

# Toxic Alpine County sulfur mine settlement near

By Kathryn Reed

Ponds oozing toxic chemicals sitting in what looks like a wasteland. That is what the long defunct Leviathan Mine in Alpine County is today.

For decades the old sulfur mine has been in litigation. A settlement between Lahontan Regional Water Quality Control Board and ARCO should be signed any day.

It is such a nasty situation that in 2000 the federal government deemed it a Superfund site. It doesn't get worse than that.

"The high sulfur content in the waste rocks and fractures at the 250-acre mine site turns snowmelt, rain and groundwater into sulfuric acid, which leaches contaminants from the native minerals such as arsenic, copper, nickel, zinc, chromium along with aluminum and iron," the Environmental Protection Agency website says. "This acid mine drainage then flows into the creek system at a number of points, devastating aquatic life until the creeks join the East Fork of the Carson River, a much larger flow."



Leviathan holding ponds and treatment system used by the water board at the site.

## Photo/Lahontan Water Board

Millions of dollars have been spent to curtail the environmental damage from the mine that is six miles from Markleeville. Hundreds of millions of dollars is likely to be needed to create a system that will better treat the contaminants.

Today, ARCO and Lahontan have separate systems. The settlement would bring them all under Lahontan's purview. ARCO would pay 75 percent of the cost to construct a more robust treatment system, the state would pay the remainder. Operation and maintenance costs will be split 70-30, with taxpayers getting saddled with the lesser amount.

The litigation expense has been covered by an insurance policy the state had. But taxpayers have already been billed \$25 million. The ongoing operation and maintenance could be \$5 million a year total. Lahontan expects to be saddled with this chore forever.

While there are treatment systems in place, they are not comprehensive. The settlement will address what gets done when and who pays for it.

A feasibility study will consider if the current diesel generators are the route to go or if bringing power to the site is better in the long run. Whether the area should be fenced is also a consideration.

Chuck Curtis, who has been overseeing the mine for Lahontan for years, told the board at the July 16 meeting, "Protecting human health and the environment are the bottom line."

As a CERCLA site, there are certain parameters that must be followed. And there is also a certain amount of risk that is allowed. This site will presumably always be toxic, just not to the degree that it is today.

And even today it is better than what it was.

In 1999, there were no rainbow, brook or brown trout in Lower Leviathan Creek, according to the U.S. Fish & Wildlife Service. In 2013, there were 72 rainbows, 521 brooks and zero browns.

In Bryant Creek in 1998, there were 64 rainbows, 16 brooks and zero browns. By 2013 the numbers were 728 rainbows, 528 brooks and 1,657 browns.

Anaconda Copper Mining Company used the mine from 1951-62. It was sold in 1963 to William Mann, who was Alpine County's clerk, for \$100.

Eventually officials discovered acid mine drainage was contaminating Leviathan Creek. There was no way Mann was going to be able to write the checks for the cleanup.

California stepped in in 1983 and bought the land. A lawsuit was filed against Atlantic Richfield Co. , which had bought Anaconda. A settlement of just more than \$2 million allowed clean up to start.

But then the Washoe tribe asked the EPA to get involved because the pollutants were creating a thick layer of orange precipitate along the streambed that ended up in the East Fork of the Carson River.

The EPA went after ARCO, and in turn ARCO filed a suit against Lahontan. It is that second lawsuit that is near resolution and will ultimately lead to better clean up of Leviathan Mine.