



MINUTES
MISSOURI AIR CONSERVATION COMMISSION
Elm Street Conference Center
1730 East Elm Street – Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101
December 5, 2013
9:00 a.m.

Commissioners Present

Jack Baker, Chairman
Gary Pendergrass, Vice Chairman
Mark Garnett, Member*
David Zimmermann, Member

Staff Members Present

David Gilmore, Program Secretary, Air Pollution Control Program (APCP)
Wayne Graf, Air Quality Planning Section, APCP
Kendall Hale, Permits Section Chief, APCP
Julia Katich, Department of Natural Resources
Mark Leath, Air Quality Planning Section, APCP
Victoria Lovejoy, Public Information Specialist, APCP
Kyra Moore, Director, APCP
Aarick Roberto, Commission Secretary, APCP
Russell Sullivan, Compliance/Enforcement Section, APCP
Richard Swartz, Compliance/Enforcement Section, APCP
Patrick Vavra, Compliance/Enforcement Section, APCP
Wendy Vit, Air Quality Planning Section Chief, APCP
Emily Wilbur, Air Quality Planning Section, APCP

Others Present by Attendance Record

Robert Brundage, Newman, Comley and Ruth, P.C.
Chris DeCioccio, The Doe Run Company
Kathrina Donegan, St. Louis County, Air Pollution Control Program
Tim Duggan, Attorney General's Office
Dave Fraley, City Utilities of Springfield
Daniel Hedrick, City Utilities of Springfield
Jennifer Hernandez, Missouri Public Service Commission
Anjani Karna, Trinity Consultants, Inc
Chris Schreiber, Schreiber Engineering, LLC
David Shanks, Boeing
Roger Walker, Regulatory Environmental Group for Missouri

*Denotes attended meeting by phone.

A. Call to Order

Chairman Jack Baker called the December 5, 2013, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present:
Jack Baker, Mark Garnett, Gary Pendergrass, and David Zimmermann.

B. Minutes from November 21, 2013, Meeting

Commissioner Mark Garnett moved to approve the November 21, 2013, minutes as written. Commissioner David Zimmermann seconded the motion and all commissioners voted to approve the minutes.

Minutes from September 26, 2013, Meeting

Commissioner David Zimmermann moved to approve the September 26, 2013, minutes as written. Commissioner Gary Pendergrass seconded the motion and all commissioners voted to approve the minutes.

C. Public Hearing

None.

D. Recommended for Adoption and Actions to be Voted On

Mr. Mark Leath presented Missouri's Recommendation for Area Boundary Designations for the 2012 Annual Fine Particulate Matter National Ambient Air Quality Standard. Information on the adoption item can be found beginning on page 87.

Commissioner Zimmermann moved to adopt Missouri's Recommendation for Area Boundary Designations for the 2012 Annual Fine Particulate Matter National Ambient Air Quality Standard. Commissioner Pendergrass seconded the motion. All of the commissioners voted to adopt Missouri's Recommendation for Area Boundary Designations for the 2012 Annual Fine Particulate Matter National Ambient Air Quality Standard.

E. New Business

1) Attorney General's Office Referrals

Mr. Richard Swartz presented the referral case for Parker Petroleum. Information on the proposed referral begins on page 91 of the briefing document.

Chairman Baker asked if anyone representing Parker Petroleum was present for the commission meeting.

No one answered.

Commissioner Pendergrass moved to refer Parker Petroleum to the Attorney General's Office (AGO). Commissioner Garnett seconded the motion. All of the commissioners moved to refer Parker Petroleum to the AGO.

2) Necessity Findings

Mr. Wayne Graf presented Necessity Findings 10 CSR 10-5.220, *Control of Petroleum Liquid Storage, Loading and Transfer*, 10 CSR 10-6.040, *Reference Methods*, and 10 CSR 10-165, *Restriction of Emission of Odors*, to the commission for adoption. Information on the Necessity Findings begins on page 93 of the briefing document.

Commissioner Garnett moved to adopt the Necessity Findings as presented by Mr. Graf. Commissioner Zimmermann seconded the motion. All of the commissioners voted to approve the Necessity Findings as presented by Mr. Graf.

3) Election of Officers for 2014

Commissioner Zimmermann nominated Gary Pendergrass as Chairman for 2014. Commissioner Garnett seconded the motion. All commissioners voted Gary Pendergrass as Chairman for 2014.

Commissioner Pendergrass nominated Mark Garnett as Vice Chairman for 2014. Commissioner Zimmermann seconded the motion. All commissioners voted Mark Garnett as Vice Chairman for 2014.

F. Reports - The following referenced reports are in the December 5, 2013, Missouri Air Conservation Commission Briefing Document and available online at dnr.mo.gov/env/apcp/macc.htm.

1) COMPLIANCE/ENFORCEMENT REPORT

Mr. Russell Sullivan stated that the Compliance/Enforcement Report begins on page 23 with the Complaint or Concern Report. There were a total of 84 concerns received during the time period of September 16, 2013, through October 31, 2013. During this time period there were 54 investigations completed and two violations issued

The Ongoing Negotiations Report is on page 48, with 64 enforcement actions in the negotiation process at this time.

The Finalized Agreement Report is on page 49. For the time period from September 16, 2013, through October 31, 2013, the department finalized agreements for a total penalty of \$52,000. \$45,500 of that amount is suspended, with the remaining \$6,500 paid to the school fund of the county in which the violation occurred.

The Pending Referral Report is on page 50. At this time, there are 14 active referrals and one referral on the agenda.

Mr. Richard Swartz presented the Gateway Vehicle Inspection Program Report for the third quarter of 2013, which can be found on page 51. Approximately 209,966 emission tests were conducted during the time period of July 1, 2013, through September 30, 2013, with over 400 audits conducted. The fourth quarter report will be found in the January 30, 2014, briefing document.

2) PERMITS REPORT

Mr. Kendall Hale stated that the number of permits received has been revised on the table on page 53. This is to clarify the number of actual permits received and worked on. For the month of October 2013, the Permits Section received 51 construction permit projects, and 22 operating permits projects, for a total of 778 from January 2013 through October 2013. The Permit Applications Received Report is located on pages 54 through 60, where there is a detail of the projects received.

Beginning on page 61 is the Permit Applications Completed Report. There were 53 construction permits and 36 operating permits completed for the month of October, for a total of 824 projects completed for the year. The Permits Applications Completed Report is located on pages 62 through 70.

On page 71 of the briefing document is the Open Permits Report. There are currently 469 projects open, and three operating permits on public notice that are not mentioned in the briefing document.

Commissioner Pendergrass asked if this table has been revised as well. Mr. Hale answered that this table has not been revised and is correct.

Mr. Hale stated that a group called Concerned Citizens for Air in the City of Grandview is concerned about a permit being issued to Ideker Asphalt Plant to open a facility inside the city limits.

Commissioner Baker asked if the plant was large or small. Mr. Hale responded the plant is not large, and it was once a portable plant. Ideker would like it to become a permanent plant.

3) AIR QUALITY PLANNING REPORT

a) Rule and State Implementation Plan Agenda

At the January 30, 2014 MACC meeting, the following proposed rulemakings will be presented for public hearing: rescinding outdated rule 10 CSR 10-5.240, *Additional Air Quality Control Measures May be Required When Sources Are Clustered in a Small Land Area*, revising 10 CSR 10-6.010, *Ambient Air Quality Standards* for consistency with current National Ambient Air Quality Standards (NAAQS), and revising 10 CSR 10-6.200, *Hospital, Medical, Infectious Waste Incinerators* by removing language that provides emissions limit exemptions during start-up, shutdown, malfunction conditions. Also scheduled for public hearing are the following revisions to the Missouri SIP: technical corrections and updates to the St. Louis maintenance plan for the 1997 annual fine particulate matter (PM_{2.5}) NAAQS, and a consent judgment to address coarse particulate matter (PM₁₀) NAAQS violations at the Americold Logistics-Carthage Crushed Limestone plant. These items will be made available for public review and comment no later than December 30, 2013, and the comment period will close on February 6, 2014.

b) Ozone Update

The 2013 ozone season came to a close on October 31, 2013. Based on unofficial results (the 2013 monitoring data has not yet been quality-assured and certified), the season was significantly milder than the summer of 2012. A total of 15 exceedances of the 2008 ozone NAAQS of 75 parts per billion (ppb) occurred statewide in the 2013 ozone season, compared to 260 exceedances during 2012. However, several ozone monitors continue to be in violation of the 2008 ozone NAAQS for the current three-year period (2011-2013): six located in the St. Louis area, four in the Kansas City area, and one in Joplin. The monitor located in Perry County had been in violation of the standard for the 2010-2012 period but is now back in compliance for the current three-year period. St. Louis is the only nonattainment area for this standard, and it is classified as a marginal area with a SIP due in July 2014. The other parts of the state that are not designated nonattainment but have monitored violations for this standard are taking early proactive planning and voluntary emission reduction efforts. The timeline for the Environmental Protection Agency's (EPA) decision regarding whether or not to lower the ozone NAAQS is unknown.

4) DIRECTOR'S REPORT

a) Commission Members

Ms. Kyra Moore thanked all of the commissioners for attending, in person or by phone, to ensure a quorum, as well as adjusting their schedules to ensure the November 21, 2013, meeting was held.

b) Staff Updates

Several staffing changes and additions to the Air Pollution Control Program – Mr. Richard Swartz is the Testing and Emissions Unit Chief in the Compliance/Enforcement Section. The two vacant stack testing positions in the Compliance/Enforcement Section were filled by Steve Sidebottom and Josh VanderVeen. Steve Hall is the Air Quality Analysis Section Chief, and Patricia Maliro accepted his previous position of Air Quality Analysis Monitoring Unit Chief.

c) Carbon Pollution Standards for the Power Industry

Ms. Moore presented to the commission a brief overview of EPA's carbon pollution standards for the power industry. The Carbon Pollution Standards for the Power Industry can be found at <http://www.dnr.mo.gov/env/apcp/macc.htm> under the December 5, 2013, heading. See also Attachment A of the December 5, 2013, meeting minutes for the Carbon Pollution Standards for the Power Industry presentation.

G. Unfinished Business

None.

H. Appeals and Variance Requests

None.

I. Open Session

None.

J. Future Meeting Dates

January 30, 2014 – Jefferson City

Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101

March 27, 2014 – Springfield

Lamplighter Inn
417-869-3900
2820 N Glenstone Avenue
Missouri Two Meeting Room
Springfield, MO 65803

April 24, 2014 – Jefferson City

Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101

May 29, 2014 – St. Louis

St. Louis Regional Office
314-416-2960
7545 S Lindbergh, Suite 220
DESE Conference Room
St. Louis, MO 63125

July 30, 2014 – Jefferson City

(Wednesday)
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101

August 28, 2014 – Jefferson City

Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101

September 25, 2014 – Kansas City

Kansas City Regional Office
816-251-0700
500 NE Colbern Road
Large Conference Room
Lee's Summit, MO 64086

October 30, 2014 - Macon

Northeast Regional Office
660-385-8000
1709 Prospect Drive
North Conference Room
Macon, MO 63552

December 4, 2014 – Jefferson City

Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101

K. Discussion of Pending Litigation and Legal Matters

None.

L. Missouri Air Conservation Commission

Commissioner Zimmermann moved to adjourn the December 5, 2013, Missouri Air Conservation Commission meeting. Commissioner Pendergrass seconded the motion and all commissioners voted to adjourn the meeting.

Chairman Baker adjourned the December 5, 2013, Missouri Air Conservation Commission meeting.

Respectfully submitted,

Kyra L. Moore, Director
Air Pollution Control Program

Approved:

Gary Pendergrass, Chairman
Missouri Air Conservation Commission