**To:** R7 SUPR-SPEB[R7_SUPRSPEB@epa.gov]
**From:** Drake, Dave
**Sent:** Thur 3/21/2013 1:36:09 PM
**Subject:** FW: Associated Press - Asarco says UP rail lines polluting with lead

Mining waste in railway beds is becoming a big issue.

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**From:** Tapia, Cecilia
**Sent:** Thursday, March 21, 2013 8:24 AM
**To:** France-Isetts, Pauletta; Gunn, Gene; Drake, Dave
**Subject:** FW: Associated Press - Asarco says UP rail lines polluting with lead

**From:** Bryan, David
**Sent:** Thursday, March 21, 2013 7:43 AM
**To:** R7 Senior Staff

**Subject:** Associated Press - Asarco says UP rail lines polluting with lead

# Asarco says UP rail lines polluting with lead

14 hours ago • Associated Press

http://www.stltoday.com/business/asarco-says-up-rail-lines-polluting-with-lead/article_95506ea0-b482-5cf5-a546-e9f79837feab.html

OMAHA, Neb. • Asarco wants environmental regulators to examine whether Union Pacific contributed to lead pollution along railroad lines, including those in southeast Missouri, to make sure the $1.8 billion it has paid for cleanups is effective.

The Tucson, Ariz.-based Asarco is a lead and copper mining company that ran lead smelters, metal refineries and numerous mines. It recently started writing to state and federal regulators to urge more scrutiny of Union Pacific's rail lines because tests Asarco paid for show high lead levels in places.

Asarco lawyer Gregory Evans said the railroad used rock from lead mines in ballast for its rail lines and some ore fell out of trains in transit.

These new rail line concerns that extend beyond the lead contamination in Omaha to southeast Missouri and Idaho grew out of the multiyear legal fight over pollution between Union Pacific and Asarco.

It's not clear whether Asarco would be able to recover any of what it paid for cleanups from Union Pacific if regulators did find railroad contamination. Evans said regulators could order the railroad to pay for its own cleanup effort on top of what Asarco has done if they agree the rail lines are polluting.

"This waste threatens the remedy that Asarco has paid for in Omaha and other locations," Evans said.

Some of the rail lines Asarco is concerned about have been abandoned by Union Pacific and converted into trails by covering up the rail bed with asphalt, Evans said.

UP spokesman Tom Lange said Asarco is rehashing old allegations that the railroad believes lack merit. Asarco has been trying to get other companies to contribute to environmental cleanups it agreed to pay for ever since it emerged from bankruptcy in 2009.

"Union Pacific has responded in court and plans to vigorously defend against Asarco's allegations," Lange said.

Asarco's current litigation with Union Pacific focuses on the cleanups in Omaha, Idaho's Silver Valley near the Washington border and the Big River mine area in southeast Missouri. All those lawsuits are pending in federal court, although the Missouri case is further along after a judge rejected the railroad's attempt to have the lawsuit thrown out earlier this month.

"Union Pacific has yet to pay its fair share for the important cleanup work," Evans said.

Environmental Protection Agency spokesman David Bryan said the agency is planning to eventually look at whether rail lines in southeast Missouri are contributing to contamination, but generally regulators have not focused on railroad lines.

The EPA focuses its resources on contamination that presents the greatest threat to human health, so Bryan said railroad lines that mostly cross remote areas haven't been the priority.

EPA officials overseeing the cleanup in Idaho's Coeur d'Alene River Basin said after getting a letter from Evans last fall they're confident that Union Pacific's railroad lines are not polluting the valley.

The Coeur d'Alene River Basin is one of the nation's largest Superfund sites, with heavy metals poisoning land, streams, wildlife and humans. The wastes washed into waterways and moved downstream, some extending into the state of Washington. Asarco paid $482 million as part of a settlement with the EPA for that cleanup.

In the Omaha case, Asarco agreed to pay more than $200 million to help clean up lead contamination found on nearly 6,000 Omaha properties. Asarco ran a lead smelter on the banks of the Missouri River for more than a century before it closed in 1997. EPA officials have said they believe Asarco was the main source of lead contamination.

Union Pacific agreed last year to pay $25 million in a settlement with the EPA to help deal with risks associated with lead paint in Omaha.

Asarco contributed more than $37 million toward the cleanup of three sites in southeast Missouri: Big River Mine Tailings/St. Joe Minerals Corp., Federal Mine Tailings and Madison County Mines.