

**Minutes**

57<sup>th</sup> Meeting of the Joint Advisory Committee for the Improvement of Air Quality in the  
Cd. Juárez, Chihuahua / El Paso, Texas / Doña Ana County, New México Air Basin  
TxDOT Regional Office  
May 23, 2013

1. Welcome and Introductions

Bill Luthans (BL), USEPA Region 6, and David Parra (DP), SEMARNAT, welcomed all to the 57<sup>th</sup> meeting of the JAC. A quorum was established.

JAC Members Present	
U.S.	México
Bill Luthans – EPA	M.C. David Parra – SEMARNAT
Lorinda Gardner – TCEQ	Quim. Lilia Gonzalez - PROFEPA
*Tom Ruiz – Alt for Michael Baca – NMED	Quim. Araceli Salazar – COESPRIS
**Doña Ana County – vacant	*Sergio Acosta, Alt for O. Mendoza – Gob. Edo. Chih
Candice Sifuentes – City of El Paso	Irving Acosta, DNA
*Nicole Cabral – Alt for John Quinn - FMR	*Quim. Pilar Leal, Alt for Ing. Rene Franco
Elaine Barron, M.D.	Denisse Varela - NGO
**Alberto Correa, PhD	Dra. Alba Yadira Corral – UACJ
David Dubois, NMSU	**CANACINTRA
Wen-Whai Li, Ph.D., P.E., UTEP	*Jorge Gonzalez – Alt for Dr. Alberto Ramírez - CCSD
**Christine Ponce-Diaz, El Paso MPO	**Ing. Vicente Lopez – IMIP
* Alternate	** Not Present

2. Presentation and approval of current agenda and minutes.

The Agenda was approved. Minutes of the 1/17/13 JAC meeting were approved.

3. Message from the Co-Chairs

Bill Luthans (BL) indicated the agenda was very full and had topics that will generate discussion among the members. David Parra (DP), Director of Air Quality for SEMARNAT, indicated Ana Maria Contreras, the JAC co-chair, was in Germany attending an international conference on transportation. There is also a deteriorating air quality situation outside of Mexico City associated with the Popocatépetl volcano which has been erupting.

4. Public Participation –

Gina Posada, TCEQ, invited JAC members and the audience to the upcoming Environmental Summit taking place in November.

5. JAC Discussion on Public Comments. No JAC discussion was provided.

6. Air Quality Report

Victor Valenzuela (VV) presented an air quality summary from 1 Jan 2013 – 21 May 2013. VV indicated all parameters have been fairly benign. He presented the locations of the air monitoring sites in EP, JZ, and Doña Ana County (DAC). One CO exceedance was observed in Juárez. No violations of the CO standard occurred in the US or Mexico. The US CO standard is violated at 9.5 parts per million (ppm) during an 8-hr averaging period. Mexico's standard is set at 11 ppm / 8-hr averaging period. The maximum 8-hour averages are about 20% below the standard in both countries. The 1-hr O<sub>3</sub> concentrations are very low given the year is still early. The maximum 1-hr average observed was 80 ppb. VV explained the definition of the 8-hour O<sub>3</sub> standard Design Value. No 8-hr O<sub>3</sub> exceedances were observed in El Paso or Juarez during the 5 month period. There is a continued downward trend of 8-hour ozone design values during the past 10 years. 3-year moving averages of PM<sub>2.5</sub> at Sunland Park City Yard (SPCY) indicate there is an upward trend in PM<sub>2.5</sub> at this monitoring site. PM<sub>2.5</sub> and PM<sub>10</sub> TEOM data indicated several exceedances occurred, but all exceedances occurred during high wind events. A chart of H<sub>2</sub>S emissions which are generated primarily at a wastewater treatment plant (WWTP) in north central Juarez indicates a major reduction in H<sub>2</sub>S concentrations since the air monitoring station was deployed in 2004. However, in 2013 the numbers of exceedance days are slowly increasing.

7. Presentations

A) East Montana Residents discussion on the proposed El Paso Electric (EPE) Montana Power Station

Veronica Carbajal, Attorney at Law with Rio Grande Legal Aide, represents citizens residing near the proposed facility. Issues being developed by the citizens' group involve the proposed water usage at the facility. This is an important issue due to the prolonged drought. The cooling towers will potentially be the largest water consumer at the facility. EPE applied for the permit in 2012, and there currently is a contested case regarding the permit request. The facility is also near the City of El Paso and may impact El Paso air quality. Another concern is that EPE used weather data that is over 20 years old in terms of their air modeling. There is a bias in calm winds which result in higher readings at the monitors if EPE used more current wind data in their modeling. EPE argues that TCEQ did not require EPE to use more current meteorological data in its modeling.

Over the course of researching this matter Veronica stated that the Courts indicate that no longer can Full-Impact Analysis be avoided in determining the impact of new emissions sources. Using new weather data the group's own modeler indicated that ozone levels would cause more elevated PM<sub>2.5</sub> concentrations. EPA now requires one year of pre-construction modeling in order to determine potential impacts from new sources.

Another issue Ms. Carbajal brought up is that regarding the PM<sub>2.5</sub> monitoring network only 2 monitors have been certified for NAAQS purposes while the station at Sun Metro was removed from the field for reasons which were not provided.

Elaine Barron, MD. (EB) asked if an acid plant exists in East Montana which can contribute irritating emissions. VC indicated there was a search conducted for other Title V sources and that facility may be there. Between 3 & 5 additional sources should have been modeled against the monitoring data.

Tom Ruiz (TR) asked if there has been an open house held in the community to provide information on the plant. VC indicated that as part of the meeting TCEQ held in December there was an opportunity to provide public comments. EPA also provided comments. VC's group has focused on air related issues. NMED has done a "fabulous job" of regulating EPE in NM.

BL asked if the document VC submitted to the JAC is the current data. VC indicated yes, this document addresses PM2.5 issues and is the current report. The report indicates concerns regarding Best Available Control Technologies applied to control emissions.

Mariana Chew asked why EPA & TCEQ didn't submit any comments regarding the water usage at the facility, and how can the JAC be involved in this issue. VC replied that EPA's comments addressed PM2.5 issues, and TCEQ disagrees with EPA's position. BL added that this is an ongoing permitting process where the contested case hearing will be held in June. The full permit is divided between the TCEQ and the EPA. TCEQ issued a permit regarding ozone and PM2.5. The facility is not considered a major source under the PSD (Prevention of Significant Deterioration) Rules. It is a major source for greenhouse gas emissions.

BL asked the JAC if there is a bigger issue the committee should consider regarding air quality issues associated with the proposed facility. Should the JAC take a role in this contested case hearing? Should the JAC become involved in permitting issues made by the regulatory committees? And what should be brought to the attention of the regulatory entities? VC indicated that a letter from the JAC indicating it is interested in this issue would be helpful and indicate the JAC is involved in current permitting issues. BL indicated perhaps the JAC can address the broader air quality issues rather than focus on specific permitting issues. EB stated the JAC can make a generalized statement of concern. BL stated that VC made some good points that can be brought together into a more congruent statement.

The hearing is June 3-6 in Austin, and a recommendation will be provided by the ALJ afterward.

B) Cd. Juarez Air Quality Network

BL prefaced this item by raising the question where the discussion may ultimately go. The JAC has heard of logistic problems with operation of the Juarez air monitoring network. EPA provides funds to the City of EP to operate these and several EP monitors. There are questions of data capture from the network and having a binational network that is meaningful. There is still some technical work that must be done to optimize the air monitoring network and address some of the past difficulties as well as provide good data for scientific purposes. For example, CO levels continue to drop year after year, and there may be no need to maintain as many CO monitors as we currently operate. Do we need more PM2.5 monitors? Do we need to expand the network?

Candice Sifuentes, Manager of the City of EP Air Quality Program, reported that the City of EP is responsible for managing several monitoring sites in both EP and Jz. The goal of their work is to assure the data is legally defensible and accurate. The network operated by the City is divided into 4 regions: East, Mexico, Ft. Bliss / Northeast EP, and Far Westside. Parameters measured include meteorology and criteria pollutants.

Perhaps there could be a speciation monitor deployed in the region. A general observation can be made that elevated CO concentrations are found at the borders, but that lends itself to the number of vehicles crossing at that location. A chart of CO concentrations was presented indicating a long-term reduction in CO concentrations where yearly maximums are just 25% of the standard. Ft. Bliss has observed an increase in population which may contribute to elevated CO. CAMS 663 has also observed increases in CO but maximums remain just 25% below the standard.

Trends for ozone indicate El Paso's 8-hour ozone concentrations continue to decline. In Juarez there may be some photometric interference to the ozone monitors which may impact ozone concentrations. Some suggestions of what can be done include identifying the VOC emissions that impact the ozone monitors. Another type of ozone monitor can be deployed alongside the current federal reference method monitor. A hydrocarbon spike experiment can be carried out to assess the type of VOC pollutant impacting the ozone monitor. Another factor is the population growth in both EP and Jz meaning the network may need to be expanded.

BL asked what type of monitoring network is needed in the future. People are coalescing around some ideas like reducing the number of CO monitors and reconfiguring the network. The ozone monitor that has performed the best is the one that is closest to the standard. C663 performs the best and provides the best data. Perhaps if we redesign the network we can shift resources to areas where they are most needed. Perhaps VV can review or gauge the potential network. He suggested the JAC form an air monitoring committee to make recommendations on reconfiguring the network. VV indicated there is a wide area where monitors and meteorology needs to be deployed to improve modeling, forecasting, and data capture.

Pilar Leal (PL) added there have been changes in land use which has gone from industrial to academic use. The committee that is formed should look at land use changes that have occurred in making recommendations on the reconfigured network. David Parra (DP) has a section in INE to consider the different monitoring systems nationwide. SEMARNAT can provide assistance to the State and City to consider redeploying stations and expanding the network. The responsibility is of the City and State to provide resources for these endeavors. He recommended we have meetings to continue discussing this matter.

Araceli Salazar (AS) stated it was about time that this discussion finally took place. It is great to see our companion from SEMARNAT wanting to participate in the discussions that are expected to take place in the coming months.

VC stated that perhaps the TCEQ has modified the monitors to make it difficult to conduct NAAQS monitoring. The TCEQ website has a disclaimer stating to not use the reported data for NAAQS purposes.

BL stated that perhaps the PM problems are due to the extended drought conditions over the regions and not necessarily sources that either exist or are proposed. A good question for the committee is to address what is the best type of monitor to deploy even if they may not be Federal Reference Methods. If anyone has an interest or ideas, we'll figure out some way to form a technical review committee to update the network.

C) ASARCO Stack Demolition report

BL requested this discussion in order for the current ASARCO Trustee, Project Navigator (PN), to provide information on the demolition of the former ASARCO stacks. From an air quality standpoint, whenever demolitions are carried out it is important to obtain information and provide some lessons learned in case we are faced with a similar situation.

Roberto Puga, Project Navigator, provided information regarding pre-demolition preparations, air monitoring, public outreach, and post-demolition clean-up. There was a challenge to mitigate dust emissions generated during demolition and drop the stacks in a precise location.

ERM discussed site-preparation. Measures were addressed to minimize dust that included cleaning inside the stacks (chimney preparation) and soil preparation which included an earthen berm and a water mist dust suppressor system. Dust accumulation was manually removed from inside both stacks. This included removing insulation which was saturated in dust. Fall-zone groundwork preparation involved adding a layer of soft soil plus a geotextile material. A material called "gorilla snot" was applied to suppress the dust. 26 water misters were deployed to spray the area and add to the dust suppression system.

The stacks were assessed for metals. Results indicated the concrete was inert materials and there were some metals, but nothing of great concern.

Outreach was conducted by Project Navigator to present the demolition plan to the community on both sides of the border. Juarez Protección Civil and Ecology Department were instrumental in providing an opportunity to present this information to the public. 10 Dustrak Monitors and 3 ambient monitoring samplers were also deployed. The data has been posted on the project website for the duration of the project. 3 sites in Juarez provided data for this project.

Data from PM<sub>2.5</sub> and PM<sub>10</sub> monitoring indicate most of the monitors deployed for the project registered PM values below the standards for the different pollutants. TCEQ monitors did not register significantly elevated PM concentrations. The Juarez samplers also registered concentrations below the national standards.

PM speciation sampling data indicate the concentrations for the metals are below the maximum contaminant levels (MCLs). There was a slight spike of some of the metals that lasted about 1 hour. The site engineering controls appeared to work very well at suppressing the dust. The concentrations of metals appear to be within acceptable levels.

Dave Dubois, PhD. asked if consideration was given to dust which infiltrated people's homes. RP replied that the amounts of monitored dust were low given the monitoring data, and there appeared to be little dust which may have entered people's homes. Project Navigator did offer to move people to a separate location during the stack demolition. Araceli Salazar (AS) COESPRIS asked if the data is available online. RP replied that there is a website. [www.recastingthesmelter.com](http://www.recastingthesmelter.com). Quite a bit of screening was conducted for metals and chemicals that may be found in chemical weapons. Chemical speciation testing of the dust within the stacks was also conducted pre-demolition. AS stated that there were elevated metals emitted into the air, so now what happened to those metals that were entrained into the air? Where are they and are they now measured? A PN contractor replied that the elevated metals existed for 1 hour. There was a windy day on the 16<sup>th</sup> that indicated no elevated metals. The screening levels are just that. They are not standards.

BL commented regarding 'standards' under the FCAA. EPA has responsibility to develop health-based standards for PM and metals. When a standard is set after much epi and lab study data is evaluated you

need to compare exposure to response. There is a number value and a form for the standard. The number and form cannot be separated. The form may be a 24-hour exposure while the value states the limit allowable for the exposure. There may be discussion on acute short-term exposure, but the standard must be followed, and in this case the standards must be observed before making any conclusion regarding the short-term acute exposure to the elevated PM and metals.

WWL asked if there was any chemical analysis for the soot inside the stacks. Response: there was analysis for materials for the lower levels of the stack. A tackifier was applied to the area within the stacks to suppress as much dust possible. Post-demolition analysis was conducted on the upper levels of the stack. WWL stated that the analysis was for the concrete itself.

Tom Ruiz commended RP and his team for the excellent job at providing transparency to this project. RP replied there were many lessons learned that can be taken to any upcoming stack demolition projects and the dust suppression measures undertaken prevented an otherwise much higher spike in the emissions which were measured at the monitoring sites.

Andrea Tirrez (AT) stated that 2 years ago she sent RP an email asking what can be done to mitigate dust and safeguard home environments from dust which may enter a house following stack demolition. AT stated that RP replied to her that one doesn't need to be concerned because dust mitigation efforts will be deployed. AT asked RP to explain the methods used to analyze the soil samples. RP replied that in June or July a report on the methods will be posted on the project website after the meeting. He added that standard methods were used.

Kent Patterson from Frontera News was present during the demolition and indicated numerous residents in Juarez living in homes across the river from the demolition site showed him cracks and damage such as broken windows to their homes. He asked if anyone has conducted any follow-up visits. He also stated that people were covered in a dust for over 1 hour following the demolition. He asked if any agency present or Project Navigator was going to conduct a follow-up. RP stated an extensive pre- & post-neighborhood inspection was conducted. Seismographic assessments were also conducted. PN found that there was no damage caused to properties in the community of Calaveras adjacent to the former smelter. Since immediately adjacent to the site no damage was found they felt there was no need to conduct inspections in Juarez.

Ivonne Santiago, Ph.D. asked a question regarding "hand removed" soot. RP replied that all the procedures have been posted. IS indicated there was no reporting on asbestos. RP replied that all the data will be provided on the website. No soot was seen at levels above 100 feet inside the stacks.

EB indicated we are 1 part genes / 2 parts environment. What are the major concerns due to long-term exposures to the emissions from this facility? What were long-term health impacts to the people who were exposed going forward 20 years after the fact?

AS stated that there seems to be many holes in the story being presented. What is the impact and exposure caused by the entrained dust and what exactly was in the dust? She agrees with Mariana Chew who stated that not enough was done to caution the people to stay indoors. She also agrees with EB who worries about people who had long-term exposure to smelter emissions.

RP indicated that hazardous materials will be on temporary storage at the facility, and long-term storage will be made onsite and classified as hazardous materials.

- D) Juarez Wedding PM10 Hi-Vol report from Stack Demolition  
Biol. Irving Acosta, Cd. Juarez Ecology Department, presented results of PM10 sampling conducted during the April 13 demolition. Sampling sites were selected at Casa de Adobe, ACS, and Bomberos Anapra. Casa de Adobe is directly across the river from the smelter. ACS is southwest and Bomberos is northwest. Filter data was collected using hi-vol samplers at Anapra and ACS. Pre-demolition sampling was conducted indicating very low PM10 levels at all 3 sites. The sampler at the site directly across the river from the facility did not operate during the event. Continuous PM monitors deployed for the event identified slight peaks during the sampling event which did not exceed the standards. A question was asked if the filters were ever analyzed. IA replied that filters were all analyzed at Armstrong Labs where all samplers were sent by PN.

Alba Corral (AC) added that the metals that were entrained were not going anywhere. An acid-extraction is made on the filters to analyze for metals using ICP-MS. UACJ has been analyzing filters since 2005 and has a good library of metals content in the soils. Denisse Varela asked AC how long it will take to make this data available. AC replied she can't make any promises and asked the City of Juarez to make the filters available to her so she can conduct her analysis. Perhaps by August or September of this year. BL asked what is the form of the data for metals on the filter (mg/kg or ug/m<sup>3</sup>). AC replied that this is micrograms per m<sup>3</sup> given this is a filter and not a soil sample. You utilize the flow rates, filter weight (tare & exposed). From this you obtain concentrations of lead on the entire filter and not just the piece of filter analyzed.

BL indicated that he asked the EPA air staff to provide air quality trends for several pollutants. Data trends such as lead (Pb) indicate a major reduction in concentrations where we are at ¼ of the standard which is 1/10<sup>th</sup> or essentially 1/40<sup>th</sup> of the previous standard. So we're not seeing problems in the air regarding Pb, we're seeing very good and very low trends in this metal.

- E) ASARCO – Community comments regarding the dust generated during the demolition and request to revisit the JAC ASARCO Resolution.

Andrea Tirrez read some statements from citizens of the Sunset Heights neighborhood, Jaqueline Barragan (JB) and Ana Gabriela (AG). JB's statement indicated concerns with dust, sharp pains in her lungs, and concerns about having the stacks demolished during high-wind events. AG's statement indicated her house smelled like "matches and gas" upon returning from a weekend trip. Her neighbor also reported health issues following the stack demolition. AT asked what actions from the JAC can she take back to those people? Denisse Varela stated that the JAC signed a resolution back in 2008 on what to do with legacy issues associated with ASARCO, and nothing has been done regarding what the JAC agreed to do. She asked what convenient method can be followed to do what the JAC agreed to do on its resolution. She recommended the JAC conduct critical analysis of what is in the resolution and what the group should do to follow-up?

Mariana Chew (MC) discussed a study conducted by a broad coalition of individuals representing academia, NGOs, and consultants who assessed soils as a follow-up to the JAC resolution regarding legacy issues associated with the former smelter. This discussion was prefaced by indicating there were questions regarding the dust cloud and sample analysis methods used by Project Navigator to assess the soils. Was the dust cloud cement dust as reported by PN or what? PN just reported that the dust was contained, but the images provided in her PPT identify a major dust cloud emitted from the stack as it fell as well as the fumigation of the area immediately after the stack was demolished. MC indicated that a very short term exposure can be detrimental regardless of what the standard states. When RP states that the dust was contained, her family members who are medical doctors respond that the dust is contained 'within the

lungs'. MC indicated that RP wanted to make this a 'non-event' but it appears that no one really knew what was taking place. No one knew why the event was delayed 20 minutes after the scheduled time, and no one provided information to this effect.

A soil assessment was conducted by the team of researchers with limited time and money to assess soils. The limits on metals in soils for industrial facilities are: Arsenic (As) 24 milligrams/kilogram (mg/kg), Cadmium (Cd) 50 mg/kg, and Lead (Pb) 500 mg/kg.

Soil samples were tested by Hall Environmental Analysis Laboratory in Albuquerque. The soil sample was sieved so that only the silt fraction was analyzed. Bulk soil should not be tested since the larger fraction of soil particles are geologic material while the finer silt fractions include the metals which were emitted by the smelter. The silt is also the material which may be entrained into the air during a wind event thereby expanding the area which is contaminated by metals.

Soil samples were taken at 5 locations. 4 locations were near UTEP, Sunset Heights, and across from the former smelter. 1 location was a control site near Ft. Bliss Military Reservation and a distance from the former smelter.

Site 1: West of UTEP next to a parking lot: As – 160 mg/kg, Cd – 29 mg/kg, Pb – 1,300 mg/kg

Site 2: Sunset Heights (Heisig & Mundy): As – 30 mg/kg, Cd. 5.6 mg/kg, Pb, 380 mg/kg

Site 3: Sunset Heights (Yandell / Missouri): As – 12 mg/kg, Cd. 3.6 mg/kg, Pb 170 mg/kg

Site 4: Ft. Bliss: As – ND, Cd. 0.45 mg/kg, Pb: 50 mg/kg

Site 5: Adjacent to IBWC on Paisano: As – 180 mg/kg, Cd – 32 mg/kg, Pb – 770 mg/kg.

MC noted that these limits are maximum allowable for industrial facilities. The concentrations in metals also have to be looked at from an environmental justice perspective. The areas sampled near UTEP and the former smelter sites are residential and near residential locations where infants & children can be exposed to elevated metals concentrations which are known carcinogens and are known to impact developmental and learning processes in children.

MC made several recommendations. Further screening must be done by EPA/TCEQ. Testing of silt at ASARCO needs to be done to estimate the amount of metals in the dust cloud. If metals testing of Sunset Heights residential properties indicates Pb and As levels are beyond allowable limits (for residential areas), then a Kern-type remediation must be initiated.

EB commented that this is why we needed ASARCO demolished. The TX environmental almanac for this area shows elevated Pb and As in this region that has been in the soil for many years. Cochran.com and PubMed.com have reports on the impact and issues. Science needs to be continued to make sure we have clean air and clean water.

AS stated this is an important issue to pursue. There are many matters where uncertainty continues regarding the presentation from PN. There was a lack of coordination and what was presented didn't take place as it really occurred. We received data, but we don't know if what was presented by the contractor is real.

VV stated that this current discussion is a follow-up on the legacy issues from the former smelter as indicated by the resolution of 2008. The data presented is a screening for a small area. There is no follow-up on the legacy issues for the area impacted by smelter emissions since the JAC signed the resolution 5 years



ago. If simple screening shows elevated metals in the neighborhood surrounding UTEP and Sunset Heights these are the legacy issues and this is what kids are living with on both sides of the border.

EB stated we have models that we can compare and we need to continue studying this issue. EB asked BL, "what we are going to do regarding the legacy issues?". How can we follow-up on that issue and be responsible for the resolution we signed. BL had several questions some of which dealt with definitions of terms, procedures and delegation of responsibility for tasks. On the air quality side there were previous comments and a decline in the monitoring data w/ respect to Pb. With respect to PM monitoring he disagrees with any position indicating that ambient Pb is a problem. There were comments regarding the air monitoring schedule during the event which didn't run the normal midnight to midnight. How do we bring a specific meaningful recommendation about what we should be doing since we can always do more?

Denisse Varela (DV) stated we don't need to reinvent the wheel to achieve the objective. We signed a resolution to form a binational panel. The JAC should report to the public and the citizens' panel. She is asking the JAC to just comply with what it signed. BL stated this is a good issue to revisit. Since the resolution was passed things have changed. At the time the resolution was signed, the smelter had planned to re-open. We will be dealing with soil clean-up and other things.

Andrea Tirrez (AT) read a statement regarding the public organization and translation to Spanish of the demolition plan. The concerns of the public do not address the standards and if they were met or not. The concerns address exposure and a feeling of disenfranchisement by the public. AT read a petition developed to further address the emissions generated during the stack demolition. The petition is posted on the JAC website. DV stated the JAC is an example at the international level of an organization which inspired many other binational citizens' groups. The JAC was legally formed by modification of a treaty which Mexico and the United States signed. So the JAC should take some time to have an extraordinary meeting to further discuss this issue with the general public.

BL stated the comments that have been made appear to be directed to the regulatory community and not necessarily the JAC. The comments may be directed to higher groups such as the Air Policy Forum.

Aracely Salazar (AS) stated the JAC agreed in the 2008 resolution to look into legacy issues. When she asked Project Navigator if they had cleaned they responded yes; then they asked each other the question and they provided a questionable response. They stated it was a one-time event, but those emissions after the demolitions have landed on the soil and remain so we need to keep looking at this lingering issue. The information provided to Mexico was only provided 2 weeks before the demolition. It appeared rushed.

BL stated that perhaps the JAC needs to develop a citizens' panel. EPA's and TCEQ's conclusions are that the data indicate the concentrations were not high enough to indicate environmental regulations were violated. We have a fundamental difference of how the data are interpreted. So we need to understand and have an idea where the difference in data interpretation is. There is a large amount of data available and the data is leading different parties to different conclusions. So the points of disagreement need to be understood.

Tom Ruiz (TR) suggested a technical committee needs to be formed to look at the data. With respect to the site there is continued monitoring and limited resources. While at NMED TR prepared a contract to assess Pb levels and the data is available. We can explore that as a JAC and make recommendations regarding further health analysis. PN should be commended for the amount of dust mitigation which was done for stack demolition.

Pilar Leal recommended that an action to undertake is a reconsideration of the air monitoring network which was been brought up earlier.

David Parra added there is a need to continue looking at the data. From his perspective we need more information regarding proposed site remediation. After stack demolition we now need to follow-up with site remediation and recommends we form a group to do this work. He offers staff from SEMARNAT and INE to do so.

VV recommended a follow-up be conducted to the initial screening tests to confirm those results and address any concerns that have been raised during today's discussions.

BL stated it's a real question for the JAC: What is our role on the ongoing activities at the ASARCO site? We can move soil remediation issues to another section of EPA. The JAC probably isn't the right forum for that.

Wen-Whai Li, Ph.D., (WWL) stated that the JAC's role on this issue concerns the different entities involved on the committee: regulatory, academics, NGOs, and private individuals. He understands Andrea's point of view. However, looking at the PM data we have several days with elevated PM2.5 data. There is no direct link between ASARCO and elevated PM conditions inside people's homes. We can perform perimeter monitoring. We can challenge the contractor's results if we want but it comes back to what is the role of JAC. Whatever happened during the demolition has occurred, but the JAC can look at potential mitigation of contaminated soil coming off-site. More chemical analysis can be conducted to understand the source. We can look at the data as much as we want. We should focus on perimeter monitoring, conduct chemical analysis, conduct bio-monitoring.

Dave Dubois, Ph.D. (DD) indicated that wind erosion can be an issue and bioaccumulation of metals can become a problem over time. We may need appropriate controls applied to prevent entrainment of emissions due to wind erosion.

DV stated she'd like an extraordinary meeting to provide follow-up. We should revisit these issues such as entrainment and bioaccumulation. PN did not consider bioaccumulation due to emissions caused by stack demolition. PM is a medium for other pollutants. While there were not exceedances, we can presume that other pollutants were transported in that dust. The concentration of metals in the dust may be much higher and that's information that hasn't sufficiently been made available.

- F) Toxics Release Inventory Report – Maria Sisneros, EPA, provided a hand-out on the TRI and RETC for Mexico. EPA provided an accounting of toxic emissions from point sources along the US-Mexico border.
- 9. Observations and Comments from the Public No comments were provided
- 10. Highlights and consensus items of the meeting. BL asked VV to work with interested JAC members on how to frame any further discussions on ASARCO based on the framework of the JAC. We need to have other groups in the regulatory community address soil remediation issues. EP air quality issues in the future will be driven by factors more important than ASARCO. There are issues in the resolution that haven't been resolved that a technical commission should review. BL added that the agencies responsible for the monitoring network should follow-up on this item.
- 11. Next meeting September 19, 2013.
- 12. Adjourn