



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION IX**

**75 Hawthorne Street  
San Francisco, CA 94105-3901**

**APR 13 2010**

**CERTIFIED MAIL NO. 7003 3110 0006 2000 8656  
RETURN RECEIPT REQUESTED**

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

Dear Mr. Rhoades:

The United States Environmental Protection Agency (EPA) hereby requires ASARCO LLC, ("Asarco" or the "Facility") to provide certain information as part of an EPA investigation to determine the Clean Air Act ("CAA or the Act") compliance status of the Asarco facility located at 4201 W. Pima Mine Road, Sahuarita, Arizona.

Pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of EPA is authorized to require any person who owns and/or operates an emission source to establish and maintain records, make reports and provide such other information as he may reasonably require for the purposes of determining whether such person is in violation of any provision of the Act. In order for EPA to determine whether a violation has occurred, you are hereby required, pursuant to Section 114(a) of the CAA, to provide responses to the Information Request in Enclosure 1 regarding ASARCO's metallic mineral processing plant located at 4201 W. Pima Mine Road, Sahuarita, AZ and associated mine and tailings impoundments (the "Facility") within twenty eight (28) calendar days of receipt of this letter. (See Enclosure 2 for instructions and definitions.) This required submittal of information is not subject to the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35. All information submitted in response to this request must be certified as true, correct, accurate, and complete by an individual(s) with sufficient knowledge and authority to make such representations on behalf of Asarco.

Failure to provide the required information may result in the issuance of an order requiring compliance with the requirements, or the initiation of a civil action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b). In addition, Section 113(c)(2) of the Act provides that it is a criminal violation to knowingly make any false material statements, representations, or certifications, or omit material information when submitting required documents, such as responses to information requests, to EPA. The information you provide may be used by EPA in administrative, civil, and criminal proceedings.



You are entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires, except that no such claim can be made with respect to emission data as defined at 40 C.F.R. § 2.301(a)(2). Any such claim should be made in accordance with the procedures described at 40 C.F.R. §2.203(b). EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. EPA may provide the public with any information not subject to such a claim without further notice. The required submission of information pursuant to Section 114 is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

EPA requires Asarco to submit the information requested in Enclosure (1) no later than thirty (30) calendar days after receipt of this letter. Please submit your response to this request as follows:

Ms. Deborah Jordan  
Director, Air Division  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105  
Attn: Margaret Waldon (AIR-5)

If you have any questions relating to this letter or the attached Information Request, contact Margaret Waldon, Office of Air Enforcement, at (415) 972-3987 or have your attorney contact Ivan Lieben, Office of Regional Counsel, at (415) 972-3914.

Sincerely,

Deborah Jordan  
Director, Air Division

Cc: Richard Grimaldi, PCDEQ

**ENCLOSURE 1**  
**INFORMATION REQUEST**

1. Provide a map of the Facility with elevation profiles and indicate the location of all of the tailings impoundments, conveyor systems, and ore crushing operations along with a brief description of the operational status of each unit, system or operation and the rated capacities. Clearly identify property lines and a distance scale reference on the map.
2. Provide a simplified process flow diagram for all processes at the Facility, including but not limited to, ore crushing, material conveying, material processing and tailings waste practices.
3. Identify all operations, processes, or process units at the Facility regarded as an "affected facility" pursuant to 40 C.F.R. § 60.380(a) of the New Source Performance Standards (NSPS) for Metallic Mineral Processing Plants found at 40 C.F.R. Subpart LL and identify the date(s) of construction or modification of each of the facilities listed in this response. You must identify each "affected facility" regardless of whether or not you believe it is subject to the requirements of 40 C.F.R. Part 60, Subpart LL. For each "affected facility" listed in your response, identify whether the Facility is complying with the emission requirements set forth at C.F.R. § 60.382.
4. Clearly indicate on the map responsive to Request #1 the location of each control device used to control emission points subject to the requirements of 40 C.F.R. Part 60, Subpart LL, and indicate for which "affected facilities" identified in response to Request #3 it is controlling emissions.
5. Clearly indicate, both in written descriptions and with reference to the map provided in response to Request #1, an identification of all areas and/or process units at the Facility producing fugitive and/or non-point source particulate matter<sup>1</sup> emissions, including controlled and uncontrolled conveyors, tailing impoundments, and crushing operations. Since January 1, 2007, calculate the total amount of fugitive and/or non-point source particulate emissions being released from the Facility on a daily and yearly basis using best available data, AP-42, emission factors, and/or other appropriate methodology or modeling along with a unit-by-unit breakdown used for the calculation(s), including identification of all raw data inputs for any models considered. In addition, provide copies of any document, record, email, correspondence, study or analysis created on or after January 1, 2007 that identifies, describes, calculates, or estimates fugitive and/or non-point source particulate matter emissions at the Facility.

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<sup>1</sup> Particulate matter and dust are used interchangeably in this Request.

6. Identify with specificity all excess emission events occurring at the Facility since January 1, 2005 involving exceedences of any opacity or particulate matter federal, state, or local requirements. These events shall include both non-fugitive and fugitive emissions events. For each event, perform a Root Cause<sup>2</sup> Analysis of why the exceedence occurred. The Root Cause Analysis shall include the following:
  - a. A description of any steps undertaken by the Facility to limit the duration and/or magnitude of each exceedence;
  - b. A detailed analysis that sets forth the root cause and all contributing causes of each exceedence, including but not limited to any changes in operating conditions, failure to implement adequate dust suppression measures (e.g. for the tailings impoundments), alterations to preventative maintenance schedules, and/or avoided or delayed replacement of worn components;
  - c. An analysis of the measures that are available to reduce the likelihood of a recurrence of an excess emission event from the same root cause or contributing causes in the future. The analysis shall discuss the alternatives, if any, that are available, and the probable effectiveness and cost of the alternatives.
7. Copies of all Excess Emissions Reports created, maintained, and/or submitted pursuant to Conditions XIII (B) of Part A of the Facility's Air Quality Operating Permit Number 2026 (the "Permit.")
8. A narrative description of all current practices, measures, plans, and/or efforts to control fugitive and/or non-point source particulate matter emissions at the Facility, including, but not limited to, control of the emissions identified in response to Request #5 of this information request. Your response should be organized on an area-by-area or unit-by-unit basis. Condition I C(11) of Part B of the Permit provides a range of options to control fugitive or non-point source particulate matter emissions for certain areas and/or process units at the Facility. As part of the narrative description required by this request, ASARCO shall indicate which of the control options it has chosen for each area or unit covered by the Permit and why each control was chosen over other options.
9. Summarize the results of all emission test runs, emission characterizations, or emissions studies conducted at the Facility since February 21, 1984.
10. Provide copies of all permit application materials, including any related correspondence to Pima County Department of Environmental Quality, for each air construction permit issued to construct or modify the Facility since February 21, 1984.
11. Provide all documents created and maintained pursuant to Condition II.D(1) or Condition II.D(2) of Part B of the Permit since January 1, 2005. If ASARCO has chosen Condition II.D(2) for compliance purposes, provide a copy of the Non-Point Source Monitoring Plan and all associated recordkeeping.

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<sup>2</sup> Root Cause means the primary cause of an excess opacity or particulate matter event as determined through a thorough investigation; provided however, that an excess opacity event encompasses multiple excess opacity events, the "root cause" may encompass multiple primary causes..

12. List the types of vehicles ASARCO has used for the application of dust suppression liquids or other types of coatings on the tailing impoundments and/or berms since January 1, 2005. For each type or class of vehicle identified, indicate the cargo capacity and delivery capability in gallons per minute and square foot of coverage per time unit and whether the vehicle(s) is capable of traveling on wet tailings.

13. For polymer material used by ASARCO to suppress dust since January 1, 2005 at the Facility, indicate the amount of polymer recommended by the manufacturer by weight for dust suppression purposes by area. Provide any contract, guaranty, study, analysis or other documents setting forth the optimal amount of polymer which should be applied by area to properly control dust. Provide monthly quantity summaries of polymer purchased for dust suppression at the Facility since January 1, 2005. Identify areas within each tailings impoundment at the Facility that have not received polymer from January 1, 2005 to the present along with a detailed explanation of why ASARCO has not applied polymer to these area(s).

14. Provide the acreage covered and total surface area of each tailings impoundment at the Facility in square footage.