

CITIZEN PETITION:

To: Carol Browner, Director, Environmental Protection Agency - 1101
401 M Street S.W.
Washington, D.C. 20460

From: Jim Nagel
P.O. Box 7
Yarnell, AZ 85362

October 13, 1998

RE: Citizen's Petition for Administrator's objection to the issuance of
ADEQ Air Quality Permit # 1000383

Dear Ms. Browner,

I am writing this letter to notify EPA that I, as a Citizen of the U.S., wish to appeal the lack of objection by EPA Region IX to the issuance of the above referenced Air Quality Permit, issuance of which would subsequently lead to the granting of a Final Air Quality Permit by the Arizona Department of Environmental Quality (ADEQ) in the name of the Yarnell Mining Company for operation of the Yarnell Mine in Yavapai County, Arizona.

I hereby request that the Administrator object to the issuance of this permit on the basis that said issuance will very likely lead to numerous and repeated violation of NAAQS, most specifically for PM10. In addition, the operation of this project will almost certainly lead to numerous and repeated violations of the protection of the Class II increments for PM10, and perhaps CO, NO2 and SO2.

I also request that the Administrator object on the basis that ADEQ may have violated both state and federal law in its issuance of the draft permit upon which the final permit will be based in that insufficient notice was given to the citizens of Yarnell and Glen Ilah, the area that will be most affected by the issuance of said permit. Further, the information provided by the owner, upon which the draft permit was based, to wit the application containing the air emissions inventory and other analyses provided by the owner, upon which ADEQ based its own evaluation of said permit, was not made available to citizens IN THE AREA AFFECTED by this project until nearly 30 days after the official comment period had ended. Particularly, I, as a citizen living in the area most affected, did not have, at the time I wrote my comment letter on the draft permit, local access to said information supplied by the owner upon which to base the kinds of substantive comments which I later made in a comment letter to Region IX EPA-Air on July 24, 1998. Thus it was impossible to raise many additional objections that might otherwise have been raised during the official comment period due to lack of complete access, in the area most affected, to the background documentation for this permit which was provided by the owner.

I cannot at this time appeal potential additional new provisions of this permit because it apparently has not yet been issued, yet I am told that

the period for appealing its issuance expires on October 14, 1998. Thus I am forced to file my appeal in the terms contained herein. If in some way I have not completely fulfilled the proper form in this petition for objection by the Administrator per 40 CFR 70.8(d), I request that I be allowed to amend this petition as required.

Thank you for your attention in this matter.

Sincerely,

Jim Nagel