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Environment Department Orders Helena Chemical to Pay \$233,000 in Fines, Immediately Limit Hours of Operation at Mesquite Facility

(Santa Fe, NM) – The New Mexico Environment Department (NMED) today issued a Compliance Order to Helena Chemical Company’s fertilizer plant in Mesquite, New Mexico. This order assesses a civil penalty of \$233,777 to Helena for lack of compliance with New Mexico’s air quality laws and regulations. It also requires Helena to immediately limit its operations to no more than six days a week, Monday through Saturday, begin to pave or place surfactants on the haul road to the north facility, and submit a complete air quality permit application to NMED within 14 days.

“This order ups the ante for Helena,” said NMED Deputy Secretary Derrith Watchman-Moore. “Since our first inspection of this Helena facility a year and a half ago, we have consistently and patiently made every attempt to work with them and get them into compliance. Our patience is now at an end. This order is a clear message to Helena to immediately comply with New Mexico’s environmental laws and become a good neighbor to the people of Mesquite.”

Helena has violated the New Mexico Air Quality Act by operating its fertilizer plant without a permit. An air quality permit will include conditions to limit emissions from the plant. NMED issued a Notice of Violation to Helena on November 14, 2004 for operating without an air quality permit. To date, the Department has not yet received a complete air permit application from Helena.

Helena’s most recent application excluded air-modeling information for the plant’s north facility. NMED is awaiting this additional modeling information before it can deem Helena’s air permit application complete.

“The north truck facility has been the source of citizen complaints for several years,” said Deputy Secretary Watchman-Moore. “By excluding this facility from their air modeling, Helena disregarded our regulatory process and the concerns of the community.”

Helena Chemical is based in Collierville, Tennessee and has owned the facility in Mesquite since 1989. The facility is used as a retail agricultural chemical distribution center for local farmers. Chemicals stored and blended at the plant include sulfur, ammonium sulfate, urea, paraffin wax, mono-ammonium phosphate, calcium phosphate, iron sulfate, aluminum sulfate, magnesium

sulfate, iron silicate, aluminum silicate, magnesium silicate, potassium chloride, iron hydroxide sulfate, potassium magnesium sulfate, sodium chloride, gypsum, potassium sulfate, zinc sulfate monohydrate, manganese sulfate, kaolin clay, prodiamine, diothypr, naphtha (solvent), pendimethalin, ethylene dichloride (1,2-dichloroethane), bifenthrin, dipropylene glycol, and imalclopid.

Helena has 30 days to request a hearing in this matter. A settlement conference may also be requested with any settlement reached being set forth in a stipulated final order between the parties. All penalties paid will go the State of New Mexico General Fund where they will be available for environmental clean ups.

Environmental concerns at the Helena plant were first brought to NMED's attention by complaints from the public as well as by Senator Cynthia Nava, Representative Joseph Cervantes and County Commissioner Oscar Butler.

For additional information, please contact Jon Goldstein, NMED Communications Director at (505) 827-0314.

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