounce of mineral from the low-grade ores the industry now is exploiting with the aid of chemical-leaching techniques. So the resulting huge quantities of chemically bleached waste and rocks won't fit on the required five acres.

If the mining industry is to remain viable, it must find a way to meet the public's demand for environmentally acceptable mining. The industry can opt to continue to fight economic and environmental reforms to the mining law, or it can agree to correct the law's

flaws.

The former guarantees ever more public opposition; the latter is the only means to achieve the credibility that any industry needs to go unhindered about its business.

Seattle Post-Intelligencer, May 7, 1999

"We've been trying to amend the 1872 mining law in an open process for 20 years. The first time this law is used against a mine, they want to go and amend the law under the table."

***— David Mann,
Washington Environmental Council.***

The mining law is in acute need of reform. It's an outdated instrument that gives away far too much of the public's resources to the mining industry, even with its provision to limit to five acres the everlasting mess left behind by the companies.

If the mining industry is to remain viable, it must find a way to meet the public's demand for environmentally acceptable mining.

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Spokane considers tougher mine cleanup

Residents form committee, say they may want more than what Idaho will get

By Karen Dorn Steele, staff writer

Spokane area residents interested in cleaning up mine pollution in the Spokane River hinted Thursday they might insist on a more stringent cleanup than Idaho towns have settled for.

About 50 people turned out Thursday at the first public meeting to organize a new Washington Citizens' Advisory Committee.

The committee will advise the U.S. Environmental Protection Agency on its Superfund cleanup of mining pollution from the Idaho-Montana border to Lake Roosevelt.

There's already a similar 44-member committee, with 10 members from Spokane, working with the EPA in Idaho. At least 31 people have already volunteered for the Washington group.

Earl Liverman of the EPA's cleanup office in Coeur d'Alene told the crowd that Idaho citizens have agreed to clean up lead pollution in soils around the site of the former Bunker Hill smelter at Kellogg to 1,000 parts per million.

That "site-specific" cleanup level is far less stringent than in many other parts of the country. The EPA considers a "safe" level of lead in soil below 400 ppm.

Michele Nanni of The Lands Council, a local environmental group, asked Liverman if the new Washington advisory committee could request a more thorough cleanup for soils along the Spokane River in Washington.

"Could the public say, 'I don't like 1,000 and want 400?' I think not," Liverman said.

Tony Grover, regional director of the Washington Department of Ecology, quickly challenged the EPA official.

Washington has far more stringent toxic cleanup laws than Idaho. Soils around two lead smelters in Western Washington have been cleaned up significantly — to 240 ppm in one case, and possibly as low as 20 ppm in the other, he said.

"The community has asked for 20 ppm, and we may get there. Earl has put out a rebuttable proposal that we won't go under 400. These things are influenced by community involvement," Grover said.

"If I implied inflexibility, I didn't mean to," Liverman replied. "But there are competing concerns, and costs, involved here," he said.

While lead levels have come down significantly in the blood of children in Kellogg, there are still some problem areas, Liverman said.

In a recent test of half the households in Cataldo, Idaho, 15 to 20 percent of the children had blood lead levels three times the national average.

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Some of the lead levels in sediments along the riverbank reached 3,000 parts per million, according to the USGS report released in Spokane in April.

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Soil sampling by the U.S. Geological Survey along the banks of the Spokane River in Washington last fall shows some highly contaminated areas — a few between houses in the Spokane Valley.

Dr. Kim Thorburn, Spokane Regional Health District director, told the crowd she's working with the EPA and Ecology to identify the highly-used riverbanks where the sediments tested high for lead in the USGS samples.

"Our interest is the human health impact," she said.

The EPA recently obtained more money to look closer at contaminated areas along the Spokane River, Liverman said.

Laura Skaer, executive director of the Northwest Mining Association, asked if the new group is interested in looking at all sources of pollution in the Spokane River — including high levels of PCBs and other sources of heavy metals besides the mines in Idaho.

"The highest levels of PCBs found in this state are in the river just upstream from the city. I'm not about to tell this committee they can't look at that," Grover said.

Organizers of the Idaho and Washington groups have agreed to share information and send delegates to each others' meetings, said Dick Martindale of the EPA's field office in Coeur d'Alene.

"The last thing we want is polarization," Martindale said.

But Liverman cautioned the new group that there will be controversy ahead.

"Industries in Idaho are just as concerned as you are. It's not a love-feast, it's extremely contentious," he said, "but we have no choice but to succeed."

The EPA plans to produce a road map for the remaining basinwide cleanup, called a Record of Decision by December 2000.

The Washington committee will be eligible to apply this summer for a \$50,000-a-year state public participation grant for its cleanup role. Ecology experts will serve as advisors to the committee, Grover said.

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