



**PIMA COUNTY ENVIRONMENTAL QUALITY ADVISORY COUNCIL**  
**33 N. Stone Avenue, Suite 700**  
**Tucson, AZ 85701**

Summary Minutes – May 19, 2010  
Bank of America Building, Conference Room, 7<sup>th</sup> floor  
33 N. Stone, Tucson, AZ  
1:30 p.m.

Members Present:

Dr. Eric Betterton  
Mr. Daniel G. Rowe  
Dr. Roger Caldwell  
Mr. Allan MacDonald  
Mr. Peter Livingston  
Dr. Mark Witten  
Mr. Warren Thompson

Members Absent:

Mr. Jeff Yockey  
Mr. Ben Dorris  
Mr. Curt Lueck

Others Present:

Ursula Kramer, Director, PDEQ  
Richard Grimaldi, Deputy Director, PDEQ  
Vicki Bennie, Council Secretary, PDEQ  
Lee Comrie, PAG  
Susan Cotty, PAG  
Eileen Palese, ADEQ

**I. CALL TO ORDER AND INTRODUCTIONS**

Mr. Thompson called the meeting to order and introductions were made.

**II. ELECTION OF OFFICERS**

A motion was made by Dr. Betterton, seconded by Dr. Witten, to nominate Warren Thompson as Chair and Dr. Caldwell as Vice Chair. A motion was made by Mr. MacDonald, seconded by Mr. Rowe to close the nominations. The motions both passed unanimously.

**III. APPROVAL OF THE SEPTEMBER 16, 2009, MINUTES AND NOTES FROM SUB-COMMITTEE MEETING OF JANUARY 20, 2010**

A motion was made by Mr. Rowe, seconded by Dr. Betterton, to approve the minutes and subcommittee notes (for reference) as written. The motion passed unanimously.

**IV. LEUKEMIA CLUSTER REPORT**

Dr. Witten stated that he retired from the University of Arizona in March 26, and formed Odyssey Research Institute. Odyssey Research Institute will be working from a laboratory on the east side of town and the target date to open is September 1, 2010.

Dr. Witten has been receiving inquiries regarding additional cancer cases in Sierra Vista. Dr. Witten will be performing tests on lichens that he placed in Sierra Vista several years ago. Approximately 70 to 80 percent of the lichens were recovered. It is believed that birds removed the remaining 20 to 30 percent.

**V. OZONE STANDARD REPORT**

EPA revised the ozone standard about one year and a half ago. Ms. Kramer stated that Pima County is still in attainment of the old ozone standard, but the level at which EPA set the standard of .075 parts per million (ppm) is higher than the recommendation of the Clean Air Science Advisory Committee (CASAC). The new administration has made re-evaluating the ozone standard one of their highest priorities. This reconsideration is done by evaluating the old analysis, studies and recommendation by CASAC. A new standard is expected to be 0.06 ppm to 0.07 ppm. If this is the case, Pima County will be designated as non-attainment for ozone. The final rule is expected around the end of August, 2010. In addition to setting a primary standard for ozone, a "welfare standard" or secondary standard for plants will be proposed. That will be called the W-126, which is a formula to determine the weighted average of the highest ozone values during the growing season. During the growing season, plants are affected by the ozone level. It is expected that Pima County will be in non-attainment for the secondary standard, too.

Mr. Livingston asked what Pima County would do if the area was determined to be non-attainment. Ms. Kramer stated that we would have to look at additional control measures for VOCs and NOx, complete an emission inventory, perform modeling to determine effects of controls, review fuel standards, and improve public transportation.

President Obama's budget for EPA has increased by \$80 million dollars, which is the first increase in funding for the agency in decades. EPA has done some national work such as regulations requiring cleaner cars by 2012 including a clean fuel standard. It is expected that EPA will also review regulations for airports and locomotive engines.

There was additional discussion regarding pollution over which Pima County has no control such as the diesel trucks at the Nogales check point and pollution coming from other sources in Mexico. It was mentioned that Arizona does participate with border environmental groups

Dr. Witten stated that health effects must also be included. He stated that he had biofuel stored in a gas can and it ate through the bottom of the can. Thinking he had a defective can, he bought another and the same thing happened. Ms. Kramer stated that the CASAC has a website that might include this information.

Dr. Witten stated that diesel particles are also very carcinogenic when they are absorbed into the lung's cell. Ms. Kramer stated that there is currently a voluntary school bus idling program. Most school buses use diesel fuel and enforcement would be difficult. Schools have done very well in implementing this program.

Pima County is involved in the electrification project, introducing the electric car, through the Clean Cities program.

**VI. ASARCO**

Mr. Grimaldi provided a power point presentation regarding ASARCO mine's air quality violations and PDEQ's responses.

ASARCO has been operating an open pit Copper mine since 1961 that consists of mining, crushing, grinding and concentrating. ASARCO has a Class I (Title V) permit for PM<sub>10</sub> emissions and is subject to New Source Performance Standards (NSPS) for Metallic Mineral Processing Plants. Emissions consisting of point source from milling operation and fugitive from

**ASARCO (Continued)**

the pit, haul roads and tailings are subject to an opacity limit of 20 percent, reasonable and necessary precautions must be taken to prevent excess emissions from crossing property boundaries and tailings must be smeared every 60 days during berm building.

ASARCO started berm building to raise the sides of tailings dam No. 8 in September, 2009. PDEQ began receiving air quality complaints in October, 2009. Inspections were conducted on October 21 and 27 which resulted in an Opportunity to Correct (OTC). An opacity reading of 29 percent was observed by the PDEQ inspector.

On November 12, 2009, ASARCO reported excess emissions of 61 percent opacity to PDEQ. PDEQ conducted an opacity inspection on November 12 but readings could not be taken at that time due to the position of the sun. Emissions were observed crossing the property lines. A Notice of Violation (NOV) was issued to ASARCO due to the inspection and excess emissions.

On December 12, high winds were forecast for the afternoon. PDEQ conducted an inspection of ASARCO that afternoon and found excess emissions of 83 percent. ASARCO recorded and self reported a 75 percent opacity reading. PDEQ issued another Notice of Violation.

On January 7, 2010, PDEQ conducted a follow-up inspection at ASARCO and approximately 50 percent of the tailing dams were covered in wet tailings. ASARCO continued berm building and anticipated completion at the end of the day. Part of the mine tailings were still dry.

PDEQ collected samples of the mine tailings, surrounding soil and material from a residential yard. Samples were collected to address concerns from the community as to what was in the tailings. The samples were analyzed at the U.S. Environmental Protection Agency's (EPA) lab and results were reviewed by Drs. Betterton and Maier of the University of Arizona. It was determined that the samples did not contain metal concentrations elevated above background concentrations. The material taken from a residential yard was found to be from the tailings based upon its composition. Even though the tailings were not found to be toxic, their small size fraction poses a health risk.

ASARCO responded to the NOV asserting that they were taking all reasonable precautions and disagreed that they were in violation. ASARCO has developed additional berm building procedures that include:

- Use of additional equipment to accelerate the time it takes to do berm building;
- Use of specialized equipment to apply dust suppressants; and
- Breaking the berm into segments so tailings can be applied quicker.

PDEQ has been working with the County Attorney's Office and EPA regarding appropriate penalties. PDEQ has requested additional information from ASARCO regarding their berm building process that led to the violations. PDEQ is waiting for ASARCO's response. EPA has also requested additional information from ASARCO and is waiting for a response. PDEQ and ASARCO will be engaging in penalty discussions in June.

In summary, PDEQ has conducted 14 inspections at ASARCO since January, 2010. PDEQ issued a NOV in April for opacity violations at tailings dam No. 4. ASARCO failed to take necessary precautions to prevent wind blown emissions. PDEQ is waiting for ASARCO's response to this recent NOV.

Additional information can be obtained on PDEQ's website.

**VII. BRAINSTORMING FOR FUTURE AGENDAS**

EQAC is interested in the following issues:

- Maintain consistence of ozone
- Electrification project – clean cities
- Buffelgrass Update – PDEQ staff
- Water – arsenic
- More ozone information
- Non-attainment – revised ozone time frame
- Expedited SIP
- Update area source MACS
  - New standards for painting, federal standards
  - Residences with more than two vehicles are included in standards

**VIII. CALL TO THE AUDIENCE**

Lee Comrie announced that PAG is hosting an air quality forum on June 10. It will be a one day technical meeting with representatives from ADEQ and EPA. The topics of ozone and climate change will be covered at the forum.

**IX. NEXT EQAC MEETING**

The next EQAC meeting will be Wednesday, July 21, 2010, at 1:30 p.m. in the PDEQ Conference room, 33 N. Stone, Suite 700, Tucson.

Future agenda items are:

- Street cleaning and air quality – Jim Glock, city of Tucson
- Ozone Report – PDEQ staff
- Staff Report – Ursula Kramer

**X. ADJOURNMENT**

Having completed all meeting agenda items, the Council adjourned.