DEPARTMENT OF ENVIRONMENTAL QUALITY
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Ursula Kramer, P.E.
Director

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November 8, 2010

BY CERTIFIED MAIL

Mr. Geraldo Rios
Chief, Air Permits Office
AIR-3
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Re: Rosemont Air Quality Permit Application (Permit # 6112)

Dear Mr. Rios:

Pima County Department of Environmental Quality (PDEQ) requests EPA Region 9 assistance in reviewing the air quality permit application from the Rosemont Copper Mine (RCM). RCM has applied to PDEQ for a Class II, minor source air quality permit pursuant to Pima County Code (PCC) Title 17. The application was received by PDEQ on July 29, 2010. A completeness review was performed by PDEQ and an incomplete letter was sent to RCM on September 23, 2010. On October 12, 2010, RCM submitted a response to PDEQ's incomplete letter.

Specifically, PDEQ requests EPA's assistance in reviewing the mine's Potential to Emit Calculations (PTE) including proposed emission reductions by RCM. In the incomplete letter dated September 23, 2010, PDEQ states:

> *"Since the application did not provide PTE calculations, PDEQ cannot determine the basis for the voluntarily accepted emission limitations and emissions reductions for those processes identified in Section 4, Appendix D, and Appendix E of the application. Provide supporting documentation and calculations showing the emissions prior to voluntarily accepted emission limitations. Provide supporting documentation and calculations on the resulting emission reductions from the voluntarily accepted emission limitations and the necessary information for PCC 17.12.190 that demonstrates the reductions are permanent, quantifiable, and otherwise enforceable as a practicable manner."*

RCM has responded that they are not seeking "voluntary accepted emission limitation" as allowed under PCC 17.12.190 but are proposing "preconstruction permit limits" to reduce the PTE. Currently, RCM has identified their PTE for PM10 with the proposed "preconstruction permit limits" as 67.82 tons per year. If there is no underlying legal authority for the proposed "preconstruction permit limits" or if they are not practically enforceable, then RCM would be subject to Title V of the Clean Air Act. PDEQ would like EPA's assistance in reviewing this application to ensure it is permitted properly.

Enclosed is Rosemont's air quality permit application, PDEQ's incomplete letter to Rosemont and their response to our incomplete letter. A link to the Rosemont application page on our website is provided as well. If you have any questions, please call Richard Grimaldi, Deputy Director, or Mukonde Chama, Air Permits Supervisor, at (520) 243-7400.

Sincerely,

Ursula Kramer

Ursula Kramer, P.E.
Control Officer, Pima County Department of Environmental Quality

Attachments: Rosemont Air Quality Permit Application, received July 29, 2010;
PDEQ Incomplete Application sent September 23, 2010;
Rosemont's Incomplete Application Response, received October 12, 2010.

cc: Richard Grimaldi, Deputy Director, PDEQ
Mukonde Chama, Air Permits Supervisor, PDEQ