

Katie Hobbs
Governor

Arizona Department of Environmental Quality



Karen Peters
Cabinet Executive Officer
Executive Deputy Director

August 26, 2024

Subject: Air Quality Control Permit No. 96653
South32 Hermosa Inc.

The Arizona Department of Environmental Quality (ADEQ) appreciates your involvement in the public comment period regarding Air Quality Control Permit No. 96653 to South32 Hermosa Inc. for the construction and operation of its underground mining known as the Hermosa Project. In accordance with Arizona Administrative Code (A.A.C.) R18-2-330.G, you are receiving this letter because ADEQ has made a final decision on this air quality permit. Enclosed with this letter are copies of the final permit and the technical support document (TSD).

ADEQ made the following changes to the permit and technical support document (TSD) after issuance of the proposed final permit and TSD.

Permit:

1. In Attachment “A”, Conditions XI.C “Emergency Provision” and XI.D “Affirmative Defenses for Excess Emissions Due to Malfunctions, Startup, and Shutdown” were removed;
2. In Condition I.C of Attachment “B”, A.A.C. R18-2-325.B for “Permit Shields” was added;
3. In Condition II.A of Attachment “B”, the language was updated;
4. In Sections III and VII of Attachment “B”, weekly inspection requirements for each dust collection system were added;
5. In Section IV of Attachment “B”, the language related to “diesel particulate filter” was updated (to include which engines will have a “diesel particulate filter”);
6. In Attachment “C”, Equipment ID numbers were updated; and
7. In Attachment “C”, applicable regulations for storage tanks were clarified.

TSD:

1. In Section II, references to the location of Clark and Taylor were added;
2. In Section II, “Hardshell” and “Trench” were replaced with “Clark” and “Taylor”, respectively – the location of these did not change, but “Hardshell” and “Trench” were replaced with broader names;
3. In Section VIII, Table 6 was updated with more specific details about monitoring and testing requirements;

4. In Section IX, additional details were added regarding which pieces of equipment require a control device to achieve compliance with an emission limitation or standard including potential pre-control emissions;
5. In Section X, the language was updated to clarify that ADEQ and not EPA conducted an environmental justice analysis.


You have a right to request a hearing and file an appeal under Arizona Revised Statutes (A.R.S.) § 41-1092.03(B). You must file a written Request for Hearing or Notice of Appeal within **30 days** of your receipt of this Notice. A Request for Hearing or Notice of Appeal is filed when it is received by ADEQ's Hearing Administrator as follows:

Hearing Administrator
Office of Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

The Request for Hearing or Notice of Appeal shall identify the party, the party's address, the agency and the action being appealed and shall contain a concise statement of the reasons for the appeal. Upon proper filing of a Request for Hearing or Notice of Appeal, ADEQ will serve a Notice of Hearing on all parties to the appeal. If you file a timely Request for Hearing or Notice of Appeal you have a right to request an informal settlement conference with ADEQ under A.R.S. § 41-1092.06. This request must be made in writing no later than **20 days** before a scheduled hearing and must be filed with the Hearing Administrator at the above address.

If there are any questions, please contact Karla Murrieta, Air Permits Unit Manager, at (602) 771-2283 or Murrieta.Karla@azdeq.gov, or me at (602) 771-4527 or Vaidyanathan.Balaji@azdeq.gov.

Sincerely,

Signed by:

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Balaji Vaidyanathan, Manager
Facilities Emissions Control Section
Air Quality Division

Enclosures (3): Permit No. 96653
Technical Support Document
Responsiveness Summary