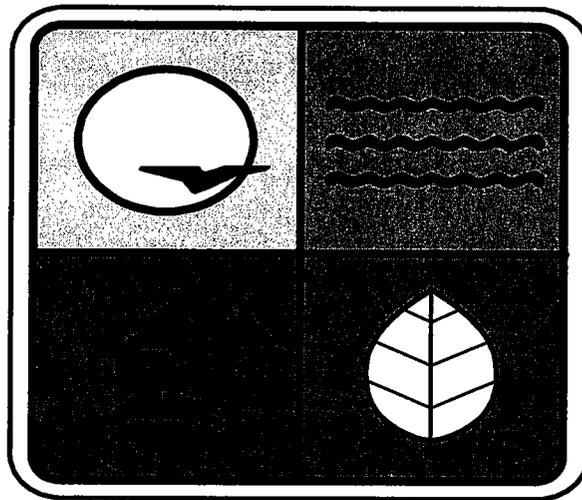


Missouri State Implementation Plan

Doe Run Herculaneum

Modification to Consent Judgement

Public Hearing — June 30, 2005



Department of Natural Resources
Air and Land Protection Division

Air Pollution Control Program
P.O. Box 176
Jefferson City, Missouri 65102
Telephone: (573) 751-4817

Doe Run Herculaneum State Implementation Plan (SIP) Revision

This document is intended to serve as a revision to the existing lead SIP (January 2001 revision) for the Herculaneum, Missouri, nonattainment area. The Doe Run Company would like to replace the current teflon membrane bags used for air filtration as specified in Section 2.A.1.c of the existing January 2001 SIP revision.

One of the elements that makes the January 2001 SIP revision enforceable is the Consent Judgement. This document specifically requires the use of “teflon membrane filter bags”. This phrase was included in the Consent Judgement because this was the type of material that Doe Run was specifying at the time. The #9 baghouse services the building air from the refinery building and it was designed and installed with a very high air-to-cloth ratio justified by the very low expected amount of dust and fume collected. This design, however, resulted in other operational issues such as bag cleaning and high operating pressure differentials which reduced bag life and lead to higher maintenance and energy consumption costs.

The bags that Doe Run plans to install are spun-bound pleated filter elements that have approximately twice the filter area as the original bags. This will significantly reduce the air-to-cloth ratios improving the design. Doe Run’s vendor, GE Energy, has assured Doe Run in writing that the pleated bags will meet the Total Suspended Particulate limits (0.022 grains per dry standard cubic foot) required in the Consent Judgement. A copy of the letter from GE Energy is attached. Meeting this baghouse performance standard will assure that the emission rates will not exceed those modeled in the January 2001 attainment demonstration.

To accommodate this administrative change requires a modification to the Consent Judgement. The original Consent Judgement and the modification are attached. The modification asks the court to remove the phrase “and utilize teflon membrane bags” from four locations in the original Consent Judgement. This minor administrative change will allow Doe Run to use the new filter elements, but it will not relieve the company from any other requirements of the January 2001 Consent Judgement.

Once installed, Doe Run has agreed to perform emissions testing to assure that the new filter elements will meet the performance standards required in the January 2001 Consent Judgement.

All other enforceable requirements of the January 2001 SIP revision are to be maintained including; 10 CSR 10-6.120 Restriction of Emissions of Lead from Specific Lead Smelter-Refinery Operations and the Work Practice Manual.

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

STATE OF MISSOURI, ex rel.)	
JEREMIAH W. (JAY) NIXON, ATTORNEY)	
GENERAL OF MISSOURI, the)	
MISSOURI DEPARTMENT OF NATURAL)	
RESOURCES, and THE MISSOURI AIR)	
CONSERVATION COMMISSION,)	
)		
Plaintiff,)	
)		
v.)	Case No. CV301-0052CCJI
)		
THE DOE RUN RESOURCES COMPANY,)	
d/b/a, THE DOE RUN COMPANY)	
)		
Defendant.)	

CONSENT JUDGMENT MODIFICATION

WHEREAS, this action was commenced by the State of Missouri ex rel. Jeremiah W. (Jay) Nixon, Attorney General of Missouri, and the Missouri Department of Natural Resources ("MDNR"), seeking injunctive relief and civil penalties against defendant The Doe Run Resources Company, d/b/a, The Doe Run Company (Doe Run), for alleged violations of the Missouri Air Conservation Law, Chapter 643, RSMo and its implementing regulations.

WHEREAS, on January 5, 2001, this Court entered and approved the Consent Judgment in the above-styled case.

WHEREAS, pursuant to Section F of the Consent Judgment, the parties may agree to modify the Judgment if the modification is in writing and approved by this Court.

WHEREAS, certain provisions of the Consent Judgment mandate that Doe Run use a specific type of filter bags in baghouses used to control lead emissions from the smelter,

and Doe Run has since determined that another type of filter bag may provide the same or better control over the emissions of lead from the smelter.

NOW, THEREFORE, the parties agree that the Consent Judgment may be modified as follows and this Court hereby approves the Modification.

1. Paragraphs A.1.b., A.1.c. and A.3.b. are modified to delete the phrase “and utilize Teflon membrane filter bags” all four times it appears in said paragraphs.
2. All other provisions, terms and conditions of the Consent Judgment remain in full force and effect.

WE HEREBY CONSENT to this Modification of the Consent Judgment:
MISSOURI DEPARTMENT OF NATURAL RESOURCES

Dan Schuette
Interim Director, Air and Land Protection Division

Date: _____

JEREMIAH W. (JAY) NIXON
Attorney General

Shelley A. Woods
Assistant Attorney General

Date: _____

THE DOE RUN RESOURCES COMPANY

BY: _____

Date: _____

TITLE: _____

ENTERED: _____
Date

Circuit Judge

Wed, May 25, 2005



GE Energy

8900 East 63rd Street
Kansas City, Missouri 64133
USA

T 800 821 2222
T 816 356 8400
F 816 353 1873

March 4, 2005

Doe Run Company
881 Main Street
Herculaneum, MO 63048

Attn: Mr. Dave Bailey

Subj: PulsePleat® Filter Element Efficiency

Dear Dave:

In response to our conversations, based on operating parameters and specifications given by Doe Run Co. and noted in GE Energy's proposal, Doe Run's modified baghouse with BHA PulsePleat® filter elements will achieve the TSP limits of 0.022gr/dscf through the media when the baghouse is operated per the manufacturer's direction and PulsePleat® filter elements maintained and operated per BHA written instructions.

If you need any additional information, please feel free to contact Betsey Villarreal or me at 1-800-821-2222.

Sincerely,

Michael Johnson
Product Manager - Fine Filtration
GE Energy
BHA Fabric Filter

cc: Betsey Villarreal, Sr Sales Representative, GE Energy
Bryan Yetter, Product Manager - Pleated Products, GE Energy

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, MISSOURI

STATE OF MISSOURI ex)
rel. Jeremiah W. (Jay) Nixon, the Missouri)
Department of Natural Resources, and the)
Missouri Air Conservation Commission)
Plaintiff)
v.)
The Doe Run Resources Company)
Defendant.)

Case No. CV301-00520.J1

CONSENT JUDGEMENT

Come Now The Doe Run Resources Corporation (Doe Run), Jeremiah W. (Jay) Nixon, the Attorney General of Missouri, the Missouri Department of Natural Resources (MDNR), and the Missouri Air Conservation Commission (Commission), and state as follows:

1. The state of Missouri, through its Attorney General, the MDNR, and the Commission, for, and in consideration, of Doe Run's agreement to complete the implementation of control strategies upon the time schedules as more fully set forth in the Consent Judgement below, and Doe Run for and in consideration of the state of Missouri's agreement to accept the implementation of said control strategies as sufficient, under current information and belief, to attain the federal and Missouri ambient air quality standard for lead and to accept the time table for completion of such control strategies as being as expeditious as practicable.

2. To this end, MDNR and the Commission are preparing a State implementation Plan (SIP) revision to demonstrate attainment and maintenance of the

national ambient air quality standard for lead in Herculaneum, Jefferson County, Missouri. As part of the SIP revision, a lead emissions reduction program at Doe Run's Herculaneum, Missouri, facility is required. MDNR, the Attorney General, the Commission, and Doe Run agree that the Court may enter the Judgment set forth below to be binding on the parties, providing for a lead emission reduction program, which Doe Run hereby agrees to undertake and complete on the schedule set forth in the Judgment. The parties, by their signatures hereto, acknowledge that they have read and understand the terms of this Judgment and agree to be bound thereby.

This matter coming before the Court on the petition filed by the plaintiff state of Missouri, the Court having jurisdiction over the subject matter and the parties pursuant to §643.151, RSMo; and being fully advised in the premises;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Doe Run undertake and complete, at its Herculaneum, Missouri, facility, the following lead emission reduction program, on the schedule set forth below. These control measures and the associated schedules are the reasonably available control measures to be implemented to attain the national ambient air quality standard for lead (as required by Section 172(c) of the Clean Air Act Amendments of 1990).

A. Projects Required as SIP Control Measures:

1. Refinery Department Modifications

a. On or before July 31, 2001, and at all times thereafter, Doe Run shall install siding and roofing, engineered as a permanent total enclosure, to minimize the escape of uncontrolled air and lead-bearing particles from the Refinery Building. The existing Refinery Building roof monitor shall be removed and/or enclosed. The two existing roof ventilation fans (Aerovents) on the South end of the Refinery Building roof shall be removed or sealed. Doe Run's Work Practices Manual (Exhibit B, which, by thi

reference is incorporated herein) shall outline the procedure for keeping building doors closed, except to allow for entering and exiting the building.

b. On or before July 31, 2001, and at all times thereafter, Doe Run shall install and operate a new ventilation system for kettles Number 9 through Number 11. On or before July 31, 2001, a new baghouse (Number 8 Baghouse) shall be installed and operated to service the kettle surface ventilation gases (kettles Number 9 through Number 11), the existing surface kettle ventilation gases (kettles Number 0 through Number 3), and the CV-10 conveyor area. This system shall be designed with a ventilation rate of 80,000 standard cubic feet per minute. Number 8 Baghouse shall be designed to meet a total suspended particulate specification of 0.022 grains per dry standard cubic foot of air and utilize Teflon membrane filter bags. The gases from Number 8 Baghouse shall be routed to a new 100-foot stack. The rate of ventilation shall be continuously measured at a point immediately before the gases enter Number 8 Baghouse, and the ventilation system shall be operated at all times except during Number 8 Baghouse maintenance, when all kettles that the ventilation serves are empty, or during other periods non-representative of normal operations. Alternatively, Doe Run shall develop a calculation for the relationship of fan amperage to ventilation rates and continuously record fan amperage. MDNR shall be given reasonable notice and opportunity to oversee the development of this calculation and approve it prior to its use.

c. On or before July 31, 2001, and at all times thereafter, the Refinery Building shall be ventilated to control fugitive emissions of lead from the building. This system shall be designed with a ventilation rate of 250,000 standard cubic feet of air per minute, and utilize Teflon membrane filter bags. The ventilation of the Refinery Building after enclosure shall be designed to maintain an in-draft at all Refinery Building openings under normal operating conditions. Doe Run shall conduct an initial in-draft compliance test and maintain records that demonstrate continued compliance with this in-draft

requirement. The initial test and compliance monitoring shall be conducted in a manner consistent with the Primary Lead Smelter Maximum Achievable Control Technology Standard (40 CFR, Part 63, Subpart TTT). On or before July 31, 2001, a new baghouse (Number 9 Baghouse) shall be installed and operated to service the Refinery Building ventilation gas stream. Number 9 Baghouse shall be designed to meet a total suspended particulate specification of 0.022 grains per dry standard cubic foot of air and utilize Teflon membrane filter bags. The gases from Number 9 Baghouse shall be routed to a new 100-foot stack. The rate of ventilation shall be continuously measured at a point immediately before the gases enter Number 9 Baghouse, and the ventilation system shall be operated at all times except during Number 9 Baghouse maintenance or during other periods nonrepresentative of normal operations. Alternatively, Doe Run shall develop a calculation for the relationship of fan amperage to ventilation rates and continuously record fan amperage. MDNR shall be given reasonable notice and opportunity to oversee the development of this calculation and approve it prior to its use.

d. On or before July 31, 2001, and at all times thereafter, continuous particulate monitors such as Triboflows or MDNR approved equivalents shall be installed and operated to monitor gases exiting Number 8 and Number 9 Baghouses. These continuous particulate monitors shall be designed to alert operators when particulate levels in the gases exiting the new baghouses are above those measured during normal bag-cleaning cycles. The output signals from these monitors shall be recorded during air lead emission stack tests. The setpoint of these alarms shall be set immediately after comprehensive inspections of Number 8 and Number 9 Baghouses. Doe Run shall give MDNR reasonable notice of the planned inspections so that MDNR inspectors have the opportunity to oversee these inspections. The alarms shall be operated and properly maintained such that they are individually out of service for no more than 48 hours per each calendar quarter. Doe Run shall maintain all necessary spare parts to assure that air

extended alarm outage does not occur. Doe Run shall provide MDNR with a quarterly report within 30 days of the end of each calendar quarter summarizing the operations of Number 8 and Number 9 Baghouses, including ventilation rates, low flow or down-time episodes, alarm setpoints, alarm incidents, and any corrective actions taken during these events.

2. Dross plant and Refinery Dross system

a. On or before July 31, 2001, and at all times thereafter, Doe Run shall install and operate a new dross handling system, designed to minimize the handling of dross materials. The dross shall be water quenched and screw conveyed directly to a holding hopper prior to the conveyor belt transfer system.

3. Blast Furnace and Dross Plant Projects

a. On or before July 31, 2002, Doe Run shall install siding and roofing, engineered as a permanent total enclosure, to minimize the escape of uncontrolled air and lead-bearing particles from the Dross and Blast Furnace Building. The existing charge belt roof vents shall be removed and/or enclosed. The three existing roof ventilation fans (Aerovents) in the roof above the Dross area shall be removed and/or sealed. The individual feed floors and the furnace feed floor elevation shall be isolated from each other by the construction of permanent walls and doors. Doe Run's Work Practices Manual (Exhibit B) shall outline the procedure for keeping building doors closed, except to allow for entering and exiting the building.

b. On or before July 31, 2002, and at all times thereafter, Doe Run shall enclose and ventilate the CV-14 conveyor belt area. A ventilation system shall be designed such that additional ventilation rates of 100,000 and 150,000 standard cubic feet per minute shall serve the CV-14 conveyor belt area and Dross Plant roof area, respectively. The ventilation of the Blast Furnace and Dross Plant Buildings after enclosure shall be designed to maintain an in-draft at all building openings under normal

operating conditions. Doe Run shall conduct an initial in-draft compliance test and maintain records that demonstrate continued compliance with this in-draft requirement. The initial test and compliance monitoring shall be conducted in a manner consistent with the Primary Lead Smelter Maximum Achievable Control Technology Standard (40 CFR Part 63 Subpart TTT). On or before July 31, 2002, a new baghouse (Number 7 Baghouse) shall be installed and operated to service these ventilation gases. Number 7 Baghouse shall be designed to meet a total suspended particulate specification of 0.022 grains per dry standard cubic foot of air and utilize Teflon membrane filter bags. The gases from Number 7 Baghouse shall be routed to a new 100-foot stack. The rates of ventilation shall be continuously measured at a point immediately before the gases from the CV-14 conveyor area and Dress Plant roof areas combine. Alternatively, Doe Run shall develop a calculation for the relationship of fan amperage to ventilation rates and continuously record fan amperage. MDNR shall be given reasonable notice and opportunity to oversee the development of this calculation and approve it prior to its use. The ventilation system shall be operated at all times except during Number 7 Baghouse maintenance or during other periods non-representative of normal operations.

c. Doe Run shall continue to operate the existing ventilation system serving CV-14 conveyor belt area that was designed with a ventilation rate of 64,000 standard cubic feet per minute. Number 6 Baghouse shall continue to service this gas stream. On or before July 31, 2002, the ventilation rates of the existing CV-14 ventilation system shall be continuously measured at a point immediately before the gases enter Number 6 Baghouse. Alternatively, Doe Run shall develop a calculation for the relationship of fan amperage to ventilation rates and continuously record fan amperage. MDNR shall be given reasonable notice and opportunity to oversee the development of this calculation and approve it prior to its use.

4. The requirements of 40 CFR Part 63 Subpart TTT shall be maintained, particularly the building in-draft requirements. With the exception of the other specific monitoring and recordkeeping requirements set out in this Judgement, only those requirements of 40 CFR Part 63 Subpart TTT that apply to the State Implementation Plan controls outlined in this document shall be enforceable under this document. Upon state adoption of 40 CFR Part 63 Subpart TTT, all references in this Judgement to this Subpart shall be replaced with the state regulation that incorporates the federal regulation by reference, specifically, 10 CSR 10-6.075 (4)(TTT).

5. Existing Road Dust Controls

a. Doe Run shall continue to wash roadways with fire-hoses in the plant according to procedures outlined in the Work Practice Manual (Exhibit B). When the ambient temperature is below 39 F, the procedure may be suspended. Doe Run shall continue to operate the existing street sweeping program. Weather permitting the sweeper shall be operated 4 hours per day, Monday through Friday, on all paved roadways within and around the plant. The sweeper shall be operated on those roadways typically controlled by fire-hosing when the ambient temperature does not permit fire-hosing and where those areas are accessible to the sweeper.

B. Enforcement Measures:

1. Stack Testing:

Compliance with the emission rates specified in 10 CSR 10-6.120 shall be demonstrated to MDNR by Doe Run, through tests conducted at Doe Run's expense in accordance with approved EPA methods. Lead emission rates shall be determined in accordance with 40 CFR Part 63, Subpart TTT by Doe Run and approved by MDNR, on a pounds per 24 hour basis. Testing shall be conducted in accordance with 40 CFR

63.1543 (d) and (e). Upon state adoption of 40 CFR Part 63, Subpart TTT, lead emission rates shall be determined in accordance with 10 CSR 10-6.075 (4)(TTT), on a pound per 24-hour basis. Doc Run shall notify MDNR of the proposed test dates and provide a copy of the test protocol to MDNR at least 30 days before testing. Test reports, including raw data, shall be submitted to MDNR within 60 working days of the completion of the test report.

2. Notification of Completion Dates:

Doc Run shall provide MDNR with written notification of completion of each project specified in Section A within 30 days of completion.

3. Limitation of Hours of Operation:

On or before July 31, 2001, and at all times thereafter, the rail car unloader shall be operated only between the hours of 6 AM and 6 PM. On or before July 31, 2001, and at all times thereafter, the rail car unloader shall unload baghouse fume only between the hours of 2 PM and 4 PM.

4. Process Weight Limits:

a. Sinter plant production shall be limited to 283,920 tons of finished sinter per each calendar quarter.

b. Blast furnace production shall be limited to 114,005 tons of lead contained in lead-bearing material charged per each calendar quarter.

c. Refinery production shall be limited to 80,808 tons of lead metal charge per each calendar quarter.

5. Work Practice Manual:

Doc Run shall, to the extent consistent with this Judgement and 10 CSR 10-6.120 adhere to the "Work Practice Manual" (Exhibit B).

6. Record-Keeping:

Doe run shall maintain the following records for MDNR review for a minimum of 5 years following the recording of information.

a. Doe Run shall maintain a file that states for each quarter, i.) Sinter machine throughput, ii.) Blast furnace throughput, and iii.) Refined lead produced.

b. Doe Run shall maintain a file of the date, time, findings, and corrective actions taken for all baghouse inspections scheduled in the Work Practice Manual, Exhibit B.

c. Doe Run shall maintain a file that records any upset operating conditions or material spills that affect lead emissions.

Pending resolution of any enforcement action initiated by MDNR, Doe Run shall maintain all pertinent records indefinitely.

7. At a minimum, and Doe Run shall continue the ambient air monitoring for lead at Station 3-Dunklin High School, Station 5- Bluff, and Station 7- Broad Street in accordance with the every sixth day national monitoring schedule. Any deviations from the every sixth day monitoring schedule must be approved by MDNR and EPA. Doe Run shall continue to collect meteorological data from the local meteorological station in accordance with the meteorological monitoring protocol until EPA has formally redesignated the Herculaneum Nonattainment Area as an attainment area for lead.

8. On or before July 31, 2001, and at all times thereafter, Doe Run shall install a fence to preclude public access. A map showing the fencing is attached as Exhibit A, which, by this reference is incorporated herein.

C. Projects required as Contingency Control Measures

If the air quality data for the third calendar quarter of 2002, or any quarter thereafter, exceeds the 1.5 g Pb/m³ quarterly average lead standard, MDNR shall notify Doe Run of such exceedence. In addition, in the event Doe Run fails to make reasonable further progress, which term is defined as failure to install or implement any of the above

control strategies on the schedule set forth herein, Doe Run shall begin implementation of the contingency measures. Doe Run shall begin implementation of contingency measures upon receipt of MDNR's notice, according to the following schedule:

Projects 1 through 5 will be implemented within 6 months of receipt of the notice.

Project 6 will be implemented within 9 months of receipt of the notice.

Contingency Measures:

1. Modify Cooler BH dilution air intake.
2. Modify roof monitor in the Sinter Plant Mixing Room (SPMR) with passive filters.
3. Enclose railcar fume loading station at Number 5 Baghouse.
4. Enclose North end of the railcar unloader.
5. Enclose North end of Number 1 trestle.
6. Modify sinter machine inlet to Number 3 Baghouse.

In the event that there is a second violation of the quarterly lead standard following implementation of the contingency measures listed above, Doe Run shall comply with one of the following:

1. The aggregate actual quarterly emissions from all fugitive and stack lead emission sources at the facility, except from the main stack, shall not exceed 80% of the aggregate estimated quarterly emissions from these same sources which were used to develop the SIP control strategy. The main stack is the existing 550 foot stack through which process gas streams are emitted to the atmosphere. The actual emissions shall be determined using the most current facility throughputs, and test data. The most accurate emission factors may be used where test data are not available;
2. Production of finished lead shall be limited to 50,000 short tons per quarter; or
3. Finished lead production, in tons per quarter, shall be limited to the following:

$$P = 50,000 + (500 \times (1 - A/E) \times 100)$$

Where P is finished lead production in short tons per quarter; A is the aggregate actual quarterly emissions from all fugitive and stack lead emission sources at the facility except from the main stack, in tons; E is the aggregate estimated quarterly emissions from all fugitive and stack lead emission sources at the facility, except from the main stack, in tons; and, where A/E cannot be less than 0.8 or more than 1.0.

This production limitation requirement shall commence on the first day of the calendar quarter following receipt by EPA or MDNR of the monitoring data indicating the second violation of the quarterly lead standard. Within 60 days of completion of each calendar quarter in which Doe Run is required to comply with the production limitation provision Doe Run shall submit a report indicating whether the requirements of the production limitation for the previous quarter were met. This report shall include finished lead production, the most current test data and emission factors applicable to sources at the facility, sample calculations which clearly demonstrate how emission reductions were calculated, and applicable operating data, such as material throughputs. The requirement to submit this report shall continue as long as Doe Run is required to limit production.

For those items identified above, Doe Run shall complete engineering on said projects no later than July 1, 2002. Bids for said projects will be then be solicited and reviewed annually starting in July of 2003.

Doe Run reserves the right to petition MDNR for approval to change the order of the contingency projects.

If Doe Run identifies and demonstrates to MDNR's satisfaction alternative control measure(s) that would achieve equal or greater air quality improvements than the Contingency Measure(s) identified above, MDNR agrees that Doe run may substitute the new control(s) for the contingency measure(s) identified above. Any substitute

contingency measure shall be implemented under the same time frame as the original measure, unless both parties agree to a modified contingency schedule. Any alternative contingency measures must be submitted to EPA as a SIP revision pursuant to Section 110(l) of the Clean Air Act Amendments of 1990.

D. Stipulated Penalties

1. If Doe run fails to complete construction of the control measures set out in this Judgement by the dates specified, Doe Run shall pay stipulated penalties according to the following schedule. The penalties set forth below are per day penalties which are to be assessed beginning with the first day after the scheduled deadline date.

<u>Period of Noncompliance</u>	<u>Penalty per Day of Violation</u>
First through 30th day of noncompliance	-0-
31st through 60th day of noncompliance	\$100.00
60th through 90th day of noncompliance	\$250.00
Beyond 91st day of noncompliance	\$500.00

2. If Doc Run fails to comply with any other requirement of this Judgement, Doe Run shall pay stipulated penalties according to the following schedule. The penalties set forth below are per day penalties which are to be assessed beginning with the first day of violation after the scheduled deadline date.

<u>Period of Noncompliance</u>	<u>Penalty per Day of Violation</u>
First through 30th day of noncompliance	-0-
31st through 60th day of noncompliance	\$100.00
60th through 90th day of noncompliance	\$250.00
Beyond 91st day of noncompliance	\$500.00

3. The penalties set forth above are per day penalties which are to be assessed beginning with the first day of violation after the scheduled deadline date. All penalties shall be paid within 45 days of the date of notification of noncompliance unless Doc Run

challenges the penalty pursuant to the Dispute Resolution procedure outlined in Section E. If the penalty is challenged, it shall not be paid until 30 days after the Commission's determination that Doe Run owes the stipulated penalty, and Doe Run has failed to use, or has exhausted, its rights to review the Commission's Decision.

4. Stipulated penalties shall continue to accrue during the formal Dispute Resolution process or any appeal. In the event Doe Run prevails, stipulated penalties shall not be due or owed.

5. All penalties shall be paid by certified check made payable to the Jefferson County Treasurer as Trustee for the Jefferson County School Fund, and delivered to the Attorney General of Missouri, P.O. Box 899, Jefferson City, Missouri 65102-0899, Attention: Shelley A. Woods, Assistant Attorney General, or Designee.

6. The penalties set forth herein shall not apply in the event of a force majeure, as defined in this section. For the purposes of this Judgement, force majeure shall be defined as any event arising from causes beyond the control of Doe Run and of any entity controlled by Doe Run that delays or interferes with the performance of any obligation under this Judgement notwithstanding Doe Run's best efforts to avoid such an event. The requirement that Doe Run exercise "best efforts to avoid such an event" includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any potential force majeure event (1) as it is occurring, and (2) following the potential force majeure event such that the adverse effect or delay is minimized to the greatest extent practicable. Examples of events that are not force majeure events include but are not limited to, increased costs or expenses of any work to be performed under this Judgement.

7. If any event occurs that is likely to delay or interfere with the performance of an obligation under this Judgement, whether or not caused by a force majeure event, Doe Run shall notify MDNR by telephone within 5 working days of Doe Run becoming

knowledgeable of such event, if Doe Run knows that the event is likely to delay or interfere with performance of an obligation under this Judgement. Within 10 business days thereafter, Doe Run shall provide in writing the reasons for the event; the anticipated duration; all actions taken or to be taken to minimize its effects; a schedule for implementation of any measures to be taken to mitigate the event; and a statement as to whether, in the opinion of Doe Run, such an event may cause or contribute to the endangerment of public health, public welfare, or the environment. Failure to comply with the substance of the above requirements shall preclude Doe Run from asserting any claim of force majeure.

8. If MDNR agrees that the delay or anticipated delay is attributable to a force majeure, then the time for performance of any obligation under this Judgement that is directly affected by the force majeure event shall be extended for a period of time not to exceed the actual duration of the delay caused by the force majeure event.

9. If MDNR does not agree that the delay or noncompliance has been or will be caused by a force majeure event, or does not agree with Doe Run on the length of any time extension, the issue shall be subject to the Dispute Resolution procedures set forth in Section E of this Judgement. In any such proceeding, to qualify for force majeure defense Doe Run shall have the burden of demonstrating by a preponderance of the evidence that the delay or noncompliance has been or will be caused by a force majeure event, that its duration was or will be warranted under the circumstances, that Doe Run exercised or is exercising due diligence by using its best efforts to avoid and mitigate its effects, and that Doe Run complied with the requirements of Paragraph 7 above. Should Doe Run carry the burden set forth in this Paragraph 9, the delay or noncompliance at issue shall be deemed not to be a violation of the affected obligation of this Judgement.

10. MDNR agrees it will only seek the stipulated penalties set forth herein for any alleged or actual noncompliance by Doe Run with any terms or requirements of this

Judgement, of the Work Practices Manual, or of 10 CSR 10-6.120(2)(B), and MDNR will not seek civil penalties pursuant section 643.151, RSMo. MDNR reserves any other remedies it may have to enforce the terms of this Judgement, including filing a Motion for Contempt, or for violations of any other provision of law for any such noncompliance. Notwithstanding any other provision of this Judgement, in the event EPA assesses a stipulated penalty under the Administrative Order on Consent, EPA Docket Numbers RCRA-7-2000-0018 and CERCLA-7-2000-0029, entered into by EPA, MDNR, and Doe Run on or about October 12, 2000, for a violation that would also constitute a violation under this Judgement. MDNR will not seek a stipulated penalty under this Judgement.

11. Upon the request of Doe Run, MDNR may in its unreviewable discretion impose a lesser penalty or no penalty at all for violations subject to stipulated penalties.

E. Dispute Resolution

Any dispute, which arises with respect to the meaning, application or implementation of this Consent Judgement, shall in the first instance be the subject of informal negotiations between Doe Run and MDNR. Notice of a dispute shall be given by the party alleging the dispute, shall be addressed in writing to the MDNR Director, and copied to the opposing party. Such notice shall state the specific grounds for the dispute, including any supporting documentation, and the relief requested.

The MDNR and Doe Run shall have thirty (30) days from the receipt of the notice of the dispute to resolve the dispute. If agreement is reached, the resolution shall be reduced to writing and this Judgement modified, if appropriate. If the MDNR and Doe Run are unable to reach complete agreement within the thirty-day period and this period is not extended in writing by mutual agreement of the parties, the matter will be submitted to the Court.

The parties will then be entitled to judicial review pursuant to Section 536.140, RSMo. The filing of a notice of dispute shall not automatically suspend or postpone any

parties' obligations under this Consent Judgement with respect to the disputed issue. This provision shall not be construed to prevent either party from requesting a stay of the party's obligations under this Consent Judgement, which request shall be filed at the same time as the notice of dispute.

F. Modifications

This Consent Judgement may be modified or amended only by written agreement between the parties, which shall be approved by this Court.

G. Termination

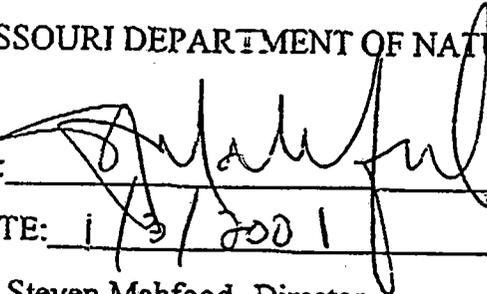
This Consent Judgement shall terminate upon the completion of the work set out herein, the payment of penalties due and upon approval by EPA of the next contract strategy revision, which may be redesignation and approval of a maintenance plan

The Doe Run Corporation

BY: Steven L Brown, General Manager

DATE: 12/4/00

MISSOURI DEPARTMENT OF NATURAL RESOURCES

BY: 

DATE: 1/3/2001

Steven Mahfood, Director

MISSOURI AIR CONSERVATION COMMISSION

BY: David C. Zimmerman

DATE: 12-7-2000

David Zimmerman, Chairperson

ATTORNEY GENERAL OF MISSOURI

Jermiah W. (Jay) Nixon, Attorney General

BY:

Shelley A. Woods

DATE:

December 6, 2000

Shelley A. Woods, Assistant Attorney General

ENTERED THIS 5th Day of January 2001

[Signature]

Judge