

RESOLUTION

WHEREAS, the City of El Paso, Texas (“El Paso”), as well as many interested individuals and groups of citizens, has exhibited a high degree of interest in the application for renewal of Air Quality Permit No. 20345 filed by ASARCO LLC (the “Asarco Permit”) with the Texas Commission on Environmental Quality (“TCEQ” or the “Commission”) over the last several years; and

WHEREAS, in July 2005, El Paso and many interested individuals and groups of citizens participated as parties in the two-week contested case hearing regarding TCEQ’s consideration of the Asarco Permit, TCEQ Docket No. 2004-0049-AIR, SOAH Docket No. 582-05-0593 (the “Asarco Proceeding”); and

WHEREAS, on March 2, 2006, TCEQ issued an Interim Order in the Asarco Proceeding requiring certain actions to be taken by ASARCO LLC and TCEQ; and

WHEREAS, the Interim Order identifies that the TCEQ Executive Director’s Report and any related Schedule as well as all comments are to be scheduled for Commission consideration during a public meeting; and

WHEREAS, the citizens of El Paso will be affected by the Commissioners’ final decision regarding the Asarco Permit; and

WHEREAS, the high level of interest by El Paso citizens in the Asarco Proceeding was demonstrated by the large number of individuals that traveled from El Paso to Austin for the February 8, 2006 Commissioners’ Agenda; and

WHEREAS, a second such trip from El Paso to Austin by the citizens of El Paso would be a hardship for many of those interested citizens and would limit their ability to continue to participate in this important proceeding; and

WHEREAS, as recognized by the Commissioners of TCEQ, the Asarco Proceeding is being held in the public interest because of the importance of the issues involved to the City of El Paso and the citizens of El Paso; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS THAT:

1. The recitals contained in the preamble of this Resolution are determined to be true and correct and are hereby adopted as a part of this Resolution.

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2. The City of El Paso desires that the Texas Commission on Environmental Quality hold the Commissioners' public meeting anticipated by the Interim Order to address the Asarco Permit in the City of El Paso.
3. The Mayor is authorized to execute and submit a letter to the TCEQ requesting that the Texas Commission on Environmental Quality hold the Commissioners' public meeting anticipated by the Interim Order to address the Asarco Permit in the City of El Paso.
4. The City Manager is authorized to work with the TCEQ to identify an appropriate venue for a Commissioners' public meeting in El Paso.
5. The City Manager is authorized to take such other steps as are necessary to effectuate the intent of this Resolution.

PASSED AND APPROVED this _____ day of _____ 2007.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Momsen
Municipal Clerk

APPROVED AS TO FORM:



Raymond L. Telles
Assistant City Attorney

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