

Appendix 11-4: ASARCO El Paso



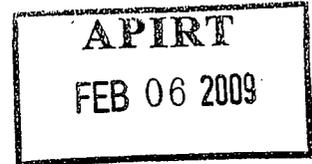
Thomas L. Aldrich
Vice President
Environmental Affairs

Direct Dial: (520) 798-7749
taldrich@asarco.com

February 6, 2009

VIA HAND DELIVERY

Mr. Richard A. Hyde, P.E.
Director, Air Permits Division (MC-163)
Texas Commission on Environmental Quality
12100 Park 35 Circle, Building C
Austin TX 78753



AIR PERMITS DIVISION

FEB 06 2009

RECEIVED

Re: ASARCO LLC El Paso Copper Plant
Regulated Entity No. RN100219021
Air Programs Account No. EE0007G

Dear Mr. Hyde:

With this letter, I wish to confirm that ASARCO LLC ("Asarco") has suspended its efforts to restart the El Paso, Texas Copper Plant. Because of conditions resulting from the world-wide economic downturn, Asarco is not able to allocate the resources necessary to restart the Plant at this time. Accordingly, Asarco requests that the TCEQ Air Permits Division void the following air permits and pending applications:

- Air Quality Permit No. 20345
- Air Quality Permit No. 4151
- Pending Application to Renew Air Quality Permit No. 4151
- Pending Application for Federal Operating Permit No. 2871

For the immediate future, Asarco will continue to maintain personnel on-site to oversee remediation and plant closure activities. Asarco has been communicating regularly with TCEQ's Remediation Division about on-site remediation efforts, and the Company will continue to do so.

Please do not hesitate to contact me if you have any questions. Thank you for your attention to this matter.

Sincerely,

Thomas L. Aldrich

cc: Ms. Caroline Sweeney (*via hand delivery*)
Senior Attorney, Litigation Division (MC-175)
Texas Commission on Environmental Quality
12100 Park 35 Circle, Building A
Austin TX 78753

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

February 9, 2009

Mr. Thomas L. Aldrich
Vice President Environmental Affairs
ASARCO LLC
5285 E. Williams Circle, Suite 2000
Tuscon, Arizona 85711

Re: Air Permit Numbers: 4151, 20345, and Federal Operating Permit No. 2871
Ore Handling and Storage Facility and Smelter
El Paso, El Paso County
Regulated Entity Number: RN100219021
Customer Reference Number: CN602815524
Account Number: EE-0007-G

Dear Mr. Aldrich:

As requested in your letter dated February 6, 2009 we are voiding active New Source Review permit numbers 4151 and 20345. Accordingly, the pending Permit No. 4151 renewal application, revision request, and notification of qualified change request are also voided.

Additionally, as requested the pending application for Federal Operating Permit (FOP) No. 2871 for the Asarco El Paso Plant site authorized under Title 30 Texas Administrative Code (30 TAC) Chapter 122 is voided.

Thank you for informing us of the status of your site. If you have any questions regarding this notice, please contact Mr. Javier Maldonado, P.E. at (512) 239-6047 or Dois Webb, P.E. at (512) 239-1575.

Mr. Thomas L. Aldrich

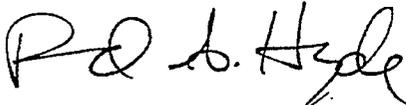
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February 9, 2009

Re: Air Permit Number 4151, 20345, and Federal Operating Permit No. 2871

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Sincerely,



Richard A. Hyde, P.E., Director
Air Permits Division
Office of Permitting and Registration

RAH/DW/

cc: David Cabe, P.E., Zephyr Environmental Corp, Austin
Air Permits Section Chief, New Source Review, Section (6PD-R), Environmental
Protection Agency, Region 6, Dallas
Air Quality Manager, Environmental Services, City of El Paso, El Paso
Air Section Manager, Region 6 - El Paso

Project Number: 120312, 121726, and 122846