

February 12, 2008

Governor Rick Perry  
P.O. Box 12428  
Austin, Texas 78711

Re: Renewal of the ASARCO, Inc.'s Air Quality Permit

Dear Governor Perry:

In light of the upcoming Texas Commission on Environmental Quality (TCEQ) Commissioners' hearing on the renewal of Asarco's El Paso smelter air quality permit, I am once again voicing the State of New Mexico's opposition to the proposed reinstatement of the permit. I do not believe TCEQ has adequately addressed our serious concerns regarding the environmental harm and public health impacts that may occur if the Asarco El Paso plant resumes operations. With a shared airshed between Texas and New Mexico that has historically had severe air pollution and soil contamination problems, I am deeply troubled by the prospect of additional air pollution impacts from the Asarco facility for the citizens of New Mexico, Texas and Mexico that reside in this area.

The New Mexico Environment Department (NMED) reviewed and provided comments on the draft Asarco permit on June 24, 2005 and the Executive Director's report issued by TCEQ on June 15 and October 2, 2007. NMED's reviews have found that there are numerous and serious deficiencies in the permitting process that need to be addressed by TCEQ. In response to our comments and those of numerous other concerned parties, the TCEQ Executive Director failed to change any aspect of his report or even adequately respond to the issues that were raised. The lack of responsiveness to comments on the part of the Executive Director is disconcerting and raises further concern about how TCEQ might enforce conditions of any permit issued to Asarco and the possible environmental and public health impacts that might result from lax enforcement processes.

I urge you to use all powers and authorities available to you to ensure that the TCEQ gives thorough and meaningful consideration to all issues raised by New Mexico and other parties opposing permit renewal. Re-activation of the Asarco smelter could threaten public health and the environment in New Mexico over the long term and would interfere with our efforts to achieve cleaner air quality for all citizens that live in the Paso del Norte airshed. I have instructed Ron Curry, Secretary of the New Mexico Environment Department, to attend the TCEQ Commissioners' Hearing and have enclosed a copy of his statement for your review.

Sincerely,

Bill Richardson

cc: Ron Curry, Secretary, New Mexico Environment Department