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For Immediate Release

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## **Environment Department Issues Enforcement Action with \$270,600 Proposed Penalty to Helena Chemical for 11 Violations of Company's Air Quality Permit**

Company's Mesquite N.M. Facility Failed to Control Dust and Could Not Measure Emissions at the Facility

(Santa Fe, NM) –The New Mexico Environment Department issued a Notice of Violation with a proposed penalty of \$270,600 to Helena Chemical Co. for 11 violations of the company's Air Quality Permit at its fertilizer plant in Mesquite, N.M.. Two major violations include failing to perform a compliance test that indicates emissions levels at the facility and failing to control dust – some that could have toxic air pollutants – from escaping from the facility.

NMED issued the notice Friday, which was related to a Nov. 14 enforcement action involving 15 violations at the facility. The notice requires Helena within 30 days to pay the penalty and submit a certificate of compliance for the violations, the majority of which included failure to control emissions from fertilizer at the company.

“Helena Chemical fails to understand the gravity of its past environmental violations and continues to disregard the welfare of residents by its lax behavior,” said NMED Deputy Secretary Jon Goldstein. “Helena potentially put residents at risk by failing to monitor pollutants from the plant.”

Helena's violations include, having a malfunctioning chute that allowed emissions to escape during product loading, failing to close doors when receiving, handling, processing and conveying product, failing to sweep paved haul roads to control dust emissions, failing to properly monitor dust and maintain records of that monitoring, failing to monitor the differential pressure across the Dust Collection System, failing to record the differential pressure across the Dust Collection System, failing to perform visible emissions evaluations on the process units and maintain records of evaluations, having inadequately maintained daily and annual production rate records, failing to conduct compliance test, failing to submit an application for revision or modification and failing to maintain records on-site. Each violation contained a possible penalty of \$15,000 for each day the violation occurred as set forth by the department's Air Quality Penalty policy.

NMED learned of the violations during routine inspections in March, April, May and June. During routine inspections of the facility in April, an NMED inspector observed a large cloud of dust coming from a location in the facility where fertilizer is processed and handled. In that case, the company violated its permit by having open doors and windows that allowed wind to blow contaminants outside. During another inspection,

the company had unauthorized equipment not allowed under its permit. The use of that equipment could have posed a health hazard to residents and the environment. During another inspection, the company failed to control emissions from fertilizer in a chute that transfers fertilizer during loading onto a truck. During another inspection at the facility, workers failed to perform a compliance test that proves the facility is operating within its emissions limits set for by the company's state permit.

NMED determined Helena was not liable for four violations among 15 it issued to the company in a notice of violation in November. Those violations include having open chutes that allowed fertilizer to escape, failing to generate and maintain records identifying Toxic Air Pollutants in the products used at the facility, failing to generate and maintain records for emission calculations verifying that the Toxic Air Pollutants contained in the products at the facility do not exceed the permitted limits and failing to produce a Best Engineering Report after permit issuance.

NMED also issued a Notice of Violation and assessed a penalty of \$238,000 to the company in November 2004 for failing to obtain a permit to operate the facility. The department also issued a \$36,000 penalty to Helena in October 2006 when the company failed to report a chemical fertilizer spill. NMED also began investigating all Helena facilities in March 2007 after a fire broke out at another Helena facility in Humboldt, Tennessee to ensure local operations were safe.

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