

EXHIBIT A

EMISSION LIMITATIONS AND CONDITIONS

American Chemet Corporation  
East Helena, Montana

PART I

Section 1 Affected Facilities

(A) Plant Location:

The American Chemet Corporation has a facility located immediately south of the community of East Helena, Montana. The American Chemet plant is located at NW¼ Section 36, Township 10N, Range 3W, Lewis and Clark County, within the City of East Helena, approximately three miles east of Helena.

(B) Affected Equipment and Facilities:

- (1) #1 Copper Furnace Stack and
- (2) All other processing points within the facility.

Section 2 Definitions

(A) The following definitions apply throughout this Stipulation and Exhibit A:

- (1) "Board" means the Montana Board of Health and Environmental Sciences or its successor.
- (2) "Department" means the Montana Department of Health and Environmental Sciences or its successor.

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(3) "Equation 1" means

$$E_{Qtr} = E_{Hr} * \text{Hours/Qtr}$$

Where:

$E_{Qtr}$  = Quarterly emission rate in pounds per quarter

$E_{Hr}$  = Hourly lead emission rate in pounds as determined from source testing.

Hours/Qtr = Number source operating hours in the quarter.

"\*" denotes multiplication.

(4) "Lead Content" means the content (in percent) in any specified material.

(5) "Operating" means whenever an affected facility is starting up, shutting down, using fuel, or processing materials, and lead emissions are expected from the source, building, or stack.

(6) "Quarter" means the three month calendar period ending on the last day of the months of March, June, September and December.

Section 3 Emission Limitations

(A) #1 Copper Furnace Stack

American Chemet will have two different options, depending upon the height of the stack of the #1 Copper Furnace:

(1) Option A: If the height of the #1 Copper Furnace Stack is increased from the 1995 height of 8.8 meters to 20 meters, American Chemet shall comply with the following emissions limitations:

(a) Quarterly emissions of lead from the #1 Copper Furnace Stack shall not exceed 175 pounds per quarter (Lbs/Qtr) as determined by Equation 1.

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- ~~(b) Lead emissions from the #1 Copper Furnace Stack shall not exceed 0.08 pounds per hour (Lbs/Hr).~~
- ~~(c) Visible emissions from the #1 Copper Furnace Stack shall not exhibit an opacity of 20% or greater.~~
- ~~(2) Option B: If the height of the #1 Copper Furnace Stack is not changed and is kept at the 1995 height of 8.8 meters, American Chemet shall comply with the following emissions limitations:
  - ~~(a) Quarterly emissions of lead from the #1 Copper Furnace Stack shall not exceed 30.8 pounds per quarter (Lbs/Qtr) as determined by Equation 1.~~
  - ~~(b) Lead emissions from the #1 Copper Furnace Stack shall not exceed 0.014 pounds per hour (Lbs/Hr).~~
  - ~~(c) Visible emissions from the #1 Copper Furnace Stack shall not exhibit an opacity of 20% or greater.~~~~
- ~~(3) On January 6, 1997 and thereafter, American Chemet shall be in compliance with the requirements of Section 3(B) and, depending upon whether #1 Copper Furnace is exhausting through the 20.0 meter stack or through the 8.8 meter stack, either the emission limitations contained in Section 3(A)(1) or Section 3(A)(2), respectively.~~
- ~~(4) If American Chemet elects Option A, it must apply to the Department not later than January 6, 1996 for a permit to construct the 20.0 meter stack and initiate construction within three years after the issuance of the permit. Obtaining the permit for the 20.0 meter stack does not preclude the option of not building the 20.0 meter stack as long as American Chemet demonstrates compliance with the emissions limitations in Section 3(A)(2).~~
- ~~(B) Feed material into the plant shall have a quarterly average Lead Content of less than 0.15%, and an annual average Lead Content of less than 0.10%.~~

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Section 4    Compliance Determinations

Compliance with the emission and Lead Content limitations contained in Section 3 shall be determined using data from the testing and reporting requirements required by Sections 5 through 9.

Section 5    Emission Testing

- (A) All emission testing for lead shall be conducted in accordance with the Montana Source Testing Protocol and Procedures Manual. All lead compliance tests shall contain a determination of front and back-half emissions.
- (B) All opacity values shall be determined according to 40 CFR Part 60, Appendix A, Method 9, Visual Determination of Opacity of Emissions from Stationary Sources or by a continuous opacity monitoring system (COMS), except where noted.
- (C) American Chemet shall perform source testing for lead on the following schedule:
- (1) American Chemet shall perform a source test for lead on the existing 8.8 meter stack by November 15, 1995.
  - (2) As long as American Chemet continues to exhaust the #1 Copper Furnace through the 8.8 meter stack, the following source testing schedule shall apply:
    - (a) If the initial source test required by Section 5(C)(1) demonstrates compliance with the emission limitations in Section 3(A)(2), American Chemet shall conduct a source test for lead on the 8.8 meter stack at least once every five years after the initial source test.
    - (b) If the source test required by Section 5(C)(1) does not demonstrate compliance with the emission limitations in Section 3(A)(2), American Chemet shall conduct an additional source test

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for lead on the 8.8 meter stack within six (6) months after January 6, 1997 and at least once every five years thereafter.

- (3) If American Chemet elects Option A and constructs the 20 meter stack, it shall conduct a source test for lead on the 20 meter stack within six (6) months after completion of construction and at least once every five years thereafter.

Section 6    Data Reporting

- (A) American Chemet shall submit to the Department a quarterly written report within 45 days of the end of each quarter. Each quarterly report must provide, for the previous quarter:
- (1) the hours of operation of the #1 Copper Furnace (20P);
  - (2) the pounds per quarter of lead emissions for the #1 Copper Furnace (20P); and
  - (3) the quarterly average Lead Content for the feed material.
- (B) The quarterly report for the last calendar quarter of each year shall, in addition to the information required by Section 6 (A), provide the average annual Lead Content for the feed material.

Section 7    Notification Requirements

If American Chemet elects to build a 20 meter stack, then American Chemet shall inform the Department at least 15 days prior to the initiation of construction of the stack and within 15 days after the initial use of the stack.

Section 8    Additional Requirements and Conditions

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- (A) Notwithstanding the testing that is required and specified by this Exhibit, the Department may require emission testing on sources in the plant per ARM 16.8.704, Testing Requirements.
- (B) American Chemet shall retain copies of all data collected and reported in accordance with this Exhibit for five (5) years. Data shall be made available to the Department upon request in a format compatible with the Department's data management system.

Section 9      General Conditions

- (A) Inspection - American Chemet shall allow the Department representatives access to all sources at the American Chemet facility such that Department representatives may enter and inspect, at any reasonable time, any property, premises, or place, except a private residence, on or at which an air contaminant source is located or is being constructed or installed. The Department representatives shall be allowed to conduct surveys, collect samples, obtain data, audit any monitoring equipment, or observe any monitoring or testing, and conduct all necessary functions related to this control plan.

All inspections shall be conducted in compliance with all applicable federal or state rules or requirements for workplace safety and American Chemet plant safety rules or requirements. American Chemet shall inform Department representatives of all applicable workplace safety rules or requirements at the time of the inspection. Nothing contained in this stipulation and Exhibit A shall be construed to limit the Department's statutory right of entry and inspection as provided for in Section 75-2-403, MCA.

- (B) Compliance with Statutes and Regulations - Specific listing of requirements, limitations, and conditions contained herein does not relieve American Chemet from compliance with all applicable statutes and administrative regulations including amendments thereto, nor waive the right of the Department to require compliance with all applicable statutes and administrative regulations, including amendments thereto.

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- (C) Enforcement - Violations of limitations, conditions and requirements contained herein may constitute grounds for judicial or administrative enforcement action.
- (D) Construction Commencement - If American Chemet does not initiate construction of the 20 meter stack within three years of permit issuance and does not proceed with due diligence the Department may revoke the permit.

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