



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

SEP 24 2013
Mr. Karl Brooks
Regional Administrator
U.S. EPA, Region VII
11201 Renner Boulevard
Lenexa, KS 66219

Dear Mr. Brooks:

On April 17, 2013, Missouri Department of Natural Resources' Air Pollution Control Program (Air Program) submitted to you a State Implementation Plan (SIP) revision package for the "Attainment Demonstration for the 2008 Lead National Ambient Air Quality Standard – Buick / Viburnum Trend Lead Nonattainment Area." Since that time, the Missouri Air Conservation Commission has promulgated a modification to that plan and the corresponding Consent Judgment. This modification to that plan proposes to remove the requirement for a new stack that is not yet constructed at the secondary smelter operated by Buick Resource Recycling Facility, LLC. Reevaluation of the design demonstrates that this new stack is no longer necessary since the building enclosure baghouse exhaust stream will now be routed to the main stack and the main stack shall continue to meet the required emission limitation. This modification will result in no increase in, or impact on, emissions and will realize reduced capital costs since construction of the new stack is no longer required.

The following is enclosed for your review and approval into the SIP:

Revision to the Missouri State Implementation Plan – Modification to the Attainment Demonstration for the 2008 Lead NAAQS for the Buick/Viburnum Trend Lead Nonattainment Area

This Consent Judgment modification has been signed by all parties. The Consent Judgment for the April 17 Buick / Viburnum Trend submittal and its modification were lodged in the Missouri's Circuit Court of Iron County at the same time and so-ordered by the District Court Judge on July 29, 2013. As a follow-up to the April 17 submittal letter, the Air Program is also submitting this final, court-filed copy of the attainment demonstration plan's Consent Judgment.

The commission adopted the enclosed plan modification on July 24, 2013 after considering program staff testimony at the public hearing and comments received during the public notice / comment period. The commission has full legal authority to develop the SIP pursuant to Section 643.050 of the Missouri Air Conservation Law. The state followed all applicable administrative procedures in proposing and adopting the plan action.

Mr. Karl Brooks
Page Two

In order to comply with Attachment A of the "Regional Consistency for the Administrative Requirements of State Implementation Plan Submittals and the Use of Letter Notices" memo dated April 6, 2011, a searchable PDF version of these exact documents will be emailed to the EPA Region VII State Coordinator and will be posted on our website at <http://www.dnr.mo.gov/env/apcp/sips.htm#lead>.

The Missouri Department of Natural Resources requests that the EPA amend the SIP to incorporate this plan modification.

Thank you for your attention to this matter. If you have any questions regarding this submittal, please contact Wendy Vit, Missouri Department of Natural Resources' Air Pollution Control Program at P.O. Box 176, Jefferson City, MO 65102 or by phone at (573) 751-4817. E-mail inquiries may be forwarded to wendy.vit@dnr.mo.gov.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

Original signed by Kyra L. Moore

Kyra L. Moore
Director

KLM:jwc

Enclosures: Copy of Plan
Copy of commission signature page certifying Missouri Air Conservation
Commission adoption
Copy of signed, court-filed consent judgment and modification
Copy of public hearing notices
Copy of public hearing transcript introductory statement
Copy of public comments and responses

c: Missouri Air Conservation Commission
Project #2008-lead-3-B



Missouri State Implementation Plan Revision

Modification to the Attainment Demonstration for the 2008 Lead National Ambient Air Quality Standard

Buick/Viburnum Trend Lead Nonattainment Area

Missouri Air Conservation Commission

Adopted

July 24, 2013



Missouri Department of Natural Resources

Division of Environmental Quality

Air Pollution Control Program

P.O. Box 176

1659 East Elm Street

Jefferson City, Missouri 65102

Telephone (573) 751-4817

MISSOURI STATE IMPLEMENTATION PLAN REVISION
MODIFICATION TO THE
ATTAINMENT DEMONSTRATION
FOR THE 2008 LEAD NAAQS
FOR THE BUICK/VIBURNUM TREND LEAD NONATTAINMENT AREA

Modification of 2013 Consent Judgment for Stack Provisions

The Missouri Department of Natural Resources' Air Pollution Control Program (Air Program) proposes to revise the 2013 Attainment Demonstration and associated 2013 Consent Judgment for the attainment of the 2008 Lead National Ambient Air Quality Standard (NAAQS) for the Buick/Viburnum Trend Lead Nonattainment Area. The purpose of this proposed State Implementation Plan (SIP) revision is to remove the requirement for a new stack that is not yet constructed at this lead nonattainment area's secondary lead smelter. This stack is currently required by the SIP and 2013 Consent Judgment as Emission Point 100 (EP100). Reevaluation of the design demonstrates that this new stack is no longer necessary since the building enclosure baghouse exhaust stream will now be routed to the main stack and the main stack shall continue to meet the required emission limitation.

On March 28, 2013, The Missouri Air Conservation Commission (MACC) adopted a SIP revision for the Buick/Viburnum Trend Lead Nonattainment Area to demonstrate attainment of the 2008 Lead NAAQS by the required compliance date. Among other requirements, compliance with this standard is based on ambient monitoring data with concentrations less than 0.15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) based on a 3-month rolling average. At the core of the 2013 Lead NAAQS SIP is the 2013 Consent Judgment, a binding agreement among The Doe Run Resources Corporation (Doe Run), the Buick Resource Recycling Facility, LLC (BRRF), the State of Missouri, and the Missouri Department of Natural Resources. This 2013 Consent Judgment details numerous lead emission control technology projects, work practices, and strategies used to demonstrate attainment of the 2008 Lead NAAQS, many of which have been completed. The SIP revision and associated information and documents, including the 2013 Consent Judgment, were submitted to the U.S. Environmental Protection Agency (EPA) in correspondence dated April 17, 2013 for review and approval.

In particular, the 2013 Consent Judgment requires that the BRRF facility enclose the refinery, blast furnace, reverberatory furnace, and dross plant building and install a baghouse to achieve negative pressure as further specified and on a schedule articulated in the judgment. The 2013 Consent Judgment further states that the facility shall install a new 65 meter stack for this exhaust stream and requires an emission limit of 0.7 pounds per hour for this new emission point (stack).

After further analysis to verify the need for the new stack (EP 100), BRRF has determined, and the Air Program concurs, that construction of EP100 is not necessary to achieve its required emission reductions and therefore no longer intends to construct a separate new emission point (i.e., a new stack) for this baghouse exhaust stream. Instead, this exhaust stream will be routed

to the existing main stack (EP 8). The BRRF facility shall continue to satisfy the requirement for the main stack emission limitation of 0.7 pounds per hour, even with the routing of this additional exhaust stream to the main stack. This change will result in no increase in, or impact on, emissions and will realize reduced capital costs since construction of the new stack is no longer required. Further, this modification does not impact remaining provisions such as implementation timelines or the requirement to conduct stack testing to demonstrate compliance with the 0.7 pounds per hour emission limit for the main stack. Therefore, the Air Program considers this modification to be administrative in nature and thus does not require additional modeling.

The 2013 Consent Judgment states that the judgment may be modified by written agreement among the parties. This proposed modification to the 2013 Consent Judgment removes the reference to the construction of a new stack in Paragraph 6.G. and removes the emission point and corresponding limit in Paragraph 8.G. The new Consent Judgment language, including proposed deletions and additions, is reflected as follows:

6.G. Enclose the refinery, blast furnace, reverberatory furnace, and dross plant buildings and install a baghouse with a minimum design of 300,000 acfm to achieve negative pressure consistent with the National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelting, 40 C.F.R. 63 Subpart X ("Secondary Lead MACT"), revised as of January 5, 2012. ~~[Install a new stack with a minimum height of 65 meters for this exhaust stream.]~~ **Emissions will be routed to the main stack (EP8).** Installation of the above controls must be completed and operation commenced by the earlier of (1) the date the facility must comply with the total enclosure standards in the Secondary Lead MACT, revised as of January 5, 2012, and any subsequent revision; or, (2) January 5, 2015.

8.G. Stack Emission Limits. BRRF will limit lead emissions to the atmosphere from certain stacks as set forth in the following table. BRRF is subject to the limit for ~~[EP100 and]~~EP 8 after the completion of the project in paragraph 6.G. The limits for EP 31C, EP 71, and EP 72 are effective consistent with the Secondary Lead MACT at 40 C.F.R. 63.546.

Stack Name	Stack ID	Emission Limitation
Main Stack	EP 8	0.7 lb/hour
[New Blast Furnace Process and Building Ventilation Baghouse]	{EP 100}	{0.7 lb/hour}
Drum Shredder Baghouse	EP 31C	0.025 lb/hour
Reverberatory Furnace Slag Tap Ventilation Baghouse	EP 71	0.08 lb/hour
North Refinery Baghouse	EP 72	0.006 lb/hour

Compliance will be determined via stack testing requirements and on a schedule that is consistent with the Secondary Lead MACT, revised as of January 5, 2012 except as follows. If any test does not show compliance with the limits herein, the facility will test the stack that tested above the limit and provide the stack test report or results within one hundred and twenty (120) days after the date of the test that failed to demonstrate compliance. If this subsequent test shows compliance, the prior exceedance will not be considered a violation of this Consent Judgment and compliance testing will return to a schedule consistent with the Secondary Lead MACT, revised as of January 5, 2012.

This proposed modification accurately reflects the projects and the emission points at the facility. Attached is the proposed First Modification to the Consent Judgment. The Air Program, the Missouri Attorney General's Office, Doe Run, and BRRF coordinated on the development of this proposed plan revision. If this proposed plan revision is adopted by the MACC, the parties have agreed to sign this modification to the 2013 Consent Judgment and we intend to submit this Consent Judgment modification and SIP revision to EPA as a supplement to the April 17, 2013 submittal mentioned previously.

Compliant with 643.055 RSMo, the Missouri Air Conservation Commission has determined that this action is needed to have a U.S. Environmental Protection Agency approved State Implementation Plan.

The Revision to the State Implementation Plan – Modification to the Attainment Demonstration for the 2008 Lead NAAQS for the Buick/Viburnum Trend Lead Nonattainment Area is hereby adopted by the Missouri Air Conservation Commission this 24th of July, 2013.

Original signed by Commissioners:	
Jack C Baker	, Chairman
Gary J Pendergrass	, Vice Chairman
Mark Garnett	, Member
David C. Zimmermann	, Member

_____, Member

_____, Member

_____, Member

IN THE CIRCUIT COURT OF IRON COUNTY
STATE OF MISSOURI

DO NOT WRITE IN THESE SPACES
2/13/12 10:11 AM
CLERK OF COURT
IRON COUNTY, MISSOURI

STATE OF MISSOURI ex rel.,)
Attorney General Chris Koster)
and the Missouri Department of Natural)
Resources and the Missouri Air Conservation)
Commission,)
)
Plaintiff)
)
v.)
)
The Buick Resource Recycling Facility, LLC)
and The Doe Run Resources Corporation,)
)
Defendants.)

Case No. 13 JL-CC00016

CONSENT JUDGMENT

Plaintiff, State of Missouri, at the relation of Chris Koster, Attorney General, the Missouri Department of Natural Resources ("MDNR"), and the Missouri Air Conservation Commission ("Commission"), and defendants, the Buick Resource Recycling Facility, LLC ("BRRF") and The Doe Run Resources Corporation d/b/a The Doe Run Company ("Doe Run"), by and through counsel, hereby consent to the entry of this Consent Judgment.

WHEREAS, the State of Missouri, through MDNR, in consideration of BRRF's and Doe Run's agreement to complete the implementation of control strategies upon the time schedules as more fully set forth in the Consent Judgment below, and defendants, 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 2008 National Ambient Air Quality Standard for lead and to accept the time schedules for completion of such control strategies as being as expeditious as practicable, agree to entry of this Consent Judgment.

WHEREAS, in 2008, EPA revised the National Ambient Air Quality Standard for lead ("2008 Lead NAAQS"). 73 Fed. Reg. 66,964 (Nov. 12, 2008). The revision reduced the NAAQS for lead from

1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to $0.15 \mu\text{g}/\text{m}^3$. On November 22, 2010, EPA designated portions of Iron, Dent and Reynolds Counties, Missouri (hereafter "Buick/Viburnum Trend"), as a 2008 Lead NAAQS nonattainment area. 75 Fed. Reg. 71,033, 71,042-43 (Nov. 22, 2010).

WHEREAS, MDNR and the Commission are preparing a State Implementation Plan ("SIP") revision to achieve attainment and maintenance of the 2008 Lead NAAQS in the Buick/Viburnum Trend nonattainment area ("2013 Lead NAAQS Attainment Demonstration SIP").

WHEREAS, as part of the 2013 Lead NAAQS Attainment Demonstration SIP, MDNR, the Commission, BRRF and Doe Run hereby agree that the Court may enter the Consent Judgment set forth below, to be binding on the parties, providing for a lead emission reduction program, which BRRF and Doe Run hereby agree to undertake and complete on the schedule set forth in this Consent Judgment. The parties, by their signatures hereto, acknowledge that they have read and understand the terms of this Consent Judgment and agree to be bound thereby. In the event that the Court does not approve of this Consent Judgment in its entirety and as agreed by the parties, the Consent Judgment shall be null and void and have no effect in this or any other proceedings. The parties understand that the terms of this Consent Judgment are enforceable by further order of this Court, and that this Court retains jurisdiction of the matter in order to enforce the terms of this Consent Judgment.

WHEREAS, this Consent Judgment takes into account all federally enforceable requirements, including injunctive relief provisions of the Consent Decree between BRRF, Doe Run, MDNR and the Environmental Protection Agency filed in the United States District Court in the Eastern District of Missouri, Case No. 4:10-cv-01895-JCH ("2011 Consent Decree"), and entered on December 21, 2011.

WHEREAS, this matter comes before the Court on the petition filed by the State of Missouri (the "State") and MDNR concurrently with this Consent Judgment.

WHEREAS, by agreeing to the terms of this Consent Judgment, BRRF and Doe Run do not admit any liability arising from the allegations set forth in the Petition.

NOW THEREFORE, without adjudication or admission of any issue of fact and with the consent of the parties, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

I. Objectives of the Parties

1. The objectives of the parties to this Consent Judgment are to implement control measures set forth herein in furtherance of attainment of the 2008 Lead NAAQS.

II. Jurisdiction

2. This Court has jurisdiction over this matter and of the parties consenting hereto pursuant to Section 643.151, RSMo, of the Missouri Air Conservation Law.

III. Parties Bound

3. The provisions of this Consent Judgment shall be binding upon the parties to this action as well as their agents, servants, employees, heirs, successors, assigns, and to all persons, firms, corporations, and other entities who are, or who will be, acting in concert or privity with, or on behalf of the parties to this action or their agents, servants, employees, heirs, successors, and assigns.

IV. Satisfaction

4. Upon completion of the terms of this Consent Judgment, BRRF and Doe Run are relieved of liability for violations alleged in the State's and MDNR's Petition.

V. Injunctive Relief

5. BRRF and Doe Run (as specifically indicated below) shall undertake and complete 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 2008 Lead NAAQS (as required by Section 172(c) of the Clean Air Act).

6. Projects Required: BRRF shall install the following lead emission control measures:
- A. By February 4, 2013, at the south refinery, install a baghouse with a minimum design of 60,000 actual cubic feet per minute ("acfm") to improve refinery ventilation.
 - B. By February 4, 2013, relocate the baghouse with a minimum design of 38,000 acfm from the sweat furnace to blast furnace storage feed building.
 - C. By February 4, 2013, at the north refinery, remove the rotary melter and connect its baghouse to the north refinery process ducts to improve refinery ventilation.
 - D. By February 4, 2013, install a truck tire wash system for outbound traffic.
 - E. By February 4, 2013, install a pulse-jet baghouse with a minimum design of 75,000 acfm to improve reverberatory furnace process ventilation.
 - F. By February 4, 2013, after the 75,000 acfm (minimum) designed baghouse, install a dry lime SO₂ scrubber (reaction chamber followed by an associated minimum 65,000-acfm design baghouse) to further process exit gas stream before routing reverberatory furnace process gases to the main stack.
 - G. Enclose the refinery, blast furnace, reverberatory furnace, and dross plant buildings and install a baghouse with a minimum design of 300,000 acfm to achieve negative pressure consistent with the National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelting, 40 C.F.R. 63 Subpart X ("Secondary Lead MACT"), revised as of January 5, 2012. Install a new stack with a minimum height of 65 meters for this exhaust stream. Installation of the projects in paragraph 6.G. must be completed and operation commenced by the earlier of (1) the date the facility must comply with the total enclosure standards in the Secondary Lead MACT, revised as of January 5, 2012, and any subsequent revision; or, (2) January 5, 2015.

H. By December 31, 2013, install a 40-foot extension on the breaking separation and neutralization scrubber stack.

I. By December 31, 2013 construct an approximately 30,000 square foot building extension to the existing blast furnace feed storage building.

J. By October 31, 2014, improve process hood capture efficiency by installing batwing style ventilation covers, or covers with equivalent or better capture efficiency, on all refinery kettles.

K. By December 31, 2013, install quick closing powered doors at the door located at the north refinery warehouse, the door located at the south refinery warehouse, and the door at the reverberatory feed storage equipment entrance to minimize fugitive dust emissions from the buildings, to improve fugitive emission capture and to increase building negative pressure. After installation, these doors will be closed except for necessary service traffic or equipment sorties within these buildings, during periods not representative of normal operations, during periods of breakdown or maintenance of the doors, or when necessary for worker health and safety.

7. Projects Required: Doe Run shall install the following lead emission control measures:

A. By June 1, 2013, modify Buick Mine updraft vent 1 at UTM coordinates 665597 4165248, vent 2 at UTM 665867 4162535, vent 3 at UTM 666234 4160599, and vent 6 at UTM 665627 4165742 to achieve a vertical release, defined as 45 degrees from horizontal or greater.

B. By June 1, 2013, preclude public access at Casteel at a minimum distance from the facility as indicated in Appendix I of the 2013 Lead NAAQS Attainment Demonstration SIP.

C. By June 1, 2013, preclude public access at Buick Mine Vents 1, 2, 3, & 6 at a minimum distance from the facility as indicated in Appendix I of the 2013 Lead NAAQS Attainment Demonstration SIP.

D. By June 1, 2013, preclude public access at Buick Mine/Mill at a minimum distance from the facility as indicated in Appendix I of the 2013 Lead NAAQS Attainment Demonstration SIP.

8. Required Practices and Procedures.

A. Baghouse Standard Operating Procedures (SOP): BRRF has an MDNR-approved Baghouse SOP pursuant to the Secondary Lead MACT, revised as of January 5, 2012 for sources at the facility subject to the Secondary Lead MACT. After the applicable deadline for any baghouse projects installed pursuant to paragraph 6 (Projects Required) or paragraph 10 (Projects Required as Contingency Control Measures) and that is not otherwise subject to the Secondary Lead MACT, any such newly installed baghouse(s) shall be subject to the Baghouse SOP.

B. Baghouse Maintenance or Extended Periods of Non-Production (Shut Downs): BRRF may cease the operation of any of the ventilation system units used to achieve the appropriate amounts of negative pressure as required by paragraph 6.G above to perform maintenance on the ventilation system or if all of the lead processing units within a given building have been turned off for a minimum of twenty-four (24) consecutive hours.

C. Local Exhaust Ventilation (LEV) Operation: BRRF will operate LEVs at the following emission units, when the units are operating: (1) the reverberatory furnace; (2) FS-3300 and 3301 dross kettles; (3) refinery dross screw; (4) R-1 to R-10 refinery kettles; (5) the blast furnace; and, (6) the sweat furnaces.

D. BRRF must preclude public access at a minimum distance from the facility as indicated in Appendix I of the 2013 Lead NAAQS Attainment Demonstration SIP. BRRF shall notify MDNR of its intent to modify the location of any fencelines used to demonstrate compliance with this paragraph ninety (90) days prior to the commencement of construction.

E. Doe Run shall notify MDNR of its intent to modify the location of any fencelines used to demonstrate compliance with paragraphs 7.B.-D. ninety (90) days prior to the commencement of construction.

F. Recordkeeping and Reporting. Recordkeeping and reporting under this Consent Judgment are addressed by the recordkeeping and reporting requirements applicable to the facility pursuant to the Secondary Lead MACT, revised as of January 5, 2012.

G. Stack Emission Limits. BRRF will limit lead emissions to the atmosphere from certain stacks as set forth in the following table. BRRF is subject to the limit for EP100 and EP 8 after the completion of the project in paragraph 6.G. The limits for EP 31C, EPA 71, and EP 72 are effective consistent with the Secondary Lead MACT at 40 C.F.R. 63.546.

Stack Name	Stack ID	Emission Limitation
Main Stack	EP 8	0.7 lb/hour
New Blast Furnace Process and Building Ventilation Baghouse	EP 100	0.7 lb/hour
Drum Shredder Baghouse	EP 31C	0.025 lb/hour
Reverberatory Furnace Slag Tap Ventilation Baghouse	EP 71	0.08 lb/hour
North Refinery Baghouse	EP 72	0.006 lb/hour

Compliance will be determined via stack testing requirements and on a schedule that is consistent with the Secondary Lead MACT, revised as of January 5, 2012 except as follows. If any test does not show compliance with the limits herein, the facility will test the stack that tested above the limit and provide the stack test report or results within one hundred and twenty (120) days after the date of the test that failed to demonstrate compliance. If this subsequent test shows compliance, the prior exceedance will not be considered a violation of this Consent Judgment and compliance testing will return to a schedule consistent with the Secondary Lead MACT, revised as of January 5, 2012.

9. Monitoring

A. Missouri has a lead monitoring site network, the 2011 Missouri Ambient Air Quality Monitoring Network Plan, which was approved by EPA on December 12, 2011. MDNR will monitor consistent with the Monitoring Plan and any amendments thereto. Data from any MDNR, BRRF or Doe Run monitor that is not located within ambient air will be used solely for informational purposes and not for determining attainment with the 2008 Lead NAAQS.

B. BRRF has two non-ambient monitors at the sites known as the North and South BRRF monitoring sites. BRRF shall continue data collection from these monitors until data collected from the ambient air network for 36 three-month rolling averages shows continuous attainment with the 2008 Lead NAAQS, until BRRF or Doe Run no longer owns or operates the property where the monitors are located, or upon approval by MDNR that continued monitoring is not necessary.

C. BRRF has a meteorological station and shall continue to monitor meteorological data to support future dispersion modeling or other episode analysis. Meteorological data

collection shall include ten (10) meter wind speed, ten (10) meter wind direction, ten (10) meter ambient temperature, ambient barometric pressure, ten (10) meter sigma theta, ten (10) meter delta temperature, relative humidity, and precipitation. Meteorological data will also include two (2) meter ambient and delta temperature and incoming solar radiation within six (6) months after the effective date. Doe Run shall continue data collection from these monitors until data collected from the ambient air network for thirty-six (36) three-month rolling averages shows continuous attainment with the 2008 Lead NAAQS, until BRRF or Doe Run no longer owns or operates the property, or upon approval by MDNR that the continued monitoring is not necessary.

D. Meteorological monitoring shall be conducted pursuant to an MDNR-approved Quality Assurance Project Plan ("QAPP"). BRRF shall submit the QAPP to MDNR for review and approval within sixty (60) days of entry of this Consent Judgment.

E. BRRF shall provide to MDNR the air monitoring data analysis within thirty (30) days after the end of each calendar month.

F. BRRF shall provide to MDNR the meteorological monitoring data and quality assurance summaries in a quarterly report within forty-five (45) days after the end of each calendar quarter electronically in the format identified in the QAPP.

G. If BRRF or Doe Run purchases property where the MDNR Buick North East monitor is located, Doe Run or BRRF shall allow MDNR access to the property for the purposes of continuing the 2008 Lead NAAQS monitoring.

H. BRRF and Doe Run shall notify MDNR of any real property acquired or released from its possession in the Buick/Viburnum trend nonattainment area where an MDNR monitor is located or within where a BRRF fenceline to preclude public access is located

within thirty (30) days of the transaction being filed with the local Recorder of Deeds. This notification shall include a copy of the Warranty Deed and legal description of the property.

10. Projects Required as Contingency Control Measures

A. If the air quality data for any three-month rolling average period exceeds the 0.15 $\mu\text{g}/\text{m}^3$ three-month rolling average lead standard after completion and operation of projects and control measures identified in paragraph 6, or any extension date granted by the MDNR, BRRF shall begin implementation of these contingency measures upon written notification from MDNR, and shall complete the projects according to the following schedule. The triggering period for purposes of this provision will be the three-month calendar period following the implementation of the projects and control measures identified in paragraph 6. Additionally, if BRRF fails to make Reasonable Further Progress (defined as the completion and operation of the Projects Required in paragraph 6 of this Consent Judgment or required pursuant to this paragraph 10.B within the time frames set forth), BRRF shall begin implementation of the contingency measures upon written notification from MDNR, and shall complete the projects according to the following schedule. Any of the contingency projects listed herein may only be triggered at the earliest (and only if an exceedance of the 2008 Lead NAAQS is monitored) after a full three-month calendar period following the completion and operation of the preceding control project.¹

- i. Project B(i) shall be completed within nine (9) months from the date BRRF receives notification from MDNR to complete the contingency measure.

¹ For example, if project B(i) is completed and operational on February 15, 2016, the next contingency measure could be triggered only if and after the three month calendar period of March, April and May of that year showed an ambient monitored exceedance of the 2008 Lead NAAQS. As such, in that scenario the contingency could not be triggered before June 1, 2016.

ii. If in any three-month rolling period after completing and operating project B(i), the $0.15 \mu\text{g}/\text{m}^3$ rolling three-month average lead standard is exceeded or BRRF fails to make Reasonable Further Progress, MDNR shall notify BRRF of such exceedance or failure and BRRF will complete project B(ii) within a timeframe to be determined by BRRF and MDNR.

iii. If in any three-month rolling average period after completing and operating projects B(i) and B(ii), the $0.15 \mu\text{g}/\text{m}^3$ rolling three-month average lead standard is exceeded or BRRF fails to make Reasonable Further Progress, MDNR shall notify BRRF of such exceedance or failure and project B(iii) shall be completed within eighteen (18) months of receipt of the notice.

iv. If in any three-month rolling average period after completing and operating projects B(i) B(ii), and B(iii), the $0.15 \mu\text{g}/\text{m}^3$ rolling three-month average lead standard is exceeded or BRRF fails to make Reasonable Further Progress, MDNR shall notify BRRF of such exceedance or failure and project B(iv) shall be completed within twelve (12) months of receipt of the notice.

B. Contingency Projects.

i. Ventilate reverberatory feed storage building with a minimum design to achieve negative pressure of at least .007 inches of water column.

ii. Projects Technology Study for Fugitive Dust Control. Within a timeframe to be determined by BRRF and MDNR, BRRF shall submit a work plan to MDNR for a study of best practices and best available technology for industrial smelter or metal manufacturing facilities with similar fugitive emissions control challenges. The work plan is subject to approval by MDNR. The work plan shall provide that

the study shall be completed and delivered to MDNR within one hundred and eighty (180) days of approval of the work plan. The study will list all best practices and best available technologies identified and, for each technology or practice, will identify those technologies and/or practices that BRRF deems technically feasible and cost-effective for inclusion as Contingency Project B(ii), quantify associated emissions reductions, and provide a time frame for implementation of each. Within sixty (60) days of its receipt of the study, MDNR will advise BRRF whether the projects and timelines proposed by BRRF are acceptable and if MDNR agrees that any of the identified technologies or practices are not technically feasible or cost-effective. Upon approval or after sixty (60) days with no comment, those projects identified in the Study for completion and the deadlines therein shall become a part of this Consent Judgment and fully enforceable hereunder as contingency measures and shall be completed pursuant to the deadlines.

iii. Pave inbound truck parking lot.

iv. Evaluation of ventilation capacity at Main Baghouse. Within a timeframe to be determined by BRRF and MDNR, BRRF shall submit an evaluation of the Main Baghouse capacity and will identify any projects that are deemed technically feasible and cost-effective to redistribute any excess capacity identified in the evaluation and for inclusion as contingency measures and provide a time frame for implementation. Within sixty (60) days of its receipt of the evaluation, MDNR will advise BRRF whether the timelines proposed by BRRF are acceptable. Upon approval or after sixty (60) days with no comment, those projects identified by

BRRF and the deadlines therein shall become a part of this Consent Judgment and fully enforceable hereunder as contingency measures.

C. BRRF shall notify MDNR within ten (10) business days of BRRF's completion of the contingency measures. Within sixty (60) days of such completion, BRRF shall propose an additional quantified contingency measure and a proposed timeframe for completion to be added to this Consent Judgment. Upon approval by MDNR, the additional contingency measure shall become a part of this Consent Judgment and shall be fully enforceable hereunder.

D. If BRRF or Doe Run identifies and demonstrates to MDNR's satisfaction alternative control measure(s) that would achieve attainment with the 2008 Lead NAAQS, BRRF or Doe Run may substitute the new measure(s) for the contingency measure(s) identified above, or may change the order of implementation of the contingency measure(s) and time frames for completion identified above, upon approval of the MDNR's Director of the Air Pollution Control Program. Any substitute contingency measure shall include a schedule for completion.

E. Nothing in this agreement shall prevent BRRF from implementing any of these contingency measures prior to receiving notification from MDNR.

VI. Stipulated Penalties and Force Majeure

11. If the defendants fail to complete construction of the control measures set out in this Consent Judgment by the dates specified, defendants may be subject to stipulated penalties according to the following schedule. The penalties are per day, per violation, and may be assessed by MDNR beginning with the first day of violation after the scheduled deadline date.

Period of Noncompliance

Penalty per Day of Violation

First through 30th day of noncompliance	\$1,000.00
31st through 60th day of noncompliance	\$2,000.00
61st through 90th day of noncompliance	\$3,000.00
91st day of noncompliance and beyond	\$5,000.00

If a performance test, conducted per the requirements of paragraph 8.G. of this Consent Judgment, fails to demonstrate compliance with the emission limits stated therein, BRRF may be subject to stipulated penalties according to the following schedule:

- First test failure - \$1,000
- Second test failure - \$2,000
- Third test failure - \$3,000
- Fourth (and beyond) test failure – \$5,000

If BRRF or Doe Run fails to comply with any other requirements of this Consent Judgment, BRRF or Doe Run may be subject to stipulated penalties according to the following schedule. The penalties are per day, per violation, and may be assessed by MDNR 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	\$200.00
31st through 60th day of noncompliance	\$400.00
61st through 90th day of noncompliance	\$600.00
91st day of noncompliance and beyond	\$800.00

12. If any violation is enforceable by more than one agreement or regulatory requirement, MDNR agrees that it may only seek to enforce either the stipulated penalties discussed in paragraph 11

of this Consent Judgment, or the penalty for violation of the specified regulatory requirement, not both, against BRRF and/or Doe Run.

13. All penalties shall be paid within forty-five (45) days of the date of receipt of written notification of the assessment of stipulated penalty from MDNR unless the defendants challenge the penalty pursuant to the dispute resolution procedure outlined in Section VII. If the penalty is challenged, it shall not be paid until thirty (30) days after the Commission's determination that one or both defendants owe the stipulated penalty, and defendants have failed to use, or have exhausted, their rights to review the Commission's decision. If defendants exercise their right to appeal a decision of the Commission, payment will be due thirty (30) days after a final decision.

14. All penalties shall be paid by check made payable to the State of Missouri (Iron County Treasurer), and delivered to the Collections Specialist, Attorney General of Missouri, P.O. Box 899, Jefferson City, Missouri 65102-0899.

15. Upon the request of BRRF or Doe Run, MDNR may in its unreviewable discretion impose a lesser penalty or no penalty at all for violations subject to stipulated penalties. Stipulated penalties are deemed waived if not assessed within two (2) years after MDNR is aware of a violation.

16. 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 Consent Judgment, force majeure shall be defined as any event arising from causes beyond the control of defendants and of any entity controlled by defendants, which delays or interferes with the performance of any obligation under this Consent Judgment notwithstanding defendants' best efforts to avoid such an event and fulfill the obligation. The requirement that defendants 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 force majeure event (1) as it is occurring, and (2) following the 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 Consent Judgment, changed financial circumstances, or other financial or budgetary issues. Failure to apply for a required permit or approval, or to provide in a timely manner all information required to obtain a permit or approval necessary to meet the requirements of this Consent Judgment, are not force majeure events.

17. If any event occurs that is likely to delay or interfere with the performance of an obligation under this Consent Judgment, whether or not caused by a force majeure event, defendant shall notify MDNR by telephone within five (5) business days of defendant becoming knowledgeable of such event. Within ten (10) business days thereafter, defendant shall provide in writing to the State an explanation and description of the reasons for the delay, the anticipated duration of the delay; all actions taken or to be taken to prevent or 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 defendant, such an event may cause or contribute to the endangerment of public health, public welfare, or the environment. Defendants shall include with any notice all available documentation supporting the claims that the delay was attributable to a force majeure. Failure to comply with these requirements shall preclude defendant from asserting any claim of force majeure.

18. If the State agrees that the delay or anticipated delay is attributable to a force majeure event, then the State may agree to extend the time for performance of any obligation(s) under this Consent Judgment that is affected by the force majeure event for the time necessary to complete the obligation(s). The State will notify defendants in writing of the length of the extension, if granted, for performance of the obligation(s) affected by the force majeure event. An extension of the time for

performance of the obligation(s) affected by the force majeure event shall not, by itself, extend the time for performance of any other obligations.

19. If the State does not agree that a force majeure event has occurred, or does not agree on the length of any time extension sought by defendant, the issue shall be subject to the dispute resolution procedures set forth in Section VII. In any such proceeding, to qualify for force majeure defense, defendant 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 defendant exercised or is exercising due diligence by using its best efforts to avoid and mitigate its effects, and that defendant complied with the requirements of paragraph 15-16 above. Should defendant carry the burden set forth in this section, the delay or noncompliance at issue shall be deemed not to be a violation of the affected obligation of this Consent Judgment.

VII. Dispute Resolution

20. Any dispute that arises with respect to the meaning, application or implementation for any provision of this Consent Judgment may be subject to dispute resolution as provided herein, unless the Consent Judgment provision provides that dispute resolution is not available. Any dispute that arises with respect to the meaning, application or implementation of this Consent Judgment shall in the first instance be the subject of informal negotiations between defendants 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.

21. The MDNR and defendants 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 Consent Judgment modified, if appropriate. If the parties to the dispute are unable to reach 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 Commission. The opposing party may file suggestions in opposition and include any documentation relevant to deciding the dispute. Said suggestions and documentation shall be submitted within fourteen (14) days of submission of the matter to the Commission. The Commission may hear evidence if needed to reach a decision. The Commission will issue a written decision following its review of the record submitted by the parties.

22. The parties will then be entitled to judicial review pursuant to Chapter 536, Revised Statutes of Missouri. The filing of a notice of dispute shall not automatically suspend, extend, postpone, or affect any parties' obligations under this Consent Judgment with respect to the disputed issue unless expressly provided herein or unless the parties agree to the extension, postponement or affect. This provision shall not be construed to prevent either party from requesting a stay of the party's obligations under this Consent Judgment.

VIII. Exceptional Events

23. Doe Run or BRRF may provide a demonstration to MDNR that a monitored exceedance at an ambient air monitor was the result of an "exceptional event" as the term is defined at 40 C.F.R. 50.1(j). If MDNR agrees that the demonstration supports the characterization of the monitored data as the result of an "exceptional event" as set forth in 40 C.F.R. 50.14, MDNR may flag the monitored data to be used as informational purposes only and may submit a demonstration to the Environmental Protection Agency. Nothing in this paragraph would preclude MDNR from tagging data that was due to an exceptional event and submitting a demonstration to EPA on its own accord or at the request of another party. Any data that is tagged by MDNR to be used for informational purposes cannot be used

as a basis to trigger contingency projects. This provision is not subject to Section VII "Dispute Resolution."

IX. Reservation

24. Nothing in this agreement shall be construed as a waiver of any obligation of defendants or as a permit to defendants under any other environmental laws applicable to defendants.

X. Modifications

25. This Consent Judgment may be modified or amended only by written agreement between the parties, which shall be filed with this Court.

XI. Termination

26. This Consent Judgment and the obligations herein shall terminate upon the payment of any stipulated penalties due and redesignation by the Environmental Protection Agency of the Buick/Viburnum Trend Lead Nonattainment Area as an attainment area for the 2008 Lead NAAQS. If the SIP revision is not approved by the EPA, the parties may terminate this Consent Judgment by written agreement.

27. In the event BRRF or Doe Run ceases operation of lead emission units subject to this Consent Judgment, Doe Run or BRRF shall notify MDNR and will be relieved of the injunctive relief or other required practices that were for the purpose of reducing lead emissions from the subject unit.

XII. Effective Date

28. This Consent Judgment is effective upon entry by the Court.

XIII. Notices

29. Unless otherwise specified herein, whenever notifications, submissions, or communications are made pursuant to the Consent Judgment they shall be made in writing and addressed as follows:

To the Missouri Department of Natural Resources:

Planning Section Chief
Air Pollution Control Program
Missouri Department of Natural Resources
1659 East Elm Street
Jefferson City, Missouri 65101

To The Doe Run Resources Corporation

Environmental Manager
The Doe Run Company
SEMO Mining Milling Division
P.O. Box 500
Viburnum, Missouri 65566

With a copy to:

Vice President of Environmental Health & Safety
The Doe Run Company
1801 Park 270 Drive, Suite 300
St. Louis, Missouri 63146

To Buick Resource Recycling Facility, LLC:

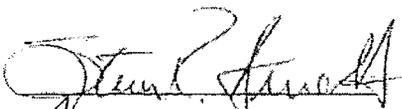
Environmental & Health Manager
The Doe Run Company
Buick Resource Recycling Facility
18594 Highway KK
Boss, Missouri 65440

With a copy to:

Vice President of Environmental Health & Safety
The Doe Run Company
1801 Park 270 Drive, Suite 300
St. Louis, Missouri 63146

SIGNATURES

BUICK RESOURCE RECYCLING FACILITY, LLC

BY: 

DATE: April 1, 2013

Steve Arnold, Plant Manager

THE DOE RUN RESOURCES CORPORATION

BY: 

DATE: 4-8-13

Aaron Miller, Chief Operating Officer

MISSOURI DEPARTMENT OF NATURAL RESOURCES

BY: _____

DATE: _____

Leanne Tippett Mosby, Director
Division of Environmental Quality

MISSOURI AIR CONSERVATION COMMISSION

BY: _____

DATE: _____

David Zimmerman, Chairperson

SIGNATURES

BUICK RESOURCE RECYCLING FACILITY, LLC

BY: _____

DATE: _____

Steve Arnold, Plant Manager

THE DOE RUN RESOURCES CORPORATION

BY: _____

DATE: _____

Aaron Miller, Chief Operating Officer

MISSOURI DEPARTMENT OF NATURAL RESOURCES

BY: Leanne Tippet Mosby

DATE: 3/28/13

Leanne Tippet Mosby, Director

Division of Environmental Quality

MISSOURI AIR CONSERVATION COMMISSION

BY: Jack C Baker

DATE: Mar 28 2013

Jack C. Baker, Chairman

ATTORNEY GENERAL OF MISSOURI

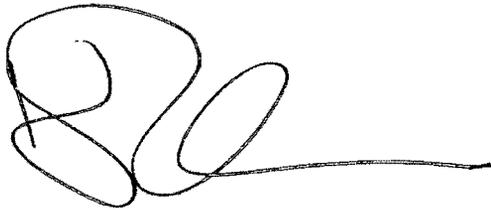
Chris Koster, Attorney General

BY: ~~Timothy R. Pitzer~~ for Kara Valentine

DATE: 3/29/2013

Kara Valentine, Assistant Attorney General

SO ORDERED this 29th day of July, 2013.



Circuit Judge

State of Missouri)

) SS CERTIFICATE OF TRUE COPY

County of Iron)

I, Sammie G. White, Clerk of the Circuit Court for said County, which said court is a court of record, having a clerk and seal, certify that this is a true, accurate and complete copy of Consent Judgment in the above entitled case, as the same appears of record and on file in this office. WITNESS my hand and seal of the court affixed hereto on July 31, 2013.

Sammie G. White, Clerk, Circuit Court

By Orville Lynn Sutton

IN THE
CIRCUIT COURT OF IRON COUNTY
STATE OF MISSOURI

ESTER
JUL
SAMMYE C. W.
CIRCUIT CLERK

STATE OF MISSOURI ex rel.)
Attorney General Chris Kester)
and the Missouri Department of Natural)
Resources and the Missouri)
Air Conservation Commission,)
Plaintiffs,)

Case No. 13IR-0000016

The Buick Resource Recycling Facility, LLC)
and The Doe Run Resources Corporation,)
Defendants.)

FIRST MODIFICATION TO THE CONSENT JUDGMENT

WHEREAS, the State of Missouri, the Missouri Department of Natural Resources ("MDNR"), the Missouri Air Conservation Commission ("Commission"), Plaintiffs, and the Buick Resource Recycling Facility LLC ("BRRF") and The Doe Run Resources Corporation d/b/a/ the Doe Run Company ("Doe Run"), Defendants, state as follows:

WHEREAS, on March 28, 2013, the Commission adopted and signed a Consent Judgment ("2013 Consent Judgment") that requires BRRF and Doe Run to implement control strategies to attain the 2008 Lead National Ambient Air Quality Standard.

WHEREAS, on March 28, 2013, MDNR signed the 2013 Consent Judgment.

WHEREAS, on April 8, 2013, BRRF and Doe Run signed the 2013 Consent Judgment.

WHEREAS, Paragraph 25 of the 2013 Consent Judgment allows for modification of the judgment by written agreement between the parties.

WHEREAS, the parties agree to modify language in Paragraphs 6.G. and 8.G of the 2013 Consent Judgment to remove an emission source identified in the Consent Judgment as Emission Point 100, which will result in no increase in emissions.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Paragraphs 6.G and 8.G of the 2013 Consent Judgment, be superseded as follows:

6.G. Enclose the refinery, blast furnace, reverberatory furnace, and dross plant buildings and install a baghouse with a minimum design of 300,000 acfm to achieve negative pressure consistent with the National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelting, 40 C.F.R. 63 Subpart X ("Secondary Lead MACT"), revised as of January 5, 2012. Emissions will be routed to the main stack (EP8). Installation of the above controls must be completed and operation commenced by the earlier of (1) the date the facility must comply with the total enclosure standards in the Secondary Lead MACT, revised as of January 5, 2012, and any subsequent revision; or, (2) January 5, 2015.

8.G. Stack Emission Limits. BRRF will limit lead emissions to the atmosphere from certain stacks as set forth in the following table. BRRF is subject to the limit for EP 8 after the completion of the project in paragraph 6.G. The limits for EP 31C, EP 71, and EP 72 are effective consistent with the Secondary Lead MACT at 40 C.F.R. 63.546.

Stack Name	Stack ID	Emission Limitation
Main Stack	EP 8	0.7 lb/hour
Drum Shredder Baghouse	EP 31C	0.025 lb/hour
Reverberatory Furnace Slag Tap Ventilation Baghouse	EP 71	0.08 lb/hour

North Refinery Baghouse	EP 72	0.006 lb/hour
-------------------------	-------	---------------

Compliance will be determined via stack testing requirements and on a schedule that is consistent with the Secondary Lead MACT, revised as of January 5, 2012 except as follows. If any test does not show compliance with the limits herein, the facility will test the stack that tested above the limit and provide the stack test report or results within one hundred and twenty (120) days after the date of the test that failed to demonstrate compliance. If this subsequent test shows compliance, the prior exceedance will not be considered a violation of this Consent Judgment and compliance testing will return to a schedule consistent with the Secondary Lead MACT, revised as of January 5, 2012.

WE HEREBY AGREE to the modification to the 2013 Consent Judgment:

DATE: 7/24/13

**MISSOURI AIR CONSERVATION
COMMISSION**

By: Jack C. Baker
 Print Name: Jack C. Baker
 Title: Chair

DATE: 7/16/13

**MISSOURI DEPARTMENT OF NATURAL
RESOURCES**

By: *Leanne J. Tappett Mosby*

Print Name: Leanne J. Tappett Mosby

Title: Director, DEQ, MDNR

DATE: 7/22/13

**CHRIS KOSTER, MISSOURI ATTORNEY
GENERAL**

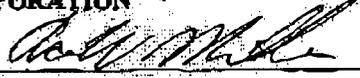
By: *Kara L. Valentine*

Print Name: Kara L. Valentine

Title: Assistant Attorney General

DATE: JULY 18, 2013

THE DOE RUN RESOURCES
CORPORATION

By: 

Print Name: AARON W. MILLER

Title VP OF DOMESTIC OPERATIONS
AND COO

DATE: July 18, 2013

THE BUICK RESOURCE RECYCLING FACILITY, LLC

By: [Signature]

Print Name: Steve R. Arnold

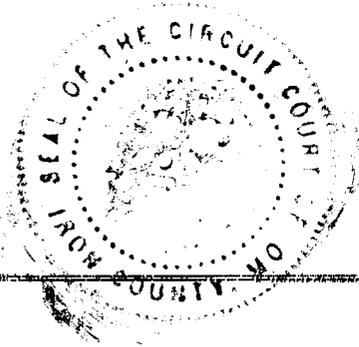
Title: General Manager

SO ORDERED!
[Signature]

FILED

SEP 05 2013

SAMMYE G. WHITE
CIRCUIT CLERK IRON CO MO



Jay Nixon, Governor
Sara Parker Pauley, Director

Air Pollution Control Program



State Plan Actions

[On Public Notice](#) | [Proposed for Adoption](#)

On Public Notice

Missouri State Implementation Plan - Modification to the Attainment Demonstration for the 2008 Lead NAAQS for the Buick/Viburnum trend Lead Nonattainment Area

The purpose of this plan is to modify the *Attainment Demonstration for the 2008 Lead National Ambient Air Quality Standard (NAAQS) - Buick/Viburnum Trend Lead Nonattainment Area* (and the corresponding Consent Judgment) that was adopted by the Missouri Air Conservation Commission on March 28, 2013. This plan proposes to remove the requirement for a new stack that is not yet constructed at the secondary smelter operated by Buick Resource Recycling Facility, LLC. Reevaluation of the design demonstrates that this new stack is no longer necessary since the building enclosure baghouse exhaust stream will now be routed to the main stack and the main stack shall continue to meet the required emission limitation. This modification will result in no increase in, or impact on, emissions and will realize reduced capital costs since construction of the new stack is no longer required. Therefore, the Air Pollution Control Program considers this modification to be administrative in nature and thus does not require additional modeling.

A public hearing is scheduled for this plan action on June 27, 2013. Comments about this plan action will be accepted through the close of business on July 5, 2013

[Modification to the Attainment Demonstration for the 2008 Lead National Ambient Air Quality Standard- Buick Consent Judgment Modification](#)

Missouri State Implementation Plan Revision - Section 110 Infrastructure Requirements for the 2008 Ozone National Ambient Air Quality Standard

This plan was developed to fulfill the requirements of Section 110(a) of the Clean Air Act for the revised 2008 National Ambient Air Quality Standard (NAAQS) for ozone. Section 110(a)(1) requires states to submit a state implementation plan (SIP) revision such as this after the promulgation of a new or revised NAAQS to address the implementation, maintenance, and enforcement infrastructure elements of Section 110(a)(2) for that NAAQS. On January 15, 2013, the EPA published in the *Federal Register* findings of failure to submit for several states, including Missouri, that had not made any submission to address the applicable elements of Section 110 for the 2008 Ozone NAAQS (78 FR 2882). However, this finding did not apply to Section 110(a)(2)(D)(i) (I), the "interstate transport" provisions of the infrastructure SIP. This plan is administrative in nature and demonstrates Missouri's ability and authority to implement all Section 110 elements

for the 2008 Ozone NAAQS for which EPA has issued this finding of failure to submit via the referencing of specific corresponding applicable state statutes, regulations, programs or resources.

A public hearing is scheduled for this plan action on May 30, 2013. Comments about this plan action will be accepted through the close of business on June 6, 2013.

[Section 110 Infrastructure SIP for the 2008 Ozone NAAQS](#)
[Submit Comments](#)

[Back to top](#)

Missouri State Implementation Plan Revision - Section 110 Infrastructure Requirements for the 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standard

This plan was developed to fulfill the requirements of Section 110(a) of the Clean Air Act for the newly revised 2010 National Ambient Air Quality Standard (NAAQS) for Sulfur Dioxide (SO₂). Section 110(a)(1) requires states to submit a state implementation plan (SIP) revision such as this after the promulgation of a new or revised NAAQS to address the implementation, maintenance, and enforcement infrastructure elements of Section 110(a)(2) for that NAAQS. This plan is administrative in nature and demonstrates Missouri's ability and authority to implement these infrastructure elements for the 2010 SO₂ NAAQS via the referencing of specific corresponding applicable state statutes, regulations, programs or resources.

A public hearing is scheduled for this plan action on May 30, 2013. Comments about this plan action will be accepted through the close of business on June 6, 2013.

[Section 110 Infrastructure SIP for the 2010 SO₂ NAAQS](#)
[Submit Comments](#)

[Back to top](#)

Proposed for Adoption

None at this time.

Bechtel, Cheri

From: Missouri DNR <MODNR@public.govdelivery.com>
Sent: Friday, May 24, 2013 2:45 PM
To: Bechtel, Cheri
Subject: Courtesy Copy: Public Hearing Notice

This is a courtesy copy of an email bulletin sent by Cheri Bechtel.

This bulletin was sent to the following groups of people:

Subscribers of Air Public Notices (459 recipients)



Having trouble viewing this email? [View it as a Web page.](#)



MISSOURI AIR CONSERVATION COMMISSION
WILL HOLD PUBLIC HEARING

JEFFERSON CITY, MO -- The Missouri Air Conservation Commission will hold a public hearing on Thursday, June 27, 2013 beginning at 9 a.m. at the Sheraton St. Louis City Center, 400 South 14th Street, Colonnade Salon D, St. Louis, Missouri. The commission will hear testimony related to the following proposed action(s):

- * 10 CSR 10-6.040 (amendment) Reference Methods
- * Missouri State Implementation Plan Revision - Modification to the Attainment Demonstration for the 2008 Lead National Ambient Air Quality Standard - Buick/Viburnum Trend Nonattainment Area

If the Commission adopts the action(s), it will be the Department's intention to submit the action(s) to the U.S. Environmental Protection Agency to be included in Missouri's State Implementation Plan unless otherwise noted above.

Documents for the above item(s) will be available for review at the Missouri Department of Natural Resources, Air Pollution Control Program, 1659 East Elm Street, Jefferson City, Missouri, (573) 751-4817, and in the Public Notices section of the program web site <http://dnr.mo.gov/env/apcp/public-notice.htm>. This information will be available at least 30 days prior to the public hearing date.

The Department will accept written or email comments for the record until 5 p.m. on July 5, 2013. Please send written comments to Chief, Air Quality Planning Section, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102-0176. Email comments may be submitted via the program web site noted above. All written and email comments and public hearing testimony will be equally considered.

Citizens wishing to speak at the public hearing should notify the secretary to the Missouri Air Conservation Commission, Missouri Department of Natural Resources, Air Pollution Control Program, P.O. Box 176,

Jefferson City, Missouri 65102-0176, or telephone (573) 526-3420. The Department requests persons intending to give verbal presentations also provide a written copy of their testimony to the commission secretary at the time of the public hearing.

Persons with disabilities requiring special services or accommodations to attend the meeting can make arrangements by calling the Program directly at (573) 751-4817, the Division of Environmental Quality's toll free number at (800) 361-4827, or by writing two weeks in advance of the meeting to: Missouri Department of Natural Resources, Air Conservation Commission Secretary, P.O. Box 176, Jefferson City, MO 65102. Hearing impaired persons may contact the program through Relay Missouri, (800) 735-2966.

Update your subscriptions, modify your password or email address, or stop subscriptions at any time on your [Subscriber Preferences Page](#). You will need to use your email address to log in. If you have questions or problems with the subscription service, please contact support@govdelivery.com.

This service is provided to you at no charge by [Missouri DNR](#).

1 CHAIRMAN BAKER: I call the public hearing to
2 order. The hearing will come to order. Let the record
3 show the following Commissioners are present: Jack
4 Baker, Mark Garnett, Gary Pendergrass, and David
5 Zimmermann.

6 The Air Conservation Commission of the State
7 of Missouri has called this public hearing pursuant to
8 Section 643.070, Revised Statutes of Missouri; EPA
9 promulgated rule 40 CFR 51.102, for the purpose of
10 hearing testimony relating to:

11 10CSR 10-6.040 (Amendment) Reference Methods
12 Missouri State Implementation Plan -
13 Modification to the Attainment Demonstration for
14 the 2008 Lead NAAQS for the Buick/Viburnum Trend
15 Lead Nonattainment Area.

16 The hearing record will close at 5:00 P.M. on
17 July 4, 2013. Anyone who has not been scheduled to
18 appear, but who wishes to be heard, should indicate that
19 you wish to speak on the sign-in sheets available at the
20 door.

21 Section 643.100 of the Missouri Statutes
22 provides that all oral testimony be given under oath.
23 Accordingly, when you are called to testify, please
24 present yourself to the court reporter first to be sworn
25 in.

1 requirements. The ASTM Methods for determining
2 parameters such as fuel sulfur and heat content are also
3 being updated to the latest versions available.

4 If the Commission adopts this rule action, it
5 will be the Department's intention to submit this rule
6 amendment to the U.S. Environmental Protection Agency to
7 replace the current rule that is in the Missouri State
8 Implementation Plan.

9 This concludes my prepared testimony.

10 CHAIRMAN BAKER: Thank you. Mr. Joe.

11 =====

12 MR. WINKELMANN: Chairman, Members of the
13 Commission, my name is Joe Winkelmann. I am employed as
14 an Environmental Engineer with the Air Pollution Control
15 Program located at 1659 East Elm Street, Jefferson City,
16 Missouri. I am here today to present testimony for a
17 proposed revision to the State Implementation Plan, or
18 SIP, for the Buick/Viburnum Trend Nonattainment Area
19 under the 2008 Lead National Ambient Air Quality
20 Standard, or NAAQS.

21 The original Buick/Viburnum Trend Attainment
22 Demonstration was adopted by this Commission on March 28,
23 2013 and submitted to the United States Environmental
24 Protection Agency on April 17th of this year. This plan
25 revision starts on Page 79 of your briefing document and

COMMENTS AND RESPONSES

PROPOSED REVISION TO THE MISSOURI STATE IMPLEMENTATION PLAN

— MODIFICATION TO THE ATTAINMENT DEMONSTRATION FOR THE 2008 LEAD NAAQS – BUICK / VIBURNUM TREND LEAD NONATTAINMENT AREA

On June 27, 2013 the Missouri Air Conservation Commission held a public hearing concerning the proposed revision to the State Implementation Plan (SIP) for the Buick/Viburnum Trend Nonattainment Area under the 2008 Lead National Ambient Air Quality Standard (NAAQS) in regards to a modification of stack provisions to the corresponding 2013 Consent Judgment. The purpose of this SIP action is to remove the requirement for a new stack that is not yet constructed at the secondary smelter operated by Buick Resource Recycling Facility, LLC. Reevaluation of the design demonstrates that this new stack is no longer necessary since the building enclosure baghouse exhaust stream will now be routed to the main stack and the main stack shall continue to meet the required emission limitation. This modification will result in no increase in, or impact on, emissions and will realize reduced capital costs since construction of the new stack is no longer required. Therefore, Missouri Department of Natural Resources' Air Pollution Control Program (program) considers this modification to be administrative in nature and thus does not require additional modeling. No written or verbal comments were received during the public comment period concerning this proposed revision.

If the commission adopts this plan revision, it will be the program's intention to submit this revision to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed SIP revision.