



# Senator Eliot Shapleigh

District 29

## Press Release

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### For Immediate Release

February 3, 2009

## EPA REPORTS ASARCO SMELTER PERMIT NEEDED NEW REVIEW

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**EL PASO** – Today, the United States Environmental Protection Agency (EPA) released two letters stating that the El Paso ASARCO smelter's renewed air quality permit violated federal environmental quality rules. ASARCO LLC announced today that they would not reopen operations at the El Paso smelter, citing only the nation's economic downturn in making their decision.

EPA Regional Administrator Lawrence Starfield sent letters to Texas Commission on Environmental Quality (TCEQ) Executive Director Mark Vickery and ASARCO Vice President Thomas L. Aldrich outlining the EPA's determination that facilities such as ASARCO may not resume operations under "grandfathered" permits, such as the one awarded to ASARCO in February 2008. The EPA determined that the El Paso smelter's readiness to resume operations was clearly not maintained for many years, thus undermining ASARCO's assertion that the smelter was only under a temporary shutdown.

"...we conclude that the facility was not maintained in a good working order that would allow startup in a timely manner with a minimum of work. Therefore the ASARCO plant was 'permanently shutdown' under EPA's interpretation of the CAA (Clean Air Act)," Starfield wrote in his letter to Vickery.

More than 600 El Pasoans, led by the group Students for Reform, traveled to Austin in February to voice their opposition before the TCEQ during the permit hearing.

"What the real story is here is a community that rose against years of contamination and abuse. With this new administration, ASARCO's permit had to have a new Title V review and that's what stopped the 7000 ton permit," Senator Eliot Shapleigh said.

In the letter, Starfield also stated that since ASARCO last operated, air quality standards have been revised and tightened for ozone, fine particles and lead.

The EPA determined that ASARCO's Federal Title V permit would also need to be re-drafted with conditions determined from the agency's Prevention of Significant Determination (PSD) rules regarding permit review and issuance. This re-drafting process would allow for a public review of the smelter's permit renewal, as well as the option of petitioning the EPA to revoke or veto the Title V permit if it failed to assure compliance with applicable requirements of the Clean Air Act.

"We recommend that TCEQ take no final action on ASARCO's Title V permit until such time that these matters are addressed, thus ensuring that all applicable requirements of the CAA are included in the Title V permit," Starfield wrote.

Both EPA letters have been attached to this release. For more information on ASARCO in El Paso, please click [here](#).

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