



PRESS RELEASE

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

Office of the Chairman
John E. Sirois

Media Contact
Andrei Mylroie
509.444.2350 Office
509.979.3181 Cell
andreim@desautelhege.com

HEARING TO DETERMINE WHETHER CANADIAN MINING GIANT WILL BE HELD RESPONSIBLE FOR ENVIRONMENTAL CLEANUP UNDER U.S. LAW

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Yakima, Wash. – Today, a hearing was held in federal district court to determine whether Teck Metals, Ltd. (Teck) will be held liable under U.S. law for the industrial wastes it discarded into the Columbia River that traveled into the United States. The Confederated Tribes of the Colville Reservation, the State of Washington and Teck presented scientific evidence and admissions of Teck’s discharges over a period of decades.

“Over the last decade we’ve taken significant steps to ensure that Teck is held responsible for the millions of tons of hazardous substances it discarded into the River,” said Colville Tribal Chairman John Sirois. “Teck’s actions injured our Tribes’ lands, waters, and other natural resources. The Columbia River and Lake Roosevelt is a center of our Tribal culture, and we want to ensure contamination in the River is adequately assessed and addressed. It’s time to clean up the River.”

Since 2004, the Tribes and the State of Washington have been engaged in litigation with Teck related to the hazardous substances it discarded into the Columbia River. Last month, days before the trial was originally scheduled to begin, Teck finally admitted that it disposed of millions of tons of slag (smelting waste) and other hazardous waste including mercury, cadmium, zinc, copper, arsenic and lead into the Columbia River and Lake Roosevelt. Teck also admitted these wastes are releasing hazardous substances into the environment.

For years, Teck has argued that its wastes are not present in the U.S., and if they are, its slag is “inert” and that not a single drop of their liquid effluent remains in the Columbia River. Recently, Teck admitted that its hazardous wastes are in the Columbia River, have leached, and are continuing to release hazardous substances including lead, zinc, arsenic, and cadmium into the environment.

“Teck Metals has already acknowledged that it released millions of tons of toxic pollution into Washington state, and we feel confident the federal court will find that U.S. cleanup laws apply to Teck,” said Jim Pendowski, Ecology’s Toxics Cleanup Program manager. “The law has consistently been on our side, and making American taxpayers bear the burden of cleanup costs doesn’t make sense.”

At today’s hearing, evidence showed that Teck used the smelting site located on the Columbia River to discard waste, which is expensive to dispose of, and allowed it to flow downstream. Additionally, evidence was presented showing that:

- From 1920 to 1997, Teck discarded 10.1 million tons of slag, containing 130 tons of cadmium, 2,000 tons of arsenic, 30,000 tons of copper, 14,000 tons of lead and 390,000 tons of zinc by dumping it into the Columbia River.
- Teck conceded that its sewer effluent discarded to the Columbia River from 1923 to 1997 contained more than 200,000 tons of hazardous substances including mercury, cadmium, arsenic, copper, lead and zinc.
- Teck knew its wastes were reaching and impacting the Upper Columbia River in the United States and Teck recognized it faced potential claims based on disposal of its wastes. However, profits were "excellent" - \$100 million per year in the 1980s - so the company continued to discard slag at a rate of 400 tons per day, and sewer effluent flowed from its facility 24 hours a day.

Today’s hearing focused on the two remaining contested legal matters – whether the court has personal jurisdiction over Teck, and whether Teck’s actions constitute arrangement for disposal of hazardous substances under federal environmental law.

“It’s time for Teck to finally be held accountable for its actions,” Sirois said. “We are hopeful this decision will benefit future generations—not just Tribal members but everyone that uses the Columbia River. It will present a clearer path for the United States to deal with the remediation of the Columbia River under U.S. law and that the Tribes, as a sovereign entity, will participate in the process to thoroughly investigate and clean up the river system. ”

A decision on this hearing is anticipated before the end of 2012.

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