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For Immediate Release

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## **Governor Richardson Petitions Texas Governor Rick Perry to Deny Permit for El Paso Smelter**

*Environment Secretary to Testify at Texas Commission on Environmental Quality Hearing Tomorrow*

SANTA FE – Governor Bill Richardson sent a letter to Texas Governor Rick Perry today expressing New Mexico’s continued opposition to the potential renewal of the Asarco Inc. copper smelter air permit. A hearing on the permit is scheduled for Wednesday, February 13 in Austin, Texas.

The Texas Commission on Environmental Quality will decide whether to grant the five-year permit, which would allow the reopening of the smelter located in El Paso, Texas. Governor Richardson directed New Mexico Environment Department Secretary Ron Curry to attend the hearing on Wednesday in Texas to voice New Mexico’s opposition to the granting of the permit.

“This smelter has a sad history of fouling the air and potentially harming the health of citizens in Southern New Mexico,” Governor Bill Richardson said. “I do not believe the Texas Commission on Environmental Quality has adequately addressed our concerns regarding the environmental harm and public health impacts that may occur if the Asarco El Paso plant is allowed to resume operations. I am deeply troubled by the prospect of additional air pollution impacts for citizens of New Mexico, Texas and Mexico who live in this area that has historically had severe air pollution and soil contamination problems.”

“The Texas Commission on Environmental Quality should reject this air permit to protect its citizens as well as those in nearby states and regions,” Secretary Curry said. “New Mexico and Mexico share the Paso del Norte airshed with Texas and neither should be forced to bear a significant increase in air pollution from Texas.”

Governor Richardson points out in his letter the failure of the Texas Commission on Environmental Quality Executive Director Glenn Shankle to modify his report concerning the permit despite comments from New Mexico and other parties on the detrimental effects the smelter could have on nearby states and regions.

The New Mexico Environment Department submitted a review of the draft Asarco permit on June 24, 2005. The department also submitted a review of the Executive Director’s report the Texas Commission on Environmental Quality issued on June 15 and October 2, 2007. Those reviews found a number of serious deficiencies in the permitting process for Asarco that must be addressed.

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 has shown 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 Paso del Norte airshed includes the government of Doña Ana County, the State of New Mexico, El Paso, the Texas Commission on Environmental Quality, Ciudad Juarez and the State of Chihuahua, Mexico.

The plant closed in 1999 after the price of copper had fallen throughout 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.

Asarco operates another copper smelter in Hayden, Arizona.

*The full text of the letter is attached.*

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