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Air Enforcement: Missouri Department of Natural Resources and Forest City Lead Smelting Plant Enter into Administrative Order on Consent

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The Missouri Department of Natural Resources ("MDNR") and Forest City Facility, LLC ("Forest") entered into an October 20th Administrative Order on Consent ("AOC") addressing alleged violations of the Missouri Air Regulations. See No. APCP-2023-011.

The AOC states that Forest operates a secondary lead smelting plant ("Facility") in Hope County, Missouri.

The Facility is stated to have conducted certain hydrocarbon performance tests of the blast furnace on April 16 and April 17, 2020. The report is stated to have shown at the three run average of the total hydrocarbon emissions corrected to four percent CO₂ expressed as propane from the blast furnace was 330.9 ppmv during this performance test, demonstrating compliance with the applicable requirement.

The Facility also conducted a total hydrocarbon performance test of the blast furnace on June 25, 2021.

Forest is stated to have been required to submit the June 25th report to MDNR on or before October 24, 2021. The report is stated to have not been submitted until January 28, 2022.

The June 25th performance test report is stated to have shown that the three run average of the total hydrocarbon emissions corrected to four percent CO₂ expressed as propane from the blast furnace was 643.44 ppmv during the performance test, which exceeded the total hydrocarbon emission limitation of 360 ppmv for the blast furnace, in violation of 40 C.F.R. Part 63 and Subpart X.

Forest notified MDNR on August 26, 2021, that it would be conducting a new total hydrocarbon performance test of the blast furnace as soon as possible. Retest on August 31 and September 1, 2021, are stated to have been conducted. This report was submitted to MDNR within 13 days of completion and is stated to have shown that the three run average of the total hydrocarbon emissions corrected to four percent CO₂ expressed as propane from the blast furnace was 33.1 ppmv, demonstrating compliance with the applicable requirements. Further tests are stated to have indicated compliance with total hydrocarbon emission limits.

On April 4, 2022, after reviewing both of the total hydrocarbon test reports for June 25, 2021, and September 1, 2021, MDNR's Air Pollution Control Program issued a Letter of Warning to Forest for the referenced exceedances. The Letter of Warning offered Forest the opportunity to claim the total hydrocarbon emissions were a result of start-up, shut-down, and/or malfunction conditions defined in 10 CSR 10-6.050. Forest did not claim that such conditions caused the excess emissions.

The AOC assesses a civil penalty of \$30,200. Further, the AOC requires that Forest submit all performance test event reports no later than 60 days of the performance testing event completion while still complying with any requirements to submit reports sooner than 60 days. However, MDNR acknowledges that Forest completed performance testing of the blast furnace to demonstrate compliance and that results from both performance tests demonstrated the blast furnace was in compliance.

A copy of the AOC can be downloaded [here](#).