



DEPARTMENT OF ENVIRONMENTAL QUALITY

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March 11, 2013

BY E-MAIL
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Manny Aquitania
Air Permits Office (AIR-3)
U.S. E.P.A. Region IX
75 Hawthorne Street
San Francisco, California 94105

Dear Mr. Aquitania:

On January 18, 2013, the Pima County Department of Environmental Quality (PDEQ) requested EPA's comments on the ASARCO LLC, Mission Mine's proposed final permit. Your comments were received via e-mail on March 4, 2013.

The following is a summary of the comments received, followed by PDEQ's responses.

Comment #1:

In general, the ASARCO TSD is informative on the facility description, applicable requirements, regulatory history and permit content. EPA understands that much of the information is contained in the permit application and/or operating permit, but the TSD should be written in a manner that it can "stand alone." The ASARCO Mission Complex is a major mining and mineral processing operation with much public interest as demonstrated in the well attended (*sic*) open house and public hearing. EPA recommends that more detailed explanation be provided to distinguish whether the Code of Federal Regulation (CFR), Pima County Code State Implementation Plan (SIP) rule or the Pima County Code (PCC) requirement is applicable to specific process equipment, such as when would the 0.05 gram per dry standard cubic meter particulate matter standard (40 CFR, Part 60 Subpart LL) apply over the 20% opacity requirement (prescribed by PCC Title 17, Chapter 17.16). To provide clarity, please explain whether there are any permit requirements being streamlined. Perhaps, adding a discussion that includes relevant information from the "Description of Permit Content" on pages 6-9 can help explain PCDEQ's rationale in applying the different federal, SIP and PCC requirements to the ASARCO operating permit. A process diagram would also be helpful.

Several federal and PCDEQ particulate matter and visibility requirements apply to ASARCO mining and mineral processing equipment. The Applicability Section (TSD, p. 5) states that provisions of NSPS Subpart LL apply to "... each crusher, screen, bucket

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elevator, conveyor belt transfer point...” However, Mission North Primary Crushers (OP, p. 17) 361-26-1, 361-38-1 and 361-02A are not subject to NSPS Subpart LL. Please distinguish the differences in applicability of federal, SIP rule or Pinal (*sic*) County Code to mineral processing equipment.

Response:

As requested, PDEQ has provided additional explanation of how the Code of Federal Regulation (CFR), Pima County Code State Implementation Plan (SIP) rule or the Pima County Code (PCC) applies to specific process equipment. Page 9, Section F of the TSD (Miscellaneous Comments) identifies the applicable requirements to which the source is subject to under the Clean Air Act. A statement has been added to Applicability under VI.A of the TSD stating that all permit conditions are federally enforceable unless otherwise stated. PDEQ has also provided the following permitting structure improvements and permit streamlining in this permit renewal or carried them over from the expired permit:

- The affected emission sources are grouped into emission limitation sections to aid the source, Control Officer and the public in determining the applicable requirements for each emission source or group.
- In some cases, the referenced citations for applicable requirements have been streamlined where possible with the most stringent condition listed in the permit.
- A grouped approach for activities subject to certain general applicable requirements (Section 12).

With respect to any perceived correlation between emission limitations and standards (opacity and particulate matter), any emission source subject to a percent opacity limitation and a particulate matter emission standard stated in terms of a weight of particulate per unit volume of air (e.g., grains per dry standard cubic foot) shall demonstrate compliance with both emission limitations. A demonstration of compliance with the opacity emission limitation is not considered as a surrogate to demonstrate compliance with the particulate matter standard or vice versa.

Comment #2:

Specifics on permitting history is not detailed in the TSD. It is not clear whether there have been any permitting actions between the initial title V operating permit, issued in June 2003, up until the proposed renewal permit. Therefore, it is not clear whether there have been emission increases and/or emission reductions within that span of time. EPA requests that PCDEQ include details of the emissions increases associated with any new equipment and emissions decreases associated with the existing equipment and replaced equipment.

Response:

PDEQ has updated the TSD with all revisions that have occurred at the facility since the last renewal was issued in 2003. The revisions are listed under Permitting History in III.C of the Regulatory History.

Comment #3:

Under the “Testing & Inspections” and “Permit Deviation Reports” headings, historically, there has been a pattern of facility fugitive emissions complaints, notices of violations and reported deviations due to tailing piles. Several of the citizens in the November 2012 public hearing commented about fugitive dust concerns. Please clarify how PCDEQ is addressing this (*sic*) issues. According to the ASARCO TSD, the last entries for inspections and deviation reporting is 2009-2010 timeframe.

Response:

Inspections and regular surveillance activities have been conducted by PDEQ since the initial permit was issued. All complaints originating from the public or governmental agencies are recorded and investigated thoroughly. The TSD identifies all noteworthy enforcement actions for the past 10 years. PDEQ has updated the TSD to reflect noteworthy activities since 2010.

Comment #4:

In the Applicable Regulations section (TSD, p. 4), under the Code of Federal Regulations, add 40 Part 63 Subpart CCCCCC – Gasoline Dispensing Facilities

Response:

PDEQ has updated the TSD to reflect applicability of this regulation.

Comment #5:

Pima County Code State Implementation Plan (SIP) refers to both Rule 314 and Rule 334 applying to petroleum liquids (TSD, p. 4). EPA’s collection of SIP rules for Pima County does not include Rule 334.

Response:

This was a typographical error; PDEQ has corrected Rule 334 to 314.

Comment #6:

Pima County Code 17.16.650 applies to emissions of hazardous air pollutants. Explain applicability or non-applicability of requirement to the ASARCO facility.

Response:

This is the State HAPs rule which is not in effect. As a result, this rule is not applicable to ASARCO.

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Comment #7:

Hazardous air pollutant emissions are not discussed in the TSD. Please include information regarding expected HAP emissions in this project.

Response:

PDEQ has updated the TSD to detail the HAP emissions at the facility (Page 10, Section F.5)

Comment #8:

For the 15 emission points requiring CAM (TSD, p. 7), we request that you provide pre-controlled units emission estimates. Please discuss your rationale in compliance assurance methods chosen.

Response:

CAM is applicable to Pollutant Specific Emissions Units (PSEU) that meet the following criteria:

- the PSEU is located at a major source for which a Title V permit is required;
- the PSEU is subject to an emission limitation or standard for the applicable pollutant;
- the PSEU uses a control device to achieve compliance with a federally enforceable limit or standard;
- the potential pre-control emissions of any applicable pollutant(s) from the PSEU are at least 100 percent of the major source amount; and
- the PSEU is not otherwise exempt from CAM [40 CFR 64.2(b)]

The specific emission sources at the facility have been identified in Section 9 of the operating permit. All the emission sources subject to CAM have post-control emissions of over 100 tpy. PDEQ has deemed it unnecessary for the source to submit pre-control emissions from the PSEUs given that the post control emissions are over 100 tpy. In addition, all units subject to CAM are grandfathered PSD sources so there are no pre-defined pre-control emissions per se. Compliance methods chosen have followed EPA's Draft CAM guidance document which prescribes listing the selection criteria for the PSEU, the applicable condition and monitoring approach elements.

The rationale for the numerical limits chosen in the CAM plans are based on performance tests results and monitoring levels of the instruments used during those tests. A factor of safety has been allowed based on the manufacturer's specifications of the units or monitoring instruments or pre-approved performance plans.

Comment #9:

Please provide further details on Tailing Management Plan (TSD, p. 7). Is it the eventual strategy to include elements of the plan as federally enforceable permit conditions?

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Response:

The tailings management plan is a stand-alone document and elements of the plan will not be incorporated as federally enforceable permit conditions. These elements allow ASARCO the flexibility to easily change the plan should a need arise. This prevents lengthy permit revisions and sometimes unnecessary costly delays and allows for compliance assurance as expeditiously as possible. The plan is already referenced in the permit and ASARCO cannot make any changes unless approved by PDEQ. ASARCO LLC is not prevented from implementing additional conditions above and beyond what is approved by PDEQ.

Comment #1 on the Operating Permit:

In Attachment 1, the Applicable Regulations (OP, p. 89), under the Code of Federal Regulations Title 40, add Part 63 Subpart CCCCCC – Gasoline Dispensing facilities. The applicable NESHAP Subpart is included in Table 9 –NESHAP Applicable Gasoline Dispensing Facility (OP, p. 101).

Response:

PDEQ has updated the permit to reflect applicability of this regulation.

Comment #2 on the Operating Permit:

In Attachment 1, the Applicable Regulations (OP, p. 89), the permit includes SIP Rule 334 Petroleum Liquids as an applicable requirement. EPA has no record of a Rule 334.

Response:

This was a typographical error. PDEQ has corrected Rule 334 to 314.

PDEQ appreciates your comments on the air quality permit renewal. If you have any questions or need additional information, please contact Rupesh Patel at (520) 724-7400.

Sincerely,



Mukonde Chama, P.E.
Air Program Permitting Manager

Enclosed: ASARCO LLC Technical Support Document.