

# Bloomberg

By Laurel Brubaker Calkins - June 19, 2012

## Asarco Seeks Pollution Accord Reversal, Cites Probe

[Grupo Mexico SAB \(GMEXICOB\)](#)'s Asarco unit asked a U.S. judge to throw out the \$219.5 million settlement of its Omaha, Nebraska, lead-contamination case, claiming the true source of the pollution was concealed by a U.S. Environmental Protection Agency official who is under criminal investigation.

Asarco, which filed the largest environmental bankruptcy case in U.S. history to resolve pollution at about 100 sites nationwide, was misled into paying a "grossly inflated" settlement amount to resolve an EPA claim that a company smelter contaminated the Omaha site, Asarco attorneys said today in a filing in federal [bankruptcy court](#) in [Corpus Christi, Texas](#).

For the past year, Asarco has accused Robert Feild, the EPA's Omaha lead project coordinator, with leading an evidence-destruction campaign that hid an agency study indicating the Nebraska property was probably contaminated by lead paint peeling from old houses rather than Asarco smelter emissions.

Asarco recently learned "that a criminal investigation is being conducted by the U.S. Attorney's Office and the EPA Office of Inspector General relating to potential obstruction of justice by Feild regarding Omaha Lead Site-related litigation," according to the filing.

### Asarco 'Confident'

[Gregory Evans](#), Asarco's lead lawyer, said the company was motivated to seek withdraw of its settlement over the Omaha pollution claims when it learned of the criminal probe.

"We are confident the court will order EPA to return some or all of the \$219.5 million Asarco paid when it sees and hears all of the evidence of EPA's data manipulation, document withholding and document destruction," Evans said in an e-mailed statement.

Feild didn't immediately reply to a voice-mail message seeking comment on the filing.

Eileen McMahon of the EPA inspector general's office said she has read about the accusations concerning the Nebraska official and under agency policy couldn't confirm or deny the existence of such a probe.

Wyn Hornbuckle, a Justice Department spokesman, declined to comment on the filing in an e-mail.

The case is *In re Asarco LLC*, 05-21207, [U.S. Bankruptcy Court](#), Southern District of Texas (Corpus Christi).

To contact the reporter on this story: Laurel Brubaker Calkins in Houston at [laurel@calkins.us.com](mailto:laurel@calkins.us.com).

To contact the editor responsible for this story: Michael Hytha at [mhytha@bloomberg.net](mailto:mhytha@bloomberg.net).