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ENVIRONMENTAL QUALITY
AIR PROGRAM

LAW OFFICES
JORDEN BISCHOFF
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June 23, 2011

Via Certified First Class Mail (via Courier to PCAQCD)

Lisa P. Jackson, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Henry Darwin, Director
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, Arizona 85007

Ursula Kramer, Control Officer
Pima County Air Quality Control District
33 N. Stone Avenue, Suite 700
Tucson, AZ 85701

RE: Rosemont Copper Company's Notice of Intent to Sue Ursula Kramer, in her official capacity as Control Officer of the Pima County Air Quality Control District, for Violations of the Clean Air Act.

Dear Administrator Jackson, Director Darwin, and Control Officer Kramer:

Pursuant to § 304 of the Clean Air Act, as amended, 42 U.S.C. § 7604, Rosemont Copper Company ("Rosemont") gives notice that it will commence a civil action against Ursula Kramer, in her official capacity as Director and Control Officer of the Pima County Air Quality Control District ("PCAQCD"), for violation of an emission standard or limitation under the Act. Such action will be commenced no less than 60 days after this notice unless PCAQCD has complied with the emission standard or limitation being violated.

This Notice is hereby given because the Control Officer is in violation of the requirements in § 21-213.C. of the Pima County State Implementation Plan ("SIP"), as published in the Federal Register, which provides: **"The Control Officer shall either grant or deny a permit within 30 days from the date or receipt of the complete application."** SIP § 21-213.C., approved at 47 Fed. Reg. 16328.

As of the date of this Notice, the Control Officer has yet to approve or deny Rosemont's Permit Application #6112 ("permit application"). On or about July 29, 2010, the PCAQCD received the initial permit application from Rosemont. On or about September 23, 2010, PCAQCD notified Rosemont that the permit application was incomplete and required additional information. After receiving the appropriate information from Rosemont on or about October 8, 2010, PCAQCD deemed the permit application complete on or about November 30, 2010.

Pursuant to the schedule established under SIP § 21-213.C., once a permit application is deemed complete, the Control Officer is required to either grant or deny the permit application within 30 days. The Control Officer had until December 30, 2010 to either grant or deny the permit, yet has still failed to do so. To date, Rosemont has provided the Control Officer with six times the necessary time required by the SIP schedule.

Rosemont requests that the Control Officer and PCAQCD comply with the SIP and approve or deny Rosemont's permit, or Rosemont will commence an action no less than 60 days after this notice. Rosemont notes that, pursuant to federal law, the permit application may only be denied for failure to comply with the SIP and not for any other reason. SIP Rule 21-213.C.1. and 23-231.A.

Due to the pending action, Pima County, the Control Officer and PCAQCD have a duty to preserve and maintain all information relevant to this action.

The full name and address of the person giving this notice is: Rosemont Copper Company, P.O. Box 35130, Tucson, AZ 85740-5130.

Respectfully submitted,

Eric L. Hiser
Trevor J.L. Burggraff
Attorneys for Rosemont Copper Company

Cc: The Honorable Jan Brewer
Governor of Arizona
1700 West Washington
Phoenix, Arizona 85007

Cc: Jared Blumenfeld, Regional Administrator
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA, 94105