STATE OF MISSOURI
Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director
DEPARTMENT OF NATURAL RESOURCES
www.dnr.mo.gov

JUL 10 2013

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

Dear Mr. Brooks:

As a follow-up to the "Attainment Demonstration for the 2008 Lead National Ambient Air Quality Standard – Herculaneum Lead Nonattainment Area" State Implementation Plan (SIP) revision package sent to you on April 17, 2013, the Missouri Department of Natural Resources' Air Pollution Control Program is submitting this final copy of the plan's 2013 Consent Judgment, as signed by all parties, lodged in the Jefferson County, Missouri court and so-ordered by Judge Robert G. Wilkins on June 19, 2013. The Air Pollution Control Program requests that you include this final, court-filed version of the consent judgment as a supplement to this 2013 Herculaneum Lead Nonattainment Area plan when incorporating it into the Missouri SIP.

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 this exact document 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.

Thank you for your attention to this matter. If you have any questions regarding this submittal, please contact Wendy Vit at the Missouri Department of Natural Resources' Air Pollution Control Program, 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

Kyra L. Moore

Kyra L. Moore
Director

KLM:jwc

Enclosure: Copy of court-filed consent judgment

c: Missouri Air Conservation Commission

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IN THE

CIRCUIT COURT OF JEFFERSON COUNTY

STATE OF MISSOURI

STATE OF MISSOURI ex rel., Attorney General Chris Koster and the Missouri Department of Natural Resources, and the Missouri Air Conservation Commission,	)	
Plaintiffs	)	
v.	)	Case No. 13JE-CC00557
	)	Div. ONE
The Doe Run Resources Corporation,	)	
Defendant.	)	

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 the defendant, 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 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 Doe Run, 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.

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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 ($\mu g/m^3$) to 0.15 $\mu g/m^3$. On November 22, 2010, EPA designated Herculaneum, Jefferson County, Missouri, 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 for the Herculaneum, Jefferson County, Missouri nonattainment area ("2013 Lead NAAQS Attainment Demonstration SIP").

WHEREAS, as part of the 2013 Lead NAAQS Attainment Demonstration SIP, a lead emissions reduction program at Doe Run's Herculaneum, Missouri facility ("Herculaneum Facility" or "Facility") is required. MDNR, the Commission, 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 Doe Run hereby agrees 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, in addition to the lead emissions reductions reflected herein, the modeling undertaken to support this program as sufficient to meet the 2008 Lead NAAQS also takes into

account all federally enforceable requirements applicable to the Herculaneum Facility, including air injunctive relief provisions of the Consent Decree applicable to the Herculaneum Facility between 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, Doe Run does 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,

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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, Doe Run is relieved of liability for violations alleged in the State's and MDNR's Petition.

V. Injunctive Relief

5. Doe Run 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. Production and Emission Limits

A. Starting the first day of the month after the required shut-down date of the air emission units at the facility as specified in the 2011 Consent Decree, if Doe Run continues re-melting, casting and alloying operations at the building formerly known as the refinery, production from these processes shall be restricted to a three-month rolling average of 21,250 tons. The period for purposes of this provision will be the three-month period following the applicability of the production limit and each rolling three months thereafter. Doe Run shall maintain records for the three most recent years to show compliance with the production limit set forth herein and such records shall be made available to MDNR upon request. If Doe Run installs two cells from the Number 7 baghouse (or equivalent baghouse ventilation) at the Number 9 baghouse and routes the emissions from the refinery kettle heat stacks to the Number 9 baghouse prior to triggering of the project by MDNR as a contingency project, this production limit for

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these processes will be subject to a three-month rolling average of 62,500 tons. If the baghouse 9 is improved, it shall be operated pursuant to the MDNR-approved Baghouse Standard Operating Procedures that were developed pursuant to the Primary Lead MACT.

B. Starting the first day of the month after the required shut-down date of the air emission units at the facility as specified in the 2011 Consent Decree, if Doe Run continues operations at the strip mill, production for these processes shall be restricted to a three-month rolling average of 3,750 tons. The period for purposes of this provision will be the three-month period following the applicability of the production limit and each rolling three months thereafter. Doe Run shall maintain records for three years to show compliance with the production limit set forth herein that shall be made available to MDNR upon request.

C. Starting the first day of the month after the required shut-down date of the air emission units at the facility as specified in the 2011 Consent Decree, if Doe Run continues re-melting, casting and alloying operations at the building formerly known as the refinery, lead emissions to the atmosphere shall be limited to the amounts in the table below:

Stack Name	Emission Limitation (lbs per 24-hours)
8 Baghouse Stack	3.5
9 Baghouse Stack	3.5

If Doe Run continues re-melting, casting and alloying operations at the building formerly known as the refinery, the facility will conduct a performance test in accordance with EPA Method 12 on or before October 31, 2014. Doe Run shall conduct a second

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performance test on or before October 31, 2015. If these tests demonstrate compliance with the limits herein, Doe Run shall conduct tests every twenty-four (24) months thereafter. 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 annual until two consecutive tests show compliance and then the testing can occur every twenty-four (24) months. Test reports or results will be provided to MDNR within sixty (60) days after testing is complete.

D. Doe Run may present control measures to MDNR to support increases of the production limits herein and to support modification and revision of the 2013 Lead NAAQS Attainment Demonstration SIP if Doe Run demonstrates through submission of modeling that the proposed control measures and the associated production increase would not cause or contribute to a 2008 Lead NAAQS exceedance.

7. Required Practices and Procedures.

A. Doe Run must preclude public access at a minimum distance from the facility as indicated in Appendix G of the 2013 Lead NAAQS Attainment Demonstration SIP. This provision supersedes Condition B.1. in the May 24, 2007 Consent Judgment. Doe Run 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 of the new fenceline.

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B. Missouri has a lead monitoring site network, the 2011 Missouri Ambient Air Quality Monitoring Plan, which was approved by EPA on December 12, 2011. MDNR will monitor consistent with the Monitoring Plan and any amendments thereto. Doe Run shall continue monitoring air for lead at Dunklin High School, at Main Street (otherwise known as "City Hall" site), as relocated, and at Broad Street in accordance with 40 C.F.R. § 58.12(b). The data from any monitor that is not located within ambient air shall be used solely for informational purposes and not for determining compliance with the 2008 Lead NAAQS. Doe Run shall continue data collection from these monitors until EPA has formally redesignated the Herculaneum nonattainment area as attainment for lead, until Doe Run no longer owns or operates the property, when Doe Run ceases operation of air emission units pursuant to the 2011 Consent Decree, or upon approval by MDNR that continued monitoring is not necessary. This provision supersedes Condition B.9. in the May 24, 2007 Consent Judgment.

C. Continuous Monitoring and Ongoing Evaluations. Doe Run shall operate two continuous particulate samplers utilizing tapered element oscillating microbalance (TEOM) technology, which are located at the Broad Street monitoring site and the "City Hall" monitoring site, as relocated. These samplers shall be operated according to manufacturer's specifications and maintained to achieve a minimum of ninety (90) percent data capture. Thirty (30) days after the effective date, Doe Run shall collect and analyze all filters from the Doe Run operated Broad Street and "City Hall" monitors that meet either of the following conditions: (1) Any day that exceeds a reported concentration of 0.5 $\mu g/m^3$; or (2) Any day that exceeds a reported concentration of 0.15 $\mu g/m^3$ of lead and that falls on the every sixth day national monitoring schedule. The

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analysis shall include a review of the continuous particulate monitoring, the daily ambient concentrations, wind speed and direction data, precipitation data, a summary of process throughputs, an identification of malfunctions, process upsets, or other conditions that may be expected to contribute to ambient impact, and a summary of the receptor analyses as required above. Doe Run shall provide these analyses in a quarterly report to MDNR. Doe Run shall continue data collection and related reporting from these samplers until EPA has formally redesignated the Herculaneum nonattainment area as attainment for lead, until Doe Run no longer owns or operates the property, when Doe Run ceases operation of air emission units pursuant to the 2011 Consent Decree, or upon approval by MDNR that continued monitoring and related reporting is not necessary. This provision supercedes Condition B.10. in the May 24, 2007 Consent Judgment.

D. Doe Run conducts meteorological monitoring pursuant to the provisions of the May 24, 2007 Consent Judgment. Doe Run shall continue to conduct meteorological monitoring consistent with the May 24, 2007 Consent Judgment except as follows. When Doe Run ceases operation of emission units as set forth under the 2011 Consent Decree, Doe Run will no longer be required to collect data at the forty (40) meter station provided a year of additional data has been collected and no future emission units will vent to the main stack. In addition, after cessation of the emissions units under the 2011 Consent Decree, Doe Run will only be required to continue to operate one ten (10) meter meteorological station. MDNR must approve the location of the monitor that will remain. Otherwise, Doe Run will continue data collection and related reporting from these sampler(s) until EPA has formally redesignated the Herculaneum nonattainment area as attainment for lead, until Doe Run no longer owns or operates the property, when

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Doe Run ceases operation of all lead air emission units at the facility, or upon approval by MDNR that continued monitoring and related reporting is not necessary.

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

F. Location or QAPP modifications to the monitoring or meteorological monitoring network must be approved by MDNR and shall be documented as a revision to the respective monitoring QAPP and identified in the annual Missouri Ambient Air Quality Monitoring Network Plan, as needed.

G. Doe Run 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.

H. Doe Run shall notify MDNR of any real property acquired or released from its possession in the Herculaneum non-attainment area where an MDNR monitor is located or where a Doe Run 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.

8. Projects Required as Contingency Control Measures.

A. If the air quality data for any three-month rolling average period after the implementation of the production and emission limits identified in paragraph 6, or any extension date granted by the MDNR, exceeds the 0.15 $\mu g/m^3$ three-month rolling average lead standard, Doe Run shall begin implementation of these contingency

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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 applicability of the production and emission limits identified in paragraph 6. Additionally, if Doe Run fails to make Reasonable Further Progress (defined as the implementation of emission and production limits provided in paragraph 6 of this Consent Judgment or required pursuant to this paragraph 8.B within the time frames set forth), Doe Run 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 thirty (30) days from the date Doe Run receives notification from MDNR to complete the contingency measure.

ii. If in any rolling three-month period after completing and operating project B(i), the 0.15 $\mu g/m^3$ rolling three-month average lead standard is exceeded or Doe Run fails to make Reasonable Further Progress, MDNR shall notify Doe Run of such exceedance or failure and projects identified pursuant to project B(ii) shall be completed within a time frame to be determined by Doe Run and MDNR.

[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.

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iii. If in any three-month rolling average period after completing and operating projects B(i) and B(ii), the 0.15 $\mu g/m^3$ rolling three-month average lead standard is exceeded or Doe Run fails to make Reasonable Further Progress, MDNR shall notify Doe Run of such exceedance or failure and project B(iii) shall be completed within 13 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 $\mu g/m^3$ rolling three-month average lead standard is exceeded or Doe Run fails to make Reasonable Further Progress, MDNR shall notify Doe Run of such exceedance or failure and project B(iv) shall be completed within 15 months of receipt of the notice.

v. If in any three-month rolling average period after completing and operating projects B(i), B(ii), B(iii) and B(iv), the 0.15 $\mu g/m^3$ rolling three-month average lead standard is exceeded or Doe Run fails to make Reasonable Further Progress, MDNR shall notify Doe Run of such exceedance or failure and project B(v) shall be completed within 15 months of receipt of the notice.

B. Contingency Projects

i. Doe Run will increase the in-plant road cleaning requirement in the Work Practice Manual developed for the May 24, 2007 Consent Judgment, or as amended, to 10 hours each working day.

ii. Projects Technology Study for Fugitive Dust Control. Within a timeframe to be determined by Doe Run and MDNR, Doe Run shall submit a work plan to MDNR for a study of best practices and best available technology of facilities with similar fugitive emissions control challenges. The work plan is

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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 Doe Run 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 Doe Run whether the projects and timelines proposed by Doe Run 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. If the lead emission unit(s) that is controlled by Number 9 baghouse is operational, Doe Run shall install, operate and maintain two cells from the Number 7 baghouse (or equivalent baghouse ventilation) at the Number 9 baghouse and route the emissions from the refinery kettle heat stacks to the Number 9 baghouse.

iv. If the lead emission unit(s) that is controlled by Number 9 baghouse is operational, Doe Run shall route Number 9 baghouse emissions to the main stack.

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v. If the strip mill is operational, Doe Run shall install, operate and maintain cells from previously used blast furnace building baghouse No. 7 (or equivalent baghouse ventilation) on the strip mill building.

9. Doe Run shall notify MDNR within ten (10) business days of Doe Run's completion of the contingency measures. Within sixty (60) days of such completion, Doe Run 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.

10. Any baghouse(s) installed as a result of a required contingency measure described herein shall be operated pursuant to the MDNR-approved Baghouse Standard Operating Procedures that were developed pursuant to the Primary Lead MACT.

11. If Doe Run identifies and demonstrates to MDNR's satisfaction alternative control measure(s) that would achieve attainment with the 2008 Lead NAAQS, Doe Run may substitute the new measure(s) for the contingency measures identified above or may change the order of implementation of the contingency measures 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.

12. Nothing in this agreement shall prevent Doe Run from implementing any of these contingency measures prior to receiving notification from MDNR.

VI. Stipulated Penalties

13. If Doe Run fails to complete construction of the projects required in this Consent Judgment by the dates specified, Doe Run may be subject to stipulated penalties according to the

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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 6.C. of this Consent Judgment, fails to demonstrate compliance with the emission limits stated therein, or if Doe Run fails to comply with the production limits in paragraph 6.A. or B, Doe Run may be subject to stipulated penalties according to the following schedule:

First test failure or 3-month rolling exceedance - $1,000

Second test failure or 3-month rolling exceedance - $2,000

Third test failure or 3-month rolling exceedance - $3,000

Fourth (and beyond) test failure or 3-month rolling exceedance – $5,000

If Doe Run fails to comply with any other requirements of this Consent Judgment, 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.

Period of Noncompliance	Penalty per Day of Violation
First through 30th day of noncompliance	$200.00
31st through 60th day of noncompliance	$400.00
61st through 90th day of noncompliance	$600.00

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91st day of noncompliance and beyond	$800.00

14. 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 Doe Run challenges the penalty pursuant to the dispute resolution procedure outlined in Section VIII. If the penalty is challenged, it shall not be paid until thirty (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. If Doe Run exercises their right to appeal a decision of the Commission, payment will be due thirty (30) days after a final decision on appeal.

15. 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 13 of this Consent Judgment, or the penalty for violation of the specified regulatory requirement, not both, against Doe Run.

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

17. 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. Stipulated penalties are deemed waived if not assessed within two (2) years after MDNR is aware of a violation.

VII. Force Majeure

18. 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

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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 Consent Judgment notwithstanding Doe Run's best efforts to avoid such an event and fulfill the obligation. 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 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.

19. 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, Doe Run shall notify MDNR by telephone within five (5) business days of Doe Run becoming knowledgeable of such event. Within ten (10) business days thereafter, Doe Run 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 Doe Run, such an event may cause or contribute to the endangerment of public health, public welfare, or the environment. Doe Run shall include with any notice all available documentation supporting the claims that the delay was attributable to a

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force majeure. Failure to comply with these requirements shall preclude Doe Run from asserting any claim of force majeure.

20. 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 Doe Run 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.

21. 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 Doe Run, the issue shall be subject to the dispute resolution procedures set forth in Section VIII. 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 19 above. Should Doe Run 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.

VIII. Dispute Resolution

22. 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.

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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 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.

23. 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 Consent Judgment modified, if appropriate. If the parties to the dispute are unable to reach agreement within the thirty (30) 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.

24. 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.

IX. Exceptional Events

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25. Doe Run 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 VIII "Dispute Resolution."

X. Reservation

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

XI. Modifications

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

XII. Termination

28. This Consent Judgment and the obligations herein shall terminate upon the payment of any stipulated penalties due and redesignation of the Herculaneum Lead Nonattainment Area by the Environmental Protection Agency 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.

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29. In the event that Doe Run shuts down lead emission units subject to this Consent Judgment or prior Consent Judgments entered January 5, 2001 and May 21, 2007, Doe Run 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.

XIII. Prior Consent Judgments

30. The provisions of prior Consent Judgments entered January 5, 2001, and May 21, 2007 shall remain in full force and effect except to the extent they are superseded by, or inconsistent with the provisions of this Consent Judgment or the physical and operational configuration of the Herculaneum Facility, as modified. To the extent the provisions of the judgments are inconsistent, the provisions of this Consent Judgment shall control.

XIX. Effective Date

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

XX. Notices

32. 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 & Health Manager
The Doe Run Company
Herculaneum Facility
801 Main Street

Herculaneum, Missouri 63048

With a copy to:

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

Electronically Filed - Jefferson County - Circuit Court - June 19, 2013 - 10:03 AM CDT

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

ATTORNEY GENERAL OF MISSOURI

Chris Koster, Attorney General

BY: _____

DATE: _____

Kara Valentine, Assistant Attorney General

Electronically Filed - Jefferson County - Circuit Court - June 19, 2013 - 10:03 AM CDT

THE DOE RUN RESOURCES CORPORATION

BY: _____

DATE: _____

Aaron Miller, Chief Operating Officer

MISSOURI DEPARTMENT OF NATURAL RESOURCES

BY: Leanne Tippett Mosby

DATE: 3/28/13

Leanne Tippett 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 Rigg for Kara Valentine

DATE: 3/28/2013

Kara Valentine, Assistant Attorney General

SO ORDERED:

Robert G. Wilkins

Jun 19, 2013, 2:56 pm

ROBERT G. WILKINS

CIRCUIT JUDGE, DIV. 1

Electronically Filed - Jefferson County - Circuit Court - June 19, 2013 - 10:03 AM CDT