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**EL PASO COUNTY ATTORNEY AND LAW ENFORCEMENT  
PEACE OFFICER REQUEST TCEQ TO CONDUCT A CRIMINAL  
ENFORCEMENT REVIEW AGAINST ASARCO**

Today, El Paso County Attorney José R. Rodriguez and a Texas peace officer requested the Texas Commission on Environmental Quality (TCEQ) to conduct a criminal enforcement review against Asarco on possible violations of federal and state environmental and health laws, including the Texas Solid Waste Disposal Act, the Texas Health and Safety Code, and the Texas Water Code. The alleged violations stem from the transportation, storage, and disposal of hazardous wastes.

The request to TCEQ was made in a letter sent this morning to Mr. Glenn Shankle, Executive Director of the TCEQ, in response to a written complaint filed several weeks ago by members of the "Get the Lead Out" coalition.

The County Attorney and peace officer request TCEQ, the United States Environmental Protection Agency (EPA), and the Texas Attorney General, to consider filing a criminal complaint against Asarco to enforce violations of environmental and health laws initially raised in a 1999 civil enforcement action filed by the TCEQ and EPA against the company. That enforcement action resulted in a Consent Decree settlement calling for payment of penalties and corrective action by Asarco. Rodriguez and the peace officer say Asarco did not fully comply with the Consent Decree. As TCEQ's civil enforcement has not worked, it is time for criminal enforcement of Asarco's environmental violations.

The request for a criminal enforcement review was made after a peace officer in the County Attorney's Office concluded that there is enough evidence to suggest that Asarco may have violated federal and state environmental and health laws and the terms of the Consent Decree.

The request alleges that Asarco has evaded paying millions of dollars in penalties and costs for environmental violations at their El Paso smelter as stipulated in the Consent Decree. It also requests TCEQ to investigate the possibility continuing violations related to the storage of hazardous waste.

According to state law, after receiving the request TCEQ has 45 days to determine whether an environmental violation exists and whether administrative or civil remedies would adequately address the violation(s). If civil remedies are inadequate, the agency may proceed with the criminal prosecution of the alleged violation(s). If TCEQ does not make a determination within the 45-day period, an appropriate prosecuting attorney with jurisdiction may bring an action for criminal prosecution.

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