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**NMED Enters into Consent Decree with El Paso Electric Ordering
\$525,000 in Penalties and Environmental Projects for Violations at
Power Plant near Sunland Park**

Company Must Complete Projects that Benefit Public Health and Environment

(Santa Fe, NM)—The New Mexico Environment Department entered into a consent decree with El Paso Electric Co. of Texas for air quality violations at its Rio Grande Electric Power Generating Station near the border of Sunland Park. The decree, which the First Judicial District Court in Santa Fe approved today, will require the company to provide \$525,000 in penalties and environmental projects for those violations.

The company must pay a \$250,000 penalty and provide \$275,000 in supplemental environmental projects, including the installation of a flue gas recirculation system to reduce emissions at the facility. The company agreed to install their system as part of the settlement, although it goes beyond what is necessary to strictly comply with the law.

“We fought to ensure the company invests in supplemental environmental projects that will directly benefit the residents of Doña Ana County by providing for the reduction of harmful air pollution in the area,” said New Mexico Environment Department Secretary Ron Curry. “We commend the company for choosing to enter into the decree that is designed to provide safeguards to protect air quality in the county and region into the future.”

Supplemental environmental projects required under the decree must “achieve a significant reduction in emissions or other protection or improvement for public health or the environment,” according to the decree.

The decree also requires the company to tune up of boilers at the power plant to reduce air emissions and ensure the company remains in compliance with state air quality laws. The company must ensure that calibration of the continuous emissions monitoring system is conducted correctly and efficiently. El Paso Electric must install software to make sure that happens.

The company, which violated its air quality permit with the state and the Air Quality Control Act, must pay the \$250,000 penalty to the state and submit its plans for the SEP to the department within 60 days of the decree. If El Paso electric fails to meet any deadline in the decree, the company must submit a written notice to the department within 10 business days after the date it discovered the event that caused the delay.

The department filed a complaint against the company in September 2008 alleging multiple violations of the New Mexico Air Quality Control Act and the air quality permit for the facility in Doña Ana County. The department alleged the company violated more than 350 of the maximum emission rates for oxides of nitrogen (NO_x), carbon monoxide (CO), and sulfur dioxide (SO₂), set forth in the facility's permit. The company's pollution exacerbated air quality conditions in Doña Ana County, which is on the brink of exceeding federal air quality standards.

Pollutants emitted by the facility, including nitrogen oxides, contribute to the formation of ozone and PM_{2.5}. Ozone is also a greenhouse gas that contributes to global warming. PM_{2.5} refers to fine particulate matter, having a diameter of less than 2.5 microns (2.5 micrometers). It can cause a variety of respiratory problems in humans, particularly children and the elderly.

The department also alleged El Paso Electric failed to report the deviations from the maximum emission rates, as required by its permit.

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