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**Environment Department Rejects Asarco Smelter's Analysis that Air
Quality Requirements Do Not Apply for its Permit for El Paso Facility**
Department Continues to Oppose Reopening of Smelter

(Santa Fe, NM) - New Mexico Environment Department Secretary Ron Curry sent a letter to the U.S. Environmental Protection Agency rebutting arguments Asarco made to EPA about whether certain air quality requirements are necessary at the copper smelter in El Paso.

The Environment Department disagrees with a recent assertion by Asarco stating the company should be exempt from Prevention of Significant Deterioration requirements because the company has expressed it has always intended to reopen the facility.

“The reopening of this facility would create adverse impacts for New Mexicans and those in the surrounding region,” said New Mexico Environment Department Secretary Ron Curry. “A recent progress report from Asarco to TCEQ indicates the company is a long way from being able to restart the facility because equipment at the facility is outdated and dilapidated.”

The recent report Asarco sent to the Texas Commission on Environmental Quality offers glaring details of the poor state of repair at the facility, which has been closed since the 1999. The department argues the extent of repair required indicates the facility should be treated as a new company applying for an initial air quality permit rather than operating under an old permit.

The commission must respond to EPA regarding the air quality requirements for the facility. The department is awaiting TCEQ's response to the concerns raised by EPA. The department sent a letter to EPA Region 6 Administrator Richard Greene in April requesting assistance with deficiencies in the permitting process for the smelter. EPA in

turn sent a letter to TCEQ raising some of the same issues the department has been advocating for the past several years.

TCEQ granted the air permit for the facility in February. The department has been aggressive in pursuing measures to block the reopening of the smelter because of lead and heavy metal contamination in Sunland Park. Monitoring in the Paso del Norte airshed detected elevated levels of ozone and particulate matter. The department voiced technical concerns about the permit renewal for Asarco for the last three years. Communities near Sunland Park deal with numerous environmental burdens and they should not have to bear additional consequences from this polluting plant.

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