



MINING COMPANY WANTS RAILROAD TO HELP CLEAN LEAD CONTAMINATION

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Hundreds of miles of railroad lines in three Missouri counties will continue to spread lead contamination, making a \$70 million cleanup a waste of time and money, say lawyers for the mining company that footed the bill through a bankruptcy settlement.

Arizona-based American Smelting and Refining Co. agreed in 2009 to pay nearly \$1.8 billion to 19 states to settle pollution claims in the largest environmental bankruptcy case in U.S. history. More than \$234 million was allocated to Missouri, with roughly \$70 million of that going to cleanup efforts in St. Francois, Iron and Madison counties.

But in a letter to the U.S. Environmental Protection Agency, attorneys representing Asarco claim the millions spent in those three counties will be wasted unless the Union Pacific Railroad does its part to clean up contamination it created.

“Unless EPA’s remediation addresses this source of ongoing contamination, EPA will not achieve its goal of making these counties and communities safe,” the Sept. 21 letter states.

Asarco filed a federal lawsuit against Union Pacific and other companies last year seeking reimbursement for a portion of its costs. The suit does not seek a specific dollar amount.

The letter goes on to state that Union Pacific hauled lead and other ores throughout the three counties for more than 160 years in rail cars with open tops and hinged bottoms.

It also used mining waste as the foundation of the railroad, where crossties and ultimately the rails were laid, said Gregory Evans, an attorney who represents Asarco.

That waste ends up in streams and lakes by way of erosion and high water, and the metals release into the water and become part of the sediment, Evans said.

But Union Pacific says there is no evidence that it shares “a common liability” with Asarco, said Donna Kush, a company spokeswoman. She also said Asarco has initiated more than a dozen cases around the country regarding sites for which it settled claims with the government in its bankruptcy “on the questionable basis that it ‘overpaid’ for its liability at these sites.”

Also last month, Asarco sent a similar letter to the EPA stating that contaminated rail lines once operated by Union Pacific will continue to pollute the Coeur d’Alene River Basin in Idaho, and thus waste the \$635 million Asarco spent cleaning up the Silver Valley.

Lead is a neurotoxin that can interrupt normal brain development and has been linked to behavioral problems in children.

Contamination levels of 2,610 parts per million were found in a rail bed east of the Flat River in St. Francois County, more than twice the level the EPA typically says would require urgent remediation action in residential areas and six times as much as if children lived at the home. Evans said another level of 7,340 parts per million has been found as well.

St. Francois County Presiding Commissioner David Cramp said he has been pleased with how the Asarco money has been used, especially in yard remediations, but said contamination around rail lines was news to him.

“Lead contamination in St. Francois County has been an ongoing problem,” said Cramp, whose father was a lead miner for St. Joseph Lead Company, the predecessor to Doe Run. “And it’s distressing that there’s such a large concentration of parts per million along the rail line.”

The EPA is preparing a response to the letter, said Chris Whitley, an EPA spokesman in Kansas City.

“Certainly, it’s on the radar,” Whitley said of contamination spread by railroads. But he also said top priority for cleanup is given to residential homes and other places such as schools and day cares where children could be exposed and an ecological risk would be lower down the list.