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COMMUNICATIONS AND PUBLIC AFFAIRS OFFICE

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MEDIA BACKGROUNDER/FACT SHEET

Motion to Continue the Texas Commission on Environmental Quality's Consideration of the Application of Asarco Incorporated for Renewal of Air Quality Permit No. 20345

- On Tuesday, January 22, 2008, the City of El Paso filed a *Motion to Continue the Texas Commission on Environmental Quality's Consideration of the Application of Asarco Incorporated for Renewal of Air Quality Permit No. 20345*. This motion requests that the Texas Commission on Environmental Quality (TCEQ) postpone its consideration Asarco's Air Quality Permit application that is currently scheduled for the TCEQ's February 13, 2008 public meeting.
- Asarco Incorporated filed an Air Quality Permit No. 20345 renewal application for its El Paso Plant with the TCEQ in 2002. The Asarco El Paso Plant is a smelter that emits lead and arsenic along with sulfur dioxide (SO₂), carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter and other contaminants. During the 1990s, Asarco demonstrated that it could not operate the Asarco El Paso Plant in compliance with permitted emissions limitations.
- The City of El Paso has requested that the TCEQ's scheduled proceeding be postponed until several pending issues directly impacting Asarco's permit application are resolved so that the TCEQ is able to make an accurate determination on whether or not to renew Air Quality Permit No. 20345.
- The unresolved issues surrounding Asarco's Air Quality Permit application include:
 - The City of El Paso is prepared to file a *Petition for Revocation of Asarco's Air Quality Permit No. 20345* permit once the U.S. Bankruptcy Judge presiding over Asarco's Chapter 11 bankruptcy status, which automatically shelters Asarco from legal proceedings, issues a ruling allowing the City to file and pursue this petition.
 - The Environmental Protection Agency (EPA) is expected to enact a new National Ambient Air Quality Standard (NAAQS) for lead in September, 2008. The Asarco El Paso Plant would be one of the nation's largest lead emitters and will be directly impacted by any NAAQS revisions lowering acceptable levels of lead emissions. The

health effects of the lead emissions from the Asarco El Paso Plant must be evaluated according to the new NAAQS standard to be protective of the citizens of El Paso and the surrounding area. High levels of lead still remain in many yards in El Paso and surrounding areas due to historical operation of Asarco smelters, and the health review of the smelter operation must include the combined impacts of exposure from lead in soils and dust and lead emissions from Asarco's smelter to people living in the area, especially small children.

- The Asarco permit renewal is a speculative permitting process until Asarco's bankruptcy proceedings are complete. Through the bankruptcy process, Asarco is actively seeking purchasers for all or substantially all of Asarco's assets, which could include the Asarco El Paso Plant. If Asarco is not the future operator of the El Paso Plant, it cannot ensure that the management of the plant will agree to be bound by the applicable statutes and rules.
- The thorough consideration of these outstanding issues is integral to protecting environmental quality and the health and safety of the citizens of El Paso. The City of El Paso has filed this motion requesting postponement of the February 13, 2008 proceedings in order to ensure the TCEQ's Commissioners have complete information to make their decision on the application. To act on the application, especially if such action resulted in renewal of Air Quality Permit No. 20345, without having complete information could result in harm to the citizens of El Paso.