



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

FEB 03 2009

Mr. Thomas L. Aldrich  
Vice President  
Environmental Affairs  
ASARCO  
5285 E. Williams Circle, Suite 2000  
Tucson, AZ 85711

RE: Response to May 15, 2008, Letter Regarding ASARCO

Dear Mr. Aldrich:

Thank you for your letter of May 15, 2008, regarding our April 9, 2008, letter to the Texas Commission on Environmental Quality (TCEQ) concerning restart of ASARCO's El Paso Copper Plant. The letter contains ASARCO's response to questions that the U.S. Environmental Protection Agency (EPA) raised regarding the renewal of the Air Quality Permit Number 20345, issued on March 27, 2008, for the ASARCO El Paso Copper Plant. In addition, EPA has recently reviewed the Report, ASARCO El Paso Copper Plant Air Quality Control Equipment Assessment Report and Maintenance Plan, dated July 1, 2008, sent to TCEQ. The Report outlines the extensive repairs, restoration, cleaning, calibration, and replacement of existing equipment necessary for the restart of the plant.

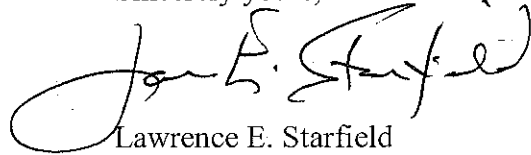
Our review of the Report confirms our initial conclusion that, after the lengthy shutdown of over nine years, the plant has been "permanently shutdown" according to the EPA interpretation of the Clean Air Act and is a new source for purposes of Prevention of Significant Deterioration (PSD) review, subject to the PSD requirements of the federally-approved Texas State Implementation Plan (Texas SIP). In addition, we are concerned that the potential activities that ASARCO would have to undertake to make the facility operational would constitute a "major modification" subject to the PSD requirements of the Texas SIP. Furthermore, there have been three recent important rule changes translating to more stringent National Ambient Air Quality Standards. All of these revisions have occurred since ASARCO ceased operations and reinforces our point that much has changed since 1999 when ASARCO was shut down. We believe that ASARCO should consider the impacts of the plant on attainment of these new standards as a new source subject to the PSD requirements.

For your information, we are enclosing a copy of a letter with detailed information that we are sending to Mr. Mark Vickery, Executive Director of TCEQ,

Subject: Thomas L. Aldrich, ASARCO  
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regarding this matter. If you have any questions or would like to discuss further, please contact Mr. Jeff Robinson, Air Permits Section Chief, at (214) 665-7250 or Stephanie Kordzi of his staff at (214) 665-7520.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Starfield". The signature is written in a cursive style with a large, looping initial "L".

Lawrence E. Starfield  
Acting Regional Administrator

Enclosure

cc: Richard Hyde  
Air Permits Division Director  
Texas Commission on Environmental Quality