



# The Senate of the State of Texas

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**Senator Eliot Shapleigh**  
District 29

January 30, 2009

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Mr. Larry Starfield  
Acting Regional Administrator  
Environmental Protection Agency, Region 6  
1445 Ross Ave., Suite 1200  
Dallas, Texas 75202-2733

VIA UNITED STATES MAIL

Re: ASARCO in El Paso

Dear Mr. Starfield:

I write to bring to your attention to ASARCO in El Paso, Texas.

As you may know, ASARCO operates a copper smelter near our downtown region that has been shuttered since 1999. I have corresponded numerous times with the EPA regarding ASARCO's ongoing attempt to obtain a state air permit.

I write now regarding a separate, but similar, issue with ASARCO.

Between 1992 and 1997, ASARCO illegally burned hazardous waste in their El Paso smelter. ASARCO and its Corpus Christi subsidiary, Encycle, had a permit to extract metals from hazardous waste, but instead simply sent it to El Paso to be burned in an attempt to save money. As a result, more than 5,000 tons of waste was illegally burned in my city, including more than 300 tons of chemical warfare agents from the Rocky Mountain Arsenal outside Denver, Colorado.

Now that Ms. Lisa Jackson has been sworn in as the EPA Administrator, I will be requesting a full investigation into the illegal hazardous waste burning as soon as a new Region 6 director holds office. Please organize your files on the ASARCO smelter and place this letter in your pending file.

For your review, enclosed please find the following:

- An October 2006 *New York Times* article on ASARCO's illegal hazardous waste burning;



Mr. Larry Starfield

January 30, 2009

Page 2

- *ASARCO in El Paso*, a comprehensive report, compiled by this office, that details ASARCO's history in El Paso; and
- The 1998 internal EPA memorandum discussing ASARCO's sham recycling and subsequent illegal burning of hazardous waste.

Very truly yours,

A handwritten signature in black ink that reads "Eliot Shapleigh". The signature is written in a cursive, slightly slanted style.

Eliot Shapleigh

ES/de

CC: The Honorable John Cook

Enclosures

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