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September 21, 2012

Mr. Jason Gunter
Project Manager
U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, Kansas 66101

Re: *Southeast Missouri Mining District*

Dear Mr. Gunter:

We write on behalf of Asarco LLC regarding the Southeast Missouri Mining District ("SEMO Sites"). As you know, pursuant to a comprehensive settlement with EPA that was judicially approved upon confirmation of its Plan of Reorganization, Asarco voluntarily contributed more than $70 million to fund remediation of metals contamination throughout the SEMO Sites. Thus, Asarco is a significant stakeholder committed to seeing that its voluntary settlement is used to effectively and appropriately address contamination, including continuing pollution in the counties caused by other companies that have not contributed to cleanup efforts. Asarco has therefore monitored the status of remediation within the SEMO Sites, including within St. Francois, Madison, and Iron Counties.

Through our client's independent efforts, we have discovered a serious lead contamination source within these counties that does not appear to have been taken into account by EPA as the agency has developed and implemented its cleanup objectives. As best we can determine, EPA's current plans fail to address the substantial, on-going contamination from abandoned rail lines of the Union Pacific Railroad Company ("Union Pacific"). Unless EPA's remediation addresses this source of ongoing contamination, EPA will not achieve its goal of making these counties and communities safe.

I. Union Pacific Railroad in St. Francois, Madison, and Iron Counties

For over 160 years, Union Pacific hauled lead and other ores and concentrates (*i.e.*, milled ores) throughout the SEMO Sites, including within Madison, St. Francois, and Iron Counties. Historically, the rail cars that carried ore concentrates in the region had open tops and hinged bottoms. Importantly, Union Pacific's contamination includes its historic construction of rail beds with mining waste – rail beds that have never been remediated, and that remain as embedded trails of mining waste that permeate the counties and their waterways. Thus, addressing metals contamination in the counties necessitates adequately addressing Union Pacific-caused contamination along its historic and active rights-of-way.

II. Recent Data on Union Pacific Lead Contamination in St. Francois, Iron, and Madison Counties

As a stakeholder invested in seeing that its funding be used effectively to remedy the counties, Asarco has obtained recent lab results of samples taken from Union Pacific's abandoned rail beds within the counties. These results evidence a clear need to abate on-going contamination along these rail beds, particularly the extensive abandoned and contaminated railroads that border waterways. Please find enclosed a summary of these results and a map identifying for you the locations from which the data was collected. Among the contamination identified are the following examples of dangerously-high lead contamination in rail bedding materials at the surface. For example:

(1) 1,930 ppm in rail bed at the rail crossing at City Lake north of Fredricktown in Madison County;

(2) 992 ppm in an abandoned rail bed between Farmington and Fredricktown; and

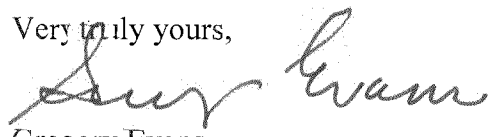
(3) 2,610 ppm in a rail bed east of Flat River in St. Francois County.

Furthermore, the lead concentrations increase to 3,340 ppm and 7,340 ppm at 6 inches below the surface at the sample location east of Flat River in St. Francois County. As you know, the Consensus-Based Sediment Quality Guidelines for Freshwater Ecosystems (MacDonald) threshold applicable to this area is 120 parts per million. Obviously, the Union Pacific rail lines are extremely contaminated and contribute to the pollution in the SEMO Sites in very significant ways. Furthermore, these samples are believed to be representative of the overall pollution levels along all of the Union Pacific abandoned railroad in the SEMO Sites.

Without direct action addressing Union Pacific's rail line contamination, we are justifiably concerned that EPA will spend large sums of the Asarco settlement money cleaning up areas that will simply be recontaminated by these abandoned and active lines during heavy storms and floods. We urge EPA to examine this serious condition, to report publicly its findings, and to incorporate a strategy to immediately control and remove abandoned and active railroad contamination as a part of EPA's remedial plan for the SEMO Sites.

Thank you for your attention to this matter. We look forward to your prompt response.

Very truly yours,



Gregory Evans

Enclosures

SUMMARY

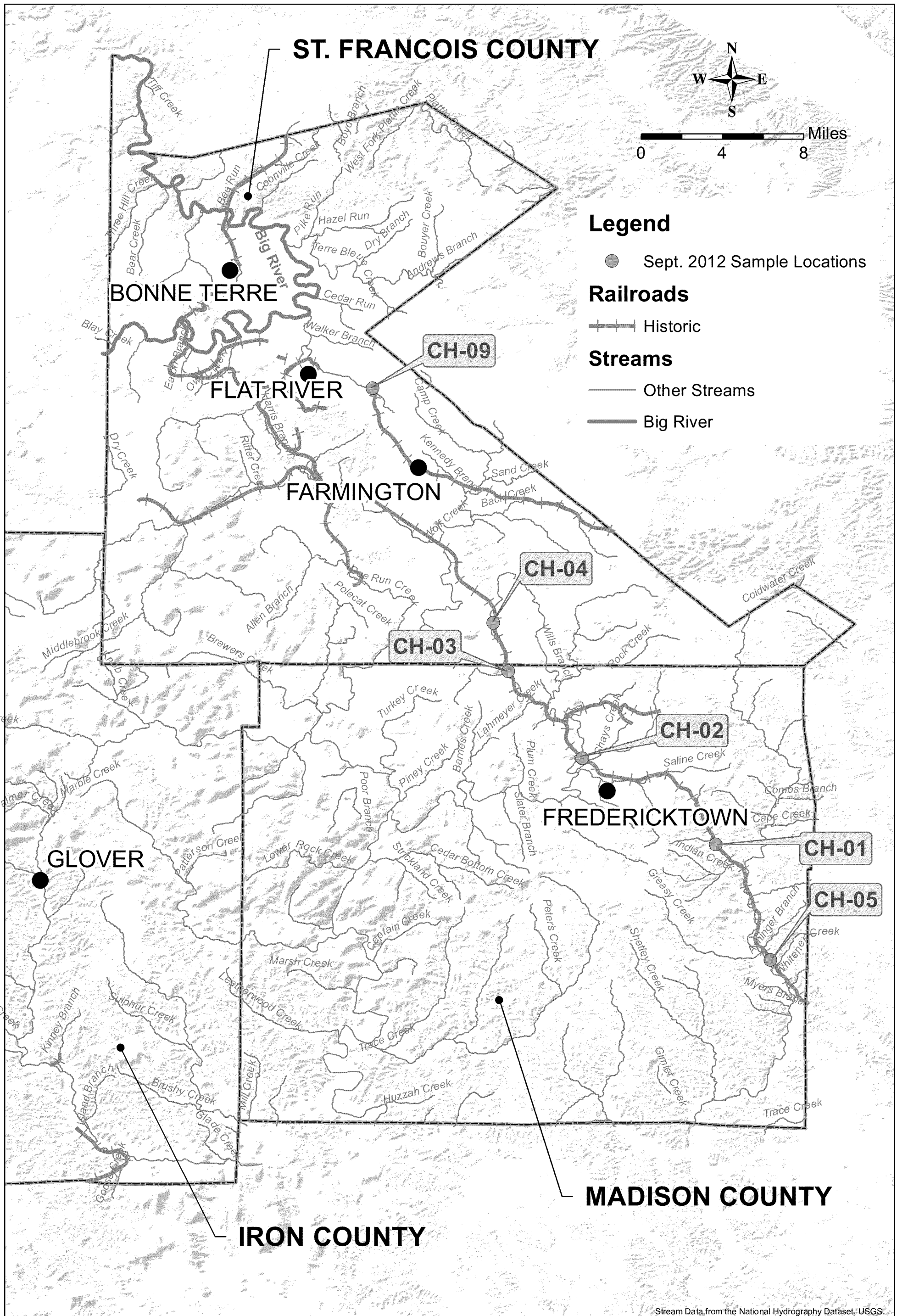
Table 1
Rail Line Ballast Sampling Analytical Results
Southeast Missouri Lead Mining District
September 13-14, 2012

Sample Number		Depth (feet)	County	Sample Date	Lead (mg/kg)
CH-01	(0.0) - 091312	0	Madison	13-Sep-12	497
	(0.5) - 091312	0.5			154
	(1.0) - 091312	1			96.4
CH-02	(0.0) - 091312	0	Madison	13-Sep-12	1,930
	(0.5) - 091312	0.5			1,840
	(1.0) - 091312	1			306
CH-03	(0.0) - 091312	0	Madison	13-Sep-12	539
	(0.5) - 091312	0.5			41.1
	(1.0) - 091312	1			136
CH-04	(0.0) - 091312	0	St. Francois	13-Sep-12	461
	(0.5) - 091312	0.5			413
	(1.0) - 091312	1			992
CH-05	(0.0) - 091412	0	Madison	14-Sep-12	24.1
	(0.5) - 091412	0.5			66.4
	(0.5) - 091412 - Dup	0.5			69.2
	(1.0) - 091412	1			70.6
CH-09	(0.0) - 091412	0	St. Francois	14-Sep-12	2610
	(0.5) - 091412	0.5			7430
	(1.0) - 091412	1			3400
	(1.0) - 091412 - Dup	1			4000
Consensus Based PEC, MacDonald, et al. 2000					128

All Samples	
No. of Samples	20
Average	1254
Geometric Mean	396.9

No. of Samples Exceeding PEC	**14**
Percentage of Samples Exceeding PEC	**48%**

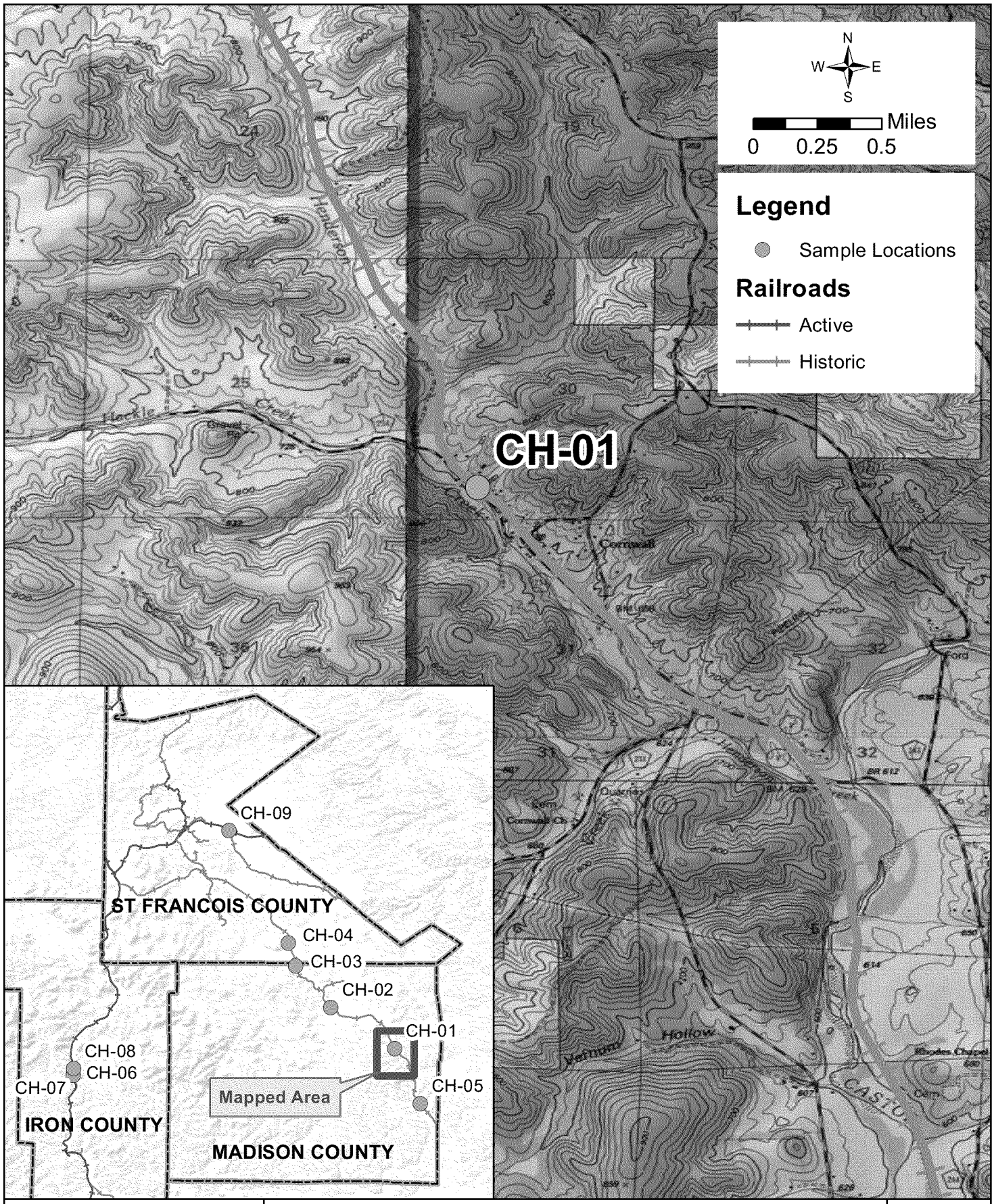
MAPS



RAIL LINES AND STREAMS IN ST. FRANCOIS, MADISON, AND IRON COUNTIES

St. Francois, Madison, and Iron Counties, Missouri

Figure 1

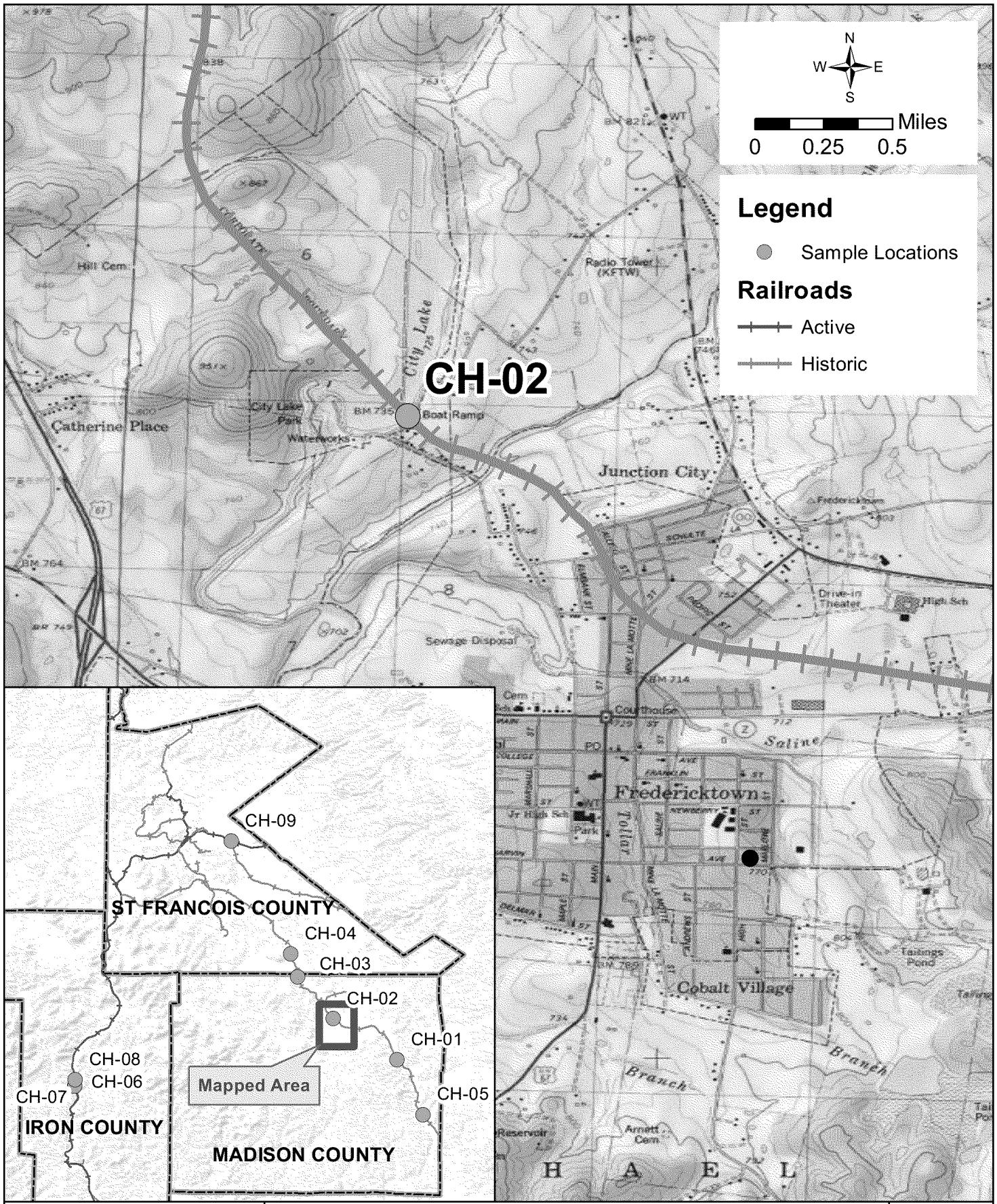


RAIL LINE BALLAST SAMPLE LOCATION CH-01, SEPTEMBER 2012

Madison County, Missouri

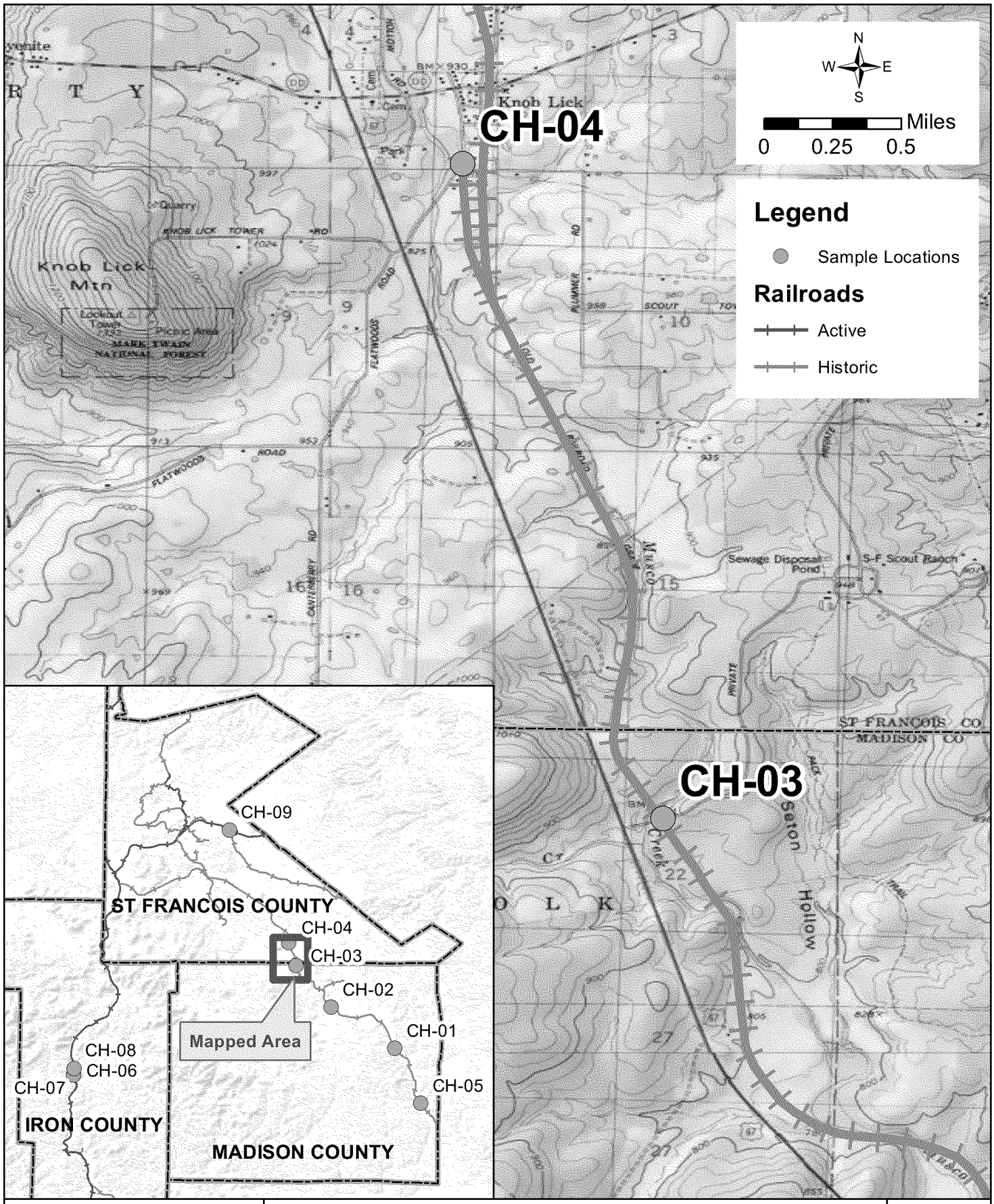
Figure

2



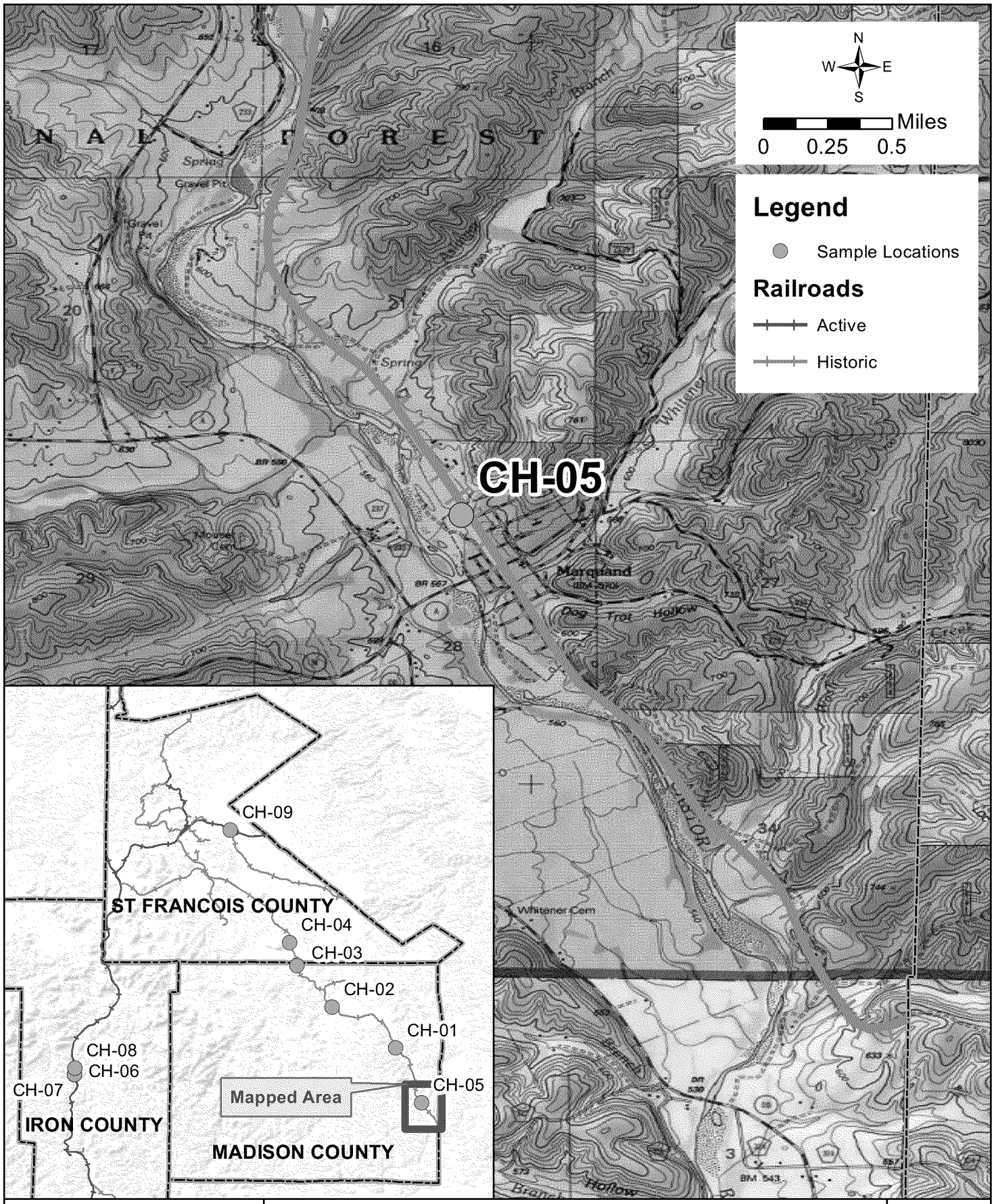
RAIL LINE BALLAST SAMPLE LOCATION CH-02, FREDERICKTOWN
SEPTEMBER 2012
Madison County, Missouri

Figure
3



RAIL LINE BALLAST SAMPLE LOCATIONS
CH-03, AND CH-04, SEPTEMBER 2012
Madison and St. Francois Counties, Missouri

Figure
4



RAIL LINE BALLAST SAMPLE LOCATION CH-05, SEPTEMBER 2012

Madison County, Missouri

Figure

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