BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the Matter of the Application of the Department of Environmental Quality for Revision of the Montana State Air Quality Control Implementation Plan relating to Control of Lead Emissions in the East Helena Nonattainment Area, Affecting the Following Industries: Asarco, Inc.	STIPULATION OF DEPARTMENT AND ASARCO

STIPULATION

The Department of Environmental Quality ("Department"), and Asarco Incorporated ("Asarco"), hereby stipulate to the following paragraphs 1 through 11, in regard to the above-captioned matter and present the same for consideration and adoption by the Board of Environmental Review ("Board").

1. On June 11, 1996, the Department and Asarco executed a document entitled "Stipulation of Department and Asarco," which included an Exhibit A and seven attachments (collectively "1996 Stipulation"). The 1996 Stipulation contained the lead control plan for Asarco, as part of the state's efforts to revise the State Implementation Plan for the control of lead emissions in the East Helena Nonattainment Area.

2. The express purpose of the 1996 Stipulation was to assure "attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for lead." (1996 Stipulation, para. 1). As part of the 1996 Stipulation, Exhibit A contained emission limitations and other conditions, including but not limited to: methods for determining compliance with emission limitations, and requirements by which such emission limitations are made quantifiable and enforceable by the Department. The attachments addressed a variety of issues, ranging from sampling and analysis of road dust samples to a baghouse maintenance plan. The 1996 Stipulation was approved and made enforceable by Board Order, dated June 26, 1996.

3. On August 13, 1998, the Department and Asarco executed a "Stipulation of Department and Asarco," which modified the 1996 Stipulation. ("1998 Stipulation"). The 1998 Stipulation was approved and made enforceable by Board Order, dated August 28, 1998.

4. The 1996 Stipulation required Asarco to install and operate a furnace lead granulation system within the Dross Building. Asarco installed and attempted to operate this system, but despite Asarco's best efforts, operation of this system presented insurmountable technical and operating problems. The use of granulated lead in the smelting process has resulted in a fouled product which cannot be sold, and numerous attempts to solve this problem have been unsuccessful. Use of the lead granulator has proven to be technically infeasible, and Asarco has returned to the conventional drossing process. However, the return to the conventional drossing process is not expected to increase ambient concentrations of lead in the East Helena area, based on the following considerations:

a. The subject drossing activities are conducted entirely within the Dross Plant building;

b. The Dross Plant building is completely enclosed and ventilated to the Dross Plant baghouse;

c. There will be no change in the fugitive emission rate for the Dross Plant building;

d. There will be no change in emissions from the Dross Plant baghouse stack.

5. The purpose of this document is to revise Exhibit A of the 1996 Stipulation to remove the requirement that Asarco install and operate a furnace lead granulation system. Revisions to Exhibit A are also made to better reflect the current configuration of Asarco's East Helena facility. Specifically, the references to Crushing Mill Baghouses #1 and #2 are changed to "Sinter Plant Roof Baghouses #7 and #8" respectively, and references to the Dross Plant 60-ton kettle are changed to the "#4 Kettle."

6. Unless expressly stated otherwise, this document does not in any way supercede or alter the provisions of the 1996 Stipulation or the 1998 Stipulation. Except

as expressly revised by this document, the 1996 Stipulation, including Exhibit A and the attachments 1-7, and the 1998 Stipulation, remain in full force and effect, as part of the Department's control plan for lead emissions in the East Helena Nonattainment Area.

7. The parties agree that Exhibit A to the 1996 Stipulation is revised as follows:

a. Section 1(B)(4) shall be revised to read:

"(4) Sinter Plant Roof Baghouse #7 Venting the Sinter Building (3Pa);"

b. Section 1(B)(5) shall be revised to read:

"(5) Sinter Plant Roof Baghouse #8 Venting the Sinter Building (4Pa);"

c. Section 3(A)(3) shall be revised to read:

"(3) Sinter Plant Roof Baghouse #7 Venting Sinter Building (3Pa)

(a) The Sinter Plant Roof Baghouse #7 and associated ventilation equipment shall be used to supply ventilation to and control emissions from the Sinter (D&L) Building (6V).

(b) Lead emissions from the Sinter Plant Roof Baghouse #7 shall not exceed 0.0889 Lbs/Hour.

(c) Visible emissions from the Sinter Plant Roof Baghouse #7 shall not exhibit an opacity of 20% or greater.

(d) Dust captured by the Sinter Plant Roof Baghouse #7 shall be recovered from the baghouse hopper by vacuum truck or other means which will minimize emissions.

(e) The Sinter Plant Roof Baghouse #7 and associated ventilation system shall maintain a minimum airflow of 20,000 Acfm when the Sinter Plant is Operating, except as provided in Section 7.

(f) ASARCO shall utilize a device to monitor and record the hours of fan operation on the Sinter Plant Roof Baghouse #7 Fan.

(g) The effective date of Section 3(A)(3) shall be 4 months following issuance of the Board Order adopting this Exhibit, but not later than January 6, 1997."

d. Section 3(A)(4) shall be revised to read:

"(4) Sinter Plant Roof Baghouse #8 Venting Sinter Building (4Pa)

(a) The Sinter Plant Roof Baghouse #8 and associated ventilation equipment shall be used to supply ventilation to and control emissions from the Sinter (D&L) Building (6V).

(b) Lead emissions from the Sinter Plant Roof Baghouse #8 shall not exceed 0.0225 Lbs/Hour.

(c) Visible emissions from the Sinter Plant Roof Baghouse #8 shall not exhibit an opacity of 20% or greater.

(d) Dust captured by Sinter Plant Roof Baghouse #8 shall be recovered from the baghouse hopper by vacuum truck or other means which will minimize emissions.

(e) The Sinter Plant Roof Baghouse #8 and associated ventilation system shall maintain a minimum airflow of 14,000 Acfm when the Sinter Plant is Operating, except as provided in Section 7.

(f) ASARCO shall utilize a device to monitor and record the hours of fan operation on the Sinter Plant Roof Baghouse #8 Fan.

(g) The effective date of Section 3(A)(4) shall be 4 months following issuance of the Board Order adopting this Exhibit, but not later than January 6, 1997."

(Stipulation of Department and ASARCO)

e. Section 3(A)(12)(a) shall be revised to read:

"(a) The Dross Plant Baghouse and associated ventilation equipment shall be used to supply ventilation to and control emissions from the dross reverberatory furnace, the #4 Kettle and launder, the charge hole, the Speiss/Matte tap, the Speiss/Matte launder, the dross Kettles (both combustion and process emissions), and the Dross Building general ventilation while the Dross Plant is Operating."

f. Section 3(A)(12)(l) shall be revised to read:

"(f) Emissions generated from the burning of natural gas to heat dross Kettles #1, #2, #3 (previously designated as kettles #2, #4, and #5) (12P) and the #4 Kettle shall be vented to combustion ventilation ducts. These ducts must run to the roof area and emissions will be collected by the ductwork providing general ventilation to the Dross Building."

g. Section 3(A)(12)(m) shall be revised to read:

"(m) The #4 Kettle shall have a ventilated hood which shall be designed and operated to provide ventilation at all times that the kettle is in use."

h. Section 3(A)(12)(o) shall be revised to read:

"(o) Hoods shall be operated on the dross reverberatory furnace, the #4 Kettle and launder, the Speiss/Matte tap, the Speiss/Matte launder, and the Speiss/Matte granulating pit."

i. Section 3(A)(12)(p) shall be revised to read:

"(p) The plenum ventilating the dross reverberatory furnace, the #4 Kettle and launder, the Speiss/Matte tap and the Speiss/Matte launder shall maintain a minimum volumetric flowrate of 28,000 Acfm, except as provided in Section 7."

j. Sections 3(A)(12)(q) and (r) shall be removed.

k. Section 3(A)(16)(a) shall be revised to read:

"(a) After the Crushing Mill is permanently shutdown, the Crushing Mill Baghouses #1 and #2 shall be renamed Sinter Plant Roof Baghouses #7 and #8 respectively and

(Stipulation of Department and ASARCO)
8

their associated ventilation equipment shall supply ventilation to and control emissions from the Sinter (D&L) Building (6V) when the Sinter Machine is Operating. In addition, the Sinter Plant Ventilation System (SPVS) shall supply ventilation to and control emissions from the Sinter (D&L) Building (6V) when the Sinter Plant is Operating."

l. Section 5(D)(1) shall be revised to read:

"(1) Section 3(A)(3)(b), Sinter Plant Roof Baghouse #7 Venting Sinter Building (3Pa);"

m. Section 5(D)(2) shall be revised to read;

"(2) Section 3(A)(4)(b), Sinter Plant Roof Baghouse #8 Venting Sinter Building (4Pa);"

n. Section 5(G)(4) shall be revised to read:

"(4) Beginning in January 1996, ASARCO shall perform analyses to determine the Lead Content, Silt Content, and Moisture Content the first time during each calendar year that each type of material produced in the ASARCO East Helena facility (e.g., Blast Furnace Baghouse Dust, Blast Furnace Flue Dust, etc.) is handled outdoors. Slag, Sinter, Speiss/Matte, cast metal shapes, and Wet Scrubber Filter Cakes produced in the ASARCO East Helena facility are exempt from these analyses."

o. Section 8(A)(2) shall be revised to read:

"(2) Sinter Plant Roof Baghouse #7 Fan (Source 3Pa)."

p. Section 8(A)(3) shall be revised to read:

"(3) Sinter Plant Roof Baghouse #8 Fan (Source 4Pa)."

q. Section 9(B)(2) shall be revised to read;

"(2) Sinter Plant Roof Baghouse #7 Fan (Source 3Pa)"

r. Section 9(B)(3) shall be revised to read;

"(3) Sinter Plant Roof Baghouse #8 Fan (Source 4Pa)"

8. This Stipulation shall become effective immediately upon the issuance of an order by the Board in this proceeding.

9. It is the intent of the parties that this Stipulation, after adoption and incorporation by Board Order, shall be submitted to EPA for review and approval as revisions to the Asarco control strategy for the attainment and maintenance of the lead NAAQS in the East Helena Nonattainment area, as part of the State Implementation Plan.

10. The 1996 Stipulation, as revised by this Stipulation, and the 1998 Stipulation, are intended to assure attainment and maintenance of the NAAQS for lead, but is not intended to address attainment or maintenance of the Montana Ambient Air Quality Standards.

11. Accordingly, the parties agree that the Board shall issue an order adopting the terms of this Stipulation. Upon adoption in a Board Order, this Stipulation shall be enforceable by the Department.

ASARCO Incorporated

By _____

Date July 10, 2000

By _____
Attorney

Date July 10, 2000

Montana Department of
Environmental Quality

By _____
Mark Simonich
Director

Date 7/10/00

By _____
Attorney

Date 7/10/00