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**Environment Secretary Urges State of Texas to Take Harder Look at  
Asarco Smelter Permit in Light of New EPA Lead Standard**  
*Modeling for Facility Indicates It Would Violate Standard by 33 Percent*

(Santa Fe, NM) – New Mexico Environment Department Secretary Ron Curry urged the Texas Commission on Environmental Quality to review its permit for the Asarco Smelter in El Paso in light of new federal standards for lead.

Secretary Curry wrote a letter to TCEQ Executive Director Mark Vickery this month asking him to take appropriate measures to ensure the facility complies with the U.S. Environmental Protection Agency's revised National Ambient Air Quality Standard for lead. That standard went into effect in October.

“Lead pollution can prevent individuals from reaching their full human potential and cause destructive behavior with additional impacts that ripple through society,” Secretary Curry said. “NMED is determined to protect New Mexicans and surrounding regions from this needless tragedy and will continue to explore every means to do so.”

The facility – if it were to reopen -- would exceed the new lead standard by 33 percent. “TCEQ has the authority and responsibility to ensure that the new lead standard will not be violated,” Secretary Curry added. “I urge TCEQ to take an assertive stance on this issue, in order to prevent any additional harm to our respective communities.”

The facility lies immediately adjacent to the community of Sunland Park, N.M. The EPA strengthened the lead standard by a factor of 10, from 1.5  $\mu\text{g}/\text{m}^3$  to 0.15  $\mu\text{g}/\text{m}^3$ . In explaining this revision, the EPA explains that scientific evidence about lead and health has expanded dramatically since EPA issued the initial standard of 1.5  $\mu\text{g}/\text{m}^3$  in 1978. In light of this revised standard, NMED is concerned that the air quality dispersion modeling for the facility conducted in the course of the Asarco permit renewal

application predicts a maximum impact of  $0.20 \mu\text{g}/\text{m}^3$  – exceeding the new standard by 33 percent.

More than 6,000 new studies on lead health effects, environmental effects and lead in the air have been published since 1990. Evidence from health studies shows that adverse effects occur at much lower levels of lead in blood than previously thought, according to EPA. The effects of lead pollution lead to detrimental health effects.

Children are particularly vulnerable because lead affects the development of the nervous system including the brain. Effects of lead poisoning in children can lead to loss of IQ, poor academic achievement, permanent learning disabilities and delinquent behavior, according to EPA. The effects can generally persist into early adulthood and can affect lifetime education and achievement.

TCEQ's rules provide for the re-evaluation of the permit. "If the commission determines it necessary to avoid a condition of air pollution . . . the applicant may be required to submit additional information regarding the emissions from the facility and their impacts on the surrounding area," according to the commission's rules.

The permit issued to the facility on March 27, 2008 also provides a condition that emissions from the facility must not cause or contribute to a condition of air pollution codified in the Texas Health and Safety Code. If the executive director determines that such a violation occurs, the facility is required to implement additional abatement measures to control or prevent the condition.

NMED expressed opposition to the proposed re-start of the Asarco Smelter on numerous occasions in the past few years. The department opposed TCEQ's failure to properly consider the applicability of requirements under the Prevention of Significant Deterioration provisions of the Clean Air Act; TCEQ's refusal to accept the decision of Texas Administrative Law Judges that Asarco's poor compliance history did not warrant permit renewal, and numerous other shortcomings in the permitting process. The department must fight to prevent further adverse impacts in the Sunland Park community, which has already suffered from extensive and well documented deposition of lead and other heavy metals from the Asarco smelter. TCEQ has not satisfactorily addressed NMED's concerns.

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