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Phelps Dodge backs out on clean-up agreement

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By: By Charles Abbott > J-T City Editor
The Blackwell Journal-Tribune has learned that the Phelps Dodge Corporation backed out of a contamination settlement agreement with the City of Blackwell.

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Phelps Dodge bought the former zinc smelter property in 1999.

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Last fall the city and Phelps Dodge entered into a settlement agreement, which the city approved and signed.

Sections

Phelps Dodge did not sign the agreement and the city concluded there was no agreement after all.

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Blackwell City Attorney Mary Ann Karns said the city approved an agreement with Phelps Dodge, which is part of the final consent decree being formalized by the Oklahoma Department of Environmental Quality (EPA).

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Under Blackwell's part of the agreement, the city would adopt the necessary ordinances

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According to a statement by Karns, shortly after the settlement agreement was executed, "we began to have some concerns about whether Phelps Dodge intended to keep the agreement.

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"We had some executive sessions to discuss what we thought might be happening, and to discuss a strategy for getting the agreement from Phelps Dodge."

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Karns said that at the same time "we discussed ways we could persuade Phelps Dodge to take additional steps to help the citizens of Blackwell with regard to their own properties."

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Karns said that in early January Phelps Dodge advised representatives of the city and BMA that "it would not abide by the settlement agreement. Phelps Dodge also advised the city it would begin its community outreach program, but did not share details of that plan."

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Blackwell attorney Jon Ihrig, who is special counsel for the city on the Phelps Dodge remediation program, said the city's part of the agreement was that the city "would adopt the necessary ordinances."

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Those ordinances included putting in place DEQ-mandated institutional controls for the remediation work.

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Those controls are designed to prevent the public from having contact with contaminated soil or groundwater.

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Ihrig said Phelps Dodge still plans to continue with its soil and groundwater remediation project.

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Karns said the city and BMA are committed to finding a resolution.



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"We need to continue to discuss legal avenues and strategies we might use to draw this long process to conclusion. That may include hiring additional counsel or experts, or authorization of litigation. We are determined to protect the citizens of Blackwell," Karns' statement said.

Since an executive session last week with Phelps Dodge representatives, a lengthy meeting with representatives of the city, Phelps Dodge and DEQ was held at the Department of Environmental Quality in Oklahoma City.

Saturday, James G. Telle, manager of corporate communications for Phelps Dodge, told the J-T by phone that "the meetings we had the past two days were very productive.

He said further discussions are planned with the city.

Blackwell Links

Referring to the unsigned settlement agreement, Tells said it could not be signed by Phelps Dodge as it was written.

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"We are working with the city and BIA on a new settlement agreement and have made significant progress," Telle said.

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Telle said a community meeting is scheduled in early April for the benefit of the public to announce the beginning of soil sampling activity.

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He also said the property where the new elementary school is to be built will be sampled.

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Phelps Dodge has been running an ad in the Journal-Tribune, which includes a phone number to call about the remediation program.

The number is (580) 789-0053.

Oklahoma Links

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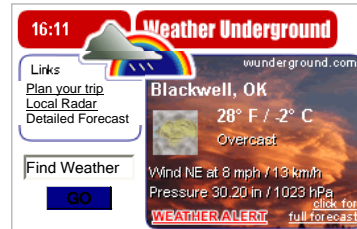
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