



Mission Complex

HAND DELIVERED

January 8, 2010

Pima County Department of Environmental Quality
Air Program
Attn: Mr. Dustin Fitzpatrick, Air Compliance Supervisor
James M. Jones, Civil Engineering Assistant
150 W. Congress St.
Tucson, AZ 85701

Re: Request for extension
NOV Nos. 0911-061 and 0912-067
ASARCO LLC—Mission Complex, Permit No. 2026

Dear Messrs. Fitzpatrick and Jones:

ASARCO LLC—Mission Complex (Asarco) respectfully requests a 30-day extension of the time to respond to Notice of Violation (NOV) No. 0911-061, currently due on January 22, 2010, and a corresponding extension of the time to respond to NOV No. 0912-067, so that both responses would be due February 22, 2010, because they involve substantially identical situations and allegations.

Asarco requests the additional time to allow development of better proposed corrective actions than is possible by January 22, 2010. Asarco hopes to bring in outside assistance to help assess its existing measures and recommend possible additional measures. The recommendations then need to be evaluated for practicability and feasibility and lack of other adverse environmental consequences. This process cannot be completed by January 22, 2010, but Asarco believes it should be complete by February 22, 2010. It is Asarco's hope that such measures will be sufficient to address the combination of berm building and the unusual weather conditions that caused visible emissions.

Asarco recognizes that there is considerably community interest in this matter and that the County Administrator has called for prompt action. Nevertheless, tailing dust management is a complex matter without easy solutions that are technically and financially viable and that avoid other equally undesirable environmental consequences. Otherwise, Asarco would have implemented such measures long ago along with all of the other controls (watering, polymer addition, speed limits, initial inspections, etc.) that it already has in place. Hence, additional time is needed.

Asarco appreciates your consideration of this request. Please respond to either Dr. Krishna Parameswaran at (520) 798-7792 or myself at (520) 648-4588 as soon as possible.

Sincerely,



Arturo Burgos
Sr Environmental Engineer