



# Senator Eliot Shapleigh

District 29

Press Release

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## For Immediate Release

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### **SENATOR SHAPLEIGH OUTLINES ASARCO REMEDICATION CONCERNS, ASKS EPA, FEDERAL GOVERNMENT TO INTERVENE IN BANKRUPTCY**

*"What happens in this case matters across the country, as it will set a precedent for polluters regarding their ability to shed environmental liabilities through the bankruptcy process. The \$52 million for clean up is way too low to clean this site. ASARCO left 100 years of lead and arsenic right on the Rio Grande. The site has an arsenic plume in the groundwater of 233 million cubic feet. We want that site cleaned."*

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**EL PASO - Today**, Senator Eliot Shapleigh, (D- El Paso) outlines El Paso's concerns with the future remediation of ASARCO LLC's El Paso smelter site.

Early February's announcement by ASARCO LLC that they will abandon their efforts to reopen their copper smelter in El Paso leaves the site's future in the in the hands of environmental regulators and the bankruptcy court overseeing the company's reorganization. With a \$5 billion Peruvian mine now returned to the debtor's estate, Senator Shapleigh argues that ASARCO's ability to pay pollution liabilities needs to reevaluated and renegotiated.

In letters sent to Environmental Protection Agency (EPA) Administrator Lisa Jackson, U.S. Senator Frank Lautenberg and U.S. Congressman Edward Markey-- chairmen of the Senate's Subcommittee on Superfund, Toxics and Environmental Health, and the House's Subcommittee on Energy and Environment, respectively, Senator Shapleigh asks that the federal government intervene in ASARCO's bankruptcy proceedings, and ensure that the EPA and the Texas Commission on Environmental Quality (TCEQ) make sure lead and other contaminants are cleaned up both onsite and in El Paso County neighborhoods.

The TCEQ's remediation plan allocates only \$52 million to remediation of 100 acres of the smelter site. No additional money has been allocated to remediate affected homes in El Paso.

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"What happens in this case matters across the country, as it will set a precedent for polluters regarding their ability to shed environmental liabilities through the bankruptcy process," Senator Shapleigh said. "The \$52 million for clean up is way too low to clean this site. ASARCO left 100 years of lead and arsenic right on the Rio Grande. The site has an arsenic plume in the groundwater of 233 million cubic feet. We want that site cleaned."

In his letter to Jackson, Senator Shapleigh asks that the EPA work with the Department of Justice (DOJ) to temporarily halt the filing of any final claims in ASARCO's bankruptcy court, especially those that pertain to the community of El Paso.

Senator Shapleigh's letter to Jackson outlines the following concerns with the TCEQ's current remediation plan:

1. ***The cleanup standard is the minimum standard and will severely restrict any future use:*** 100 acres of the ASARCO facility would be remediated to an industrial standard based on present use. Such a standard will bar future use such as a park, certainly residential use, and perhaps even research facilities for the University of Texas at El Paso. We are interested in learning what is the threshold for various contaminants of concern to ensure that El Paso is not left with a polluted piece of property that no developer or future user will touch.
2. ***The ASARCO cleanup plan fails to address 250 acres of adjacent property owned by ASARCO but not on the principal 100 acre smelter site:*** Despite the fact that this land is owned by ASARCO, is contiguous to the smelter site, and has served as a dumping ground for ASARCO's slag runoff, TCEQ failed to include this acreage in their cleanup cost estimates. This land is upstream from the smelter site in terms of groundwater flow, thus negatively impacting any groundwater cleanup efforts at the 100 acre smelter site. All of the lead, arsenic, and other heavy metals on the eastern acreage will flow to the smelter site, over 100 acres of impervious coverage, and down toward the Rio Grande and American Canal.
3. ***We understand that the DOJ intends to file the claim with the bankruptcy court this today, thus locking my community in to an underfunded and inadequate remediation plan:*** We are concerned that any settlements negotiated under the Bush administration's DOJ may be tainted by values that polluting companies should win, not communities; that profits be maximized, not the public good.
4. ***For years, ASARCO's slag was used as a fertilizer and now contaminates properties across El Paso:*** El Paso-based fertilizer company Ionate sold a fertilizer that contained slag from the Oglebay Norton slag-crushing company in west El Paso. Oglebay Norton obtained the slag, a byproduct of the smelting process, from ASARCO. What do we tell those homeowners when they have to spend \$30,000 to clean lead and arsenic from Mom's home before they sell it?

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5. ***Over a century of ASARCO's pollution has created a 233 million cubic foot contaminated groundwater plume around the smelter:*** The remediation plan calls for monitoring and extraction wells to be placed around the ASARCO facility in an attempt to prevent contaminants from migrating into my community's drinking water, but we need to know just how polluted our region's groundwater is as a result of ASARCO's century of operation.

In his letter to Lautenberg and Markey, Senator Shapleigh asks their respective committees to hold an investigative field hearing on the cleanup of the ASARCO plant and other affected sites in El Paso, Texas, Anapra, New Mexico, and Sunland Park, New Mexico.

You may download both letters [here](#), and [here](#). Click [here](#) to download a map of the 250 acres of adjacent property owned by ASARCO, but not included in the TCEQ's remediation plan. You may download the TCEQ's remediation plan [here](#). You may download an elevation plan that shows the scope of slag at the site by clicking [here](#).

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