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**Environment Secretary Joins Environmental Defense Fund and Sierra Club in Asking  
EPA to Intervene a Texas Air Quality Program**

*Texas' PSD Program Directly Impacts Air Quality in New Mexico and Relates to Asarco Inc. Air Permit*

(Santa Fe, NM) –New Mexico Environment Secretary Ron Curry sent a letter to the U.S. Environmental Protection Agency Administrator today requesting his assistance with the State of Texas' failure to properly implement a program that protects air quality and has a direct impact on New Mexico.

Secretary Curry sent the letter after recently learning Environmental Defense and Sierra Club submitted a petition to EPA requesting it take action in addressing Texas' failure to properly implement the Prevention of Significant Deterioration (PSD) program under the Clean Air Act. The department recently voiced concerns about the Texas Commission on Environmental Quality's failure to address PSD requirements for the air quality permit for the Asarco Inc. Copper Smelter in El Paso.

"EPA should ensure that new facilities in Texas – including power plants and other sources that emit pollutants into the air – will comply with federal requirements to protect the health of residents and the environment in New Mexico," said state Environment Department Secretary Ron Curry. "We want to know that in the event the Asarco Inc. smelter reopens, the proper controls are in place to protect air quality in New Mexico."

TCEQ in February granted an air quality permit for the Asarco smelter. The department's interest in Texas's PSD program originated with the state's concern over the proposed re-start of the Asarco smelter, a facility that historically has caused severe environmental degradation in the Sunland Park, New Mexico area.

The state has long objected to TCEQ's failure to analyze whether PSD requirements are applicable due to the extended shut-down of the facility, the letter states. "In that regard, we greatly appreciate the letter of April 9, 2008, from EPA Region 6 raising this issue to TCEQ. However, as the information presented in the Petition clearly indicates, even if the TCEQ determines a PSD permit is required, there is little basis for confidence that the federal requirements of the PSD program will actually be met."

PSD is designed to prevent relatively clean air from deteriorating.

“NMED has long been concerned with the potential for adverse effects in New Mexico from inadequately regulated air pollution sources across our border with Texas,” Secretary Curry states in his letter. “Therefore, I write today to urge the EPA to grant the petition and provide the relief requested.”

Secretary Curry, who learned of the petition from Texas Sen. Elliot Shapleigh, has said the department will do everything possible to ensure the smelter does not negatively impact air quality in New Mexico.

For more information, call NMED Communications Director Marissa Stone at (505) 827-0314 or (505) 231-0475.