

**BEFORE THE UNITED STATES DEPARTMENT OF LABOR**

**OFFICE OF ADMINISTRATIVE LAW JUDGES**

**EARLE DIXON,** )  
 )  
 )  
 **Complainant,** )  
 )  
 **v.** ) **Case No.**  
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 )  
 )  
 **UNITED STATES DEPARTMENT** )  
 **OF INTERIOR, BUREAU OF LAND** )  
 **MANAGEMENT,** )  
 )  
 **Respondent.** )

**COMPLAINT**

This is a complaint by Mr. Earle Dixon against the Bureau of Land Management (BLM) for discrimination under the federal environmental statutes including the 1) Safe Drinking Water Act (SDWA); 2) Clean Water Act (CWA); 3) Resource Conservation and Recovery Act (RDRA); 4) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); 5) Toxic Substances Control Act (TSCA); 6) Clean Air Act (CAA); and 7) Energy Reorganization Act (ERA), as well as OSHA. Mr. Dixon requests an investigation of his complaint.

**I. PARTIES**

The respondent BLM is a federal agency that employed Complainant Dixon from October 19, 2003 – October 5, 2004 as an Environmental Protection Specialist at the BLM Carson City Field Office in Nevada. BLM is responsible for, among other things, environmental compliance and cleanup of contaminated federal lands within its jurisdiction, including a significant portion of the Yerington Mine contaminated site at issue in this complaint. Mr. Dixon can be contacted through the undersigned attorney or directly at the following address and phone number: Earle C. Dixon, P.O. Box 21982, Carson City, Nevada 89721, phone 775-841-5898. BLM may be

contacted at: Bureau of Land Management (BLM), Carson City Field Office (CCFO), 5665 Morgan Mill Road, Carson City, Nevada 89701, phone 775-885-6000.

## **II. BACKGROUND**

### **A. Earle Dixon's Position and Duties as Project Manager for the Anaconda Mine Site**

The Environmental Protection Specialist position which Mr. Dixon held serves as the Remedial Project Manager (PM) for the Anaconda Mine site in Yerington, Nevada (a.k.a. the Yerington Mine). This remedial project received funds from the BLM's Central Hazmat Fund (CHF). The Project Manager is accountable for the proper management of, and response to, hazardous material releases at the Anaconda Mine site. Because the CHF funds are monies recovered by the federal government under CERCLA related to cleanup and cost recovery actions at Superfund sites across the nation, the work pursued by the Project Manager for the Anaconda Mine site was required to follow CERCLA and the National Contingency Plan (NCP) regulations which implement CERCLA.

Major duties of this Project Manager position included: 1) Advise the Deputy State Director of the BLM-NV and CCFO management of developments and issues requiring resolution at the Anaconda Mine; 2) Coordinate with the U.S. Environmental Protection Agency (EPA), Nevada Division of Environmental Protection (NDEP), Bureau of Indian Affairs and Tribal authorities, and other Federal, state, and local government officials and public regarding the Anaconda Mine; 3) Coordinate with the hazmat materials management program leader in the BLM State Office in Reno; 4) Interpret and apply Federal, state, and local environmental laws, regulations, directives, and other requirements for management of hazardous materials relative to assigned CHF projects; 5) Analyze technical data generated from preliminary assessments, site inspections, and other site characterizations for technical adequacy, compliance with applicable or relevant and appropriate regulatory requirements (ARARs), and in support of technical conclusions and recommendations; and 6) Where health risks and hazard mitigation actions are indicated, review options and provide recommendations to the decision making process.

This Project Manager position involved complex duties. The incumbent is granted wide latitude for the exercise of independent judgment and is commonly required to make recommendations for which precedents and guidelines are frequently not available. The incumbent is required to apply analytical techniques and information to environmentally critical situations involving public health issues under short deadlines and to maintain high standards for clarity, accuracy, and compliance with laws and regulations. The Project manager's work affects statewide, tribal, and regional problems and issues. The incumbent often works in situations with differing opinions from involved parties and is responsible for building consensus and propelling projects forward. The incumbent is responsible to ensure proper solutions to hazardous materials issues and to resolve critical situations consistent with statutory requirements. Effective program execution by the Project Manager is critical for ensuring protection of public and employee health and safety, as well as protection of the environment.

### **B. The Anaconda Mine Site**

The Anaconda Mine site is a 3,600 acre inactive copper mine site that resides on land that is 49% owned by one or more private parties, and 51% public land managed by the BLM-CCFO. The potentially responsible party (PRP) for pollution cleanup was determined in approximately the year 2000 by the U.S. Environmental Protection Agency (EPA) to be the Atlantic Richfield Company (ARC). The Anaconda Mining Company merged with ARC in 1978, and operated the site from 1951 – 1979. The copper ore deposit is a combination of granitic oxide and sulphide ore that also contains low levels of Uranium. To produce copper from the oxide ore, Anaconda utilized a strong sulfuric acid-leaching and chemical precipitation process to yield a high-grade copper precipitate on site. To produce copper from the sulphide ore, Anaconda utilized an alkaline separation and flotation process that also produced a high-grade copper precipitate on site. Both forms of copper precipitate were transported off site for smelting to produce high-purity copper metal. The spent waste rock, and acidic solutions were disposed in unlined ponds primarily on public land.

A local businessman briefly owned the mine from 1979-1989, and from 1989 – 1999 the Arizona Metals Company (ARIMETCO) operated the mine until the company went bankrupt. ARIMETCO performed on site heap leaching of tailings rock using dilute sulfuric acid to produce a copper leachate solution that was collected in poorly engineered ponds. The copper leachate was processed using the solvent extraction and electro-winning (SX-EW) system to produce high-purity copper metal plates on site. The State of Nevada Division of Environmental Protection (NDEP) has been the interim manager of site security, fluid control, and some housekeeping activities at the site while ARC work plans to characterize the site contamination are being developed and approved by the three regulatory agencies, NDEP, EPA, and BLM.

### **III. BLM TOOK ADVERSE EMPLOYMENT ACTIONS AGAINST MR. DIXON**

On October 5, 2004 at approximately 3:30 PM, Project Manager Dixon was called into Carson City Office Field Manager Don Hicks' Office with assistant managers Elayn Briggs and Charles Pope in attendance. Mr. Hicks stated that he did not know of any other way to deliver bad news. He handed Mr. Dixon a folder with a letter from and signed by the BLM State Director, Robert Abbey, notifying Project Manager Dixon that he would be terminated from the position of Environmental Protection Specialist on Friday, October 15, 2004.

The three-page letter stated that the action was being taken in accordance with 5 C.F.R., Part 315, Subpart H, section 315.804, to promote, "the efficiency of the service." The letter states, "The reason for termination during your probationary period is your inability to operate effectively as the Project Manager of Central Hazmat Fund projects within the Carson City Field Office." The letter goes on to state that it is absolutely critical that Mr. Dixon establish and maintain effective professional working relationships with various constituencies throughout the State of Nevada in carrying out his day-to-day responsibilities. The letter further states "However after a full and fair opportunity for you to demonstrate fitness for continued employment as a Federal employee of this organization, it has become apparent that you are either unable or unwilling to do what is required of the position. In fact, you have alienated many of the groups that we, as an agency responsible for managing public lands, need to deal with in accomplishing our mission in an efficient and effective manner. I have discussed these concerns with

you in the past and you have been provided additional training for improving your interpersonal communications skills yet we continue to receive complaints.”

Project Manager Dixon was ordered to immediately turn in his ID card, credit card, cell phone, and keys, and to vacate the office with his personal belongings by close of business on October 5, 2004.

#### **IV. MR. DIXON ENGAGED IN PROTECTED ACTIVITIES UNDER OSHA AND THE FEDERAL ENVIRONMENTAL STATUTES, AND BLM MANAGERS KNEW OF MR. DIXON’S PROTECTED ACTIVITIES**

Up until May 2003, almost all the proposed work plans developed by ARC were unacceptable to the EPA and BLM according to CERCLA-NCP regulations even though NDEP was ready to approve them. EPA and BLM finally approved the Process Area Work Plan in May 2004 through formal dispute resolution called for in a Memorandum of Understanding (MOU) agreed to by BLM, NDEP and EPA. One requirement that Mr. Dixon, as the BLM Project Manager, insisted upon, because it was required by CERCLA-NCP, was an updated, comprehensive health and safety plan (HASP). NDEP and ARC never provided an updated, comprehensive HASP that included the potential radiological hazard to workers, and the BLM State Office and Director down-played the importance of the HASP despite the objections of Project Manager Dixon.

In June 2004, BLM Project Manager Dixon hired a subcontractor to screen the Yerington Mine Process Area and other parts of the Mine site for a potential radioactivity hazard. The subcontractor measured radioactivity in the field and confirmed through laboratory soil sample analysis that the Mine site indeed presents a radiological hazard to workers. Project Manager Dixon reported that BLM health and safety policies and responsibilities were not being followed, and reported that staff (and others) had been exposed to low levels of radioactivity at the Mine site.

A chronology of facts relevant to Mr. Dixon’s case, including facts related to protected activities and managers’ knowledge of such activities is provided in the table below.

## **History of Protected Environmental Reports by Project Manager Dixon (PM Dixon)**

| Date          | Concern   | Reported To & Outcome  |
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| November 2003 | Conference call with EPA, NDEP, BLM, ARC, & Yerington Technical Working Group about need to screen domestic wells north of Mine site for radioactivity. | ARC did not want to follow the CFRs for the proper screening of drinking water. ARC only wanted to screen the water for total Uranium and Radium-226. PM Dixon did not agree with or support screening of wells for just U and Ra-226. PM Dixon wanted the |

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|                   |  | domestic well water screened according to the Federal drinking water standard which includes gross alpha & gross beta. Conference call participants, other than PM Dixon, concluded that it was not necessary to screen for gross alpha-beta. PM Dixon did not concur. PM Dixon heard that stakeholder & Lyon County Commissioner, Phyllis Hunewill, called BLM State Director to complain about how uncooperative PM Dixon was to work with, & how PM Dixon disagreed with all other parties on conference call. |
| November 2003     | Poor condition of historical groundwater monitoring data & inadequate current groundwater monitoring program for Mine site.  | PM Dixon accidentally sent draft email to NDEP (Art Gravenstein) who sent to his boss (Allen Biaggi) who sent to Robert Abbey. Email caused discussion & meeting with State Director about improved need for NDEP-BLM management communication.   |
| December 2003     | State Director wanted Carson City Office to move forward with a work plan to investigate the groundwater system on public lands for radioactivity. Charles Pope, supervisor, also wanted CCFO to develop work plan to investigate groundwater system on public land for radioactivity. | PM Dixon and co-worker Gabriel Venegas developed work plan to investigate groundwater on public land, but there was no funding to implement the work plan. Carson City Office requested supplemental funding from State Office, but none was provided. BLM told public at 10/30/03 meeting that they would help investigate groundwater system at the Mine site for radioactivity, but nothing happened.  |
| December 15, 2003 | ARC provides 3 <sup>rd</sup> draft of Process Area Work Plan to BLM for review & approval. Plan proposes to collect 230 soil samples & 3 groundwater samples for a very complex area 230 acres in size.  | PM Dixon & technical team determine that Process Area Work Plan (PAWP) is unacceptable because it is not CERCLA-NCP compliant. The PAWP proposes to under-investigate the Process Area part of the Mine site that would miss a large part of the suspected contaminant releases.  |
| December 17, 2003 | EPA conducts radiological gamma screening of evaporation ponds No. 1 & No. 1A with NDEP & BLM present. Yerington Paiute Tribe & Senator Harry Reid staff on site to observe radiological screening.  | EPA radiological survey of evaporation ponds determines that shallow surface soil is elevated with radioactivity at levels that are 2-3 times background probably due to the presence of Radium & Potassium-40. EPA data supports historical data from 1976 that evap. ponds contain economically significant levels of uranium oxide.  |
| December 24,      | Discussion with Dr. Tom  | Dr. Olsen advises Deputy State  |

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| 2003              | Olsen in State Director's Office-Reno about NDEP contractor work plan to characterize evap pond soil for radionuclides & dust potential.   | Director (Del Fortner) & State Director (Robert Abbey) on Yerington. Olsen finds numerous faults in proposed work plan from NDEP. Notes that radioactivity levels measured by EPA in evap. ponds on 12/17/03 are significant & a problem.   |
| December 29, 2003 | Discussion with Jim Sickles, EPA project manager on Anaconda Mine site about Process Area Work Plan & levels of radioactivity-Radium in evap. pond soils.  | Sickles also states that PAWP is unacceptable – more of the historical pattern of ARC contractor writing poor work plans on this project. PAWP proposes to follow a "phased approach" which is not CERCLA compliant. If Radium present in soil at level greater than 5 pCi/g then major cleanup required similar to Uranium mill tailings site. Capping of soils with radioactivity is OK if done right, but NDEP proposal just wants to make the problem go away.  |
| December 2003     | NDEP intent to move forward with rad sampling & mitigation of dust from evaporation pond tailings that may contain hazardous metals & radionuclides. NDEP intends to characterize evap. pond soil for dust potential without air sampling. | PM Dixon advises BLM management that NDEP intent-efforts are to cover the evaporation ponds with on site material as an interim step outside the MOU process & not in compliance with CERCLA-NCP. Covering of evaporation ponds will complicate future investigations of this part of the Mine site.  |
| January 6, 2004   | Discussion with regional solicitor Casey Padgett on strategy for BLM response on PAWP & how to manage & move forward project efforts to comply with CERCLA-NCP.  | Padgett notes from historical knowledge of working with State Director's Office that they will accept PAWP despite fact that CCFO & BLM technical team of reviewers will not accept work plan. Padgett also notes the history of ARC & how they resist doing work by foot-dragging, phasing, & writing poor work plans that are not CERCLA-NCP compliant. ARC will want to down-play problems at Anaconda Mine site so they have to pay & do less remediation. NDEP regulatory lead on Mine site effort is problem because they will not push ARC to do work right. |
| January 13, 2004  | Discussion with Dr. Tom Olsen about NDEP proposed work plan to characterize evap. pond soils for radioactivity to support NDEP effort to cap ponds with rock material to control   | Dr. Olsen mentions that if radioactivity levels are too high in evap. pond materials then in an 8-hour day workers could get exposure greater than EPA & Nuclear Regulatory Commission (NRC) standards in this part of Anaconda   |

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|                     | hazardous dust.   | Mine site.  |
| January 14-16, 2004 | Discussions with Jim Sickles (EPA) & Dr. Tom Olsen about radiological material at Anaconda Mine site. This condition is called TENORM. EPA 1999 report describes TENORM copper mine sites in Arizona.                                 | TENORM stands for Technologically Enhanced Naturally Occurring Radioactive Materials. Anaconda Mine site is a TENORM site which means it is a more complex site which will cost more to characterize & remediate because of the radiological hazard. TENORM is problematic because it's not well regulated & very political in the mining industry. NDEP will discredit TENORM condition at Anaconda Mine site because of political consequences to mining industry in Nevada.  |
| January 2004        | Draft response letter from the BLM CCFO stating that the PAWP is unacceptable is modified by the State Director Office staff (Robert Kelso).  | The modified final response letter from the BLM CCFO omits much of the detail as to why the 3 <sup>rd</sup> draft of the PAWP is unacceptable & what needs to be done to make the work plan acceptable.   |
| January 20, 2004    | Call from Great Basin Mine Watch Executive Director, Tom Myers. GBMW is non-profit organization for mining reform in western USA. They closely monitor & participate in Anaconda Mine as a stakeholder. December 2003                 | Myers wants to come into BLM CCFO & look over files & info on Anaconda Mine site project. Myers indicates he may request access under a FOIA.   |
| January 21, 2004    | Discussion with Casey Padgett about how BLM should proceed on Anaconda Mine site project. Gives details behind history of disconnect between BLM State Office & Field Office in Carson City on this project. Also discuss FOIA issue. | Padgett notes that the State Director's Office historical pattern will be to cooperate with NDEP objectives over valid and technical reasons from BLM-CCFO why ARC work plans are not acceptable. Describes how the MOU with NDEP is not working. Work at Anaconda Mine site has to be CERCLA-NCP compliant for cost recovery. OMB could audit BLM & find monies improperly spent on unacceptable work. Padgett notes that GBMW can conduct citizen lawsuit under RCRA if work at Anaconda Mine is found to be done improperly. GBMW can FOIA & receive any documents not marked "Draft or Privileged." |
| January 22, 2004    | Informal Dispute Resolution between EPA (Jim Sickles), NDEP (Art Gravenstein), & BLM (E.Dixon) Project Managers for the Anaconda Mine site to try & resolve   | Informal Dispute Resolution failed to resolve the unacceptable condition of the PAWP. EPA & BLM require more intense investigation than proposed plan. NDEP invokes Formal Dispute Resolution that involves not only the  |

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|                  | the unacceptable condition of the PAWP.  | EPA, NDEP, & BLM Project Managers, but middle managers as well.  |
| January 27, 2004 | Discussion with Paul Thomsen from Senator Harry Reid's Office about status of Anaconda Mine site.  | Senator Reid wants to list the site under NPL-Superfund. Wants to see EPA take the regulatory lead on the site instead of NDEP. Superfund will bring more money to site remediation & support Natural Resource Damage Claim effort by Yerington Paiute Tribe.  |
| January 2004     | NDEP refuses to conduct air quality monitoring at the Mine site to support efforts to mitigate suspected fugitive-hazardous dust that could be coming from evaporation ponds that contain elevated levels of metals & radionuclides. | PM Dixon challenges NDEP proposed effort to cap potential fugitive dust sources at the Mine site with on site material. Previous NDEP effort that capped Iron-Bleed Tailings Ponds with on site materials was determined to be technically inadequate. PM Dixon informed BLM management to not support NDEP effort unless it is done correctly & in compliance with CERCLA-NCP. Utilization of a surfactant is more sensible, faster, & less complicating for future investigations. |
| January 2004     | NDEP provides copy of draft proposal to mitigate dust prone areas on Mine site by capping with on site material.   | PM Dixon drafts letter for Carson City Manager to sign stating that the proposed work plan is unacceptable because it basically does not meet CERCLA-NCP regulations. State Director Office staff (Kelso) modify final letter to make it more politically acceptable & friendly.   |
| January 2004     | Regional solicitor (Casey Padgett) assigned to Anaconda Mine site advises PM Dixon to draft letter granting NDEP access to the BLM part of the Mine site to collect gamma survey data & soil samples.                                | Letter drafted by PM Dixon for BLM CCFO states that NDEP & its contractors must provide a copy of their health and safety plan (HASP) to BLM per the MOU & for work to proceed on public land managed by the BLM. NDEP ignores BLM request for a copy of their HASP.   |
| February 2, 2004 | Discussion with Mike Tibbles a former employee of ARIMETCO at Anaconda Mine site.  | Mike Tibbles described the poor work by ARIMETCO: ripped liners; midnight spills never reported; places where potentially hazardous mine waste material was used as fill material off site. Informed Charles Pope, PM Dixon supervisor in CCFO.  |
| February 6, 2004 | Senator Harry Reid writes a letter to Governor Guinn expressing his strong concerns about the Anaconda Mine cleanup effort. Reid's letter heightens NDEP hyper-  | Letter describes in detail the history of poor regulator management of the Mine site by NDEP; mentions the contaminant migration of metals and radioactive Uranium; believes that site investigation-remediation can more effectively be managed by EPA under  |



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|                   | sensitivity to discussion-disclosure of any information in any forum that makes NDEP's management of site and/or Mine site conditions look bad.  | the Superfund program than by NDEP; looks forward to working with Governor Guinn to transfer site management to EPA to better protect the health of Nevadans.  |
| February 2004     | NDEP intent to determine background metal & radionuclide levels independent of EPA, BLM, & MOU process indicated by presence of another draft work plan requesting EPA & BLM comments.   | EPA & BLM comments on proposed determination of background levels for metals & radionuclides at mine state that the proposed work plan is unacceptable. PM Dixon informs CCFO management that NDEP appears to be shortcutting the MOU process & intending to implement remedial actions that are not CERCLA-NCP compliant.   |
| February 10, 2004 | PM Dixon conducts limited radiological survey of Process Area at Mine site with personal Geiger-Mueller counter because no funding was available to rent or buy one for the project.   | PM Dixon personal Geiger counter reads greater than 500 counts per minute or 2 milliRem per hour in some parts of Process Area. PM Dixon thinks meter is inaccurate because the calibration date is expired. Informed Carson City management that elevated readings of radioactivity were noted in the Process Area. PM Dixon informs management that Process Area is suspected to contain elevated radioactivity.   |
| February 17, 2004 | PM Dixon & co-worker Gabriel Venegas review historical files at mine site for additional information describing utility lines, contaminant releases, & historical photographs. Also did audio-visual camera recording of dust storm moving across sulphide evaporation ponds on Mine site. | PM Dixon discovered historical photographs that showed mining operations during the 1960s where waste fluids are disposed on open ground without any engineered containment. Mine caretaker staff describes & show remains of unlined Truck Shop Sludge Ditch in the Process Area, which is also noted, in historical photos. Historical information later used in Formal Dispute Resolution to show where more investigative sampling needs to be conducted to make the PAWP acceptable to the BLM. |
| February 19, 2004 | Formal Dispute Resolution meeting in Carson City with EPA, NDEP, & BLM management on how to resolve the unacceptable condition of ARC's proposed PAWP.   | EPA & BLM agree that more sampling of Process Area is required. NDEP believes proposed plan is adequate. NDEP wants EPA & BLM to state exactly what is needed to make the plan acceptable. NDEP refuses to put down in writing in technical detail why they think the plan is acceptable. EPA shares a series of maps with sample  |

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|                      |   | locations for soil & groundwater that they feel is an acceptable Phase I investigation. BLM is requested to provide what they feel is acceptable number of samples for Phase I investigation of public land part of Process Area.   |
| February 24-26, 2004 | CHF Project Managers Annual Meeting in Denver to discuss project status & needs with Denver support staff.  | PM Dixon shows the video of the Anaconda Mine site during a dust storm. PM Dixon strongly warned about worker health and safety requirements & need to wear a dust respirator during such conditions on Mine site. PM Dixon responds that there is no funding to support worker health & safety at this time because FY04 funding is not yet available.   |
| March 3, 2004        | PM Dixon Called Philips Transport Co. about trying to get documentation of chemical content & final disposition of SX-EW fluid that was removed from Anaconda Mine under NDEP housekeeping cleanup of ARIMETCO operation. | PM Dixon was told that Philips Transport Co had hauled fluid (suspected high pH with concentrated metals & radionuclides) to Equatorial Mineral Park near Kingman, AZ. It was suggested that PM Dixon talk with Terry Neuman in CCFO and Robert Pelham about disposition of copper leachate fluid.  |
| March 7, 2004        | NDEP shares data with EPA, BLM, & public on the December 2003 quarterly groundwater sampling results that included sampling domestic wells north of the Mine site for Uranium & Radium.                                   | Groundwater data indicates that about 10 out of 30+ domestic wells report Uranium at or above the SDWA standard of 30 ug/L. NDEP & ARC provide residents with Uranium in their well water bottled water. NDEP does not coordinate their actions with Federal agencies. Presence of Uranium in domestic wells north of Mine site draws lots of media attention. Public meeting to follow on March 24, 2004 where NDEP explains its position that Uranium is not from the mine. |
| March 11, 2004       | Called Mine Safety Health Administration (MSHA) about health & safety requirements for Anaconda Mine site.  | MSHA said they don't do inactive, above ground mines like Anaconda Mine. MSHA tells PM Dixon to contact OSHA.   |
| March 12, 2004       | 2 <sup>nd</sup> Formal Dispute Resolution Meeting by conference call between EPA, NDEP, & BLM to resolve unacceptable Process Area Work Plan.   | EPA was OK with following a Phased approach to primarily "get work going" even though the ARC work plan was primarily modified by them by showing locations on maps where more samples had to be collected to make it acceptable. BLM-CCFO letter drafted by PM Dixon with technical  |

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|                | <p>Original number of samples = 230 soil &amp; 3 groundwater.</p> <p>EPA wanted 670 more soil samples &amp; 35 groundwater samples.</p> <p>BLM wanted 200 more soil samples &amp; 17 more groundwater samples just in the public land part of Process Area. Total number of samples is 1000 soil &amp; 56 groundwater samples.</p> | <p>team input was politically modified by State Director's Office staff (Kelso) to where it was so diluted that most details were left out about where to collect samples. NDEP asked for more detail about where BLM wanted samples collected on public land part of Process Area. EPA &amp; BLM agreed to approve PAWP based on certain conditions. One condition that the PM Dixon insisted upon was to have an updated, comprehensive HASP that included radioactivity. NDEP (Jennifer Carr) said their contractor (SRK) was working on the HASP &amp; they would provide it soon.</p> |
| March 17, 2004 | <p>MSHA staff: Bill Wilson confirmed that MSHA does not have jurisdiction at Anaconda Mine site.</p>   | <p>MSHA advises PM Dixon to contact OSHA Region 9 – San Francisco about health &amp; safety requirements for Anaconda Mine site.</p>   |
| March 17, 2004 | <p>Contacted OSHA Region 9 staff person Andy Salcedo (415-975-4306; salcedo.andy@dol.gov).</p>   | <p>PM Dixon describes situation at Anaconda Mine site regarding health &amp; safety. Salcedo not sure if site is under OSHA jurisdiction. Emailed Salcedo files, articles, &amp; websites on Anaconda Mine at Yerington, NV.</p>   |
| March 19, 2004 | <p>NDEP (Jennifer Carr) emails purported HASP as requested during Formal Dispute Resolution conference call.</p>   | <p>Purported HASP turns out to be not a HASP, but a radiological dose assessment for a worker operating water evaporator device at Anaconda Mine site. Dr. Tom Olsen discovers that a water sample collected by SRK in 11/03 from a monitor well on the mine site contained 8,000 ug/L of Uranium. Radiochem lab analysis done in 12/03, but NDEP did not inform EPA &amp; BLM until March, 2004 that this well contained this much Uranium. PM Dixon informed Charles Pope.</p>   |
| March 23, 2004 | <p>NDEP assigns topics to EPA &amp; BLM for public meeting in Yerington, NV to discuss latest data on Uranium in domestic wells north of Mine site.</p>  | <p>BLM PM Dixon originally assigned topic of naturally occurring Uranium in the Yerington area. PM Dixon prepares draft PowerPoint presentation &amp; NDEP reviews &amp; gives OK after they make major changes. NDEP removed any discussion of TENORM &amp; historical documents that show Uranium is contained in the copper ore deposit. NV Bureau of Mines report &amp; map showing locations of radioactivity in the area is removed. Talk is now more of a</p>   |

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| <p>March 24, 2003 3:30 p.m.</p> | <p>Dry run of presentations from EPA, BLM, &amp; NDEP on topics for the public meeting that starts at 6:30 p.m..</p>   | <p>"Geology of the Yerington Area" talk. When SRK consulting (Jeff Parsley), ARC (Dan Ferriter), &amp; Brown and Caldwell (Chuck Zimmerman) see BLM PM Dixon PowerPoint presentation, they get upset &amp; change talking points. They did not like any inferences that elevated levels of Uranium in groundwater at Anaconda Mine site were suggested to be from the Mine operation. Talk also suggested that Uranium in domestic wells north of Mine site might be from the Mine. Talk is edited to not give any suggestion that Uranium in groundwater is from the Mine &amp; to suggest that all Uranium in the area is naturally occurring. No BLM management there to defend PM Dixon work. NDEP did not stand up for PM Dixon even though they thought the talk was fine earlier in the day.</p> |
| <p>March 24, 2003</p>           | <p>Public meeting at Casino West in Yerington, NV to present latest groundwater data showing Uranium in domestic wells north of Mine site. Robert Abbey attended meeting as did Charles Pope &amp; Elayn Briggs from CCFO.</p>   | <p>NDEP controlled the meeting &amp; did most of the talking. NDEP down played any idea that Uranium in domestic wells could be from the Mine. Dr. Lee, State of Nevada toxicologist, down played any health effect from drinking water with low levels of Uranium.</p>   |
| <p>March 25, 2004</p>           | <p>EPA (Jim Sickles), NDEP (Jennifer Carr &amp; Jim Najima), BLM (Earle Dixon &amp; Gabe Venegas), &amp; Brown and Caldwell-ARC's contractor (Chuck Zimmerman) visit Process Area of Anaconda Mine site to perform site walk of where additional soil samples are to be collected.</p> | <p>NDEP &amp; Brown and Caldwell do not show up with email file sent to them by PM Dixon showing in PowerPoint where BLM wants additional soil &amp; water sampling conducted on public land part of Process Area. PM Dixon gave them a paper copy on site &amp; showed them by physically walking to locations where sampling is to be conducted. PM Dixon tells Charles Pope how NDEP &amp; ARC's contractors don't seem to do their homework &amp; pay attention to what BLM is saying.</p>  |
| <p>March 30, 2004</p>           | <p>Internal BLM conference call with CHF TRC representatives: Casey Padgett, Kris Doebbler, Andrea McLaughlin. Also E. Dixon &amp; Gabe Venegas from CCFO &amp; Bob Kelso from State Director Office</p>   | <p>Conference call objectives were to provide status on a number of issues &amp; to figure out strategy to move project forward using CHF money. Many questions &amp; issues came back to PM Dixon &amp; how he was going to address a large number of complex, technical, legal, regulatory, &amp; political</p>   |

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|               |   | <p>issues. PM Dixon states he does not know how all these issues are going to get resolved. PM Dixon states that management in CCFO &amp; State Director's Office do not provide enough support to answer all these concerns.</p>  |
| April 1, 2001 | <p>Email from Del Fortner, Deputy State BLM Director to Robert Abbey regarding comments made during 3/30/04 conference call.</p>  | <p>Comments made by the PM Dixon during an internal BLM conference call on a wide range of issues associated with the Anaconda Mine site were taken out of context by Robert Kelso &amp; presented to Del Fortner in a manner that made the PM Dixon look like he was trying to undermine the BLM relationship with EPA &amp; NDEP. Mr. Kelso demonstrates that he is not trustworthy when discussing internally within the agency the project in an open, brainstorming type format where professional people are trying to figure out how to deal with all the unresolved issues associated with a project as complex as the Anaconda Mine site.</p> |
| April 2, 2004 | <p>Email from Robert Abbey, State BLM Director to BLM staff involved with Anaconda Mine regarding comments made during 3/30/04 conference call.</p>   | <p>Del Fortner's email from 4/1/04 caused Robert Abbey to send an email to all the professional staff on the 30/01/04 conference call stating his disappointment in hearing the remarks (taken out of context) reported by Mr. Kelso to Del Fortner. Mr. Abbey interpreted the remarks made by the PM Dixon as a "lack of commitment." This email demonstrates the disconnect between the technical-regulatory objectives of the CCFO &amp; support staff in Denver, and the political objectives of the State Director's Office for the Anaconda Mine site.</p>   |
| April 7, 2004 | <p>Intertribal Council of Nevada meeting in Sparks, NV to discuss status of Anaconda Mine site progress with Yerington Paiute Tribe (YPT), EPA, BLM, NDEP, &amp; other interested stakeholders.</p> | <p>PM Dixon &amp; Del Fortner attend meeting. Del Fortner directs PM Dixon to write meeting minutes of meeting. PM Dixon did so &amp; circulated email to supervisor Charles Pope &amp; Del Fortner with meeting minutes waiting for feedback. Several days passed &amp; YPT asked for a copy of internal meeting minutes. Mr. Pope approved PM Dixon sending a copy of meeting minutes to YPT. Mr. Fortner found out &amp; reacted like policy had been broken</p>  |

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|                |   | & asked why were the meeting minutes not sent out to all parties. PM Dixon was made to look like he was operating independently & not treating all attendees at the meeting equally.   |
| April 20, 2004 | Phone call from Dr. Tom Olsen on what the contents should be in ARC contractor HASP to support PAWP.  | Dr. Olsen describes the contents from other mine site HASPs & indicates that one thing the HASP for the Anaconda Mine requires is a table of maximum metal concentrations in air in accordance with OSHA Personal Exposure Levels (PELs).  |
| April 22, 2004 | Phone call from Andy Salcedo at OSHA Region 9 describing the required letter from BLM requesting that OSHA review documents & requirements for worker health & safety at Anaconda Mine site.  | Mr. Salcedo requires official letter from BLM describing exactly what the PM Dixon wants OSHA to review. Within a few days of this phone call, PM Dixon drafts letter to OSHA & sends it to Robert Kelso for his review. Mr. Kelso never responds to email from PM Dixon with draft letter to OSHA as requested. Supervisor Charles Pope informed of what happened with letter to OSHA.  |
| April 27, 2004 | Phone call discussion with Robert Pelham (Philips Transport Co.) regarding the disposition of SX-EX fluid that was supposedly disposed of at Emerald Isle-Mineral Park, AZ. Unknown to PM Dixon, Mr. Pelham has a conflict of interest because he was paid by NDEP to dispose of fluids from the Mine site which he did not want to document and disclose to BLM according to RCRA requirements as requested by PM Dixon. | PM Dixon talked in confidence, off the record to Mr. Pelham about how frustrating it was to work with NDEP on the Anaconda Mine site. PM Dixon told Mr. Pelham that it seems at times like the State of NV is trying to cover-up the problems & info regarding conditions at the Mine site. PM Dixon requested that Mr. Pelham send BLM a copy of the shipping manifest for SX-EW fluid disposition. Mr. Pelham said he would but never did. Mr. Pelham's wife works for NDEP, & he told her of the phone conversation & remarks PM Dixon made were said to have been reported by Ms. Pelham to NDEP Director Allen Biaggi. These remarks are reported later in 4-page email to Robert Abbey in mid - late May 04. |
| April 27, 2004 | Phone conversation with Kris Doebbler, Denver BLM Office on issues related to FY04 & FY05 funding requests and scopes of work drafted by the CCFO that will be presented to the CHF Technical Review Committee.   | Ms. Doebbler describes how Robert Kelso is trying to override & control the amount of funding & scopes of work proposed by PM Dixon & technical support staff for BLM work at the Anaconda Mine. Ms. Doebbler is concerned as is Casey Padgett that the State Director's Office is trying to take the project in a direction & scope that is out of compliance with CHF  |

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|                |  | requirements. Ms. Doebbler is frustrated because the project is assigned to the CCFO, but the State Director's Office keeps trying to control & manage the project incorrectly & inappropriately.  |
| April 27, 2004 | Phone conversation with Dr. Tom Olsen regarding project scope of work & HASP.  | Dr. Olsen discourages contacting OSHA for assistance & advises PM Dixon to use internal BLM health & safety experts like toxicologists, Dr. Karl Ford out of the Denver BLM Office. Dr. Olsen advises PM Dixon to send email to Dr. Ford requesting his assistance in review of ARC subcontractor HASPs & the development of a BLM HASP for the project.   |
| April 27, 2004 | Phone conversation with Dr. Karl Ford about HASP for Anaconda Mine site.   | Dr. Ford states that in order to develop an updated, comprehensive HASP for the Anaconda Mine, he will need to come out to the Mine site & collect soil samples for laboratory analysis of metals & radionuclides. Describes the BLM policy about having a State Roster listing individuals who are authorized to go on site & work. PM Dixon states he has never heard of such policy. PM Dixon states there is no funding currently in the project to support Dr. Ford's work & pay for laboratory analysis of soil samples.   |
| April 28, 2004 | Phone conversation with Casey Padgett about funding, scope of work in FY04-05, & cost recovery for the project. Mr. Padgett is an advisor to the CHF TRC that doles out funding for projects like the Anaconda Mine. | Mr. Padgett is very concerned about the questions he will get from the TRC regarding funding the Anaconda project. The TRC wants to know why isn't ARC being asked by BLM State Director Robert Abbey to fund BLM scopes of work. Mr. Padgett wants to know if Robert Abbey is willing to pursue negotiations with ARC for cost avoidance & cost recovery. PM Dixon describes the political repercussions with NDEP & pro-ARC stakeholders if BLM appears to be moving forward unilaterally. Mr. Padgett notes that the CCFO new manager needs to come on board ASAP, & get up to speed on Anaconda Mine issues so he can discuss this issue with Mr. Abbey. |
| April 30, 2004 | Phone conversation with Dr. Paul Sheppard at University of Arizona regarding air quality sampling conducted  | Dr. Sheppard is part of an effort that conducted air quality sampling in early April '04 at the Weed Heights community next to the Anaconda Mine   |

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|              | by group studying the leukemia cluster in the nearby town of Fallon, NV.  | site. Air sampling location at Weed Heights collected four consecutive day air sample. Dr. Sheppard said he would share the laboratory results when they became available later in 2004.  |
| May 17, 2004 | FY04 Funding for Anaconda Mine site received in CCFO.   | PM Dixon made decision that with about \$100K available to spend, it would be spent on getting a subcontractor to develop an updated, comprehensive HASP for the BLM part of the Process Area since no acceptable HASP from NDEP & ARC subcontractors was yet available. PM Dixon did not want to have BLM blamed for holding up the PAWP. Denver Office advised not to use Dr. Karl Ford to develop HASP because that was not his primary specialty. CCFO decided to hire an independent contractor to develop the HASP for BLM.   |
| May 17, 2004 | Yerington Technical Working Group meeting at Yerington Paiute Tribe gymnasium in Yerington, NV to discuss status of activities among EPA, NDEP, BLM, & ARC for Anaconda Mine site.  | PM Dixon informs group & particularly ARC's contractor, that an updated, comprehensive HASP is required by BLM for work to proceed on public land in the Process Area. PM Dixon describes how the HASP needs to include assessment of the potential radiological hazard at the Mine site. PM Dixon describes how the requirements in 29 CFR 1910.120 are to be followed & that ARC contractor, Brown & Caldwell should consult health & safety experts for further guidance.  |
| May 2004     | Allen Biaggi, Director of NDEP sends four page email to Robert Abbey describing how PM Dixon is telling stakeholders that the State of Nevada is trying to cover-up conditions & issues at the Anaconda Mine and that PM Dixon thinks the State of Nevada is involved in a conspiracy to down play the problems at the Mine site. Mr. Biaggi threatened to bring in the State Attorney General to sue the BLM if such dialogue about cover-up & | Charles Pope, PM Dixon supervisor, shows email to E. Dixon, but does not let him have a copy. Mr. Pope states that Robert Abbey called the CCFO & wanted new Field Office Manager, Don Hicks, to fire E. Dixon immediately because of this email & other complaints the Director has received regarding the PM Dixon performance on the Anaconda Mine project. Mr. Pope states that Don Hicks would not fire E. Dixon, but they would take steps to improve E. Dixon performance on project. Mr. Pope later called Allen Biaggi to talk through points made about E. Dixon conversation with Art Gravenstein, |



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|               | conspiracy did not cease.  | Robert Pelham, & recent conference call with Natural Resource Damage Assessment group where remarks about lack of NDEP cooperation were reported to Allen Biaggi by NDEP employee Dave Emme.   |
| June 2, 2004  | Meeting with State Director Robert Abbey, Del Fortner, Robert Kelso, Don Hicks, Charles Pope, & Earle Dixon. Meeting was originally proposed to include Casey Padgett and Kris Doebbler, but Abbey declined to have these two persons present. | Meeting was primarily to discuss how the Anaconda Mine site project in the CCFO was going to be managed & how a strategy for funding & scopes of work were to be developed. Mr. Abbey started the meeting & went directly to the email from Allen Biaggi on remarks made about NDEP by E. Dixon. Mr. Abbey proceeded to describe how unprofessional E. Dixon is & how he is alienating stakeholders in the Yerington area with his remarks about a cover-up & conspiracy by the State of Nevada. Mr. Abbey said if it wasn't for Don Hicks, PM Dixon would be fired right now. Mr. Abbey wanted to know what PM Dixon had to say about all of this. PM Dixon said that it is true he could have said things better & not so openly on phone conversation, but much of this was taken out of context & exaggerated to a great extent. Mr. Abbey never presented PM Dixon with a copy of the email from Allen Biaggi so he could address each of his remarks. Eventually the discussion moved to what is going on with the project, & PM Dixon pointed out that BLM policy about the State Roster is not being fulfilled by Mr. Kelso who has the responsibility for the State Roster. Attention focused on Mr. Kelso who acknowledged that he was remiss in developing the State Roster of BLM staff that are authorized to access the Anaconda Mine site safely. |
| June 17, 2004 | Phone conversation with Casey Padgett about need to send out a formal BLM letter regarding the unknown health & safety condition at the Anaconda Mine site.  | Mr. Padgett worried about the liability issue for the BLM if ARC contractors are working with an unacceptable HASP, & if BLM provides ARC access to the public land part of the Mine site without informing them of the potential risks.   |
| June 23, 2004 | BLM contractor for HASP on Anaconda Mine site contacting PM Dixon by   | Dr. Bill Walker describes by phone various Geiger counter & dosimeter readings that indicate locations in the  |

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|               | phone on field measurements of radioactivity.  | Process Area are significantly elevated in alpha radioactivity. Some locations are so elevated in radioactivity that workers could exceed dose standards of exposure set by OSHA. Dr. Walker indicates that some locations will require workers to wear an air-purifying respirator to block inhalation hazard from airborne radionuclides in dust. PM Dixon immediately informs supervisor Charles Pope of radioactive hazard at Anaconda Mine site.   |
| June 23, 2004 | Phone conversation with Casey Padgett informing him of the radioactivity levels measured by Dr. Walker in the Process Area at the Mine site.   | Mr. Padgett advises PM Dixon to change draft access & notice of liability letter to reflect the latest information about the radiological hazard to workers at the Mine site. Mr. Padgett advises PM Dixon to draft another letter to OSHA requesting their assistance to define responsibilities, authorities, & obligations for worker health & safety at the Mine site. Informed Mr. Padgett that previous draft letter to OSHA sent to State Director Office (Mr. Kelso), but never received any response. Informed Charles Pope of conversation & advice from Mr. Padgett. |
| June 24, 2004 | Meeting at Anaconda Mine site with EPA, BLM, NDEP, ARC, SRK, & Brown and Caldwell to have Dr. Walker discuss the latest health & safety information.   | Dr. Walker describes the radiological hazard level & locations in the Process Area of the Mine site. NDEP & ARC request that Walker check other areas outside the Process Area for radioactivity. EPA, NDEP, BLM, & ARC agree that some immediate actions need to be taken to secure the site & make sure workers are safe from any potential radioactivity exposure.   |
| June 25, 2004 | Phone conversation with Kris Doebbler about how to get additional funding for CCFO & BLM policy that states a site like Anaconda Mine cannot be accessed by BLM staff because the hazard is too great. | PM Dixon learns that BLM staff are not to go on to Anaconda Mine site anymore unless they are in a medical monitoring program for radioactivity exposure & they are fit-tested and prepared to wear an air purifying respiration to block the inhalation hazard from airborne radionuclides & metals.   |
| June 25, 2004 | Phone conversation with Dr. Walker about other areas of Mine site that are elevated with radioactivity.  | Dr. Walker collected 10 samples from key locations & sent to ACZ Lab for expedited analysis to confirm field instrument readings of elevated radioactivity. Another 90 or so soil   |

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|              |   | <p>samples collected that will be analyzed for gross alpha-beta &amp; specific radionuclides at normal lab speed or later depending on funding available.</p>   |
| July 2, 2004 | <p>Phone conversation with Dr. Olsen about draft letter written by E. Dixon with review &amp; input by Casey Padgett to ARC requesting negotiation to start cost avoidance-cost recovery.</p> | <p>Dr. Olsen said letter is too strong for State Director Robert Abbey to sign. Draft letter contains too much detail about hazards &amp; liabilities in context of CERCLA-NCP. Dr. Olsen states that Abbey will prefer a letter that emphasizes activities under the MOU he signed with NDEP to CERCLA specific language. Eventually, State Director directs Don Hicks to write a softer, more political friendly letter to ARC on this matter for Abbey's signature. Letter drafted by D. Hicks is so weak that Olsen, Padgett, Dixon &amp; Venegas do not support it. State Director sends out soft version of BLM letter to ARC anyway inviting them to discuss cost avoidance-cost recovery.</p> |
| July 2, 2004 | <p>Phone conversation with Jim Sickles-EPA about how the newly discovered, elevated radioactivity levels will impact the path forward for the Anaconda Mine site.</p>                         | <p>Basically, Mr. Sickles states that the Mine project &amp; pending future work will become more costly &amp; more complicated because of the presence of radionuclides in the surface soil &amp; groundwater. This will undoubtedly complicate the political situation with Yerington stakeholders &amp; people living next to the mine, particularly the Yerington Paiute Tribe.</p>   |
| July 7, 2004 | <p>Expedited soil sample lab results (10 ea) received from ACZ Labs &amp; sent to Jim Sickles for feedback.</p>   | <p>Mr. Sickles states how some levels of radioactivity are impressive for this type of site. Levels of Radium greater than 5 pCi/g are a major problem because of Radon gas daughter product from Radium. EPA Preliminary Remediation Goal (PRGs) on Radium requires that soil above 5pCi/g of Ra be removed. We are talking large volumes of soil that will need to be removed from Mine site. Later estimate by EPA contractor Tetra Tech figures that cost to remove Radium soils from Mine site could cost \$250-500 million. ARC &amp; NDEP will not like this issue. Politics will become more intense because of information on radioactivity at Mine site.</p>                                |
| July 8, 2004 | <p>Discussion with Don Hicks,</p>   | <p>1) Meeting coming up in CCFO</p>   |

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|               | CCFO Manager about issues related to Anaconda Mine site.  | <p>with BLM, NDEP, &amp; EPA to discuss how to release rad info to public &amp; what does the data mean.</p> <ol style="list-style-type: none"> <li>2) Notice of Liability Letter &amp; Invitation to ARC to discuss cost avoidance-recovery.</li> <li>3) Abbey wants list of personnel who accessed the Mine site for baseline medical testing for radioactivity exposure.</li> </ol>                     |
| July 8, 2004  | Phone conversation with Casey Padgett & Kris Doebbler about project issues.   | <ol style="list-style-type: none"> <li>1) Emergency funding request FY04 to support supplemental work on HASP.</li> <li>2) BLM part of Mine site closure.</li> <li>3) Is State Director Office willing to pursue more aggressive enforcement of CERCLA?</li> <li>4) CHF funding requirements not being met – will not get funded in FY05 if things don't improve.</li> </ol>                               |
| July 11, 2004 | Phone conversation with Dr. Walker about radioactivity hazard in iron dust at Anaconda Mine site.   | Dr. Walker has observed that iron dust residue scattered in large areas at Mine site seems to contain the most elevated radioactivity. Many hot spot areas are not safe for workers unless they are wearing dosimeter badge & air purifying respirator during dusty conditions. Immediate need to collect air samples & conduct air quality monitoring, but not enough funds in current budget to do such. |
| July 12, 2004 | Yerington Technical Working Group Meeting in Reno to present BLM data on elevated radioactivity at Anaconda Mine site.                      | PM Dixon makes presentation to YTWG describing the range of radioactivity levels in the Process Area, & results of the 10 expedited soil sample lab results.   |
| July 15, 2004 | Phone conversation with Great Basin Mine Watch Interim Director, Elyssa Rosen about site conditions & project status of Anaconda Mine site. | Ms. Rosen has heard about BLM data on radioactivity detected at site & wants to know when it will be released & what does it mean for the project & the people living near the Mine site.  |
| July 16, 2004 | Phone conversation with Casey Padgett about enforcement strategy for Anaconda Mine site in order  | Mr. Padgett is frustrated & concerned that the State Director is unwilling to pursue an enforcement strategy with ARC & that the CHF TRC will not fund   |

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|                | to receive CHF monies in FY05.  | the project beyond the salary for the PM Dixon.  |
| July 21, 2004  | Phone conversation with Jim Sickles-EPA regarding release of BLM rad data & Action Plan by regulatory agencies to have ARC secure site & check entire site for radioactivity hazard.  | Mr. Sickles will discuss path forward for Action Plan with NDEP Art Gravenstein since NDEP has to prepare official letter to ARC requesting them to implement the Action Plan.   |
| July 22, 2004  | Conversation with Mark Struble, Public Affairs Office in BLM Carson City.   | Mr. Struble brought PM Dixon in on a phone call with AP writer Scott Sonner to discuss the BLM rad data. PM Dixon made the statement, "Nobody is used to having this sort of radiation at an old abandoned copper mine," and Sonner put that as a quote in the Reno Gazette Journal article on 7/22/04. State Office Public Affairs Director, Jo Simpson, told Mark that E. Dixon is not to talk to press at all. She also stated that if Mr. Struble were under her direct supervision she would have issued a reprimand to him for allowing PM Dixon to talk to the media.   |
| August 2, 2004 | Official conversation with Dr. Thane Hendricks of Bechtel Nevada Remote Sensing Laboratory, Las Vegas about aerial radiological survey for Anaconda Mine site & Yerington area.   | Dr. Hendricks is part of Dept of Energy team that maintains a capability to detect special nuclear materials for national defense. To maintain their capability they are funded to conduct airborne rad surveys each year. Dr. Hendricks was requested by NDEP to fly the Anaconda Mine site. Dr. Hendricks told NDEP Art Gravenstein they could do it for free, & Yerington was at the top of list of sites to do anyway. Unfortunately, Dr. Hendricks had to later retract his offer and decline further participation in the airborne radiological survey for the Anaconda Mine site apparently due to political sensitivities. |
| August 2004    | Various discussions with Jim Sickles-EPA, BLM Public Affairs staff (Jo Simpson), NDEP (Jim Najima), Don Hicks (BLM-CCFO) about how to release data, communication with media & public, & public meetings coming up to present & discuss BLM rad data. | Meeting with YTWG at Lyon County Library in Yerington on 8/17/04 to have a dry run of BLM HASP presentation for larger public meeting on 8/25/04 at the Casino West facility in Yerington.   |

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| <p>August 19, 2004</p> | <p>Meeting with State Director Robert Abbey &amp; staff to discuss path forward, roles &amp; responsibilities, and how, and who is going, to manage the Anaconda Mine site project.</p> | <p>Meeting was requested by Don Hicks to resolve the obstacles that Del Fortner &amp; Bob Kelso constantly throw out when the CCFO tries to move forward with investigations &amp; funding requests based on guidance from Casey Padgett &amp; Kris Doebbler. Mr. Padgett &amp; Ms. Doebbler attended the meeting as did Gabriel Venegas and Chuck Pope. Tom Olsen, Jo Simpson, &amp; Richard Brown from the State Office also attended the meeting. Del Fortner asked E. Dixon if the BLM HASP rad data could be wrong, and that Dr. Walker made a mistake in reading field instruments. PM Dixon said Dr. Walker did not make any mistakes &amp; that his work and the data are very credible. Mr. Padgett informed the State Director that BLM-NV must follow CERCLA-NCP requirements &amp; seek cost avoidance-recovery from ARC if it is to get funded in FY05 by the CHF TRC. Meeting time ran out &amp; Don Hicks was not willing to confront the issue of how Del Fortner &amp; Robert Kelso keep trying to put out road blocks to keep the CCFO from moving forward to collect more data at the site.</p> |
| <p>August 25, 2004</p> | <p>AM Meeting between BLM &amp; NDEP to discuss public meeting tonight in Yerington.</p>  | <p>NDEP provides BLM a letter from Foxfire Scientific Consulting stating that the BLM HASP rad data conclusions are incorrect. Letter goes on to state that there is no radiological exposure hazard to workers based on the BLM data. NDEP wants letter to be addressed at public meeting. PM Dixon states it is too late to address letter on such short notice &amp; Foxfire does not provide any analysis on how they arrived at their opposite conclusion. NDEP informs BLM that the letter was already provided to Dan Newell, the Yerington Town manager, &amp; that it will be distributed at the public meeting tonight.</p>  |
| <p>August 25, 2004</p> | <p>Public meeting in Yerington to present BLM HASP data &amp;</p>   | <p>After E.Dixon makes presentation on BLM HASP, Phyllis Hunewill (Lyon</p>  |

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|                        | <p>Action Plan to address issues at the Anaconda Mine site.</p> | <p>County Commissioner) reads Foxfire letter &amp; asks how do I explain the discrepancy between the two interpretations of the rad data. PM Dixon politely informed Ms. Hunewill that he was not able to speak directly to the interpretation of Foxfire because they do not show any of their calculations when the BLM interpretation posted on the Web does. Also since no air quality monitoring data is available for the site, the interpretation is based on conditions of zero wind speed. It is well known that Yerington is a dusty area &amp; the hazard is likely to increase when the wind blows on the Mine site. Ms. Hunewill did not like that answer. She may have a conflict of interest because she owned property next to the Mine, &amp; was hoping to move forward with a contract from NDEP for her construction firm to cap dust prone areas with rock. Ms. Hunewill has reportedly complained to Robert Abbey about PM Dixon before several times. Dan Newell, Yerington Town Manager may have also called to complain.</p> |
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| <p>August 25, 2004</p> | <p>Yerington Technical Working Group Meeting in Reno.</p>       | <p>This meeting discussed a number of issues related to the BLM HASP rad data, the Action Plan, the Process Area Work Plan, &amp; the groundwater monitoring program to monitor domestic wells for the source of Uranium north of the Mine site. At this meeting, PM Dixon was aggressively pushing to get things going like correctly screening domestic well water samples for gross alpha-beta radioactivity. Dan Ferriter of ARC stated that it was too late to add gross alpha-beta to their sampling schedule coming up in early September because things were already set in place. PM Dixon also requested that this group needs to be reorganized because it is technically dysfunctional because there were too many non-technical people involved like Lyon County Commissioner Phyllis Hunewill and Tom Grady, NV State</p>   |

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|                   |   | Senator representing the Yerington district. NDEP had set this group up this way years earlier to make the group politically biased in favor of NDEP & ARC.   |
| August 27, 2004   | Phone conversation with university researcher on the results of air sample collected at Weed Heights during April 2004.   | Not able to disclose results of air sampling. PM Dixon is concerned about potential hazards related to air quality at the Mine site and nearby.   |
| August 30, 2004   | Phone conversations with ARC's analytical laboratories & hydrogeologic contractor (AHA) about data quality & being able to screen domestic well water samples collected in September for radioactivity.   | Learned that there are significant matrix interferences in the water samples & that sample spike recoveries to check QA/QC are lower than they should be. Asked why field data sheets for water sampling are not provided in reports – no answer. Rad chem. Lab in SC said it was not a problem to do gross alpha-beta on upcoming September quarterly monitoring water samples. AHA was requested to allow PM Dixon to accompany them on their September sampling. PM Dixon also asked about their HASP for working around radiological conditions while sampling on the mine site. They ignored the request to get copies of their field data sheets, and the request about the HASP for the Mine site. |
| August 31, 2004   | Charles Pope said he got a irate call from NDEP saying that Dan Ferriter with ARC had called saying PM Dixon had harassed his lab contractors over the phone about reports & their sampling in September. | PM Dixon Informed Mr. Pope with Gabriel Venegas as witness that Dixon had discussed these issues with Mr. Ferriter at least 3 times before at meetings & Ferriter gave Dixon permission to call the labs directly & that it was OK to accompany AHA and observe their water sampling protocol. Mr. Pope said that Ferriter was complaining to NDEP about PM Dixon's behavior.   |
| September 1, 2004 | Conversation with Charles Pope about how to move forward on the Anaconda Mine project.  | Mr. Pope described the conversation that he, Don Hicks, & Gabriel Venegas had the day before after the meeting with the State Director. Don Hicks intends to get issues addressed at the Mine site & to follow CERCLA-NCP requirements for compliance & funding from the CHF. PM Dixon was instructed to proceed with what he thought best as the technical scope of  |



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|                    |  | work for the remainder of FY04 & in FY05. Mr. Pope & Mr. Hicks would address any criticism or roadblocks from the State Director's Office.  |
| September 1, 2004  | Conversation with Gabriel Venegas on scopes of work for supplemental funding in FY04 and annual funding for FY05. Also scope of work for MacArthur Pit, a copper ore deposit that was mined by ARIMETCO & hauled to Anaconda Mine site for SX-EW production of copper. | Mr. Venegas has been PM Dixon's co-worker focused on development of work plans & funding requests. The State Director's Office has been unwilling to provide any in-state excess funding to the CCFO for work related to the Mine site. Mr. Venegas moved forward to have Dr. Walker conduct additional health & safety work, as well as, a radiological screening of the MacArthur Pit.  |
| September 9, 2004  | Phone conversation with David Griggs, the BLM State of NV Safety Officer.  | Mr. Griggs was asked if he could help the CCFO on the HASP for the Mine site. Mr. Griggs politely declined to help because he said he did not know anything about radiological issues & it seemed he really didn't want to get involved with Yerington.   |
| September 9, 2004  | CHF Allocation Conference Call. Questions from the TRC about emergency funding requests in FY04 & FY04 scope of work & budgets.  | Solicitors, Casey Padgett & John Seymour mention concern about BLM liability since half of Anaconda Mine site is located on public lands. Advise PM Dixon to coordinate with solicitor Temi Berger about drafting a Notice of Liability letter for ARC to sign.   |
| September 15, 2004 | Conference call with solicitors regarding Notice of Liability letter to ARC & other significant issues related to Anaconda Mine project.   | <ol style="list-style-type: none"> <li>1) Solicitors advise CCFO to pursue 3<sup>rd</sup> party review of BLM HASP data since it will probably get challenged by ARC, NDEP, &amp; Yerington community leadership.</li> <li>2) Solicitors very concerned about BLM liability for exposure to radioactivity at Mine site.</li> <li>3) Mention that Congressional Representative Jim Gibbons sent a letter to State Director Robert Abbey saying the regulatory lead for the Mine site should stay with NDEP &amp; not move to EPA.</li> <li>4) NDEP &amp; Governor backing out on original intent stated in July to have EPA take the regulatory lead because of the</li> </ol> |

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|                    |   | <p>new BLM rad data.</p> <p>5) Solicitors will work up draft Notice of Liability letter to advise ARC of hazards at Anaconda Mine because it is doubtful they would sign a letter with BLM to not hold the Federal government liable.</p> |
| September 24, 2004 | Indemnification letter sent out by BLM –CCFO to ARC & copied to NDEP & EPA.   | Letter caused ARC to decide not to conduct work on public land in the Process Area.   |
| October 1, 2004    | Meeting with State Director Robert Abbey attended by Don Hicks & community leaders from Yerington regarding how BLM is going to manage the Anaconda Mine project. | At this meeting, it has been unofficially reported that staff from Representative’s Jim Gibbons office, & Phyllis Hunewill requested that the State Director move the Anaconda Project from Carson City to the Reno office.               |
| October 5, 2004    | Meeting with Don Hicks, Charles Pope, & Elayn Briggs in CCFO.   | Meeting was to hand PM Dixon a notice of termination letter signed by Robert Abbey stating Dixon was being terminated from the PM position on the Anaconda Mine site project.   |

In addition to the various BLM managers from Mr. Dixon’s immediate supervisor up to State Director Abbey who were aware of Mr. Dixon’s environmental compliance and safety concerns stated in detail above, others that knew of Mr. Dixon’s protected activities included: the Environmental Director of the Yerington Paiute Tribe; the management at the Superfund Division of EPA Region 9; a consultant to the Yerington Paiute Tribe; the Interim Director of Great Basin Mine Watch; a concerned resident living next to the Anaconda Mine who worked previously for the Yerington Paiute Tribe, senior management and members of the DOI CHF Technical Review Committee, and BLM-CCFO staff formerly and currently assigned to support the Anaconda Mine site project.

**V. BLM HAD A MOTIVE TO RETALIATE AGAINST MR. DIXON AND TERMINATED MR. DIXON BECAUSE HE RAISED ENVIRONMENTAL COMPLIANCE AND SAFETY CONCERNS**

There is substantial direct and circumstantial evidence that BLM took the adverse actions against Mr. Dixon because Mr. Dixon made protected disclosures both internally to management and externally to USEPA, the Nevada Division of Environmental Protection (NDEP), the media, the public, and other agencies. There was close proximity in time between Mr. Dixon’s protected disclosures and the actions taken against him including the first attempt to terminate his employment in May, 2004 and the ultimate termination of his employment in October, 2004. Further, irregular procedure was used by the State Director and Deputy in regard to micromanaging the CCFO on the Yerington Anaconda Mine project and in regard to dictating a termination of Mr. Dixon from the State office, circumventing Mr. Dixon’s first and second level supervisors. BLM management also expressed direct hostility towards Mr. Dixon’s protected activities by, among other things, 1) directly criticizing him for his disclosures regarding levels of

radioactive contamination at the site, the State and ARC's inadequate response to this contamination, and attempts to sweep the issue under a political rug; 2) issuing a gag order to the effect that Mr. Dixon was not to speak to the press; and 3) censoring and politically editing his technical communications and memos regarding the extent of the contamination problems at the Anaconda Mine site and ARC's liability. The law recognizes each of these circumstances as evidence of retaliatory motive.

The Anaconda Mine site is in a condition of non-compliance with several major federal environmental statutes, non-compliance to which Mr. Dixon drew attention. Further, significant levels of radioactivity were found at the site which raised the likelihood that a much more extensive and expensive cleanup would be required, for example a \$200-500 million dollar cleanup versus a \$10-20 million dollar cleanup. ARC and NDEP attempted to avoid the issue by claiming that the uranium contamination found in groundwater was the result of naturally occurring conditions not caused by the mining operations, but Mr. Dixon had valid scientific reasons to conclude otherwise. The BLM State Office Director and staff also downplayed the level of hazard to workers identified by the health and safety contractor, hired by Project Manager Dixon in the Carson City Office, that resulted from the radiological contamination levels found in soils on the site.

The BLM State Director's Office and Staff were not helping the BLM Carson City Field Office (CCFO) to solve problems related to the Anaconda Mine project. Mr. Pope, PM Dixon's supervisor, was confronted frequently by Del Fortner, the Deputy State Director, complaining of the CCFO doing things without informing the State BLM Office. Although the BLM State Office Director and Deputy Director stated that the project management for the Anaconda Mine resided in and with the CCFO, they really wanted to control the project based on political objectives.

NDEP was more than a passive obstacle in getting the Anaconda site environmental problems addressed, down-playing the danger from the documented radioactive contamination levels found on site and actively attempting to mislead the public about the source of the contamination. In late September, 2004, shortly before Mr. Dixon's termination on October 5th, NDEP became irritated because Dixon had not said anything about their radiological dose assessment report they provided for comments. The report was not well written and was inappropriate for a dose assessment for the data they collected at Yerington. Mr. Dixon asked his supervisor Charles Pope on several occasions what Dixon was supposed to say about this report, having nothing good to say about it. Mr. Pope never responded to that question.

Mr. Dixon became a very unwelcome messenger to BLM management because, among other reasons, he:

- 1) drew attention to the full extent of the on-site radiological contamination problem and concluded that the radioactivity was not naturally occurring (which had immediate liability implications regarding exposure of agency staff and workers, and threatened to increase cleanup costs by an order of magnitude);

- 2) raised concerns about ARC and BLM work not being in compliance with CERCLA (the Superfund law) and its NCP regulations (which could force an expensive redo of site work by ARC costing millions of dollars and prevent the federal government from recovering a million dollars or more of its expenses under CERCLA);

3) raised quality control questions, insisted on personally observing sampling, requested documentation and studies, insisted on collection of worker safety related (and, as it turns out, incriminating) data, insisted on development of a site health and safety plan (that would draw attention to the problem by forcing workers to wear respirators, a visible red flag to the community); and

4) was collecting, analyzing, inquiring into, and reporting sampling information regarding higher than expected levels of radioactive substances and metals in both the water and air in the Yerington area (which raised liability implications regarding public exposure).

Mr. Dixon was never provided a full and fair opportunity to defend himself from the allegations made by Allen Biaggi and the State Director. The State Director violated personnel policy by denigrating Mr. Dixon in front of other staff at the June 2, 2004 meeting. Director Abbey never presented Mr. Dixon any performance evaluation in writing that might justify the termination decision he made. According to Mr. Dixon's immediate supervisor, Charles Pope, Dixon was doing fine with his probationary period, and Mr. Pope had signed off as supervisor on Mr. Dixon's probationary period paper work. Many Yerington stakeholders like the Yerington Paiute Tribe, the NRDA effort, Great Basin Mine Watch, Misty Stevens, and some local residents perceived Mr. Dixon to be doing very good work, as did EPA Region 9 and many BLM staff. BLM State Director Robert Abbey apparently directed Don Hicks, Mr. Dixon's second level supervisor and Director of the Carson City Field Office, to terminate Mr. Dixon as the Project Manager, but Mr. Hicks refused to do so, forcing State Director Abbey to do it himself. Mr. Dixon was not fired for making statements that lacked sufficient tact, he was fired for making statements that were scientifically and legally correct but were "politically incorrect."

NDEP's Mr. Biaggi wanted BLM to fire Earle Dixon in May, 2004 because Dixon was perceived to not be a team player when Dixon accused NDEP of covering-up and/or conspiring to cover up politically unwelcome information about contamination at the Yerington mine site. But Mr. Dixon was doing his job and performing well as an Environmental Protection Specialist. He seldom did anything without his supervisor Charles Pope knowing about it first, and followed the advice of his solicitor, Casey Padgett on a weekly basis. The termination letter's allegation that Mr. Dixon had an "inability to operate effectively as the Project Manager of Central Hazmat Fund projects within the Carson City Field Office" was a mere pretext for retaliation. Mr. Dixon was operating effectively and correctly according to Central Hazmat Fund requirements. It was the State Director's Office that was operating ineffectively and incorrectly with CHF monies. Mr. Dixon was fired not for performing his job ineffectively but for performing it too effectively, and according to the law.

Mr. Dixon spoke honestly about a real threat to the environment, workers and the public from the Yerington Anaconda Mine site, a threat that turned out to be greater than anyone thought or hoped. When ARC and the Nevada DEP, rather than facing up to what was now understood to be a more serious danger, decided instead to mislead the public and cover up the danger, Mr. Dixon spoke frankly about that too. Rather than addressing the difficult environmental, worker and public health problems disclosed by the data and Mr. Dixon, as is their legal and ethical responsibility, the BLM management with encouragement from Nevada DEP, decided to take the politically easier (and for the PRP ARC, considerably cheaper) way out: semantically detoxify the site with misleading technical jargon, and shoot (fire) the

messenger. Mr. Dixon's honesty and integrity cost him his job. But Mr. Dixon's livelihood was not the only casualty. Public health, worker safety and environmental protection have all been compromised for politics and profit as a result of the cover-up of which Mr. Dixon's firing is only a part. This is exactly what the federal environmental statutes' employee protection provisions were meant by Congress to prevent and remedy.

## VI. JURISDICTION

CERCLA jurisdiction is apparent. In the year 2000, the Yerington Paiute Tribe requested the EPA Region 9 to perform a hazard-ranking analysis of the Anaconda Mine for submittal to the National Priority Listing (NPL) as a Superfund site under CERCLA. The EPA determined that the hazard presented by the Anaconda Mine qualifies the facility for the NPL. The EPA invited the State of Nevada to comment on the proposal to list the site on the NPL. The Governor of Nevada responded that it was not in the best interest of the State and the community of Yerington to list the site at this time. Instead, the State of Nevada developed a Memorandum of Understanding (MOU) in 2002 with the EPA and the BLM State Director (Robert Abbey) to have the NDEP be the lead in the development of work plans that characterize and remediate the site in a manner, "not inconsistent with CERCLA and the NCP." The MOU and its politics over shadowed, blocked, and/or disemboweled all proposal efforts by the CCFO to make progress in checking for hazardous material releases on Federal land as mandated by CHF criteria. The BLM CHF funds used for work at the site are monies recovered by the federal government under CERCLA via cost recovery actions at other NPL sites and the work pursued by the Project Manager for the Anaconda Mine site was required to follow CERCLA and the National Contingency Plan (NCP) regulations which implement CERCLA. Mr. Dixon's protected activities included disclosures of apparent non-compliance with the CERCLA NCP implementing regulations. The DOI Central Hazmat Fund, which was funded with CERCLA cost-recovery funds, funded the salary for Mr. Dixon, the Project Manager. A facility is under CERCLA's coverage if there is a release or threatened release of a hazardous substance at the facility. *See, e.g., United States v. Aceto Agriculture Chem. Corp.*, 872 F.2d 1373 (8th Cir. 1989). CERCLA requires releases of hazardous substances to be reported and authorizes remediation and cost recovery. 42 U.S.C. sec.s 9601, 9603, 9604, 9605, 9607.

Safe Drinking Water Act (SDWA) jurisdiction pursuant to 42 U.S.C. sec. 300j-9 is apparent because underground sources of drinking water have become contaminated because of the Anaconda site contamination and its mis-handling. This contamination and its mis-handling was, as explained above, the subject of some of Mr. Dixon's protected activities. The site has released highly concentrated, highly acidic leachate fluid on site and off site to the shallow ground-water system despite the construction of an inefficient pump back system of recovery wells at the north end of the Mine. Historical documents indicate that Anaconda knew as far back as 1976 that evaporation ponds contained significant levels of Uranium oxide. Groundwater samples collected in December 2003 from monitoring wells on the Mine site and from private wells down gradient of the Mine also indicated the presence of Uranium in groundwater at significantly elevated levels. Approximately 30 private wells within a 2.5 mile distance down gradient of the Mine site show Uranium at or above the drinking water standard of 30 ug/L, and these households have been placed on bottled drinking water by the State of Nevada. A water sample collected

by SRK in November 2003 from a monitoring well on the mine site contained 8,000 ug/L of Uranium.

Jurisdiction under the Energy Reorganization Act, 42 U.S.C. sec. 5851, is also present. In June 2004 the Mr. Dixon as BLM Project Manager hired a subcontractor to screen the Process Area and other parts of the Mine site for a potential radioactivity hazard. The subcontractor measured radioactivity in the field and confirmed through laboratory soil sample analysis that the Mine site indeed presents a radiological hazard to workers. Mr. Dixon requested that a proper updated health and safety plan (HASP) be developed that would adequately address the radiological hazard to workers at the site but such a plan was never prepared. The limited radiological screening by BLM Project Manager Dixon to support the HASP indicated the presence of Uranium, Radium, and Thorium in spot locations of shallow surface soils on the Mine site. Mr. Dixon reported that staff (and others) had been exposed to low levels of radioactivity at the Mine site.

CAA jurisdiction, pursuant to 42 U.S.C. § 7622, is present because the site has no air quality monitoring stations despite the presence of unstabilized tailings, waste rock material residing in open air, evaporation ponds that are subject to wind erosion and the creation of hazardous fugitive dust, and has no health and safety plan to address inhalation exposure for workers of radioactive contaminants, a danger that was the subject of some of Mr. Dixon's protected activities. To date the Anaconda Mine site still does not have an updated, comprehensive health and safety plan for all workers.

RCRA jurisdiction is also present because the releases of solid and hazardous wastes including toxic metals from the Yerington mine site represent an imminent and substantial endangerment of public health and the environment subject to a suit by EPA or citizens for injunctive relief under 42 U.S.C. sections 6972 and 6973. The standard for determining an "imminent and substantial endangerment" pursuant to RCRA is clearly and plainly stated in the language of the statute. RCRA provides the following standard in its citizen suit provision:

Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf --

(1) . . .

(B) against any person, including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution, and including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility, who has contributed or who is contribution to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment.

42 U.S.C. §6972(a)(1)(B) (emphasis added). RCRA's imminent hazard provisions do not put an unreasonable burden of proof on EPA or citizens to prove harm with certainty. Only threatened harm is required, not actual harm, in order to support a claim of imminent endangerment under RCRA, either 42 U.S.C. §6972(a)(1)(B) (citizen plaintiff) or 42 U.S.C. §6973 (government plaintiff). *Reserve Mining Company v. EPA*, 514 F.2d 492, 519 (8th Cir. 1975); *United States v. Vertac*, 489 F.Supp. 870, 880-81 (E.D. Ark. 1980); *United States v. Price*, 688 F.2d 204, 213 (3d

Cir. 1982); *United States v. Waste Industries, Inc.*, 734 F.2d 159, 166 (4th Cir. 1984). Congress in amending RCRA in 1984 recognized and affirmed the *Price* court's interpretation of the broad equitable powers provided by the Act. H.R.Rep. No. 98-198, 98th Cong., 2d Sess., at 48 (1984), reprinted in, 1984 U.S. Code Cong. & Ad. News 5576, 5607.

Jurisdiction under the RCRA employee protection provision is invoked based on imminent and substantial endangerment provisions that address not only actual releases of hazardous waste, but also the potential release of hazardous or solid waste that may pose a risk of harm; cradle to grave regulation of hazardous waste management; and the preventative purpose and intent of RCRA to minimize and prevent releases of hazardous waste altogether. Additionally, well-settled law provides that an employee does not have to be substantively correct in their disclosure or testimony/participation to be protected. Mr. Dixon's disclosures of concerns about the levels of contaminants being released and potentially being released from the site and the danger these releases posed to workers, the environment, and other members of the public invoke jurisdiction under the RCRA's employee protection provision. See 42 U.S.C. sec. 6971.

## **VII. Damages**

As a result of the adverse retaliatory actions of BLM against Mr. Dixon, Mr. Dixon has suffered substantial damages. These damages include back pay, emotional distress, and damage to his reputation and employment record. Mr. Dixon has lost his employment without any warning at a time of year and in a geographic location where jobs of this type are not easily found. Mr. Dixon just bought a house in June, 2004 and will have to scramble to maintain the mortgage payments to keep from losing the house. Mr. Dixon has lost his medical benefits and will have to pay full cost to have comprehensive medical coverage for his wife and himself. Mr. Dixon's retirement and investment program with the Federal government have been lost. Mr. Dixon is a veteran and was given credit as a former Federal employee for his three years of active military service in the U.S. Army. This termination has caused Mr. Dixon great emotional distress and embarrassment, and loss of a meaningful opportunity to perform an important public service in assisting BLM perform its mission and in helping protect the people living near the Yerington mine site and their environment. Mr. Dixon's reputation as an environmental scientist has been damaged by his termination, and future employers will be led to believe that he is a trouble-maker. All Mr. Dixon was trying to do was get the Anaconda Mine site into compliance with a number of environmental statutes.

Mr. Dixon seeks reinstatement or, in the alternative, front pay, as well as back pay, a clean employment record, a monetary award of \$50,000 for emotional distress, a monetary award of \$50,000 for damage to his reputation and career, and exemplary damages of \$1,000,000, and all other just and proper relief. The exemplary damages requested are justified in light of the employer BLM's blatant disregard of Mr. Dixon's rights, the fact that BLM's misconduct placed federal workers, contractor employees and the public at serious danger of harm to their health, as well as endangering the environment, and the substantial size and financial resources of the employer. Mr. Dixon also seeks attorney fees and costs, an order prohibiting future retaliation against him and employees who raise protected concerns, and an order requiring the prominent posting in the workplace of the findings and orders of the Department of Labor in this matter.

Respectfully submitted,

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