

RECEIVED

2005 DEC 29 PM 12:11

AIR POLLUTION
CONTROL PGM

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

RECEIVED

2005 NOV -7 PM 1:43

AIR POLLUTION
CONTROL PGM

**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.

**THE DOE RUN RESOURCES COMPANY,
d/b/a, THE DOE RUN COMPANY**

Defendant.

RECEIVED

DEC 27 2005

MISSOURI
ATTORNEY GENERAL

Case No. CV301-0052CCJI

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. Paragraph B.9. is added as follows:

Compliance with the design specification of # 9 baghouse of 0.022 grains per dry standard cubic foot of total suspended particulate as required in paragraph A.1.c. shall be demonstrated to the MDNR by Doe Run, through tests conducted at Doe Run’s expense in accordance with EPA methods. Doe Run shall notify MDNR of the proposed test dates and provide a copy of the test protocol to MDNR at least 39 days before testing. Test reports, including raw data, shall be submitted to the MDNR within 60 working days of the completion of the test.

3. 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

Daniel R. Schuette

Daniel R. Schuette, Director
Division of Environmental Quality

Date: 12/1/05

JEREMIAH W. (JAY) NIXON
Attorney General

Shelley A. Woods
Shelley A. Woods
Assistant Attorney General

Date: November 2, 2005

THE DOE RUN RESOURCES COMPANY

BY: *Louis J. Marchese*

Date: 31 OCT 05

TITLE: VICE PRESIDENT LAW

ENTERED: December 20, 2005

Date

John J. [Signature]
Circuit Judge

October 18, 2005

EPA Rulemakings

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

FRM: 72 FR 25203 (05/04/2007)

PRM: 72 FR 25241 (05/04/2007)

State Submission: 02/21/2006

State Final: 12/20/2005

APDB File: MO-243; EPA-R07-OAR-2007-0095

Description: This revision removes language referring to the exact bag technology required while leaving the related performance standard requirements in place.

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

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

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

State Submission: 01/10/2001

State Final: 01/05/2001

APDB File: MO-126

Description: EPA approved this Consent Judgement for Doe Run to complete the implementation of control strategies to attain the ambient air quality standard for lead.

Difference Between the State and EPA-Approved Regulation

None.