

By Josh Funk December 02, 2014

Mining company urges look at rail line pollution

OMAHA, Neb. (AP) — A lead and copper mining company is appealing to federal regulators in its dispute with Union Pacific over lead pollution along railroad lines, wanting to make sure the \$1.8 billion it paid for cleanups is effective.

The Tucson, Arizona-based Asarco said Monday it filed a petition with the Surface Transportation Board seeking to reevaluate a 2001 decision that allowed Union Pacific to abandon certain rail lines in southeast Missouri.

Asarco and Union Pacific are engaged in lawsuits related to lead contamination concerns in southeast Missouri; Omaha, Nebraska; and Idaho's Coeur d'Alene River Basin.

Asarco lawyer Gregory Evans said the lawsuits are progressing slowly, so he filed the petition with the federal Surface Transportation Board in the hopes of learning more information about the abandoned rail lines. He says the railroad used rock from lead mines in ballast for its rail lines and that some ore fell out of trains. Tests Asarco paid for show high lead levels in places near the tracks, Evans said.

"We want Union Pacific to accept responsibility for the environmental impact of its abandonment procedures," Evans said. Evans said Asarco is concerned that the lead along rail lines could threaten the cleanups the mining company already paid for. If regulators agree the rail lines are polluting, Union Pacific could be ordered to pay for additional cleanup on top of what Asarco already paid.

Union Pacific officials have fought Asarco's previous pollution allegations, and spokesman Aaron Hunt said the railroad is still analyzing the petition and will defend itself vigorously against Asarco's "spurious claims."

Asarco, now owned by Grupo Mexico, ran lead smelters, metal refineries and numerous mines. It has been trying to get other companies to contribute to environmental cleanups it agreed to pay for ever since emerging from bankruptcy in 2009.

Previously, Evans had asked the Environmental Protection Agency to look at whether Union Pacific lines were contributing to lead contamination. EPA officials said last year that they're interested in the subject, but that it wasn't a high priority because the rail lines involved are in remote areas so they don't represent a significant threat to human life. It's not clear whether Asarco will be able to eventually collect from Union Pacific, but if it prevails in the lawsuits, the totals could be significant.

Asarco paid \$482 million for the cleanup in the Coeur d'Alene River Basin, which was one of the nation's largest Superfund sites. In southeast Missouri, Asarco paid \$79.5 million toward the cleanup of three sites: Big River Mine Tailings/St. Joe Minerals Corp., Federal Mine Tailings and Madison County Mines. And in Omaha, Asarco paid more than \$200 million to help clean up lead contamination found on nearly 6,000 Omaha properties. Union Pacific agreed in 2012 to pay \$25 million in a settlement with the EPA to help deal with risks associated with lead paint in Omaha.