

## Blackwell sues over mine site

YEARS OF HEALTH PROBLEMS, CONTAMINATED GROUNDWATER, ECONOMIC HARM ARE CLAIMED IN LAWSUIT

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**BLACKWELL** — For 58 years, the Blackwell Zinc Co. was a major employer in this northern Oklahoma city with a work force that once topped 1,000.

But as federal and state officials began to investigate the company's 160-acre operation, they found contaminants that led to its closing in 1974.

Officials alleged the mining company didn't just fail to dispose of its pollutants, but it even provided a mix of sludge, dirt, zinc and cadmium to be used as fill dirt for projects throughout Blackwell, including construction of a high school track field.

Thirty-eight years later, after ongoing claims by the larger companies that bought out Blackwell Zinc Co. that they were cleaning the site, the city of Blackwell is suing the Arizona-based company Freeport-McMoRan Copper & Gold Inc.

The lawsuit, filed Thursday in Kay County, alleges that the company, which bought out previous operators of the mine, is responsible for contaminating Blackwell's water supply, endangering residents' health and ruining the city's chance for economic development.

"Approximately 38 years have passed, and only this year have defendants begun to construct any system to treat groundwater," attorney Patrick Ryan wrote on behalf of Blackwell. "During that time, cadmium and zinc contamination have continued to pollute the groundwater and have migrated in a southeasterly direction beneath the city."

Jim Telle, spokesman for Freeport-McMoRan Copper & Gold, said his company is responding to the city's concerns.

"We are disappointed by the city's decision to pursue litigation, however, we remain hopeful about reaching an agreement with city leaders," Telle said. "We are committed to maintaining our long-standing dialogue with the city in an effort to resolve this issue outside the courtroom. We are committed to the completion of our soil testing and cleanup program, as well as the construction and implementation of the groundwater remediation project in Blackwell."

Eric Wetzel, spokesman for a class-action lawsuit filed earlier this year against the company, said such statements are meaningless and part of an ongoing effort to "put on a show."

Freeport-McMoRan Copper & Gold reported gross revenues last year totaling \$17.8

billion. It initially agreed to cleanup efforts after the Environmental Protection Agency in 1992 threatened to classify the Blackwell property as a Superfund site.

In his filing, Ryan referred to the mine's contaminants as a "toxic soup" that he said is now trapped in clay and shale bedrock at the base of Blackwell's groundwater system.

"The Department of Environmental Quality has determined it is not feasible to treat it, and it will remain a source of heavy metal pollution to the groundwater for generations," Ryan wrote.

As a result, Ryan said, Blackwell is stigmatized as being a polluted community, property values have plummeted, jobs have been lost and the population has declined.

Whetzel said the plaintiffs in the class-action lawsuit worked for months to convince the city to sue, and Thursday's action followed repeated rulings against the mining operator to move the class action out of Kay County District Court.

"We're seeking compensation for everyone in town and the creation of a medical monitoring program for all Blackwell residents," Whetzel said.

"The contaminants cause a variety of health problems. And there are a number of residents in town who have complained for years about health problems they say are related to the contamination."



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