



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

FEB 13 2008

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Aaron W. Miller
Environmental Director of Missouri Operations
The Doe Run Company
881 Main Street
Herculaneum, MO 63048

Dear Mr. Miller:

Re: In the Matter of The Doe Run Transportation and Haul Routes, Docket No. RCRA-07-2007-0008; Revised Accrual and Demand of Stipulated Penalties

Thank you for meeting with the U.S. Environmental Protection Agency ("EPA") on January 22, 2008 to discuss The Doe Run Resources Corporation's ("Doe Run") compliance with the above Administrative Order on Consent ("Order"). Based upon our discussions, EPA agrees to revise its December 19, 2007 Accrual and Demand of Stipulated Penalties, as shown in Attachment 1. The EPA agrees to reduce the stipulated penalty for observations made in August 2007 for failure to utilize the EPA approved truck inspection form because the form had only been approved by EPA two weeks prior to the observation, and Doe Run was having triplicate copies made. In addition, the EPA agrees to reduce the stipulated penalty for the July 2007 tarping and August 2007 grain door violations due to the timing of the observations, i.e. receiving versus departure. The inspection of trucks and enclosure of materials during transit, however, is important in ensuring protection of public health and the environment.

Since the time of the observations and based upon our discussions, the EPA has noted improvement in Doe Run's practices and compliance with the Order. In particular, EPA is encouraged by Doe Run's new practice of requiring all concentrate truck beds be washed after unloading and prior to departure from Herculaneum and the SEMO Port. The EPA will continue to work with Doe Run as it implements the Order, and will assure compliance with the Order.



Doe Run shall submit payment in the amount of \$6,250 to the EPA for the violations within thirty (30) days of Doe Run's receipt of this revised written demand for payment. Payment shall be made in accordance with Paragraphs 117 and 118, however, please note that the address in Paragraph 117 for payment by check has changed. Payments shall be submitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

If Doe Run wishes to make the payment by wire transfer, please contact EPA for payment instructions. As stated in Paragraph 120, the stipulated penalties set forth in the Order do not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA by reason of Doe Run's failure to comply with any of the terms or conditions of the Order.

If you have any questions, please contact Jim Aycock, Project Coordinator, at (913) 551-7887, or Dana Skelley, Office of Regional Counsel, at (913) 551-7923.

Sincerely,



Becky Weber
Director
Air and Waste Management Division

Enclosure

cc: Tom Judge, MDNR
Stacy Stotts, Stinson Morrison Hecker, LLP

Attachment 1

Violation	Paragraph	Place	Date	Description	Documentation	Penalty
Inspection form	67.b. 114.a.iv.	Brushy Creek Buick mine/mill Fletcher	08/02/07	EPA approved inspection form was not being used to conduct inspections of truck integrity or cleanliness	Photos 2, 3, 4, 9 Aycock observations	
Tarping Inspections	67b., c. 114.c.ii. 114.a.iv.	SEMO Port Buick mine/mill	07/18/07 08/02/07	Torn tarp and visible staining on truck at SEMO Port (zero penalty). Three ore trucks entering county road with tarp rolled back.	Photos 5, 12, 13, 14 Aycock observations	\$2250 \$3000
Grain door seal Inspection	67.a., b. 114.a.ii. 114.a.iv.	SEMO Port	08/02/07	Gap below grain door and no seal or faulty seal; concentrate observed on tail gate lip below grain door.	Photo 7 Aycock observations	
Sampling notification Sample location approval	91, 69.d. 114.a.ii.	All locations	08/02/07	EPA was not provided with adequate notification of road sampling; sampling locations were not pre-approved.	Telephone conversation records	\$1000
					Total	\$6250