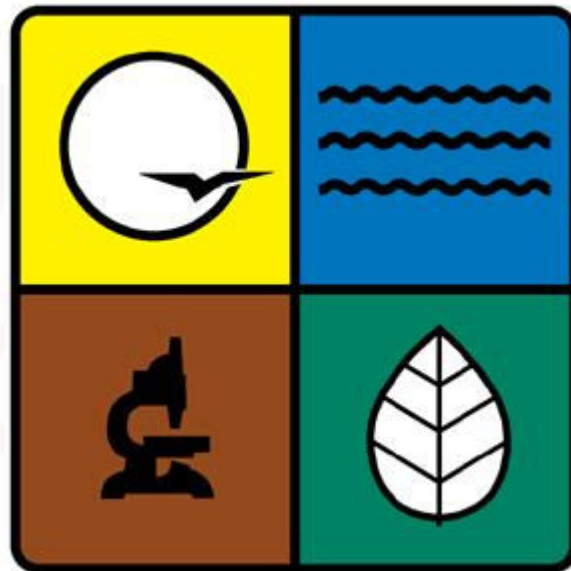


**Revision to the  
Missouri State Implementation Plan  
for the  
Herculaneum Lead Nonattainment Area**

**Modification to the  
2007 Consent Judgment**

Prepared for the  
Missouri Air Conservation Commission  
Adoption: June 30, 2011



**Missouri Department of Natural Resources  
Division of Environmental Quality  
Air Pollution Control Program  
1659 E. Elm Street  
Jefferson City, MO 65102  
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**Missouri State Implementation Plan (SIP) Revision for the Herculaneum Lead Nonattainment Area - 2007 Consent Judgment Modification - Doe Run Fenceline Provisions**

The purpose of this revision to the Missouri State Implementation Plan (SIP) for the Herculaneum Lead Nonattainment Area is to modify the 2007 Consent Judgment to clarify that a prohibition to the construction of new lead emission processes on certain parts of the Doe Run Company's Herculaneum property inside the property fenceline applies to current lead smelting or pyrometallurgical technology sintering and blast furnace operations and not the new, substantially less-emitting, hydrometallurgical technology that was not anticipated during the development of the 2007 SIP revision.

On April 27, 2007, the Missouri Air Conservation Commission (MACC) adopted a SIP revision for the Herculaneum Lead Nonattainment Area to demonstrate compliance with the 1978 National Ambient Air Quality Standard (NAAQS) for Lead. Compliance with this standard is based on ambient monitoring data with concentrations less than a quarterly average of 1.5 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). At the core of this 2007 Lead SIP revision is the 2007 Consent Judgment, an agreement between the Doe Run Company and the State of Missouri. This Consent Judgment details numerous lead emission control technology projects, work practices, and strategies used to demonstrate attainment of the 1978 Lead NAAQS. Since the completion of construction of these control technology projects and the implementation of the new control techniques by Doe Run in April 2008, air quality monitoring in Herculaneum has continually demonstrated compliance with the 1978 standard with more than 11 quarters of compliance. The U.S. Environmental Protection Agency (EPA) proposed conditional approval of the 2007 SIP revision on October 8, 2008. In 2009, a supplement to this revision was developed to satisfy the outstanding conditions in the 2007 SIP revision by establishing ventilation rates that ensure the appropriate levels of lead particle capture, control and containment in the process buildings. This plan supplement was adopted by the MACC on July 29, 2009. On August 27, 2010, the EPA proposed final approval of both of these Lead SIP revisions [75 FR 52701].

For more information on these and other SIP revisions, please visit the Missouri Department of Natural Resources Air Pollution Control Program's State Plan website: <http://www.dnr.mo.gov/env/apcp/stateplans.htm>

On October 15, 2008, EPA announced a strengthened Lead NAAQS. This new standard establishes a limit of  $0.15 \mu\text{g}/\text{m}^3$  based on a three-month average. Missouri is currently developing a SIP revision to demonstrate attainment with this standard. In light of this new Lead standard and a recently promulgated new Sulfur Dioxide ( $\text{SO}_2$ ) NAAQS, the Doe Run Company entered into a Consent Decree with the State of Missouri and the EPA in October 2010. As part of the terms of this Consent Decree, Doe Run has agreed to cease smelting operations at its Herculaneum facility. This is described in Paragraph V.A.14. of the Consent Decree:

*Rather than comply with required  $\text{SO}_2$  best available control technology ("BACT") and lead lowest achievable emissions reduction ("LAER") emission limits through the installation of emission control technologies, and because Doe Run is pursuing alternative technology for*

*processing lead concentrate, Doe Run has, for independent business reasons, elected to permanently cease smelting operations of the Herculaneum Lead Smelter in accordance with the schedule set forth in this Paragraph.*

The sinter plant will shut down by December 31, 2013 while the blast furnace operations will cease by April 30, 2014. Doe Run has subsequently announced that it plans to implement this new alternative lead ore processing technology on Doe Run property next to the current Herculaneum Lead Smelter and inside the Doe Run fenceline. This “new lead metal technology” is a proprietary hydrometallurgical, not a smelting or pyrometallurgical process.

In the 2007 Consent Judgment, paragraph 2.B.1. allows Doe Run to extend the fenceline to preclude public access. The provision did not allow Doe Run to expand their lead processes into the area between the old and any new fenceline. The intent of this provision was to keep the footprint of the current lead smelting processes while increasing the public health buffer zone as the fenceline expanded. At the time of the writing of the Consent Judgment, no one envisioned the development of this new extremely low lead-emitting process at Herculaneum or that the existing lead smelter would close as proscribed in the Consent Decree. In light of the new much more protective NAAQS, the Consent Decree and the development of this new technology, it is appropriate to clarify this provision. In this SIP revision we are proposing to amend a sentence within paragraph 2.B.1. as follows:

*Doe Run shall not relocate any existing [~~processes~~] **pyrometallurgical lead smelting sintering or blast furnace unit operations**, or construct new **pyrometallurgical lead smelting sintering or blast furnace** emission sources in the area between the existing fence line and the new fence line.*

The entire text of the 2007 Consent Judgment may be viewed at:  
<http://www.dnr.mo.gov/env/apcp/docs/consentjdgmnt.pdf>

This minor modification will allow Doe Run to proceed with the development and construction (once appropriately permitted) of a “new lead metal technology,” or hydrometallurgical, lead ore concentrate processing plant on their current fenced-in grounds within the city limits of Herculaneum but will not affect the enforceability of any other requirements of the 2007 Consent Judgment or any previous SIP revisions.

Attached below is the proposed *Second Amendment to Consent Judgment*. The Missouri Department of Natural Resources, The Missouri Attorney General’s Office, and the Doe Run Company all coordinated on the development of the proposed agreement modification. If this proposed SIP revision is adopted by the MACC, the parties have agreed to sign this amendment to the 2007 Consent Judgment thereby modifying it accordingly as provided for in the original document.

**IN THE  
CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI**

**STATE OF MISSOURI ex rel.** )  
**DEPARTMENT OF NATURAL** )  
**RESOURCES and THE MISSOURI** )  
**AIR CONSERVATION COMMISSION,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**THE DOE RUN RESOURCES** )  
**CORPORATION,** )  
 )  
**Defendant.** )

**Case No. 07JECC00552**

**SECOND AMENDMENT TO CONSENT JUDGMENT**

WHEREAS, Plaintiff, State of Missouri, the Missouri Department of Natural Resources (hereafter MDNR), the Missouri Air Conservation Commission (hereafter Commission), Plaintiffs, and The Doe Run Resources Corporation (hereafter Doe Run), Defendant, state as follows:

WHEREAS, on May 21, 2007, this Court entered a Consent Judgment (hereafter 2007 Consent Judgment) that required Doe Run to implement control strategies to attain the Clean Air Act National Ambient Air Quality Standard for lead in effect at that time.

WHEREAS, on July 29, 2009, the Commission adopted an Amendment to the 2007 Consent Judgment as specified in Paragraph 2.A.20. of the Consent Judgment; and,

WHEREAS, the parties agree to clarify language in Condition 2.B.1. of the 2007 Consent Judgment.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Condition 2.B.1. of May 2007 Consent Judgment be amended as follows:

1. Fence line to Preclude Public Access. A map showing the existing fence line and a proposed new fence line is provided in the Work Practices Manual. Doe Run shall maintain the existing fence around its facility so that it is sufficient to preclude general public access, until such time as a new fence line outside the existing fence line is fully installed. If Doe Run moves the fence to the proposed fence line or another location outside the existing fence line, it must install and maintain the new fence so that it is sufficient to preclude general public access. Doe Run shall notify MDNR of its intent to move the fence line to the proposed fence line or another location outside the existing fence line at least 90 days prior to commencement of construction. Doe Run shall not relocate any existing pyrometallurgical lead smelting sintering or blast furnace unit operations, or construct new pyrometallurgical lead smelting sintering or blast furnace emission sources in the area between the existing fence line and the new fence line.

**WE HEREBY CONSENT to the entry of this Judgment:**

**DATE:** \_\_\_\_\_

**MISSOURI AIR CONSERVATION  
COMMISSION**

By: \_\_\_\_\_

Mark S. Garnett, Chairman

**DATE:** \_\_\_\_\_

**MISSOURI DEPARTMENT OF NATURAL  
RESOURCES**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**DATE:** \_\_\_\_\_

**CHRIS KOSTER, MISSOURI ATTORNEY  
GENERAL**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**DATE:** \_\_\_\_\_

**THE DOE RUN RESOURCES  
CORPORATION**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title \_\_\_\_\_

**IT IS SO ORDERED.**

\_\_\_\_\_  
CIRCUIT JUDGE

DATE: \_\_\_\_\_