



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, TUCSON, AZ 85701-1317
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C. H. HUCKELBERRY
County Administrator

January 2, 2007

Patrick Madigan, Field Manager
Tucson Field Office
Bureau of Land Management
United States Department of the Interior
12661 East Broadway
Tucson, Arizona 85748-7208

Re: Your December 22, 2006 Letter Regarding the Proposed Quarry Operation in Davidson Canyon By Arizona Portland Cement

Dear Mr. Madigan:

We appreciate your letter and your willingness to hold another scoping meeting where the public will receive improved notice, and hopefully the meeting will be held at a time in the middle of the week to avoid a Friday evening meeting, which, based on my years of experience regarding same, I believe is the least attended day for public meetings.

The County obviously has a number of concerns over the proposed quarry operation. One concern, among many, deals with environmental compliance. I am enclosing a memorandum from our Environmental Quality Department outlining environmental enforcement actions taken against Arizona Portland Cement. I believe the firm is currently in environmental or regulatory compliance. However, the number of previous enforcement actions may warrant a higher performance bond or reclamation bond than would otherwise be imposed if the quarry operation is approved.

This, among other issues, will be commented on by Pima County as we obtain, through your office, more information as to the actual proposed mining plan of Arizona Portland Cement for this uniquely suited and environmentally sensitive property.

Sincerely,

A handwritten signature in black ink that reads "C. Huckelberry". The signature is written in a cursive style and is positioned to the right of the typed name.

C.H. Huckelberry
County Administrator

CHH/jj
Attachment

c: Nicole Fyffe, Executive Assistant to the County Administrator



MEMORANDUM

PIMA COUNTY ENVIRONMENTAL QUALITY

DATE: December 11, 2006

TO: Nicole Fyffe
Executive Assistant to the County Administrator

FROM: Ursula Kramer
Director

A handwritten signature in black ink, appearing to be "UK", is written over the printed name "Ursula Kramer".

RE: Arizona Portland Cement (APC) Environmental Enforcement Actions

In response to your request for information regarding Arizona Portland Cement (APC) environmental enforcement actions, the Pima County Department of Environmental Quality (PDEQ) has collected the attached information. There have been three significant enforcement actions taken against APC.

In 1992, PDEQ and the Arizona Department of Environmental Quality (ADEQ) began joint enforcement for hazardous waste and air quality violations. The enforcement actions were settled in 1993 and a fine of \$367,840 was levied against the facility. In 1996, the Hess Oil Virgin Islands Company (HOVIC) settled enforcement action with the U.S. Department of Justice. The HOVIC shipped hazardous waste to APC in 1992. Because the case originally began at APC with PDEQ's enforcement actions, the Department of Justice awarded Pima County \$1,000,000 for the County's efforts.

In 2003, the U.S. Environmental Protection Agency (EPA) issued a Notice of Violation to APC for violating Clean Air Act provisions. APC had begun construction at the Rillito facility without obtaining the necessary permits. This case has not been resolved with EPA.

During 2004, ADEQ issued 8 air quality violations to APC. The violations centered around required testing for hazardous air pollutants. ADEQ has settled the violations with APC with a fine of \$300,000, a requirement that the company purchase air purifiers for homes within the Rillito community, a requirement that the company purchase an air conditioning unit for the Rillito Community Center, and a requirement that the company apply dust suppressants on Contractors Way.

Attached is detailed information on each case. If you would like additional information or have questions on this material, I am available to meet at your convenience.

UK/RG/vlb

cc: John Bernal, Deputy County Administrator
Richard Grimaldi, Deputy Director for PDEQ



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Tucson Field Office
12661 East Broadway
Tucson, Arizona 85748-7208
<http://www.blm.gov>

In Reply Refer to:
3809 (AZ420)
AZA 33368

December 22, 2006

Mr. C.H. Huckelberry
County Administrator
Pima County Governmental Center
130 West Congress
Tucson, Arizona 85701-1317

Dear Mr. Huckelberry :

Elaine Zielinski, State Director for the Bureau of Land Management in Arizona, has asked that I respond to your letter to her, dated December 11, 2006, concerning the scoping meeting for a proposed quarry operation in Davidson Canyon. Additionally, I want to acknowledge the concerns addressed in your letter of December 8, 2006 to me. Let me first explain the status of the proposal, and BLM's responsibility to process the request from Arizona Portland Cement. The BLM is required to process the application according to the Mining Law of 1872, and fairly determine whether it meets federal requirement.

Arizona Portland Cement has filed a Draft Plan of Operation to quarry limestone from claims located southeast of Tucson. The company owns claims where the land status is called "split estate" – the Arizona State Land Department administers the surface estate, and BLM administers the mineral estate. It is these claims that I will address in this letter. The company also has mineral leases with the Arizona State Land Department near this same area where the land and the subsurface are controlled by the State of Arizona; however, BLM has no control over the permit process on those claims.

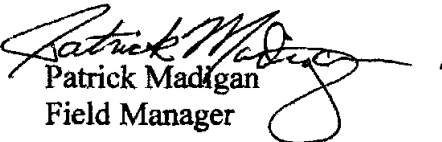
The BLM and Arizona Portland Cement hosted a public scoping meeting on December 8, to accept comments and concerns to the Draft Plan of Operation. These comments will be used to develop an Environmental Assessment that is required through the National Environmental Policy Act. Through this process, BLM will assess the environmental, economic and sociological effects of the quarry on the BLM-administered mineral estate. The limestone will be used as a source of calcium carbonate to manufacture cement at the company's facility in Rillito, near Marana.

In your December 11 letter to the State Director, you express a concern that there was inadequate notification of the scoping meeting. Arizona Portland Cement attempted to reach as many people as they could by running a notification in two local newspapers every day for one week prior to the meeting. In addition, there was local press coverage of the upcoming meeting and information about it on a local environmental group's website. Because public comments are crucial to the NEPA process, I have decided to schedule an additional scoping meeting next year after my staff has an opportunity to review the comments and concerns generated to date.

Thank you for the list of concerns in your December 8 letter; we look forward to receiving additional comments from you. We also received many comments at the recent public meeting, including concerns about impacts to wildlife corridors, noise, effects of blasting, effects on nearby wells and ground water, and visual impacts. All of these issues will be addressed in the Environmental Analysis.

Finally, my staff and I would be more than happy to provide you with a complete briefing on this issue. Please contact Lorraine Buck, Public Affairs Specialist, at 520.258.7240, after the beginning of the year to receive information or to schedule a briefing. I look forward to meeting with you soon.

Sincerely,


Patrick Madigan
Field Manager