

An Argument Against Superfund Designation - from Kevin Dekay

Hook: Miners are prospectors and risk-takers, so you'd think that taking a chance on bringing millions of dollars to the area for a clean-up would be something that Silverton, as a mining town, would be willing to take. Think again.

Thesis/Main Point: Accepting Superfund is too risky for the town

Forecasting statement: This risk includes dealing with a difficult government agency, on a project that could last for decades, for a solution that will generate its own problems. *Transition*

Reason 1: Superfund branch of the EPA in Washington DC needs money, is autocratic, and has a financial incentive to create a big and lasting cleanup project

Evidence/Elaboration

- They just came into town and were pushy about trying to identify a "health hazard"
- They took soil samples all over town
- Since Congress cut off regular funding, cleanups are the only way the program gets money

Counterargument: Concession - **While it's true that** the EPA has been a good partner with the ARSG for twenty years, Superfund belongs to a different branch of the agency and takes a whole different approach.

Transition

Reason 2: The "cleanup" could go on for twenty years

Evidence/Elaboration

- Once the Upper Animas goes on the Superfund list; it will have to wait its turn
- The only way to move up on the list is for there to be a health hazard; environmental hazards are one thing, but a health hazard would definitely harm tourism and property values
- Any attempt by the EPA to get money from the mine owners for the cleanup would generate lawsuits, which would potentially delay the cleanup more
- Because the area is so large, it will take decades for this work to be completed

Transition

Reason 3: Their cleanup strategy isn't cheap or a viable solution over the long haul

Evidence/Elaboration

- Would generate a large amount of toxic sludge and there is nowhere to put it
- Other treatment methods are too experimental right now

Transition

Reason 4: Counterargument - Superfund is the wrong tool

Evidence/Elaboration

- Acknowledgement: Some say this kind of situation is when we need the federal government
- Refutation: But Superfund works when there is one or two big companies responsible for a problem. Here there are 400 mines with different, absentee, or dead owners
- It's the wrong tool to use from our "government toolbox"

Transition

Reason 5: There's a proven alternative - ARSG on Steroids

Evidence/Elaboration

- The controversy is really one over states rights and when to support a strong federal government vs. keeping the power closer to the people.
- The Animas River Stakeholders Group is a group everyone trusts because they operate on full consensus before they do anything. They've had success with smaller projects,
- If the government provided the big money for the cleanup and let them take the lead and guide EPA technicians and contractors, the upper Animas could be a model for other partnerships around the country
- It would allow for a step-by-step approach to the clean-up without a designating the town as a hazardous waste site.
- During this time period, research on the cleanup could discover new techniques

Transition

Conclusion: Silverton wants a clean-up but wants it done right