



DEPARTMENT OF ENVIRONMENTAL QUALITY

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Ursula Kramer
Director

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February 9, 2010

ASARCO, LLC
Attn: Mr. Richard Rhoades
4201 W. Pima Mine Road
Sahuarita, AZ 85629

Re: Response to Notice of Opportunity to Correct # PC0910-122
ASARCO, LLC – Mission Complex, Permit No. 2026

Dear Mr. Rhoades,

The Pima County Department of Environmental Quality (PDEQ) has received your response dated December 23, 2009 to Opportunity to Correct # PC0910-122 issued December 4, 2009. Upon review of the response, PDEQ has determined that you have adequately addressed the corrective actions required to achieve compliance with deficiency #1.

PDEQ disagrees with your response to deficiency #2 that ASARCO, LLC – Mission Complex took all necessary precautions to minimize dust during the referenced berm building mode period. PDEQ additionally disagrees with the statement that the requirements for controlling fugitive dust emissions from a tailings dam in berm building mode are as stated in the Visual Observation Plan (VOP). The VOP (Appendix A of the Non-Point Source Monitoring Plan) states that it is written to comply with the requirement of Air Quality Control Permit No. 2026, Attachment "B": Specific Conditions, II. Monitoring of Operations, C. Visible Emissions Monitoring, 5. Biweekly (every two weeks) monitoring of non-point source emissions from sources subject to I.C of this Part.

The emission limitations and standards for controlling fugitive dust emissions from tailings dams in berm building mode are in sections I.B.5 and 6, and I.C.2, 3, 10 and 11 of Permit No. 2026. Additional monitoring requirements for tailings dams in berm building mode are in Section II.F.1.

PDEQ offers to discuss the proposed changes to the VOP as submitted in your response at the meeting proposed in your response to Notice of Violation # PC0911-061 and PC0912-067.

Sincerely,

A handwritten signature in black ink that reads "Dustin Fitzpatrick".

Dustin Fitzpatrick
Air Compliance Supervisor

cc: PDEQ Case File #: PC0910-122