

IN THE CIRCUIT COURT OF IRON COUNTY, MISSOURI

STATE OF MISSOURI, ex rel. )  
JEREMIAH W. (JAY) NIXON, )  
and the Missouri Department of )  
Natural Resources, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ASARCO, INC., MISSOURI LEAD )  
DIVISION, )  
 )  
Defendant. )

Case No. CV596-98CC

**JOINT MOTION FOR MODIFICATION OF CONSENT DECREE**

COME NOW State of Missouri, ex rel., Jeremiah W. (Jay) Nixon and the Missouri Department of Natural Resources, plaintiff, and The Doe Run Resources Corporation, doing business in Missouri as The Doe Run Company (Doe Run), and state as follows:

1. On or about July 30, 1996, ASARCO, Inc. (ASARCO) and the State of Missouri, ex rel. Jeremiah W. (Jay) Nixon and the Missouri Department of Natural Resources (MDNR) entered into a Consent Decree, which Decree was entered by this Court.
2. The Consent Decree was filed at the same time as a Petition for Injunction and Joint Motion to Enter Consent Decree. The Consent Decree, which settled the allegations set out in the Petition for Injunction filed in the above-styled case, contained certain terms and conditions with which ASARCO was obligated to comply. In summary, ASARCO agreed to construct and implement certain control strategies, which control strategies were designed to attain the federal and Missouri Ambient Air Quality Standard for Lead.
3. ASARCO also agreed in the Consent Decree to undertake a lead emissions reduction program at ASARCO's Glover, Missouri facility. Said lead emissions reduction

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program at ASARCO's Glover, Missouri facility was required as part of a State Implementation Plan (SIP) revision to demonstrate attainment and maintenance of the National Ambient Air Quality Standard for Lead in Arcadia and Liberty Townships in Iron County, Missouri.

4. On or about August 30, 1998, Doe Run purchased ASARCO's Glover, Missouri facility. Since August 30, 1998, Doe Run has owned and operated the Glover, Missouri facility.

5. The continued operation and maintenance of the lead emissions reduction program at the Glover, Missouri facility is required as part of the SIP revision and to insure continued attainment and maintenance of the National Ambient Air Quality Standard for Lead in Arcadia and Liberty Townships in Iron County, Missouri.

NOW, THEREFORE, the State of Missouri and Doe Run have and do hereby agree and consent to this modification of the Consent Decree entered in the above-styled case.

6. The State acknowledges and the parties agree that the projects set out in Section A of the July 30, 1996, Consent Decree in the above-styled case, Projects Required as SIP Control Measures, have been constructed and installed by ASARCO. Further, the parties agree that the projects required as SIP control measures set forth in Section A of the July 30, 1996, Consent Decree were installed on the schedule set out in Section A.

7. Doe Run shall be substituted as defendant in the above-styled litigation.

8. The State and Doe Run agree that Doe Run shall not, by this modification of the Consent Decree, be obligated to install any of the projects required as SIP control measures set out in Section A of the July 30, 1996, Consent Decree. For purposes of clarification, the projects already installed by ASARCO are as follows:

a. Concentrate unloading dock has been eliminated;

- b. The unpaved area surrounding the concentrate loading dock has been chemically stabilized to eliminate lead emissions from the area;
- c. Paved roads have been constructed to enable concentrate trucks access to the unloading building;
- d. The unloading building has been enclosed by installing siding and roll-up doors constructed to minimize air infiltration;
- e. A modified sinter handling system has been installed;
- f. The ventilation gas exiting the Wheelabrator baghouse has been rerouted to the sinter machine intake;
- g. Ventilation gas that had been exiting the sinter plant wet scrubber was rerouted to the sinter machine intake;
- h. A new baghouse has been installed to service the sinter plant process gases. The new baghouse was designed to meet a total suspended particulate specification of 0.01 grains per dry cubic foot of air, and the gases were routed to the existing 186 meter main stack;
- i. A continuous monitor such as a Triboflow or MDNR approved equivalent has been installed to monitor gas exiting the new baghouse;
- j. The relationship of fan amperage to actual flow rate has been developed, and the total ventilation of the sinter process gas baghouse has been designed to meet a 200 foot per minute nominal face velocity. In addition, a minimum fan amperage has been determined, and a device has been installed to continuously record the amperage of the sinter process gas baghouse fan;

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- k. The sinter plant has been enclosed by installing siding and doors constructed to minimize air infiltration, utilizing corrugated materials and screws with neoprene washers. The enclosure project meets the criteria for a permanent total enclosures as set forth in the Environmental Protection Agency (EPA) Draft Guidelines for determining capture efficiency (September 30, 1993);
- l. The sinter plant ventilation gases have been routed to the baghouse that serves the sinter machine process gases, and the baghouse was designed to meet a total suspended particulate specification of 0.01 grains per dry standard cubic foot of air;
- m. A continuous monitor such as a Triboflow or MDNR approved equivalent has been installed to monitor gases existing said baghouse;
- n. The sinter plant has been ventilated to control future emissions of lead from the buildings;
- o. A new 70 meter tall, 2.11 meter diameter stack has been installed and put into operation to service sinter plant ventilation gases;
- p. A 3360 conveyor belt, 3250 pan conveyor and the corrugated rolls crusher has been replaced by a conveyor belt directly from "R" hopper to the smooth rolls crusher;
- q. The main feed conveyor has been extended to the mixing drum, eliminating a conveyor drop point;

- r. New and modified ventilated hoods have been designed and installed on the slag launder hood, the emergency slag opening hood, the lead pot hood modifications and the dross kettle hood modifications;
- s. A continuous particulate monitor such as Triboflow or MDNR approved equivalent has been installed to monitor gases exiting the blast furnace baghouse;
- t. A water sprinkler water system has been installed;
- u. A street sweeping program has been designed; and
- v. The fence required in paragraph B.8. of the Consent Decree precluding public access to areas the attainment demonstration modeling indicates will have lead concentrations above the national ambient air quality standard for lead has been installed.

9. Doe Run, as the new owner of the Glover, Missouri facility, shall be obligated to operate and maintain the projects required as SIP control measures pursuant to the operation and maintenance requirements set forth in the July 30, 1996, Consent Decree, including, but not limited to, Section A of said Consent Decree.

10. The parties agree to add a new section to the July 30, 1996, Consent Decree in the above-styled case, to be Section F, Termination, which section shall read as follows:

F. This Consent Decree shall terminate upon the date the Environmental Protection Agency re-designates the Arcadia and Liberty Townships in Iron County, Missouri as demonstrating attainment of the National Ambient Air Quality Standard for Lead. On or before that same date, the parties shall have negotiated and filed with the Missouri Air Conservation Commission, for its approval, a Settlement Agreement, in which Doe Run agrees to operate and maintain the lead reduction program at the Glover, Missouri facility, specifically to operate and maintain the projects required in the SIP control measures pursuant to the operation and maintenance requirements set forth in the July 30, 1996, Consent Order, including, but not

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limited to, Section A and the Work Practice Manual, Exhibit A, of said Consent Order, and as it may be modified pursuant to paragraph 11 of the Joint Motion.

11. The parties agree to add an additional section to the July 30, 1996, Consent Decree, which new section shall be Section G, Modification, and which shall read as follows:

G. This Consent Decree may be modified upon the mutual written agreement of Doe Run and the State of Missouri. Doe Run and the State recognize that from time to time Doe Run may change its operating processes and procedures. Any minor modification to the Decree shall be filed with the Court. Any major modification to the Decree shall be filed with and approved by the Court. The parties further agree that this Consent Decree is part of the SIP and, as such, any modifications thereto must be approved by EPA before the SIP is modified.

12. The parties also agree to add an additional section, Section H to the Consent Decree, which section shall read as follows:

H. The provisions of the Consent Decree, and any modifications thereto, including this modification, shall be binding upon the parties to this Joint Motion, their successors and assigns, any employee, and any agent acting on their behalf.

13. The provisions of the Consent Decree not specifically modified herein shall remain in full force and effect.

THE DOE RUN RESOURCES CORPORATION

DATE: 2/24/99

BY: /s/ Walter Nowotny

TITLE: V.P. Law, Gen. Counsel & Asst. Sec.

JEREMIAH W. (JAY) NIXON  
Attorney General of Missouri

BY: /s/ Shelley A. Woods

DATE: February 24, 1999

MISSOURI DEPARTMENT OF NATURAL RESOURCES

BY: /s/ John A. Young

DATE: July 17, 1999

APPROVED:

/s/ J. Max Price  
Judge

DATE: August 14, 1999

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### EPA Rulemakings

CFR: 40 C.F.R. 52.1320(d)

FRM: 67 FR 18497 (04/16/2002)

PRM: 66 FR 63204 (12/05/2001)

State Submission: 01/10/2001

State Final: 07/31/2000

APDB File: MO-170

Description: EPA approved this Modification of Consent Decree which reflects a change in the ownership of the smelter from ASARCO to Doe Run.

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### Difference Between the State and EPA-Approved Regulation

None.