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**Environment Secretary Requests Assistance from EPA regarding Deficiencies in  
Permitting Process for Asarco Copper Smelter**

(Santa Fe, NM) – New Mexico Environment Department – Secretary Ron Curry sent a letter to U.S. Environmental Protection Agency Region 6 Administrator Richard Greene requesting assistance with deficiencies in the permitting process for the Asarco Inc. Copper Smelter in El Paso.

“The New Mexico Environment Department has repeatedly voiced serious concerns about the permit renewal for Asarco for several years, which the Texas Commission on Environmental Quality failed to address,” Secretary Curry states in his letter. “TCEQ essentially ignored extensive and detailed comments and pleadings by the City of El Paso, numerous citizens’ comments and even the decision of Administrative Law Judges with Texas’ State Office of Administrative Hearings. With a shared airshed between Texas and New Mexico that has historical problems with air pollution and soil contamination issues, the Asarco permit renewal by TCEQ has interstate implications that justify the use of EPA’s oversight authority.”

Secretary Curry and members of his staff met with Administrator Greene and part of his staff in Dallas, Texas last week to discuss Asarco and other issues of mutual concern.

The letter also urges EPA Region 6 “to use all available authority under the Clean Air Act to either assist in the revocation of Asarco’s air quality permit or to ensure that TCEQ gives proper consideration to all state and federal requirements” for the permit (the letter is attached). The letter also mentions that because the plant will restart after an extended shutdown, under federal law and policy the facility should be treated as though it were new and be subject to review to determine state of the art control requirements.

TCEQ recently approved the air quality permit for Asarco. The department joined the City of El Paso in March to petition TCEQ to revoke the company’s permit because of numerous concerns.

The Asarco plant is less than a mile from New Mexico’s border. New Mexico has voiced technical concerns about the permit renewal for Asarco for the last three years. Monitoring in the Paso del Norte airshed detected elevated levels of ozone and particulate matter. Along with air pollution issues, southern Doña Ana County and Sunland Park, New Mexico have soils contaminated with lead due, in part, to the Asarco El Paso plant.

The plant closed in 1999 after the price of copper fell in the 1990s. Air emissions from the smelter during the plant's operation created arsenic and lead soil contamination around the El Paso facility. That contamination posed public health concerns in Sunland Park and other New Mexico communities. Those communities today face other air quality concerns, including elevated levels of airborne particulate matter and ground level ozone pollution.

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