



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Office of the Secretary
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502-6110
Telephone (505) 827-2855
Fax (505) 827-2836



RON CURRY
SECRETARY

May 19, 2006
Immediate Release

Contact: Adam Rankin, NMED Communications Director
Phone: (505) 827-0314

Environment Department Requests Information from Phelps Dodge and Camino Real Landfill on Improper Disposal of Hazardous Wastes

(Santa Fe, NM) — The New Mexico Environment Department (NMED) is requesting information from both the Camino Real Environmental Center landfill in Sunland Park and the Phelps Dodge Mining Corp.'s El Paso refinery regarding the unlawful disposal of hazardous waste at the Camino Real landfill.

Phelps Dodge's El Paso refinery submitted on April 18 a voluntary disclosure of hazardous waste violations to the Texas Commission on Environmental Quality (TCEQ). TCEQ's investigation determined that hazardous wastes from Phelps Dodge were improperly disposed of at the Camino Real landfill on numerous occasions since about 2002.

NMED is asking Phelps Dodge, as the waste generator, and Camino Real, as the waste acceptor, to provide any and all information relating to the disposal of hazardous wastes at Camino Real, which is not authorized to dispose of hazardous wastes.

According to the TCEQ investigation report Phelps Dodge "allowed and/or permitted hazardous waste to be disposed at an unauthorized facility for a period of at least three years due to a failure to properly classify waste streams."

NMED learned of Phelps Dodge's disclosure to TCEQ after their disclosure to the U.S. Environmental Protection Agency (EPA) Region VI of hazardous waste and Clean Water Act violations related to its New Mexico mining operations. NMED has also requested that Phelps Dodge provide additional information regarding those violations.

"I was concerned that Phelps Dodge did not immediately notify NMED when it self-reported to EPA issues related to its handling of hazardous wastes in New Mexico. I am equally troubled that Phelps Dodge Mining Corp.'s El Paso refinery failed to provide NMED with the disclosure letter it sent to the Texas Commission on Environmental Quality," NMED Secretary Ron Curry said.

"We regulate landfills and Phelps Dodge should have notified us concurrently and in writing," Secretary Curry said. "Depending on what our inquiries turn up, we may determine that it is necessary to remove and properly dispose of the wastes from Camino Real landfill. No one gets a free pass just for self-reporting violations."

May 18, 2006

Environment Department Requests Information from Phelps Dodge and Camino Real Landfill

Wastes disposed of by Phelps Dodge at Camino Real include wastes classified as hazardous due to their ignitability or toxicity, including: Crucibles, crupels and slag with concentrations of lead that exceed hazardous waste limits; used gasoline filters that are hazardous due to their ignitability and benzene content; and refinery casting furnace insulation waste containing hazardous waste concentrations of arsenic and selenium.

NMED may issue a compliance order that assesses a civil penalty for any violation of the Solid Waste Act or the Solid Waste Management Regulations in an amount up to \$5,000 per day for non-compliance of each violation. NMED intends to pursue each violation with appropriate enforcement action.

NMED conducted an unannounced inspection of Camino Real landfill in August 2004, inspecting each truckload of waste entering the facility following an anonymous tip of illegal disposal. Teams of inspectors onsite included specialists in solid waste, hazardous waste, air quality and occupational safety and health. Inspections uncovered six loads containing unauthorized waste, including hypodermic needles and other infectious wastes.

“I understand Camino Real is taking this situation very seriously and has stopped accepting waste from the Phelps Dodge facility in El Paso,” Secretary Curry. “I am pleased they understand the seriousness of the situation and have responded accordingly and trust both parties will provide the information requested.”

For more information, contact Adam Rankin, NMED Communications Director, at (505) 827-0314.

###