

December 16, 2005

Allen Cooper
Environmental Engineering Manager
ASARCO, LLC
4201 W. Pima Mine Rd.
Sahuarita, AZ 85629

Re: Issuance of Title V Operating Permit Renewal for ASARCO Mission Mine Complex
(TO-ROP 05-05)

Dear Mr. Cooper:

In accordance with provisions of the Clean Air Act, as amended (42 U.S.C. 7401 et seq.), the Environmental Protection Agency has reviewed the application for a Title V permit to operate submitted by ASARCO.

A request for public comment regarding EPA's draft Title V permit to operate was published on November 4, 2005. We have enclosed a copy of EPA's response to comments received during the public comment period. After consideration of the expressed view of all interested persons (including state, local, and tribal agencies), and pertinent federal statutes and regulations, EPA hereby issues a Title V permit to operate for ASARCO.

Any person may petition the Environmental Appeals Board to review the Environmental Protection Agency permit decision. Such a petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period to the extent required by 40 C.F.R. §71.11 and, when appropriate, a showing that the condition in question is based on:

- (1) A finding of fact or conclusion of law which is clearly erroneous;
- (2) An exercise of discretion or an important policy consideration which the Environmental Appeals Board should, in its discretion, review.

An appeal to the Environmental Appeals Board for review of the permit decision must be filed not later than 30 days after the permit issuance date with the Hearing Clerk at the following address:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

This permit shall become effective 30 days after the permit issuance date unless a petition is filed to review any conditions of this permit as described above (in which case the specific terms and conditions of the permit which are the subject of the request for review will be stayed). This permit is valid for a period of five years and shall expire at midnight on the date five years after its date of issuance unless a timely and complete renewal application has been submitted at least six months, but not more than 18 months, prior to the date of expiration of the permit.

If you have any questions regarding this matter, please contact Roger Kohn of the Air Division Permits Office at (415) 972-3973 or kohn.roger@epa.gov.

Sincerely,

original signed by Kerry Drake

Deborah Jordan
Director, Air Division

Enclosures: Permit, Statement of Basis, Response to Comments

cc: Lorinda Sam, Tohono O'odham Nation
Kathy Lawrence, Pima County DEQ
Eric Massey, Arizona DEQ
Clancy Tenley, Region 9 Indian Programs Office (without enclosures)