



## Lawsuit claims Blackwell polluted from old zinc smelter

— The Associated Press

OKLAHOMA CITY — A former zinc smelter in Blackwell that shut down in 1974 produced more than 58 million pounds of deadly toxins that continue to pose a public health risk for area residents, attorneys allege in a class-action lawsuit filed Monday.

Filed on behalf of a group of Blackwell residents, the lawsuit alleges that cleanup efforts undertaken by the owners of the site over the last 15 years are “nothing more than a sham designed to deceive the citizens of Blackwell.”

The lawsuit, filed in Kay County District Court, names as defendants several mining companies connected to the smelter site, including Freeport-McMoRan Copper & Gold and its subsidiary, Phelps Dodge. Also named in the suit are the Blackwell Industrial Authority, a public trust that developed the old smelter site as an industrial park, and BNSF Railway Company.

The lawsuit seeks unspecified damages, an environmental cleanup and a medical monitoring program for Blackwell residents.

“The contamination of Blackwell represents a public health crisis,” said Nelson Roach, a partner with Texas-based Nix, Patterson & Roach, which represents the plaintiffs. “Past and current attempts to remediate this town haven’t cleaned up the problem — they’ve covered up the problem.

“The children of this community are going to continue to be at risk until these companies are forced to remove this contamination properly.”

Steve Lewis, a Tulsa-based spokesman for Phelps Dodge, which acquired the Blackwell site in 1999, said the company has worked with local residents and the state Department of Environmental Quality to clean up some of the pollution left from the smelter.

“Phelps Dodge has been doing the right thing for the people of Blackwell. They’ve been working with the community and civic leaders for almost 10 years now to find any soil that has a problem and clean it up,” Lewis said. “Phelps Dodge did not create this soil issue, but we’re fixing it anyway under standards set by state officials in Oklahoma.”

The Oklahoma Department of Environmental Quality, which oversees the cleanup, has been involved with the smelter site beginning with testing that began in 1992, said Scott Thompson, director of the department’s land protection division.

Since then, contaminated soil has been removed from residential yards and placed with other contaminants on the former smelter location and a system has been put in place to treat polluted groundwater, Thompson said. “There is a massive sampling effort ongoing currently, and there will be some more cleanup activity,” he said. Located about 100 miles north of Oklahoma City, the Blackwell Zinc Smelter opened in 1916 and grew to be the largest of its kind in the country, employing about 1,000 people at its peak. Using ore brought to the smelter from around the world, the factory produced zinc and cadmium used in the production of refined metal.

The smelter was completely shut down and razed in 1974.

Lifelong Blackwell resident Louise Akers, 74, said her family moved to the town in the early 1930s from Missouri so her father could take a job at the smelter.

“They made good money. It was one of the best paying jobs around at the time,” Akers said.

She said workers at the plant, nicknamed “smelter rats,” would be so covered with black dust after their shifts that they showered at the plant before coming home.

She recalled a constant flow of black smoke rising from the smokestacks on the smelter property on the edge of town. On days when there was no wind, Akers said the smoke lingered around the smelter and the city and led to her father suffering from “smoke chills.”

“If there wasn’t much wind and the smoke settled down, he would come home having chills,” she said. “He didn’t drink, but he’d just take a little bit of brandy to help him sleep and he’d be back at work the next day.”

Copyright © 1999-2008 cnhi, inc.