



Katie Hobbs  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Karen Peters  
Director

Case ID #: 213422

September 11, 2023

Minerals Research, Inc.  
Attention: Michael Vick  
4620 S Coach Dr  
Tucson, AZ 85714

Subject: Minerals Research - Ctwd Plant, Place ID 172594  
705 E Birch St / Cottonwood, AZ 86326

## NOTICE OF VIOLATION

This Notice of Violation (NOV) is an informal compliance assurance tool used by the Arizona Department of Environmental Quality (ADEQ) to put a responsible party (such as a facility owner or operator) on notice that the Department alleges a significant violation of an environmental requirement has occurred and this notice describes the facts known to ADEQ at the time of issuance. ADEQ has reason to believe that Minerals Research, Inc. as the owner/operator of equipment located at Cottonwood Slag Crushing-Recycling has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit, license, or administrative order. ADEQ identified the violations alleged below during an inspection or file review completed on June 13, 2023. See the Evidence of Compliance section below for the actions necessary to demonstrate resolution of the alleged violation(s).

ADEQ reserves the right to take a formal enforcement action, such as issuing an administrative order or filing a civil lawsuit, regardless of whether the Department has issued an NOV. Neither ADEQ's issuance of an NOV nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

If this NOV is a result of an inspection then the NOV also serves as a monthly status update as required by A.R.S. § 41-1009(J).

### I. LEGAL AUTHORITY and NATURE OF ALLEGED VIOLATION(S)

- A.R.S. § 49-426(A)(2) / A.A.C. R18-2-302(A)**  
**Failure to obtain a permit or permit revision from ADEQ prior to operating a source subject to regulation.**

After a File review and on-site inspection performed on June 13, 2023, ADEQ has determined that Minerals Research - CTWD Plant does not qualify for operation of its copper ore slag processing plant under ADEQ's Crushing & Screening General Permit. Title 40 Code of Federal Regulations (CFR) Part 60, Subpart OOO and the General Permit for Crushing and Screening is applicable to "Owners/operators of crushing and screening plants for non-metallic minerals as defined in 40 CFR 60.671." Furthermore, 40 CFR 60.671 defines Nonmetallic mineral as follows.

Nonmetallic mineral means any of the following minerals or any mixture of which the majority

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1110 W Washington Street ● Phoenix, AZ 85007  
(602) 771-2300

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400 W Congress Street ● Suite 433 ● Tucson, AZ 85701  
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is any of the following minerals:

- (1) Crushed and Broken Stone, including Limestone, Dolomite, Granite, Traprock, Sandstone, Quartz, Quartzite, Marl, Marble, Slate, Shale, Oil Shale, and Shell.
- (2) Sand and Gravel.
- (3) Clay including Kaolin, Fireclay, Bentonite, Fuller's Earth, Ball Clay, and Common Clay.
- (4) Rock Salt.
- (5) Gypsum (natural or synthetic).
- (6) Sodium Compounds, including Sodium Carbonate, Sodium Chloride, and Sodium Sulfate.
- (7) Pumice.
- (8) Gilsonite.
- (9) Talc and Pyrophyllite.
- (10) Boron, including Borax, Kernite, and Colemanite.
- (11) Barite.
- (12) Fluorospar.
- (13) Feldspar.
- (14) Diatomite.
- (15) Perlite.
- (16) Vermiculite.
- (17) Mica.
- (18) Kyanite, including Andalusite, Sillimanite, Topaz, and Dumortierite.

Copper Ore slag does not meet the definition of a nonmetallic mineral in 40 CFR 60.671, therefore, Minerals Research - CTWD Plant cannot operate under this General Permit.

## II. EVIDENCE OF COMPLIANCE

If you believe this Notice contains violations that did not occur, please submit evidence within 10 calendar days of receipt of this Notice demonstrating that the violation(s) never occurred. Upon receipt of such evidence, if ADEQ agrees that the violations(s) did not occur, ADEQ will either rescind or amend the Notice. ADEQ will provide you with the conclusion of its evaluation.

Otherwise, please provide evidence of compliance by meeting the conditions below. If ADEQ recommends a condition to assist you in achieving compliance, it will clearly note that the condition is recommended to be met and is not required by law.

1. Within 30 calendar days of receipt of this Notice, please submit to ADEQ an Administratively Complete Permit Application for an appropriate individual. An Administratively Complete Permit Application must include, at minimum, a complete list of all process equipment with manufacturer's design process rates, air pollution control equipment specifications, stack / vent details, descriptions of support equipment (boilers, engines, etc.), and other data as required by the Air Permits Unit to process and issue the appropriate permit.

As part of the application, please evaluate your facility's applicability to 40 CFR Part 60, Subpart UUU - Standards of Performance for Calciners and Dryers in Mineral Industries

along with any other Local, State and Federal standards applicable to your operation.

Application forms and further guidance can be found at the ADEQ website -  
<http://azdeq.gov/node/446>

2. Within 30 calendar days of receipt of this Notice, achieve an executed Consent Order with ADEQ that contains the measures necessary to assure compliance with regulatory requirements until the appropriate permit is issued.

### III. SUBMITTING COMPLIANCE EVIDENCE

Please send all compliance evidence and any other written correspondence regarding this Notice by email to [ziga.jean@azdeq.gov](mailto:ziga.jean@azdeq.gov) or by mail to the following address:

Arizona Department of Environmental Quality, Attention: Jean H. Ziga, Air Quality Compliance Unit, 1110 W Washington St, Phoenix, AZ 85007 MC: N/A

### IV. STATEMENT OF CONSEQUENCES

Timely and good faith efforts to achieve and provide evidence of compliance within the time frames established in this Notice will be considered in determining whether ADEQ will further pursue unilateral formal enforcement, including an administrative compliance order or civil action requiring compliance within a reasonable time frame, civil penalties, and/or the suspension or revocation of an applicable permit/license. If you cannot meet the time frames established in this Notice, negotiate a compliance schedule in an administrative consent order or judgment. Failure to do so will be cause for ADEQ to pursue unilateral formal enforcement.

### V. OFFER TO MEET

ADEQ is willing to meet regarding this Notice and can provide information on how to return to compliance. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact Jean H. Ziga at (602) 771-3090.



David Kim, Manager  
Air Quality Compliance Unit



Jean H. Ziga  
Air Quality Compliance Unit