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COMMUNICATIONS AND PUBLIC AFFAIRS OFFICE

City of El Paso Wants State to Revoke Asarco's Air Emissions Permit

PRESS RELEASE

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January 23, 2008 – El Paso, Texas – The City of El Paso today announced that it has informed the Texas Commission on Environmental Quality (TCEQ) and a federal bankruptcy court judge that it desires to file a petition to revoke Asarco's air emissions permit, citing the smelter's continual failure to comply with the permit.

"The City of El Paso has determined that it has no choice but to seek revocation of Asarco's air permit in order to prevent this non-operating facility from reopening and threatening the health of our citizens," said Mayor John Cook.

Because Asarco is in Chapter 11 bankruptcy, the City is first seeking a ruling from a federal judge before it will challenge Asarco's permit at the state level. The City on Monday asked for that ruling.

"The City is asking TCEQ to delay the February 13 public meeting that is scheduled to consider Asarco's permit renewal application," Cook said. "The City on Tuesday filed a motion with the TCEQ to delay the hearing, and we believe there are compelling reasons to settle the revocation issue prior to even considering the renewal application, which could become a moot point."

TCEQ should delay the February hearing, according to the City's filing, because:

- The City intends to seek revocation of Asarco's air quality permit, once it receives a ruling from the bankruptcy court, and the question of revocation should be settled before the permit renewal is considered.
- The federal Environmental Protection Agency (EPA) is expected to adopt significantly more stringent air quality standards for lead later this year, meaning Asarco's permit will have been evaluated pursuant to out-dated and unprotective emissions standards.
- Asarco's permit renewal is a speculative process until bankruptcy proceedings are complete. If the El Paso plant is sold to a new owner, the TCEQ should determine if the new owner plans to reopen the plant and is committed to meeting the permit obligations before renewing the current permit.

(more)

Cook said Asarco has polluted El Paso's air, soil, and water, and it should never be allowed to do so again.

"Asarco's well-documented history of flagrant environmental violations clearly shows it cannot be trusted to be a good neighbor. Texas environmental statutes spell out the grounds for revoking a permit. The evidence shows Asarco has violated these provisions and is not entitled to have a state air emissions permit," Cook said.

In 2005, a panel of two state administrative law judges recommended the permit should not be renewed.

"Asarco has generated widespread opposition from local residents, neighboring states, and Mexico because of the way it does business. The City of El Paso welcomes business that will create good-paying jobs, but those businesses have an obligation to operate by the rules and to respect public health. That is not too much to ask, and responsible corporate citizens will be more than willing to comply," Cook said.

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