

## **Appendix E**

### **Comments Received on the Proposed Lead Boundary Recommendation**

October 29, 2009

Testimony before the Missouri Clean Air Commission by Jefferson County Executive  
Chuck Banks

Ladies and Gentlemen,

Thank you for the opportunity to speak this morning. I have come today to comment on the proposed non-attainment areas that are around the City of Herculaneum in the eastern half of Jefferson County. I fully understand the process, and the impact of the adoption of the new EPA standard for lead.

There is no question that the source of any lead particulates that may be found in the City of Herculaneum is the Doe Run Primary Lead Smelter. The smelter has been in existence for over one hundred years and has been the source of lead contamination through out the eastern half of Jefferson County. Since the passage of the Clean Air Act in 1970, the operators of the smelter have been making pollution control improvements in an effort bring the smelter into compliance. Working with the State of Missouri, the St. Joe Lead Company was the first to use pollution control bonds sold by the EIARA for the purpose of installing bag houses to reduce the lead air emissions. The 2000 AOC and subsequent modifications resulted in the voluntary buyout of residents living near the smelter, and the virtual relocation of the old town of Herculaneum. The community was damaged, but the citizens were determined and new developments sprang up west of town. The air has been monitored for years and there is a substantial amount of data that has been collected. The data clearly shows that the exceedences in the lead standard occur immediately adjacent to the source. Lead by its nature is heavy and does not travel far from its source. As you move away from the smelter, the monitoring sites show a dramatic drop in the lead particulates. There are no monitoring sites outside of the City Limits of Herculaneum, nor are there any sites west of the US 61-67 within the City of Herculaneum. Some monitoring was done years ago by the company, but the levels were too low justify continued maintenance of the sites. There is no evidence that lead air particulates migrate west of US 61-67. To the contrary, the data shows that the air monitors that are within the corporate limits of Herculaneum yet most distant from the smelter are in compliance. The designation of areas outside the corporate limits of Herculaneum, and West of US 61-67, has no basis in fact and are inappropriate.

The proposed areas of non-attainment that lie within the City limits of the Cities of Crystal City, Festus, and Pevely are areas currently under development for businesses and single family residential homes. To designate them as non-attainment areas for lead without the science to support it would place an unfair burden on the current home owners, and mislead potential home buyers into the erroneous belief that living inside a non-attainment area would place their families in jeopardy. This is wrong and would certainly damage the communities.

As a responsible County Executive, it is my duty to protect the health and safety of my constituents from all dangers. I am committed to holding the Doe Run Corporations feet to the fire to eliminate all lead emissions and I believe that there is in fact new science that will enable that to happen. As responsible Commissioners it is your duty to see that your actions are appropriate to accomplish the goal of the Clean Air Act, and are not in excess of the required remedy.

There is simply no data that suggests the proposed boundaries that include portions of the Cities of Crystal City, Festus and Pevely are appropriate. We must first collect the data, follow the science then, act accordingly. It is absolutely appropriate to establish monitoring sites outside of the designated non-attainment areas and if there are occurrences, then make further adjustments.

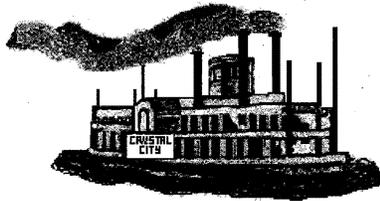
I strongly recommend that the non-attainment boundaries for the Herculaneum non-attainment area be limited to the corporate city limits of Herculaneum that lie east of US 61-67.

Thank you for the opportunity to speak today.

Thomas V. Schilly, Mayor

DEBBIE A. JOHNS, City Clerk/Collector  
KARRY FRIEDMEYER, Street Superintendent  
TIM WHALEY, Water Superintendent  
JEFF MCCREARY, Chief of Police  
TONY BOVA, Fire Chief  
DAVID KOZAL, Building Commissioner  
EDWARD PAGE, Municipal Judge  
RENE PERRY, Court Clerk  
THURMAN, HOWALD, WEBER, SENKEL &  
NORRICK, City Attorneys

# CITY OF CRYSTAL CITY



DELLA SELMON, First Ward  
ERIC DOWNS, First Ward  
DAN PORTELL, Second Ward  
CHARLIE DEBOOR, Second Ward  
DEBBIE MCKENNA, Third Ward  
JASON EISENBEIS, Third Ward  
DAVID PICARELLA, Fourth Ward  
TERRY LABURAY, Fourth Ward  
THOMAS TUCKER, City Treasurer

Andy Hixson, City Administrator

November 2, 2009

Commissioners,

On behalf of the Citizens of Crystal City I would like to request that Crystal City to not be placed in the nonattainment area for National Ambient Air Quality Standard for lead. While Crystal City can be negatively affected, we are powerless to change the amount of lead in the air.

We understand that the DNR is here to protect our health first and foremost, lowering the air quality standard will not lower the amount of lead in the air; it will however lower property values. We understand that this is still in the proposal stage and that we are several steps away from being placed in the nonattainment area, but it would greatly benefit Crystal City to not be in the nonattainment area.

Any consideration towards our proposal would be greatly appreciated.

Sincerely,

Andy Hixson  
City Administrator

RECEIVED  
2009 NOV -5 AM 11:55  
AIR POLLUTION  
CONTROL PGM

130 Mississippi Ave.  
Crystal City, Missouri 63019  
(636)-937-4614  
FAX (636)-931-4634

Phone: (636) 937-4694



Fax: (636) 937-2140

November 4, 2009

Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102-0176

Attn: Katy Holmer – Environmental Specialist

Subject: Proposed Lead Nonattainment Recommendation – Herculaneum Site

Dear Ms. Holmer/DNR Staff,

We are aware that you are considering a proposed nonattainment area which by modeling done at DNR could include parts of north Festus. This change may include a significantly higher regulatory standard.

We wish to convey that such a change including Festus city limits has negative impacts to the homeowners without good cause. Testing/sampling on our site would at least confirm the existence of, or confirm that there is no problem.

We therefore must state for the record objection to the imposition of a nonattainment designation for this Festus area.

Thank you for the opportunity to comment on this action. Feel free to contact our City Administrator for any questions you may have.

Sincerely,

  
Mayor- City of Festus

RECEIVED  
2009 NOV - 9 PM 12:33  
AIR POLLUTION  
CONTROL PGM

October 30, 2009

Air Pollution Control Program  
169A E. Elm St.  
Jefferson City, MO 65102

Re: Doe Run Nonattainment Area Expansion

Dear Gentlemen:

I have reviewed the information, attended the public meetings, and have had contact with employees of the Missouri Department of Natural Resources Air Pollution Team and wish to submit my testimony regarding the extension of the Herculaneum nonattainment area.

With the reduction of the allowable lead level for the Doe Run Lead Facility, the outline to expand the nonattainment area further from the city limits of Herculaneum will not accomplish any goal except to draw Pevely into an issue that we have no need to be included. Nothing can be gained by adding sections of Pevely except to drop property values, cause unnecessary alarm among residents, and create a discomfort with our city that is not warranted.

We are working with the MoDNR in setting up field monitoring stations if required, but would ask the commission to rescind their contemplation of including the greater area of Pevely.

If you have any questions please give me a call.

Respectfully,

John Knobloch  
Mayor



## SCHOOL OF LAW

Civil Justice Clinic  
Interdisciplinary Environmental Clinic

November 5, 2009

Chief, Air Quality Planning Section  
Missouri Department of Natural Resources  
Air Pollution Control Program  
P.O. Box 176  
Jefferson City, MO 65102-0176

Submitted via email to [apcpsppn@dnr.mo.gov](mailto:apcpsppn@dnr.mo.gov)

Re: Comments on Lead Designation and Boundary Recommendation

To whom it may concern:

On behalf of the Missouri Coalition for the Environment (MCE), the Interdisciplinary Environmental Clinic at Washington University in St. Louis submits the following comments on the September 2009 Lead Designation and Boundary Recommendation. The comments specifically address the proposed boundary for the lead nonattainment area in Herculaneum, MO. MCE supports the department's recommendation to expand the Herculaneum nonattainment area in light of EPA's 2008 revision to the National Ambient Air Quality Standard (NAAQS) for lead. The expansion of the Herculaneum nonattainment area is necessary to protect the communities surrounding the Doe Run primary lead smelter from the harmful effects of lead exposure.

The Lead Designation and Boundary Recommendation and Technical Support Document clearly indicate that the existing Herculaneum nonattainment boundary, based on the 1978 lead standard, is insufficient to define the nonattainment area for the 2008 lead standard. This determination is well supported by air dispersion modeling performed by the department. The existing lead nonattainment boundary for this area is the Herculaneum city limits. Modeled concentration values above  $0.15 \mu\text{g}/\text{m}^3$ , the level of the 2008 lead standard, extend well beyond the Herculaneum city limits and into the city limits of Crystal City, Festus, and Pevely. These areas have been appropriately included in the department's recommended nonattainment boundary.

The proper designation of Missouri's lead nonattainment boundaries is essential to improve air quality in the state and protect children and other susceptible population from harmful air pollutants. This is particularly the case in the Herculaneum area, where communities have been and continue to be exposed to ambient air lead levels above the lead NAAQS. We appreciate the department's work on this important issue and thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Robert R. Kuehn". The signature is written in a cursive style with a long horizontal line extending to the right.

Robert Kuehn, Co-Director  
Katherine Pawasarat, Engineering and Science Fellow  
Interdisciplinary Environmental Clinic  
Washington University School of Law  
One Brookings Drive – Campus Box 1120  
St. Louis, MO 63130  
314-935-5706 (phone); 314-935-5171 (fax)  
[rkuehn@wulaw.wustl.edu](mailto:rkuehn@wulaw.wustl.edu)

Attorney for the Missouri Coalition for the Environment

**From:** "Cheryl Radosh" <radoshc@yahoo.com>  
**Date:** 11/03/2009 11:20 AM  
**Subject:** 2008 Lead Standard Boundary Recommendation

11/3/09

Subject: 2008 Lead Standard Boundary Recommendation

Missouri Air Conservation Commissioners,

I own the home at 105 Holdinghausen, Crystal City, Mo 63019, at which my daughter, Candace Collins, her husband Dan Collins and their 2 year old daughter Alyssa Collins live. Absolutely, my greatest concern is related to ensuring safe lead levels for my family, especially my 2 year old granddaughter Alyssa. I am very pleased to see the new standard for airborne lead of 0.15 micrograms per cubic meter, but my concerns reside with the proposed boundaries identified. My daughter Candace and I attended the Missouri Air Conservation Commission meeting, in Springfield, Mo on Oct 29th. and listened to the presentation by Katy Holmer, and the public comments made by Jefferson County Executive, Chuck Banks. I concur with Chuck Banks comments. I feel by imposing the boundaries identified in the Kathy Holmer's presentation, this would lead to reduced property values that have already been impacted by the current recession, making this an increased hardship on families that are already struggling.

The Missouri Department of Natural Resources is required to give non attainment designation to all areas that do not meet the EPA standard for lead levels, and it is my understanding that the proposed non attainment boundary, reviewed at the Missouri Air Conservation Commission meeting, is based on models and not based on hard monitoring data, therefore there is no solid proof that the lead levels are in excess of the new standards, in the entire currently proposed area. I strongly believe that this recommended boundary is not prudent and would unfairly impact residents. I urge you to designate areas of non attainment to areas based on hard data, and not conjecture. I do not see what would be gained by taking this proposed action. I would welcome monitoring stations to be installed at any / all areas that the Missouri Air Conservation Commission feel need more investigation and confirmation, and if the data identifies areas over the limit, then and only then should the non attainment designation be implemented.

Thank you for the opportunity to express my views,

Sincerely,

Brad Radosh  
4930 Waringford Dr  
St. Louis, Mo. 63128  
home phone: 314-894-8245  
cell phone: 314-504-0161

**From:** Theresa <theresa@freezetastic.com>  
**Date:** 11/03/2009 08:06 AM  
**Subject:** Lead NAAQS Boundary Comments

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I am very concerned that Doe Run has been contaminating the soil, air and water for many years. I believe their contamination is beyond the boundaries of Herculaneum. I believe that homes beyond the boundaries of Herculaneum should be tested immediately and people should be warned of the possible dangers AND their yards/homes should be remedied as soon as possible at Doe Run's expense. I am concerned and disappointed that MDNR and the EPA have let this go and have not protected and/or warned people of the potential hazards and/or health risks and have instead, sided with corporations, with a mere fine and/or written warning.

**Theresa Adams**  
**P.O. Box 692**  
**Festus, MO 63028**  
**Phone or Fax: 636.931.0407**  
**theresa@freezetastic.com**  
**www.freezetastic.com**