

**PART 71 FEDERAL OPERATING PERMIT  
DRAFT STATEMENT OF BASIS**

**ASARCO  
Mission Mine Complex - San Xavier  
Permit No. TO-ROP 05-05**

**1. Facility Information**

a. Permittee

ASARCO  
P.O. Box 111  
Sahuarita, AZ 85629

b. Facility location

4201 W. Pima Mine Road  
Sahuarita, AZ 85629

c. Contact information

Facility Contact: Allen Cooper (520) 648-4588  
Responsible Official: Mark Kalmi (520) 648-2500

d. Description of operations, products

The ASARCO Mission Complex mines and processes copper sulfide ore. Mining activities that generate emissions include metallic mineral processing activities such as crushers, screens, and belt transfer points, as well as drilling, hauling, and vehicle travel.

e. Jurisdiction and permitting history

This facility was initially constructed in the 1961. Since the mine is located partially in Indian Country and partially on State land, permitting authority is shared by EPA and the Pima County Department of Environmental Quality (DEQ). DEQ issues construction and title V permits for the portion of this facility which is located on state land, where crushing, screening and transferring of ore takes place. EPA's has jurisdiction over the equipment and activities located on the reservation of the Tohono O'odham Nation, which include drilling, hauling, and vehicle travel. These mining activities on the reservation have not

previously required a preconstruction permit from EPA. There are no Clean Air Act (“CAA”) applicable requirements that apply to these activities, and actual emissions are well below the title V major source threshold. However, because the portion of the mine on the reservation is part of a major source subject to title V permitting, it must obtain a separate title V permit from EPA in addition to the title V permit issued by DEQ.

f. Emission-generating units and activities

<b>Emission Unit I.D. No.</b>	<b>Unit Description</b>	<b>Associated Control Equipment</b>
SXFMA	San Xavier Fugitive Emissions, Mining Activities (includes all of the activities listed below)	
OFMA-1	Drilling	Dust shields, watering
CFMA-1	500 hp Portable Generator	n/a
CFMA-2	1100 hp Portable Generator	n/a
CFMA-3	2200 hp Portable Generator	n/a
VFMA-1	Haulage - Dresser 830E	Water trucks
VFMA-1	Haulage - Komatsu 930E	Water trucks
VFMA-2	Dozing	n/a
VFMA-3	Grading	Water trucks
VFMA-4	Rubber Tire Rigs	Water trucks
VFMA-5	Land Clearing	n/a
VFMA-6	Staff vehicles	Water trucks
HFMA-1	Unloading Overburden	n/a
WFDA-1	Wind Erosion, Tailings Dams	Revegetation

g. Potential to emit (in tons/year)

<b>Pollutant</b>							
<b>Unit</b>	<b>NO<sub>x</sub></b>	<b>VOC</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>CO</b>	<b>Lead</b>	<b>HAP</b>
SXFMA	14	<1	<1	101	<1	n/a	n/a
<b>Total</b>	14	<1	<1	101	<1	n/a	n/a

**2. Tribe Information**

a. General

The reservation of the Tohono O’odham Nation is located in Pima County, Arizona and covers more than 2.8 million acres over four non-contiguous areas. The San Xavier District of the reservation, which covers approximately 71,000 acres, currently is home to more than 2,000 people.

b. Local air quality and attainment status

The San Xavier District of the Tohono O’odham Nation is currently designated as attainment or unclassifiable for all pollutants for which a National Ambient Air Quality Standard (“NAAQS”) has been established.

**3. Applicable Requirements**

The portion of the mine on the reservation is currently not subject to any existing applicable federal CAA programs, such as the Prevention of Significant Deterioration (“PSD”), New Source Performance Standards (“NSPS”), National Emission Standards for Hazardous Air Pollutants (“NESHAP”), or the acid rain program under Title IV of the CAA. Further, the portion of the mine covered by the Part 71 permit is not subject to the Pima County State Implementation Plan (“SIP”) and there is no Federal Implementation Plan (“FIP”) in place in the Tohono O’odham Nation. Therefore, this portion of the mine is not subject to any substantive requirements that control emissions under the CAA.

EPA recognizes that, in some cases, sources of air pollution located in Indian country are subject to fewer requirements than similar sources located on land under the jurisdiction of a state or local air pollution control agency. To address this regulatory gap, EPA is in the process of developing national regulatory programs for preconstruction review of major sources in nonattainment areas and of minor sources in both attainment and nonattainment areas. These programs will establish, where appropriate, control requirements for sources that would be incorporated into part 71 permits.

#### **4. Inapplicable Requirements**

The facility operates three diesel-fired generators on the reservation (emission units CFMA-1, CFMA-2, and CFMA-3 in the potential to emit table in section 1.g. above). EPA promulgated a NESHAP for Reciprocating Internal Combustion Engines (RICE) on June 15, 2004 (69 FR 33473). The rule regulates emissions of a number of air toxics, including formaldehyde, acrolein, methanol and acetaldehyde. However, a source is subject to the rule only if it owns or operates a stationary RICE at a major source of HAP emissions. Since the ASARCO Mission Complex (including the portion regulated by Pima County) is not a major HAP source, the RICE NESHAP does not apply to the generators at the facility.

#### **5. EPA Authority**

Title V of the CAA requires that EPA promulgate, administer, and enforce a Federal operating permits program when a State, local, or Tribal agency does not submit an approvable program within the time frame set by title V or does not adequately administer and enforce its EPA-approved program. On July 1, 1996 (61 Fed. Reg. 34202), EPA adopted regulations codified at 40 C.F.R. Part 71 setting forth the procedures and terms under which the Agency would administer a Federal operating permits program. These regulations were updated on February 19, 1999 (64 Fed. Reg. 8247) to incorporate EPA's approach for issuing Federal operating permits to covered stationary sources in Indian country.

As described in 40 C.F.R. 71.4(a), EPA will implement a part 71 program in areas where a State, local, or Tribal agency has not developed an approved part 70 program. Unlike States, Indian Tribes are not required to develop operating permits programs, though EPA encourages Tribes to do so. See, e.g., Indian Tribes: Air Quality Planning and Management (63 FR 7253, February 12, 1998) (also known as the Tribal Authority Rule). Therefore, within Indian country, it is appropriate that EPA administer and enforce a part 71 Federal operating permits program for stationary sources until Tribes receive approval to administer their own operating permits programs.

#### **6. Endangered Species Act**

Pursuant to Section 7 of the Endangered Species Act (ESA), 16 U.S.C. § 1536, and its implementing regulations at 50 CFR Part 402, EPA is required to ensure that any action authorized, funded, or carried out by EPA is not likely to jeopardize the continued existence of any Federally-listed endangered species or threatened species or result in the destruction or adverse modification of such species' designated critical habitat. The title V permit renewal that EPA is issuing to ASARCO Mission Complex does not authorize the construction of new emission units, or emission increases from existing units, nor does it otherwise authorize any other physical modifications to the facility or its operations. Therefore, EPA has concluded that the issuance of this permit will have no effect on listed species or their critical habitat.

## 7. Public Participation

### a. Public Notice

As described in 40 C.F.R. 71.11(a)(5), all Part 71 draft operating permits shall be publicly noticed and made available for public comment. The public notice of permit actions and public comment period is described in 40 C.F.R. 71(d).

There is a 30 day public comment period for actions pertaining to a draft permit. Public notice will be given for this draft permit by mailing a copy of the notice to the permit applicant, the Tohono O'odham Nation, the affected state (Arizona), and local air pollution control agencies (DEQ). A copy of the notice will also be provided to all persons who have submitted a written request to be included on the mailing list. If you would like to be added to our mailing list to be informed of future actions on this or other Clean Air Act permits issued in Indian Country, please send your name and address to Roger Kohn at the address listed below:

Roger Kohn (AIR-3))  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne St.  
San Francisco, CA 94105

e-mail: kohn.roger@epa.gov

Public notice will also be published in the Arizona Daily Star, a daily newspaper of general circulation in the area affected by this source.

### b. Opportunity for Comment

Members of the public may review a copy of the draft permit prepared by EPA, this statement of basis for the draft permit, the application, and all supporting materials submitted by the source at:

U.S. EPA  
Air Division - 17<sup>th</sup> Floor  
75 Hawthorne St.  
San Francisco, CA 94105

Copies of the draft permit and this statement of basis can also be obtained at no cost from EPA's website [<http://www.epa.gov/region09/air/permit/epssdata.htm>] or by contacting Roger Kohn at the EPA address listed above or by telephone at 415-972-3973. All documents will be available for review at the EPA Region IX office indicated above during regular business hours.

If you have comments on the draft permit, you must submit them during the 30 day public comment period. All comments received during the public comment period and all comments made during any public hearing will be considered in arriving at a final decision on the permit. The final permit is a public record that can be obtained by request. A statement of reasons for changes made to the draft permits and responses to comments received will be sent to persons who commented on the draft permit.

If you believe that any condition of the draft permit is inappropriate, you must raise all reasonably ascertainable issues and submit all arguments supporting your position by the end of the comment period. Any supporting documents must be included in full and may not be incorporated by reference, unless they are already part of the administrative records for this permit or consist of tribal, state or federal statutes or regulations, or other generally available referenced materials.

c. Opportunity to Request a Hearing

A person may submit a written request for a public hearing to Roger Kohn, at the address listed in section 9.a. above, by stating the nature of the issues to be raised at the public hearing. Based on the number of hearing requests received, EPA will hold a public hearing whenever it finds there is a significant degree of public interest in a draft operating permit. If a public hearing is held, EPA will provide public notice of the hearing and any person may submit oral or written statements and data concerning the draft permit.

d. Mailing List

If you would like to be added to our mailing list to be informed of future actions on this or other Clean Air Act permits issued in Indian Country, please send your name and address to Roger Kohn at the address listed above.