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PIMA COUNTY
DEPARTMENT OF ENVIRONMENTAL QUALITY
33 N. Stone Avenue, Suite 700
Tucson, Arizona 85701-1429
www.pima.gov/deq

Ursula Kramer, P.E.
Director

(520) 724-7400
FAX (520) 838-7432

August 27, 2013

CERTIFIED MAIL
Return Receipt Requested

Freeport-McMoRan Sierrita Inc.
Attn: John Broderick, General Manager
6200 W. Duval Mine Road
PO Box 527
Green Valley, AZ 85622-0527

Permit #: 6067

NOTICE OF VIOLATION # PC 1307-099

The Pima County Department of Environmental Quality (PDEQ) has reason to believe that Freeport-McMoRan Sierrita Inc., located at 6200 W. Duval Mine Road, Green Valley, Arizona, has violated requirements of rules within the Pima County Code (PCC) and an applicable permit/license. The alleged violation was determined after an on-site inspection conducted by an authorized PDEQ representative on July 29, 2013 and review of PDEQ inspector observations and photographs taken July 27, 2013. The site inspection report, including a review of applicable regulatory requirements and the compliance determination, are attached to this notice.

I. ALLEGED VIOLATIONS – APPEALABLE AGENCY ACTIONS

FINDINGS OF FACT

VIOLATION

Permit Condition, Part B, Section II.E.1
PCC 17.16.050.D

Section II.E

1. The Permittee shall not cause, suffer, allow, or permit diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne. Sources may be required to cease temporarily the activity or operation which is causing or contributing to the emissions until reasonably necessary and feasible precautions are taken.

2. Condition II.E.1 shall not apply when wind speeds exceed twenty-five (25) miles per hour (using the Beaufort

Scale of Wind-Speed Equivalents, or as recorded by the National Weather Service). This exception does not apply if control measures have not been taken or were not commensurate with the size or scope of the emission source.

3. Condition II.E.1 shall not apply to the generation of airborne particulate matter from undisturbed land.

PCC 17.16.050

D. No person shall cause, suffer, allow, or permit diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne, without taking reasonably necessary and feasible precautions to control generation of airborne particulate matter. Sources may be required to cease temporarily the activity or operation which is causing or contributing to the emissions until reasonably necessary and feasible precautions are taken.

1. Sources required to obtain an air quality permit under ARS § 49-426, § 49-480 or Rule 17.12.470 may request to have the actions constituting reasonably necessary and feasible precautions approved and included as permit conditions. Compliance with such permit conditions shall be considered compliance with this subsection.

2. This subsection shall not apply when wind speeds exceed twenty-five (25) miles per hour (using the Beaufort Scale of Wind-Speed Equivalents, or as recorded by the National Weather Service). This exception does not apply if control measures have not been taken or were not commensurate with the size or scope of the emission source.

3. This subsection shall not apply to the generation of airborne particulate matter from undisturbed land.

Findings:

Freeport-McMoRan Sierrita Inc. allowed diffusion of visible tailings dust generated from the tailings impoundment beyond the eastern property boundary on July 27, 2013, without taking control measures commensurate with the tailings impoundment surface area susceptible to windblown dust.

Requested Corrective Actions

- Employ control measures to prevent diffusion of tailings-generated visible emissions beyond the property boundary.

II. CITATION OF AUTHORITY

ARS § 49-471 et seq

17.28.010, PCC Title 17, Violations and Order of Abatement

III. REQUESTED COMPLIANCE DOCUMENTATION

Freeport-McMoRan Sierrita Inc. shall submit a written response to PDEQ within **thirty (30)** calendar days of receipt of this notice. The response shall include:

- Planned dust control measures for the tailings impoundment, including any changes in operation or monitoring, to prevent future violations of this type.

The above documentation shall be deemed "submitted" when received by PDEQ at the following address:

Pima County Department of Environmental Quality
Air Program
Attn: Elizabeth Quinley
33 N. Stone Avenue, Suite 700
Tucson, AZ 85701-1429

Or email to: Air.Permits@pima.gov with Subject: NOV PC 1307-099

IV. STATEMENT OF CONSEQUENCES

Failure to achieve compliance or enter into a Consent Order will result in PDEQ initiating a unilateral enforcement action. Achieving compliance does not preclude PDEQ from seeking civil penalties. A unilateral enforcement action may result in a civil penalty. A civil penalty may be imposed for each violation for the entire non-compliance period.

PDEQ believes that alleged violations identified in a Notice of Violation (NOV) are significant and advises you they may be used to determine a pattern of non-compliance or used to determine civil penalties pursuant to ARS § 49-513. As such, PDEQ believes that an NOV is an appealable agency action as defined in ARS § 49-471(4).

A person whose legal rights, duties or privileges were determined by an appealable agency action or who will be adversely affected by an appealable agency action and who exercised any right to comment on the action provided by law, rule or ordinance may appeal the action to the air pollution hearing board established pursuant to ARS § 49-478.

V. ADMINISTRATIVE INFORMATION

OFFER TO MEET

PDEQ personnel are willing to schedule a meeting to discuss the NOV and corrective action. If you would like to meet, please contact me at (520) 724-7400. Before meeting, please submit the following:

- An agenda that specifies the objectives you wish to discuss.
- The names and affiliations of the participants that will be accompanying you.

COMPLIANCE ASSISTANCE

PDEQ personnel are also willing to help you achieve and maintain compliance. If you need assistance complying with the regulations please contact our department at (520) 724-7400.

NOTICE OF NON-DISCRIMINATION

The Pima County Department of Environmental Quality does not discriminate on the basis of race, color, national origin, sex, disability religion, or age in its programs or activities in accordance with applicable laws and regulations. Further, any person who is in need of special services (e.g., written material in large type, signer for the hearing impaired, or for free assistance in Spanish), please contact PDEQ's Environmental Justice Program Manager, Beth Gorman, 33 N. Stone Avenue, Suite 700, Tucson, Arizona, 85701, Phone (520) 724-7446, email beth.gorman@pima.gov.

AVISO DE NO DISCRIMINACIÓN

El Departamento del Condado de Pima de Calidad Ambiental no discrimina en base de la raza, el color, el origen nacional, el sexo, la religión, discapacidad, o la edad en sus programas o actividades de acuerdo con leyes y regulaciones aplicables. Además, cualquier persona que esté necesitando los servicios especiales (e.g., material escrito en letra grande, intérpretes de lenguaje con señas, o para obtener asistencia gratuita en español), por favor contacte a la encargada del Programa de Justicia Ambiental del Departamento Calidad Ambiental del Condado de Pima, Beth Gorman, 33 N. Stone Avenue, Suite 700, Tucson, Arizona, 85701, teléfono (520) 724-7446, email beth.gorman@pima.gov.

Sincerely,



Elizabeth Quinley
Compliance Inspector
Air Program

Attachment: Site Inspection Report

cc: Permit File #: 6067



**PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR PROGRAM**

33 N. STONE AVENUE, SUITE 700
TUCSON, ARIZONA 85701
PHONE (520) 724-7400 FAX (520) 838-7432
www.pima.gov/deq

Site Inspection Report

Tracking ID: PC 1307-099

Permit #:	6067
Source:	Freeport-McMoRan Sierrita Inc.
Location:	6200 W. Duval Mine Road, Green Valley, AZ
Date:	July 29, 2013
Arrival Time:	1:00 pm
Departure Time:	3:30 pm
Inspectors:	Anna Martin Elizabeth Quinley Janice Easley
Spoke With:	Kali Hoyak, Environmental Engineer II Eric Werner, Environmental Engineer I Procopio Gonzales, Senior Tailings Supervisor
Phone #:	520-393-2603 (Hoyak)
Reason for Inspection:	Complaint
Compliance Status:	Noncompliant

The Pima County Department of Environmental Quality (PDEQ) received multiple complaints regarding dust on Saturday, July 27, 2013 from the Freeport-McMoRan Sierrita Inc. (FMSI) tailings impoundment. In addition to the complaints, a PDEQ inspector observed and photographed a major dust event in the Green Valley area on July 27, 2013 between the hours of 3pm and 4pm. The inspector observed white dust clouds, originating from the north side of the FMSI tailings impoundment, travel eastward over the side of the impoundment. The dust moved southeast, crossing I-19. The inspector observed fine, white tailings dust of sufficient density to obscure local vegetation on property over 2.25 miles from the closest FMSI property boundary. The inspector observed the dust continue to travel toward the Santa Rita Mountains. PDEQ inspector photographs from July 27, 2013, documenting the white dust clouds beyond FMSI property boundaries, can be found in Attachment 3. PDEQ inspectors responded to the complaints and observations by conducting an inspection Monday, July 29, 2013.

Site Inspection

We conducted off-site surveillance and an on-site inspection of the FMSI tailings impoundment on the afternoon of July 29, 2013. We observed the tailings impoundment from Continental Road, southeast of the water tank and observed no fugitive dust (Attachment 1, Photo 1). Winds blew from the south with a maximum speed of 7.1 mph and an average speed of 4.7 mph. We observed the tailings impoundment from the intersection of Duval Road and Mission Road and observed no fugitive dust (Attachment 1, Photo 2). Winds blew from the south at a maximum speed of 2.5 mph and an average speed of 0.8 mph.

We entered FMSI, met with Ms. Kali Hoyak, Environmental Engineer II, and Eric Werner, Environmental Engineer I, and conducted inspection rights protocol (Attachment 2). We reviewed the content of the complaints with Ms. Hoyak and Mr. Werner and showed them photos of the fugitive particulate matter event on July 27, 2013 (Attachment 3). Ms. Hoyak stated that she was not aware of any July 27, 2013 fugitive emissions until PDEQ contacted her on July 29, 2013. We drove to the north side of the tailings impoundment and met with Mr. Procopio Gonzales, FMSI Senior Tailings Supervisor. We conducted inspection rights protocol with Mr. Gonzales (Attachment 2) and began discussions about recent and current activity on the tailings impoundment. We learned that FMSI is currently depositing tailings slurry on the southern half (south dam) of the tailings impoundment and that the north side (north dam) is undergoing road construction and pipeline lifts, to raise the dam walls which contain the tailings. We learned that the pipeline lift was underway on the north edge of the impoundment dam. This pipeline lift follows the near-completion of a new road around the tailings impoundment. Ms. Hoyak and Mr. Gonzales indicated that the road along the north edge of the impoundment dam was complete except for capping with native soil. They stated that magnesium chloride had been applied to the road at least twice since its construction. The road appeared stable (Attachment 1, Photo 3) and we observed traffic traveling at or below the speed limit of 25 mph generating little to no dust. Between the road and the tailings lay berms and stockpiles of soil from road construction. The road was bordered with piles and pushed berms of tailings soil material. We observed water trucks spraying the soil (Attachment 1, Photo 4) and found the piles to be well-crusted and stable (Attachment 1, Photo 5). Mr. Gonzales indicated the piles are sprayed by a water truck approximately every 2 hours.

We walked onto the north dam and found the surface to vary in condition and stability. Ms. Hoyak and Mr. Gonzales stated that All-Track vehicles apply magnesium chloride, a hygroscopic dust suppressant, on the tailings surface. Mr. Gonzalez showed a grid of previous All-Track tracks on the dam surface and stated that magnesium chloride had been applied at least three times in the last 2.5 months (Attachment 1, Photo 6). We observed a gray surface, showing intact magnesium chloride application, on the northern edge the north dam (Attachment 1, Photo 7). From the northern edge, we looked south at the central north dam surface and observed a lighter colored surface, indicating disintegrated magnesium chloride. We walked to a more central area of the north dam and found the surface to be dimpled or pockmarked. The dimpled areas were not well-crusted and were easy to disturb (Attachment 1, Photos 8 and 9). When disturbed, the surface broke into very fine particulate. Mr. Gonzalez indicated that heavy rain causes the dam surface crust to break apart and dimple. Mr. Gonzalez and Ms. Hoyak informed us that a strong storm downburst of rain occurred on the afternoon of July 26, 2013, totaling 0.9 inches of rain in 30 minutes. Ms. Hoyak later informed PDEQ that the 0.9 inch measurement was taken by an operator at about 4:00 pm on July 26 from a simple rain gauge located outside the tailings shop area.

In general, we found the north dam surface to contain cracks and channels of varying depths (Attachment 1, Photos 10 – 13). The cracks, and especially the channels, contained loose, dry particulate. Mr. Gonzales indicated that cracking may be caused by light rain followed by hot, dry weather. The loose material in the channels appeared sandy and was somewhat aligned along southeast edges of channels. The loose channel material was not as fine as particulate created by disturbing the surface and did not appear highly susceptible to becoming windblown. Mr.

Gonzales indicated that channeling is caused by the deposition and flow of tailings slurry. Three All-Track vehicles were applying magnesium chloride in the southeast area of the north dam during the inspection. We did not observe any excessive dust while inspecting the north dam. A wind measurement while on the dam showed winds from the southwest at a maximum speed of 10.2 mph and an average speed of 7.5 mph.

While on the north dam, we saw dust devils originate along the berm of the southwest portion of the south dam (Attachment 1, Photo 15). The dust devils dissipated soon after leaving the edge of the dam as they traveled northeast onto the south dam surface. We drove to south dam area and saw loose material in cracks on the berm, the apparent source of dust for the dust devils. The south dam surface appeared stable and Mr. Gonzalez called the water truck to increase stabilization of the berm areas. The dust devils were the only airborne fugitive particulate matter observed during the inspection.

We inquired about work activities, conditions, and any FMSI observations on Saturday, July 27, 2013. Mr. Gonzalez and Ms. Hoyak confirmed that they had received no reports of dust activity on July 27, 2013. Mr. Gonzalez stated that there was no traffic on the dam road except for the water trucks. He said that work crews were active until 2:00 pm on July 27, 2013 at the warehouse, on the south dam pipe lift project, and at the shop. PDEQ Inspector Anna Martin asked Mr. Gonzalez if the dimpled and less-stable area of the north dam had been inspected following the heavy July 26, 2013 rain event. Mr. Gonzalez and Ms. Hoyak said that no inspection took place. Mr. Gonzalez stated the area would have been wet and that an inspection would not have revealed the vulnerability to the wind.

Mr. Gonzalez said that the priority for the week of July 29, 2013 would be applying magnesium chloride to the entire north dam surface. He indicated that five All-Track vehicles would be used for the rest of the week. Ms. Hoyak indicated she would provide weather station data and available rain-gauge data for July 26 and July 27, 2013. We emphasized our request for wind speed records between 3:00 pm and 4:00 pm on July 27, 2013 from the weather station at the top of the tailings impoundment.

Records Review

PDEQ requested and received a minimum of 30 days of operations records from FMSI on July 29, 2013. Based on reports of isolated rain events, and to gain a better understanding of conditions on the tailings impoundment, PDEQ requested rainfall and wind speed records from FMSI weather stations for July 26 and 27, 2013. Rain and wind records were received from FMSI on July 31, August 5, and August 6, 2013. Weather records for July 27, 2013 were also downloaded from the National Weather Service (Attachment 5).

Winds: FMSI provided PDEQ with hourly wind data for Friday, July 26, 2013 and 15-minute wind data for Saturday, July 27, 2013. On July 26, 2013, the highest winds occurred in the afternoon and blew from the north. At 2:00 pm the 10M MET station recorded an average speed of 13.19 mph and a maximum speed of 37.69 mph. On July 27, 2013, the highest winds also occurred in the afternoon. At 3:30 pm the winds blew from the west-northwest at an average speed of 20.4 mph and a maximum speed of 29.25 mph. At 3:45 pm the winds blew from the northwest at an average speed of 18.86 mph.

and a maximum speed of 27.53 mph. Average and maximum wind speeds were below 10 mph by 5:00 pm on July 27, 2013. Wind data from FMSI is provided in Attachment 4.

The National Weather Service (NWS), which records weather data at Tucson International Airport, recorded a sharp change in weather during the afternoon of July 27, 2013. At 3:48 pm, the NWS recorded winds from the south at 5 mph. At 3:53 pm, the NWS recorded winds from the south-southwest at 22 mph with gusts to 35 mph.

Rainfall: The 10M MET weather station, located northwest of the tailings impoundment's reclaim pond, recorded an hourly total of 0.05 inches of rain at 1:00 pm and 2:00 pm on July 26, 2013. No other rain was recorded by a FMSI weather station for July 26, 2013. On July 27, 2013, the 60 M MET weather stations recorded an hourly total of 0.01 inches at 1:00 pm and 0.03 inches at 4:00 pm.

FMSI also takes daily readings of a simple rain gauge at the tailings shop, located about 0.5 miles north of the 10M-MET station, and generally records daily precipitation data on the Surface Inspection form. Mr. Gonzalez and Ms. Hoyak informed us that 0.9 inches of rain fell at the simple rain gauge in 30 minutes on July 26, 2013. The Surface Inspection Form from July 26 confirms 0.9 inches of rain. Precipitation data is provided in Attachment 4.

Water Truck: FMSI provided water truck records from January 3, 2013 to July 28, 2013. The records, provided for one 10,000 gallon truck, one 8,000 gallon truck, one 4,000 gallon truck, and one rental truck provide date used, number of loads distributed, and the initials of the operator. The records do not indicate the location of the water trucks' distribution. According to the records, no water was distributed on July 27, 2013.

62,000 gallons of water were distributed on July 24, 2013; 48,000 gallons of water were distributed on July 25, 2013; 32,000 gallons of water were distributed on July 26, 2013; and 8,000 gallons of water were distributed on July 28, 2013. Water truck data is provided in Attachment 4.

Magnesium Chloride: FMSI provided magnesium chloride distribution records from April 14, 2013 to July 28, 2013. The records, provided for five All-Track vehicles and one water truck used for magnesium chloride, provide date used, number of loads applied, and the initials of the operator. The records do not indicate the location of the magnesium chloride application. Ms. Hoyak indicated that water trucks would have been likely to apply magnesium chloride to the road, not the dam surface. According to the records, there was no application of magnesium chloride recorded between July 11 and July 25, 2013. 2,500 gallons were distributed on July 26, 2013; 7,000 gallons were distributed on July 27, 2013; and 14,000 gallons of magnesium chloride were distributed on July 28, 2013. Magnesium chloride records are provided in Attachment 4.

Tailings Dam Environmental Activities Report: FMSI provided weekly Tailings Dam Environmental Activities Report Records for June 21, 2013 through July 25, 2013. The completion of these weekly reports is required by the FMSI Air Quality Class I Permit

42862, Attachment B. Condition XIX.B.3.c. The reports show tailings deposition occurred on the south dam and berm pushing, pipe stabbing, and crane work occurred on the border of the north dam. The reports list no magnesium chloride application for the weeks ending July 19, 2013 and July 25, 2013. Magnesium chloride application is recorded on records dated July 12, 2013; June 27, 2013; and June 21, 2013. Each report shows use of water trucks.

FMSI also provided a weekly Tailings Dam Environmental Activity Report dated August 2, 2013. This report, covering activities from July 26, 2013 through August 1, 2013, allowed PDEQ to identify actions taken after the reported fugitive dust event on July 27, 2013. The report showed a total of 37 water truck loads distributed and 56,000 gallons of magnesium chloride applied to the tailings impoundment. The report's map and comments indicate magnesium chloride was applied over much of the north dam, with focus on filling washouts from precipitation. The report lists 1.4 inches of rain received between July 26 and August 1, 2013. Tailings Dam Environmental Activities Reports are provided in Attachment 4.

Surface Inspection: FMSI provided Surface Inspection reports for most days between June 25, 2013 and July 31, 2013. Notably, no Surface Inspection reports were available for July 27 or July 28, 2013. The inspections are part of the FMSI Fugitive Source Management Plan, which is required by Attachment B, Condition XIX.B.3.b.i of FMSI's Class I Air Quality Permit. The following Surface Inspection reports identified areas of the tailings dam in a condition that required action (such as "Piles of Standing Sands"): July 3, 2013; July 9, 2013; July 25, 2013; July 30, 2013; and July 31, 2013. The July 26 and 29, 2013 Surface Inspections do not provide a condition description.

Surface Inspection reports have an Action Plan section for the inspector to complete. I checked the action plans for Surface Inspections that identified areas of the tailings dam in a condition that required action. On July 3, 9, 25, and 26, 2013, the action plan stated that water trucks were in use and that All-Track vehicles were on standby. The July 29, 2013 Surface Inspection does not provide a condition description, but it does state "magnesium chloride All-Track vehicles and Water Trucks" for the action plan. The July 29, 2013 action plan also referenced "magnesium chloride All-Track vehicles and Water Trucks." Finally, the July 30, 2013 action plan stated, "(4) All-Tracks active phase 2, north dam, H₂O Trucks on road and berms." Surface Inspection Reports are provided in Attachment 4.

Review of Applicable Regulatory Requirements

Permit Condition:

Part B: SPECIFIC CONDITIONS

Section XIX: REQUIREMENTS FOR FUGITIVE SOURCES

B: Open Areas, Roadways and Streets, Material Handling, Storage Piles

1: Emission Limitations/Standards

- a: The permittee shall not cause, allow or permit visible emission from any fugitive dust source in excess of 20% opacity measured in accordance with EPA Reference Method 9.

PCC 17.16.050

B. Except for sources located within the boundaries of the Tohono O'Odham, Pasqua Yaqui and San Xavier Indian Reservations, opacity of an emission from any nonpoint source, as measured in accordance with the Arizona Testing Manual, Reference Method 9, shall not exceed the following:

1. Twenty percent for such nonpoint sources in eastern Pima County, east of the eastern boundary of the Tohono O'Odham Reservation.

Findings:

Visible emissions were observed by a PDEQ inspector and multiple complainants. No EPA Method 9 Visible Emissions observations were conducted to evaluate compliance with opacity limitations.

Permit Condition:

Part B: SPECIFIC CONDITIONS

Section II: FACILITY-WIDE REQUIREMENTS

E. Visibility Limiting Standard

1. The Permittee shall not cause, suffer, allow, or permit diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne. Sources may be required to cease temporarily the activity or operation which is causing or contributing to the emissions until reasonably necessary and feasible precautions are taken.
2. Condition II.E.1 shall not apply when wind speeds exceed twenty-five (25) miles per hour (using the Beaufort Scale of Wind-Speed Equivalents, or as recorded by the National Weather Service). This exception does not apply if control measures have not been taken or were not commensurate with the size or scope of the emission source.
3. Condition II.E.1 shall not apply to the generation of airborne particulate matter from undisturbed land.

PCC 17.16.050

D. No person shall cause, suffer, allow, or permit diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne, without taking reasonably necessary and feasible precautions to control generation of airborne particulate matter. Sources may be required to cease temporarily the activity or operation which is causing or contributing to the emissions until reasonably necessary and feasible precautions are taken.

1. Sources required to obtain an air quality permit under ARS § 49-426, § 49-480 or Rule 17.12.470 may request to have the actions constituting reasonably necessary and feasible precautions approved and included as permit conditions. Compliance with such permit conditions shall be considered compliance with this subsection.
2. This subsection shall not apply when wind speeds exceed twenty-five (25) miles per hour (using the Beaufort Scale of Wind-Speed Equivalents, or as recorded by the National Weather Service). This exception does not apply if control measures have not been taken or were not commensurate with the size or scope of the emission source.
3. This subsection shall not apply to the generation of airborne particulate matter from undisturbed land.

Findings:

FMSI conducted a surface inspection on part of the north dam on July 25, 2013. This inspection revealed conditions where action was required. The inspection form for July 25, 2013 states the following for an action plan: "Water trucks in all areas, and berms. All-Tracks on standby". There is no specific record of application of magnesium chloride on the north dam on July 25 or 26, 2013.

FMSI records show an isolated rain event on July 26, 2013 totaling 0.9 inches of rain. FMSI employees recorded the rain event on the July 26, 2013 surface inspection report. FMSI

employees acknowledged they are aware that heavy rain can compromise the crust of the impoundment surface. FMSI records do not show a response or follow-up inspection of the dam surface following the rain event. Work conducted until 2:00 pm on July 27, 2013 did not include an inspection of the rained-on dam surface.

Fugitive dust emissions from the FMSI tailings impoundment were photographed by a PDEQ inspector from 3:21 pm to 3:41 pm on July 27, 2013. A complaint received by PDEQ reported a 3:27 pm fugitive dust emission from tailings. Photographs, PDEQ inspector observations, and on-site inspection reveal the emissions originated from the north section of the north dam. The inspector observed white dust clouds originating from the north dam travel eastward over the side of the dam. The dust moved southeast, crossing I-19. The inspector observed fine, white tailings dust of sufficient density to obscure local vegetation on property over 2.25 miles from the closest FMSI property boundary. The inspector observed the dust continue to travel toward the Santa Rita Mountains.

FMSI records for 3:30 pm and 3:45 pm on July 27, 2013 show winds blowing from the north-northwest and northwest to the east-southeast and southeast at a maximum speed of 29.25 mph. Maximum wind speeds were recorded over 15 mph from 3:00 pm until 4:45 pm on July 27, 2013.

FMSI was not aware of July 27, 2013 fugitive emissions until PDEQ contacted FMSI on July 29, 2013.

Deficiency:

Pursuant to Permit Condition Part B, Section II, E and PCC 17.16.050, FMSI allowed diffusion of tailings-generated visible emissions beyond the property boundary. Though wind speeds recorded at FMSI were greater than 25 mph on July 27, 2013, the control measures taken by FMSI to prevent the diffusion of visible emissions were not commensurate with the amount of tailings impoundment surface area susceptible to becoming airborne.

Compliance Determination

Following review of the site inspection and PDEQ inspector observations and photographs, PDEQ Management has determined that a Notice of Violation will be issued to FMSI for the above listed deficiency.

Attachments:

1. Inspection Photo Log, dated July 29, 2013
2. Inspection Rights Protocol, dated July 29, 2013
3. Inspection Photo Log, dated July 27, 2013
4. Records provided by FMSI
5. National Weather Service Data for July 27, 28, and 29, 2013

1. Inspection Photo Log, dated July 29, 2013

Pima County Department of Environmental Quality AIR PROGRAM		PHOTOGRAPHIC LOG	
Site Location: Freeport-McMoRan Sierrita Inc. 6200 W. Duval Mine Road, Green Valley, AZ		Photographer: A. Martin, J. Easley, E. Quinley	
		Tracking No.: PC 1307-099	
Photo No. 1			
Date: 7/29/13			

Photo No. 2			
Date: 7/29/13			

Photo No. 3

Date:
7/29/13



Photo No. 4

Date:
7/29/13



Photo No. 5

Date:
7/29/13



Photo No. 6

Date:
7/29/13



Photo No. 7	
Date: 7/29/13	

Photo No. 8	
Date: 7/29/13	

Photo No. 9

Date:
7/29/13



Photo No. 10

Date:
7/29/13



Photo No. 11

Date:
7/29/13



Photo No. 12

Date:
7/29/13



Photo No. 13	
Date: 7/29/13	

Photo No. 14	
Date: 7/29/13	

Photo No. 15

Date:
7/29/13



2. Inspection Rights Protocol, dated July 29, 2013



PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY

33 N. Stone Avenue, Suite 700
Tucson, Arizona 85701-1429
Phone (520) 724-7400 Fax (520) 838-7432
www.pima.gov/deq

NOTIFICATION OF INSPECTION RIGHTS

REGULATED PERSON INFORMATION (Company, Agency, Organization or Individual)

Regulated Person Freeport McMoran Serrita Inc. Permit # 6067
On-site Representative Kali Hoyack, Eric Werner Title _____
Site Location 6200 W. Duval Mine Rd
Site Contact _____ Phone _____
Mailing Address PO Box 527. Green Valley, AZ 85622

PDEQ INFORMATION

Inspector Name E. Quinley Phone 724-9726
Inspection Date 7/29/13 Time _____
Accompanied by A. Martin, J. Easley

INSPECTION RIGHTS

Upon entry to the premises, the Pima County Department of Environmental Quality (PDEQ) inspector(s) met with the regulated person or authorized on-site representative, presented photo identification indicating that they are a PDEQ employee(s), and explained:

- The purpose of the inspection is to determine compliance with Air Quality Regulations or Pima County Code (PCC) Title 17. The inspection is being conducted pursuant to Arizona Revised Statutes (A.R.S.) §49-471 *et seq.* and PCC 17.20.050.
- Inspection fee: \$ _____ or ☐ A portion of Activity Permit Fee or ☒ A portion of your annual emission fee
- Regulated person or on-site representative may accompany the PDEQ inspector(s) on the premises, except during confidential interviews.
- The regulated person has the right to have on request: copies of any original documents taken by PDEQ during the inspection, a split of any samples taken during the inspection if the split of any samples would not prohibit an analysis from being conducted or render an analysis inconclusive, copies of any analysis performed on samples taken during the inspection, and copies of any documents relied on to determine compliance with licensure or regulatory requirements.
- Each person interviewed during the inspection will be informed that statements made by the person may be included in the inspection report.
- Each person whose conversation is tape recorded will be informed that the conversation is being tape recorded.
- Administrative hearing rights to appeal an administrative order or permit decision that was made as a result of the inspection are set forth in Arizona Revised Statutes (A.R.S.) §49.511, 49.490, 49.496 and 49.497 *et seq.* Rights relating to an appeal of a final agency decision are found in A.R.S. §49.480.02 and 49.482 *et seq.*

Questions or comments on these procedures, your inspection and due process rights or this form may be directed to the PDEQ inspector listed on this form at (520) 724-7400. While you have the right to decline to sign this form, the PDEQ representative(s) may still proceed with the inspection pursuant to PCC 17.20.050.

☒ I have read this notification and discussed any questions or concerns with the PDEQ inspector(s).

Signature Kali Hoyack Eric Werner Date 7.29.13

☐ Pima County refused to sign the Notification.

☐ Authorized on-site representative is not present at the facility.

3. Inspection Photo Log, dated July 27, 2013

Pima County Department of Environmental Quality AIR PROGRAM		PHOTOGRAPHIC LOG	
Site Location: Freeport-McMoRan Sierrita Inc. 6200 W. Duval Mine Road, Green Valley, AZ (Photos taken from east of I-19)		Photographer: J. Easley	Tracking No.: PC 1307-099
Photo No. 1			
Date: 7/27/13			
Empty space for notes			

Photo No. 2			
Date: 7/27/13			
Empty space for notes			

Photo No. 3	
Date: 7/27/13	

Photo No. 4	
Date: 7/27/13	