



## PIMA COUNTY

### ENVIRONMENTAL QUALITY

33 N. Stone Avenue, Suite 700  
Tucson, Arizona 85701-1429  
[www.pima.gov/deg](http://www.pima.gov/deg)

Ursula Nelson, P.E.  
Director

(520) 724-7400  
FAX (520) 838-7432

In the Matter of:  
Granite Construction Co.,  
Swan Road Plant  
9301 S. Swan Rd.  
Tucson, AZ 85756

### **ABATEMENT ORDER**

**Case # P.C. 1603-011**

**Hand delivered 3/4/2016**

**TO:** Granite Construction Co., Swan Road Plant, Parcel ID number 140-53-001C, located at 9301 S. Swan Rd., Tucson, AZ 85756 ("Property") in Tucson, Pima County, Arizona.

**I. YOU ARE HEREBY NOTIFIED** that the Control Officer of the Pima County Air Quality Control District, operating within the Pima County Department of Environmental Quality ("PDEQ"), has reasonable cause to believe that Granite Construction Co., Swan Road Plant has emitted gaseous or odorous materials from equipment, operations or premises under its control in such quantities or concentrations as to cause air pollution as defined by the provisions of Pima County Code ("P.C.C.") §17.16.030.

### **II. JURISDICTION**

The Control Officer has authority to order abatement of activities that unreasonably interfere with the enjoyment of life or property of a substantial part of a community under A.R.S. §49-511, P.C.C. §§ 17.28.010 and 17.16.030.

**III. THE CONTROL OFFICER MAKES THE FOLLOWING FINDINGS:**

On March 3, 2016, the PDEQ inspector conducted an Odor Observation and Assessment at Granite Construction Co., Swan Road Plant, located at 9301 S. Swan Rd., Tucson, AZ 85756 in response to odor complaints received by PDEQ. The inspector detected a metallic odor at the northwest portion of the Granite Construction Co. plant, categorizing the odor as a four (4) out of a scale of (5) (described as “odor present is objectionable and causes a person to attempt to avoid it completely”). PDEQ received reports from Tucson Airport Authority, Tucson Fire Department and the public complaining about the odor. Some schools in the Sunnyside and Tucson Unified School Districts were evacuated. Twenty-four (24) employees from the Southern Arizona Veteran’s Administration Health Care System were affected, including seven that were seen by paramedics. Symptoms included light-headedness, sore throat, moderate to severe headaches, and nausea.

The emissions described above constitute the emission of gaseous or odorous materials in quantities or concentrations sufficient to cause air pollution. The emissions violate P.C.C. § 17.28.030 which provides:

No person shall emit gaseous or odorous materials from equipment, operations or premises under his control in such quantities or concentrations as to cause air pollution.

**IV. IT IS THEREFORE ORDERED,** pursuant to A.R.S. § 49-511 and P.C.C. § 17.28.010, that Granite Construction Co., Swan Road Plant, shall cease operation until such time that it no longer causes noxious odors to be emitted to the outdoor atmosphere.

**V. YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:**

**A.** You are entitled to a hearing, if the hearing is requested in writing within 30 days after the date of this order.

**B.** Failure to comply with this order may subject you to further administrative or judicial sanctions, including a lawsuit for a temporary restraining order or preliminary or permanent injunction requiring you to abate the activities on the Property. By issuing this order, neither the Pima County Department of Environmental Quality nor the Office of the County Attorney waives its right to seek appropriate penalties or injunctive relief for violations of the statutes pertaining to any rule or order promulgated or issued thereunder, or any other applicable environmental statute or legal authority.

**ISSUED** this 4<sup>th</sup> day of March, 2016.



Ursula Nelson, P.E.  
Director, Pima County Department of  
Environmental Quality  
Control Officer, Pima County Air Quality  
Control District

**ORIGINAL** of the foregoing order was hand delivered this 4<sup>th</sup> day of March, 2016, at \_\_\_\_\_:\_\_\_\_\_ a.m./p.m. to:

Granite Construction Co., Swan Road Plant  
9301 S. Swan Rd.  
Tucson, AZ 85756

**COPIES** of the foregoing order were hand delivered this 4<sup>th</sup> day of March, 2016, to:

Ms. Lesley Lukach  
Deputy Pima County Attorney  
Pima County Attorney's Office  
Civil Division  
32 North Stone, 21st Floor  
Tucson, Arizona 85701-1416

Ms. Jennifer Lynch, R.S., REHS  
Enforcement Manager  
Pima County Department of Environmental Quality  
Enforcement Program  
33 N. Stone, Suite 700  
Tucson, Arizona 85701-1429