



## Ruston sues Asarco

### Claims pollution eroded tax base

By Sandi Doughton  
The News Tribune

Ruston, long Asarco's biggest booster, is suing the company, claiming toxic pollution from its copper smelter has devastated the tiny community's tax base.

Nearly 100 years of heavy-metal fallout and slag dumping from the smelter have caused public and private property values in Ruston to drop, says the lawsuit filed April 27 in U.S. District Court in Tacoma.

As result, tax revenues have plummeted, and the town is demanding Asarco make up the deficit.

"There has been a substantial loss of revenue," Town Councilman Phil Parker said. "We're still supportive of Asarco. All we're asking is that we receive a little fair tax revenue from them."

The lawsuit accuses the New Jersey-based Asarco of negligence for contaminating the area for so long while the company profited by keeping its pollution-control costs low.

Asarco site manager Tom Aldrich said the company is involved in a lengthy and expensive cleanup of the contaminated property.

"We think the suit just appears to be another attempt to exploit the situation for which remedies are being planned by the appropriate government agencies," Aldrich said.

The suit doesn't specify the amount of damages Ruston is seeking.

"There is no hard figure right now," Parker said.

But the suit does point out that before the smelter property was added to the national Superfund list of toxic hot spots, Asarco paid Ruston \$50,000 a year in property taxes. Now, the company pays nothing because the contaminated property is assessed as having no value.

"When they stopped paying property tax, it put the town in a bind," Parker said. "We didn't go bankrupt, but we've been frugal and we had to charge our citizens more for services than we would have had to."

The town has an annual budget of about \$1.7 million, with property tax revenues of \$52,000 projected

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for 1993, Parker said. The decision to turn against a company that was the community's economic mainstay — and the reason for its existence — was difficult for the town council to make, Parker said.

Many of the historic smelter-town's 700 residents remain loyal to Asarco and have been critical of the expensive Superfund cleanup

under way in the area.

"There was a debate, no doubt about it," Parker said. "It kind of boiled down to what is in the best interests of the community."

The council also was influenced by another lawsuit, filed in March by 24 Ruston and North Tacoma residents on behalf of up to 4,000 area property owners whose yards are contaminated with arsenic, lead and other toxic metals that spewed from the smelter until it closed in 1986.

In that suit, residents are seeking millions from the international

metals company for pollution they argue has decreased their property values and threatened their health.

In a similar class action over contamination from Asarco's cadmium smelter in Globeville, Colo., residents there recently were awarded \$28 million.

"I think the cases are very similar," said Seattle attorney Thomas Burt, who represents the Ruston residents. "The implications simply are that Asarco has exposure to substantial liability here for the same reasons that it was found to be liable in Globeville."

The U.S. Environmental Protection Agency is orchestrating the Superfund cleanup of the smelter and surrounding residential areas.

By the end of the month, the agency will present its final plan for cleaning up more than 500 private yards with dangerously high levels of arsenic and lead, EPA project manager Mary Kay Voytilla said. A draft cleanup plan for the smelter property is expected in June.

But even if the property is cleaned up, that doesn't compensate the town or its residents for

past damages and property value losses, Parker said.

Also, Asarco wants to bury much of the contaminated soil and other toxic debris from the cleanup in a landfill on the waterfront smelter site that straddles the border between Ruston and Tacoma.

Both municipalities strongly oppose a hazardous-waste dump on Asarco's property.

If such a dump were allowed, local property values would plummet even more, and the town still would get no tax revenue from the smelter property, the suit says.