



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

December 15, 2009

Ms. Laura Yoshii, Acting Regional Administrator
U.S. Environmental Protection Agency, Region IX
Mail Code: ORA-1
75 Hawthorne Street
San Francisco, CA 94105

RE: Lead Nonattainment Area Boundary Recommendations

Dear Ms. Yoshii:

Pursuant to Section 107(d) of the Clean Air Act, Arizona hereby submits the following designation recommendations for the National Ambient Air Quality Standards for Lead (Pb).

Arizona recommends that all portions of the State (excluding Indian Country) be designated as attainment/unclassifiable for the standard, with the exception of the Hayden area of Gila and Pinal Counties. Arizona recommends that the U.S. Environmental Protection Agency use its discretion to avoid making any premature designation of the Hayden area of Gila and Pinal Counties because ASARCO LLC has committed to improve its control of lead emissions from the concentrating and smelter operations at its Hayden Complex in an effort to ensure there are no three-month mean concentrations measured in the area in excess of the Pb standard between now and October 2010. ASARCO's written commitment, signed by Manuel Ramos, Chief Executive Officer of ASARCO, is enclosed.

If despite ASARCO's efforts there are three-month mean concentrations measured in the area which exceed the Pb standard for the averaging periods ending March 2010 through October 2010, or if ASARCO fails to agree to an enforceable Title V Air Quality Permit which will ensure the emissions from the Complex (including the smelter and concentrator) meet limits sufficient to attain the Pb National Ambient Air Quality Standard, then U.S. EPA should promulgate a designation of Pb nonattainment for the area, with boundaries identical to the Hayden sulfur dioxide nonattainment area boundaries. A map of these boundaries is enclosed with this letter and encompasses Townships 4S-6S, Ranges 14E-16E (excluding portions in the San Carlos Indian Reservation.) An analysis supporting the recommended boundaries will be submitted by ADEQ.

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If, on the other hand, there are no three-month mean concentrations measured in the area in excess of the Pb standard for the averaging periods ending March 2010 through October 2010, and ASARCO agrees to an enforceable Title V Air Quality Permit which will ensure the emissions from the Complex (including the smelter and concentrator) meet limits sufficient to attain the Pb National Ambient Air Quality Standard, then Arizona's recommendation is that U.S. EPA take the area under advisement pending the collection of additional data in advance of U.S. EPA's final deadline for promulgation of the designation (which must occur not later than October 2011).

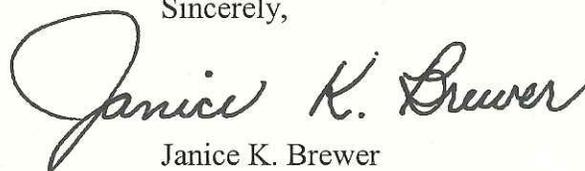
To help determine ambient lead concentrations in the area, ADEQ will ensure that a source-based monitor is installed and operated in conformance with federal regulations at or near the Hayden Complex. This monitor will be in addition to the existing Hayden monitor that was used to produce data underlying this recommendation and will continue to be used to collect data. Further, ADEQ will negotiate with ASARCO a renewal of ASARCO's Title V clean air permits, which will ensure the emissions from the Complex (including the smelter and concentrator) meet limits sufficient to attain the Pb National Ambient Air Quality Standard.

Arizona believes it is important to highlight that the current air monitor located in Winkelman on the roof of Hayden High School adjacent to the Hayden Complex has not registered any violations of the lead standard during the design monitoring period. Given that two of the three recorded violations were very close to the new legal standard for listing, and that there were no violations recorded at the Winkelman monitor, reserving judgment on a designation until October 2011 offers further controls immediately from ASARCO and little risk to the public because ASARCO's enforceable, permit-based control measures for lead in 2010 will come far sooner than any control measures required by an amended State Implementation Plan approved in later years in response to a final designation.

I believe this recommendation presents low risk to the public and promotes the prompt institution of control measures through an enforceable permit that is protective of public health.

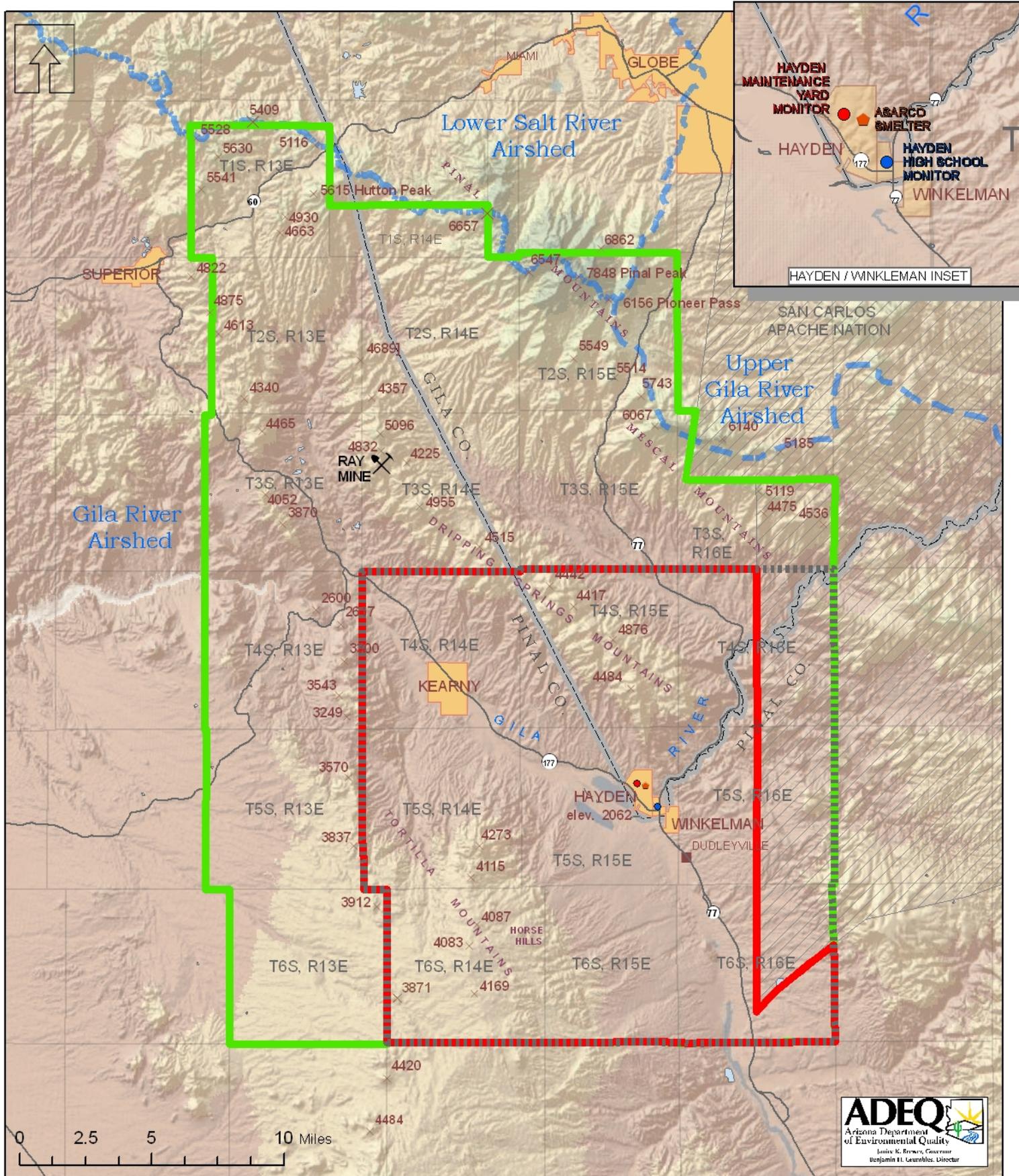
I look forward to working with you to finalize the designations for promulgation. If you have any questions, please contact Benjamin H. Grumbles, the Director of the Department of Environmental Quality, at (602) 771-2203 or Nancy C. Wrona, Air Quality Division Director, at (602) 771-2308.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer". The signature is written in black ink and is positioned above the printed name and title.

Janice K. Brewer
Governor

Enclosures



Recommended Hayden Lead Nonattainment Area

