

Small Business Compliance Advisory Committee (SBCAC)
Meeting Minutes March 19, 2008

Meeting was held at: 1730 East Elm St.,
Jefferson City, MO 65102

Members present: Pam Cain, Gale Holsman, Dan Bunch, and Robin Cole III via conference call

DNR present: Brian Newby, David Gilmore, Lucy Thompson, David Lamb, Jim Froelker, Steve Boone, Gus Ralston

Guest present: Debbie Wurst, City of St. Louis APC,
Marie Steinwachs, University of Missouri
John Young, The Forrester Group

I. Call to order

Meeting was called to order at 10:40 a.m.

II. Minutes

Minutes from the September 2007 meeting will be approved at the June 2008 meeting.

III. Committee Business

A. Committee Bylaws

Per the committee's request, Lucy Thompson modified the committee's bylaws to reflect single media emphasis. The modified bylaws were unanimously approved by the committee.

B. Future Meetings

Until there are more than the minimum number of members for a quorum available, the meetings will be held in Jefferson City. Tentatively, the next meeting date is Wednesday, June 25, 2008. Lisa Miller will check into conference room availability for that day.

Lisa has been in contact with Krista Zurkamer, Boards and Commissions Coordinator for the Small Business Regulatory Fairness Board. Krista has agreed to have someone from the Small Business Regulatory Fairness Board attend the June meeting. Lisa will let her know the time and place of the next meeting so that it can be put on their calendar.

C. Commissioner's Conference

Pam Cain attended the Commissioner's conference. Of particular interest to new and old alike were the Sunshine Law issues. Pam considered it a good training and would encourage any new committee member or commissioner to attend. Pam will try and get Gale a copy of the information from that training.

D. Elections

The 2008 election for officers were held by ballot. Robin Cole was voted Chairman, and Gale Holsman voted Vice Chairman

E. Vacancies

Robin Cole has contacted the Governor and requested that he contact legislative leaders and ask that they make their appointments or reappointment. Pam Cain and Lucy Thompson have been talking with Jim McNichols in the Directors office about the vacancies and reappointments.

Effective February 15, 2008, Morris Westfall is no longer the small business ombudsman. As yet, his position has not been filled.

F. Regional Office Update on Environmental Issues Affecting Businesses

Steve Boone, Northeast Regional Office

The Northeast Regional Office (NERO) covers several counties in northeast Missouri. The primary air pollution issues in this region are: odor, open burning rule changes, asbestos, and some dry cleaning changes.

The Region's first focus is on working with people to make them aware of compliance issues. Inspectors generally do an Environmental Assistance Visit the first time they visit a company unless there is a major violation. Notices of Violation are issued if the facility is a consistent violator or there are some major issues with the facility.

Confined Animal Feeding Operations (CAFO) Odor rules: The NERO has several large 1A CAFOs. A fair amount of time is spent on CAFO odor complaints. Last year NERO had 122 calls from citizens complaining about odors from CAFOs. The complaints are investigated and the companies are sited if they are in violation of the odor standard.

Open Burning: As of January 30, 2008, the Open Burning regulations were revised open statewide. The new regulation now defines untreated wood and allows the burning of untreated wood with a permit. Untreated wood is unpainted, not CCA treated, not varnished; also it cannot have any glue in it. Plywood and fiberboard is not untreated wood.

Federal NESHAP Rules: These are federal rules that the state enforces. Asbestos is regulated by this type of regulation. Property owners that have buildings they either

renovate or demolish may need to meet these requirements. In general, an asbestos inspection is required before many renovations or demolitions of a property.

Lucy Thompson will write a memo that describes the problems and what is required to be in compliance. The committee will discuss the memo at the next meeting.

Pam Cain will let Director Childers know that this is something that the committee would like to pursue, funding allowed.

One problem facilities have is that they may not know there has been an asbestos inspection at their facility. The Committee suggested that the Department keep a database of facilities that we know have asbestos (or don't have asbestos.) Another possible suggestion is to have an asbestos disclosure statement in real estate transactions or that banks and loan companies require inspections on all buildings no matter what size they are as part of the loan process.

Dry Cleaners – In July of 2008, existing perchlorethylene cleaners will be having additional requirements.

G. Update on Ombudsman Activities – Department's Ombudsmen *Jim Froelker*

Seven ombudsmen handle the whole state – Director Childers says the Ombudsmen are his eyes and ears in the field. The Ombudsmen go around and meet with people that have contact with the department, talk with them, and let them know that we think the best way to protect the environment is for them to be successful. We want to be proactive and work with them. We want to give them all the tools they need to be successful.

The ombudsmen have made about 5,042 visits. In addition Director Childers attends town hall meetings. There have been 98 town hall meetings, and close to 1,600 people have attended those meetings.

We have also brainstormed amongst ourselves on what we could do. Scott Totten is our chief Ombudsman.

The Ombudsmen have been working on mercury in ground water and drinking water. They have been encouraging salvage dealers to join a national program to remove mercury containing switches from scrap vehicles before the vehicles are flattened, shredded, and melted to make new steel (<http://www.epa.gov/mercury/switch.htm>.)

This year the Ombudsman will be trying to reach out to rural areas by attending local electric coop meetings and handing out departmental literature. This should be a good way to reach out to the public

E-cycle brochure – The Ombudsmen will be encouraging small businesses, who may have “waste” computers, cell phones, printers, and fax machines, to properly recycle

them. They should contact Hazardous Waste to find out about the e-cycle program. (<http://www.e-cyclemo.org/>)

H. Update of Legislation, Regulations, and Activities

Lucy Thompson & David Lamb

The MACC briefing document will be sent to committee members via an electronic copy.

Painting and Paint Stripping

EPA recently proposed a regulation on paint stripping and miscellaneous surface coating operations at area sources. This regulation has the potential to impact small companies that paint metal or plastic parts. Lucy Thompson has a small brochure from EPA that describes what the requirements are. The brochure will be sent to the Committee. The Committee will draft a letter to Chambers of Commerce identifying the type of business to be impacted by the regulations, a brief summary of the regulation, and where they can obtain additional information. Lucy Thompson will obtain a list of the Chambers of Commerce for the state and draft the letter to bring to the next meeting.

Ozone Standard

EPA announced on March 12, 2008, that they would be strengthening the ozone standard from the current 0.080 parts per millions to 0.075 parts per million. They will also be changing the level of rounding allowed. In actuality, the old standard was really 0.084 because it allowed rounding to the second decimal place. With the new standard they are going to three decimal places because of improvements in the air monitors. This means the standard is going from 0.084 to 0.075, which is a significant reduction. At that level, every monitor in the state of Missouri, except for one, is in violation of that new standard. There is a pretty good chance that there will be new nonattainment areas in Springfield and Kansas City and the St. Louis nonattainment area is likely to be expanded. Another issue is that our monitoring network may not be sufficient any more. If all of our monitors are in violation, we won't have a good knowledge of background air quality in other parts of the state. We don't yet have information from EPA about requirements for redesigning our monitoring network. They are supposed to come out with a monitoring rule, probably sometime in June 2008 that explains how our monitoring network should be set up. If the new rule is similar to the current rule, we may need new monitors in the Joplin, St. Joseph, Columbia, and Jefferson City areas. Essentially, we would be looking at placing monitors in any area that has a population density over 50,000 people.

The new standard will not be implemented quickly. The last revision to the ozone standard came out in 1997. We submitted the State Implementation Plan for that standard in June 2007, so it took 10 years to get to the point where we are implementing a plan on how to meet the 1997 requirement. The schedule that is laid out for the new regulation is that we have one year, until March 12, 2009, to come up with our recommendation for what areas of the state should be included as nonattainment or attainment area. After that EPA will have another year that they will evaluate our submittal and they make the final definitions which would be March 2010. Once EPA

makes their submittals we have three years to develop State Implementation Plans to bring areas into attainment. The timeframe to bring an area into attainment with the standard runs out as far as 2030 based on the severity of nonattainment for the area. EPA needs to define implementation requirements. The department is unsure at this time how the new standard will affect most of the state. As designations and new SIPs are developed, there will be opportunities for the Committee to provide input.

At the next meeting the ACPD will provide an ozone presentation to the committee.

Diesel Idling

As a control for ozone and particulate matter, the department is developing heavy duty diesel idle reduction rules, which will apply to the St. Louis and Kansas City metropolitan areas. The rules would cover vehicles with a gross weight over 8,500 pounds. It would limit their idling to 30 minutes while waiting to load or unload at a location. It also limits these vehicles from idling more than five minutes in any 60-minute period unless the vehicle meets one of several exemptions in the rule. This rule not only applies to the truck driver it also applies to the building owner in the loading/unloading. They are both equally required to insure that they minimize idling time during loading/unloading operations. That rule is currently out in our 60-day public comment period. It hasn't been officially filed yet with the Secretary of State's Office, but it is out on our website on our Rules and Development page.

<http://www.dnr.mo.gov/env/apcp/RulesDev.htm>.

Open Burning Rule

The Open Burning Rule went into effect on January 30, 2008. The St. Louis Home Builders Association had concerns with the rule. We had put some language in that rule that made it more stringent to get open burning permits for land clearing operations in nonattainment areas. This language was in our Kansas City rule and we consolidated those rules into one statewide rule. When we applied that language statewide it brought new requirements for the St. Louis area. We had a workgroup that met for over a year that agreed to the language of the rule.

What the St. Louis Home Builders Association are concerned about is current contracts in place where they didn't budget alternatives to burning. They want to phase in the requirement. The Department has been receptive to working with them to find a solution. At this point we are applying enforcement discretion and allowing them to continue to burn until we can work out a solution. Once the Department has a final plan, we will take it to the Missouri Air Conservation Commission and ask for a formal variance (or something of that nature) to formalize the phase in of the rule.

I. Odor Presentation

Brian Newby

There are several regulations that deal with odors for various parts of the state. There is a separate regulation for Kansas City, St. Louis, and Springfield, and then for the out-state area. All the areas have similar regulations except for St. Louis. Residential, commercial or industrial areas have different levels in St. Louis. A survey system is used in St. Louis

that determines whether an odor is objectionable. If a certain percentage of the population says that it is objectionable then it is objectionable.

The St. Louis rule was a rule in St. Louis City before DNR came about so it got incorporated into the state regulations. The rest of the state uses an odor dilution of 7:1 to determine if the odor is strong enough to be considered a violation.

There is also a special section of the rule for Concentrated Animal Feeding Operations (CAFO) that uses a laboratory to determine whether the facility is in violation.

The Missouri Air Conservation Commission is evaluating different options concerning the odor regulations. These options were proposed by a stakeholders group that did not come to consensus as to the best way to handle odors.

We had an odor workgroup a little more than a year ago that included representatives from industry, CAFO's, the department, environmental groups to talk about some of the issues relating to odor and how the state should or should not regulate it. The findings of that workgroup are at <http://www.dnr.mo.gov/env/apcp/odor-workgroup.htm>. Also included in that is the MACC's requests and the programs response.

Recently the MACC requested the Air Pollution Control Program staff to draft rule language to incorporate some changes into the odor regulations. They want to retain the regulatory limit of 7:1 as the odor standard. They want to retain all the other exemptions currently in the rule, which basically means maintaining the charcoal burner exemption. The MACC wants to expand the 7:1 regulatory limit to Class 1B CAFO's (with 3,000 animal units onsite). They also want the program to combine all the odor regulations into one state rule, like they did with the open burning regulations last year. The committee should address any comments on this issue to the MACC. See attached presentation.

Final Adjournment at 2:05 p.m.