

**PART 71 FEDERAL OPERATING PERMIT
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

Emission Unit I.D. No.	Unit Description	Associated Control Equipment
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)

Pollutant							
Unit	NO_x	VOC	SO₂	PM₁₀	CO	Lead	HAP
SXFMA	14	<1	<1	101	<1	n/a	n/a
Total	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.