

## PUBLIC NOTICE

### YOU HAVE A VOICE IN AIR POLLUTION CONTROL IN ARIZONA

The Arizona Department of Environmental Quality (ADEQ) proposes three actions through this public notice. First, ADEQ proposes a revision to the Arizona State Implementation Plan (SIP) for the Hayden Sulfur Dioxide Nonattainment Area for the 1971 and 2010 National Ambient Air Quality Standards (NAAQS), which ADEQ will request the U.S. Environmental Protection Agency (EPA) to approve as a revision to the Arizona SIP. Second, ADEQ proposes Significant Permit Revision Number 96410, revision to Air Quality Control Permit Number 39948, to ASARCO LLC - Hayden Operations for the incorporation of the Uptake Improvement Project, Fuming Ladle Control Project, the Anode Furnaces Secondary Hood Project, and the addition of sulfur dioxide (SO<sub>2</sub>) emission limitations as part of the SIP for the Hayden SO<sub>2</sub> Nonattainment Area at the ASARCO - Hayden Smelter, a copper concentrator and smelter facility located at 100 N. Hayden Ave., Hayden, AZ 85135. Third, ADEQ proposes a revised good engineering practice (GEP) demonstration study pursuant to 40 Code of Federal Regulations (CFR) § 51.118.

The mailing address for the facility is P.O. Box 8, Hayden, AZ 85135. The facility is subject to the requirements of the Federal Clean Air Act, CFR, Arizona Revised Statute (A.R.S.) § 49-426, and the Arizona Administrative Code (A.A.C), Title 18, Chapter 2. The facility emits the following air contaminants: coarse particulate matter with diameters 10 micrometers or less (PM<sub>10</sub>), fine particulate matter with diameters 2.5 micrometers or less (PM<sub>2.5</sub>), volatile organic compounds (VOCs), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO) and hazardous air pollutants (HAPs).

EPA officially designated the Hayden area as nonattainment on August 5, 2013 for the 2010 NAAQS based on existing monitoring data from 2009-2010. This proposed SIP revision demonstrates that all essential regulatory elements have been met and the Hayden SO<sub>2</sub> Planning Area will attain the 2010 primary SO<sub>2</sub> NAAQS. Additionally, this SIP revision will satisfy any remaining requirements for the 1971 SO<sub>2</sub> NAAQS.

In 1983, EPA approved a GEP stack height demonstration for the 1,000-foot (305 m) main stack at the ASARCO - Hayden Smelter located in Hayden, Arizona. At EPA's request in mid-2015 and 2022, the GEP stack height determination was reassessed with respect to the current GEP regulations. This re-assessment—included in the proposed SIP revision—confirmed that the original GEP stack height determination is consistent with the 1985 regulations and that the 1,000-foot stack remains an appropriate GEP determination.

This public notice provides information to help you participate in the decision-making process. You have an opportunity to submit written comments about this permit and SIP revision, and GEP re-assessment. In addition, ADEQ will hold a public hearing on June 15, 2023 at 3:00 PM at Hayden Senior Center, 520 N. Velasco Avenue, Hayden, AZ 85135, where you may comment in person. To submit written comments, include your name, mailing address, signature (and/or your agent or attorney signature) and clearly explain why the permit should or should not be issued. Grounds for comment on the permit are limited to whether the permit meets the criteria for issuance spelled out in the state air pollution control laws or rules. The public notice period is in effect from May 16, 2023 to June 15, 2023.

Comments regarding the SIP revision and the GEP re-assessment may be submitted in writing to: [Zachary Dorn](mailto:Zachary.Dorn@azdeq.gov), Air Quality Improvement Planning, ADEQ, 1110 W. Washington St., 3415A-1, Phoenix, AZ 85007 or via email to [dorn.zachary@azdeq.gov](mailto:dorn.zachary@azdeq.gov). Comments regarding the permit revision may be submitted in writing to: [Karla Murrieta](mailto:Karla.Murrieta@azdeq.gov), Air Permits Unit, ADEQ, 1110 W. Washington St., 3415A-1, Phoenix, AZ 85007 or via email to [airpermits@azdeq.gov](mailto:airpermits@azdeq.gov). Comments must be received or postmarked no later than 5:00 PM on June 15, 2023.

The SIP revision, draft permit, GEP re-assessment, and related documentation are available for review online at [azdeq.gov/notices](http://azdeq.gov/notices) by searching for the date of this public notice, or in person at the ADEQ Records Center by scheduling an appointment at least 48 hours in advance. For ADEQ Records Center information, visit [azdeq.gov/records-center](http://azdeq.gov/records-center), call (602) 771-4380 or email [recordscenter@azdeq.gov](mailto:recordscenter@azdeq.gov). The documents are also available at the Town of Hayden, Town Clerk's Office located at 520 Velasco Ave, Hayden, AZ 85135.

ADEQ will consider all comments received in making a final decision on the proposed permit, SIP revision, and GEP re-assessment. Everyone commenting will receive notification of the final decision. People who file comments on the permit will have the right to appeal the final decision as an appealable agency action to the Office of Administrative Hearing (OAH) pursuant to A.R.S. § 41.1092.03, and the appeal must be filed within thirty (30) days after the issuance of the final decision. The OAH may sustain, modify, or reverse the final decision.

This permit is subject to review by the EPA pursuant to 40 CFR 70.8 and A.A.C. R18-2-307. If EPA does not object to the issuance of this permit, you may petition to EPA within sixty (60) days after the expiration of EPA's forty-five (45)-day review period. A petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Please refer to [epa.gov/title-v-operating-permits/title-v-petitions](http://epa.gov/title-v-operating-permits/title-v-petitions) for additional information. Any person who petitions to EPA pursuant to 40 CFR 70.8(d) shall notify ADEQ by certified mail as soon as possible, but in no case more than 10 days following such petition. The notification shall include the grounds for objection and whether such objections were raised during the public comment period.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write or understand English and/or to those with disabilities. Requests for language translation, ASL interpretation, CART captioning services or disability accommodations must be made at least 48 hours in advance by contacting the Title VI Nondiscrimination Coordinator, Leonard Drago, at (602) 771-2288 or [Drago.Leonard@azdeq.gov](mailto:Drago.Leonard@azdeq.gov). For a TTY or other device, Telecommunications Relay Services are available by calling 711.

ADEQ tomará las medidas razonables para proveer acceso a los servicios del departamento a personas con capacidad limitada para hablar, escribir o entender inglés y/o para personas con discapacidades. Las solicitudes de servicios de traducción de idiomas, interpretación ASL (lengua de signos americano), subtítulo de CART, o adaptaciones por discapacidad deben realizarse con al menos 48 horas de anticipación comunicándose con el Coordinador de Anti-Discriminación del Título VI, Leonard Drago, al (602) 771-2288 o [Drago.Leonard@azdeq.gov](mailto:Drago.Leonard@azdeq.gov). Para un TTY u otro dispositivo, los servicios de retransmisión de telecomunicaciones están disponible llamando al 711.