

**MINUTES**  
**MISSOURI AIR CONSERVATION COMMISSION**  
**CONFERENCE CALL**  
**July 30, 2020**  
**9:00 a.m.**

**Commissioners Present**

Ron Boyer, Member  
Gary Pendergrass, Member  
Mark Fohey, Vice Chairman  
Kevin Rosenbohm, Member

**Commissioner Absent**

Richard Rocha, Chairman

**Staff Members Present**

Adel Alsharafi, Air Quality Planning Section, Air Pollution Control Program  
Darcy Bybee, Director, APCP  
Jan Dunlap-Chronister, Southeast Regional Office  
David Gilmore, Director's Office, APCP  
Kendall Hale, Permits Section Chief, APCP  
Stephen Hall, Air Quality Analysis Section Chief, APCP  
Joy Johnson, Air Quality Planning Section, APCP  
Connie Kinney, Compliance and Enforcement Section, APCP  
Mark Leath, Air Quality Planning Section, APCP  
Patricia Maliro, Air Quality Analysis Section, APCP  
Paul Myers, Air Quality Planning Section, APCP  
Shelly Reimer, Air Quality Planning Section, APCP  
Richard Swartz, Compliance and Enforcement Section Chief, APCP  
Brenda Wansing, Air Quality Analysis Section, APCP  
Richard Waters, Assistant General Counsel, Department of Natural Resources  
Linda Wegrzyn, Southeast Regional Office  
Will Wetherell, Environmental Services Program  
Emily Wilbur, Air Quality Planning Section Chief, APCP  
Chris Wood, Air Quality Planning Section, APCP

**Others Present (per virtual meeting registration)**

Stacy Allen, Ameren Missouri  
Ken Anderson  
Kimberly Bauman  
Andrew Baumgarth  
Robert Brundage, Newman, Comley & Ruth PC

Jeff Burkett  
Bob Cheever  
Doug Crews  
Kellene Feddersen, Alaris Litigation  
Geoff Greene  
Richard Groeneman, Attorney General's Office  
Austin Hawkins, Enable Midstream Partners LP  
Tadd Henry  
Michael Hutcheson, Ameren Missouri  
Carol Lawrence  
Mary Grace Lewandowski  
David Little, City Utilities of Springfield  
Kristin Marshall  
Ken Miller, Washington University School of Law  
Kelley Ogletree, Missouri Petroleum Storage Tank Insurance Fund  
Joseph Stolle  
Roger Walker, Regulatory Environmental Group for Missouri  
Steve Whitworth, Ameren Missouri  
Dan Wilkus  
Shirley Wolverson

**A. Call to Order**

Vice Chairman Mark Fohey called the July 30, 2020, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present by phone: Gary Pendergrass, Ron Boyer, Mark Fohey, and Kevin Rosenbohm. Chairman Richard Rocha was absent. All commissioners discussed and agreed to reorder the agenda for the items requiring a commissioner quorum (approval of minutes and public hearing) to move to the beginning of the meeting.

**B. Welcome and Introductions**

Ms. Darcy Bybee gave a brief overview of the agenda and noted that the meeting was again being held remotely due to the COVID-19 virus. She briefly discussed management reminders for the virtual meeting to make the remote process work for staff, commissioners, and the public.

**C. Minutes Approval**

Commissioner Gary Pendergrass moved to approve the May 28, 2020, minutes. Commissioner Kevin Rosenbohm seconded the motion. All commissioners approved the May 28, 2020, minutes as written.

Commissioner Ron Boyer moved to approve the July 8, 2020, minutes. Commissioner Gary Pendergrass seconded the motion. All commissioners approved the July 8, 2020, minutes as written.

Commissioner Kevin Rosenbohm moved to approve the July 10, 2020, minutes. Commissioner Ron Boyer seconded the motion. All commissioners approved the July 10, 2020, minutes as written.

#### **D. Public Hearing**

The video for this meeting is available at <https://dnr.mo.gov/videos/archive-meetings.htm>. Please note that the video will be removed 90 days after the date of the commission meeting.

Vice Chairman Mark Fohey called the public hearing to order.

Mr. Wesley Fitzgibbons presented Redesignation Request for the Labadie Unclassifiable Area Under the 2010 Sulfur Dioxide Standard. More information on the proposed redesignation request is available on page 212 of the briefing document.

Mr. Michael Hutcheson, representing Ameren Missouri, addressed the commission. To view his comments, please see the video posted at <https://dnr.mo.gov/videos/archive-meetings.htm>. See Attachment C for his written comments.

Mr. Ken Miller, representing Washington University School of Law's Interdisciplinary Environmental Clinic, addressed the commission. To view his comments, please see the video posted at <https://dnr.mo.gov/videos/archive-meetings.htm>. See Attachment D for his written comments.

Mr. Wesley Fitzgibbons presented Missouri State Implementation Plan Revision – Plan for Continued Attainment of the 2008 Lead Standard in Liberty and Arcadia Townships in Iron County, Doe Run Glover Facility. More information on the proposed plan revision is available on page 214 of the briefing document

Vice Chairman Mark Fohey closed the public hearing.

To obtain a copy of the public hearing transcript, please contact Alaris Litigation Services, 711 North 11th Street, St. Louis, MO 63101, or by phone at 1-800-280-3376.

#### **E. Reports – The following referenced reports are in the July 30, 2020, Missouri Air Conservation Commission Briefing Document and available online at [dnr.mo.gov/env/apcp/macc.htm](https://dnr.mo.gov/env/apcp/macc.htm).**

##### **1) COMPLIANCE/ENFORCEMENT REPORT**

The video for this meeting and these reports are available at <https://dnr.mo.gov/videos/archive-meetings.htm>. Please note the video will be removed 90 days after the date of the commission meeting. Please see Attachment A to these minutes for slides to his presentation.

#### **a) Concern Report**

Mr. Richard Swartz said the Compliance/Enforcement Report begins on page 75 of the briefing document with the Concern Report and runs through page 163. The Department received 151 concerns from April 16, 2020, through June 15, 2020. The majority of the concerns received were regarding burning or odor. During this time, regional office staff completed 139 investigations. In addition, the Department issued eight Letters of Warning and one Referral Notice of Violation.

#### **b) Ongoing Negotiations Report**

The Ongoing Negotiations Report is on page 165. There are 16 active cases at this time, which is one more than the last report. Valley Minerals is a new case under Construction Permits. Four new open burning cases include Copher Enterprises, D'Monaco, Golden Valley Disposal, and Lake Area Signature Homes. Owens Corning Insulating Systems has dropped off the list as well after being resolved, and will show up on the next Finalized Agreement Report. There have also been three GVIP cases that have dropped off: Car-X Tire and Auto, Scott Muth, and Suntrup. With Suntrup, the program had issued an administrative penalty order on April 29, 2020. Since the last meeting, Suntrup has complied with the penalty order issued. As a recap, the penalty order was for fraudulent inspections done in the St. Louis area involving clean scans. On June 5, 2020, another administrative penalty order was issued for Shri-Narayan for a vapor recovery case. An update on that case will be given at the next meeting.

#### **c) Finalized Agreement Report**

The Finalized Agreement Report is on page 167 of the briefing document. Car-X Tire and Auto has a finalized agreement over a GVIP violation as mentioned earlier, the penalty was paid and the case was closed.

#### **d) Pending Referrals Report**

The Pending Referrals Report is on page 169. Mr. Swartz stated there were two active referrals at this time. Cameron Concrete dropped off from the previous list due to a judgment received.

#### **e) Gateway Vehicle Inspection Report**

The Gateway Vehicle Inspection Report is on page 171 of the briefing document. Over 194,000 vehicles were tested, with a passing rate of nearly 98%. 1,520 Covert audits were conducted during the reporting period, and no Overt audits were done due to COVID-19. Mr. Swartz mentioned that he had previously presented a testing curve for the St. Louis metro area regarding the decline in testing.

An update on the number of tests in that area: The numbers were under 10,000 in the month of April, and in May started going back up. He stated that we are now back to what normal numbers would be, with about 30,000 inspections being done a week on both safety and emissions in that area.

**f) Compliance Report**

The Compliance Report is on page 173 of the briefing document. For the second quarter of 2020, the department received 539 compliance reports. The majority of those being Annual Compliance Certifications and Semi-Annual Monitoring Reports.

**g) Quarterly Asbestos Report**

The Quarterly Asbestos Report is on page 175 of the briefing document. The number of occupational certifications issued and the number of notifications processed are slightly down due to COVID-19. There are fewer projects going on and fewer people getting certified. The number of abatement contractor registrations issued was 64, and the number of training provider accreditations issued was 12.

**h) Regulatory Relief**

Pursuant to the Governor's Executive Orders 20-04 and 20-09, the program has suspended portions of State Rule 10 CSR 10-6.250 in regards to asbestos recertification. Mr. Swartz stated that this suspension has now been extended until December 30, 2020, due to Executive Order 20-12. Persons whose certifications expire within that time frame will continue to be allowed to operate under their previous certifications until December 30, 2020. The department is continuing to work with training providers to provide online refresher classes.

Mr. Swartz stated the Air Pollution Control Program is able to offer relief to businesses or entities that are impacted by the COVID-19 virus. He went on to speak about the online ability to view the resources and regulatory information on the department's home page.

There are currently 15 requests for regulatory relief. The most common theme, so far, being with periodic testing and stack testing requirements.

Mr. Swartz talked about the EPA temporary policy involving enforcement discretion which is set to expire August 31, 2020.

Commissioner Pendergrass left the meeting at this time.

## 2) PERMITS REPORT

Mr. Kendall Hale stated the Permit Report begins on page 177 of the briefing document with the Permit Applications Received Report for the months January-June. The Permit Section received 44 Construction and five Operating Permit projects in June. This gives a total of 260 construction permits and 31 operating permit applications. These projects are outlined on pages 178-187 of the briefing document. This information is searchable on the Air Pollution Control Program's website and is updated weekly.

The Permit Applications Completed Report begins on page 189 of the briefing document. For the month of June, the Permit Section completed 53 Construction permit projects, and for May, 39. So far, the Permit Section has completed 249 permit projects and 33 operating projects for 2020. This information is searchable on the Air Pollution Control Program's website and is updated weekly. Pages 190-199 of the briefing document show the projects completed.

The Open Permits Report is on page 201 of the briefing document. This report details the types of projects currently open in the Permit Section.

There are currently two projects on public notice: An intermediate operating permit renewal for Herman Oak Leather in St. Louis and Tetra-Pak in Sikeston has a significant modification to their current Part 70. Both were placed on notice July 17, 2020.

Mr. Hale informed the commission that there are still five vacancies in the Permits Section. Four of which were within the operating unit, leading it to currently being half staffed.

The video for this meeting and these reports are available at <https://dnr.mo.gov/videos/archive-meetings.htm>. Please note that the video will be removed 90 days after the date of the commission meeting.

## 3) AIR QUALITY PLANNING REPORT

### a) Rule and State Implementation Plan Agenda

Ms. Emily Wilbur said the Rule and State Implementation Plan (SIP) Agenda begins on page 203.

At the August meeting there will be no public hearing, but the proposed adoption of the redesignation request is on the schedule for that meeting. Due to the same person working on both the redesignation request and the Glover SIP Revision, the department has decided to move the proposed adoption of the Doe Run - Glover SIP revision to the September meeting. This will also allow the department to provide the EPA with information on the program's redesignation request before they finish their reconsideration of the area's designation.

## **b) Rules in Progress Schedule**

The Rules in Progress Schedule starts on page 205. Ms. Wilbur stated that new on the rules progress schedule was the fees rule, 10 CSR 10-6.110. The program filed the rulemaking on July 15, 2020. The public hearing is scheduled for the September commission meeting. Other than this, there was nothing new for the schedule. An update on the federal level regarding RTR Rules that were submitted to the EPA last year: the EPA has taken final action on two of the rules. The rescission of 10 CSR 10-2.360, and the amendment of 10 CSR 10-2.340.

## **c) State Plans Report**

The State Plans Report begins on page 207 of the briefing document. In regards to the Jackson County SO<sub>2</sub> non-attainment area, the EPA has taken final action and decided that it has obtained the 2010 SO<sub>2</sub> one-hour NAAQS effective July 9, 2020. Ms. Wilbur went into short detail of what this involved.

In an update on Regional Haze, Ms. Wilbur stated the program has participated in coordination calls that helped in gathering information on sources that could have an impact on visibility in Class I areas. Mingo National Wildlife Refuge area and Hercules Glades Wilderness area are both Class I areas in Missouri. Ms. Wilbur went into more detail as to how the process worked, including screening sources and working with the EPA.

Commissioner Boyer asked for more clarification on the SO<sub>2</sub> reclassification at Labadie. Ms. Wilbur stated that this would happen within the EPA, and that the program has the data showing the area is attaining the standard. They will submit that to the EPA before they finish their reconsideration on the area's designation.

Commissioner Boyer stated that while a personal comment, he hoped that the air program wouldn't spend lots of resources on Class I visibility issues, as it should not be a high priority.

## **4) DIRECTOR'S REPORT**

### **a) Staffing**

Ms. Bybee thanked everyone for the extra work done this spring and in the month of July for the Fee Stakeholder Process. The considerations, extra meetings, and input to help move through the first phase of the process was much appreciated. She reaffirmed the department's commitment to continue the fee stakeholder discussions and answer questions.

Ms. Bybee said that the program has one additional vacancy than as reported in previous months and that hiring was currently on pause, though the program was still optimistic for a few interns over the summer.

Many staff are working remotely, checking e-mail, checking voicemail, and conducting business as much as possible while maintaining distancing.

Ms. Bybee encouraged everyone to call the employee's regular line if they need to reach them or to leave a message at the main number. There will slowly be a few more people going into the office in the coming weeks. Following the Governor's order and the four phases outlined, the program will slowly start moving into the new normal. Overall, she expects the month of August to be similar to May and June.

#### **b) Monitoring Network Plan**

Ms. Bybee mentioned that the Monitoring Network Plan is out for public comment. The comment period closes August 14, 2020. The Monitoring Network Plan is available on the public notice webpage. There are two things in particular to note: The plan involves elevating the West Alton monitoring site to avoid future flooding issues, as well as an update on the Photochemical Assessment Monitoring Stations (PAMS) project to begin monitoring at the Blair Street Site by June 2021. The program would be working with the EPA on both of these items.

#### **c) Ozone**

The 2020 ozone-monitoring season runs from March 1 - October 31. Ms. Bybee stated that there have now been five days of preliminary exceedances. Ms. Bybee reminded everyone that the program utilizes both its GovDelivery and Twitter accounts to update the public about high ozone days. Ms. Bybee stated that due to the exceedances at one of the monitors in particular, the program expects a likely bump-up in the St. Louis area's nonattainment status in the future. The Maryland Heights site in the St. Louis area is currently above the 2015 Standard, based on the preliminary, not yet quality assured data. Ms. Bybee discussed this briefly and noted that Ms. Wilbur will discuss in more detail at a future meeting.

#### **d) Reid Vapor Pressure Rule (RVP)**

Ms. Bybee gave an update on the RVP Rule, 10 CSR 10-2.330, which has been going through the rule rescission process. The commission approved the rescission and it will go into effect at the end of September. It will then go to the EPA for official removal from the SIP. Ms. Bybee stated that earlier in the year, due to the virus, the department waived this rule. Now the department is working to clarify what requirements are in place and expects to send a GovDelivery message shortly after the day's meeting. Ms. Bybee reminded everyone to please call or email regarding questions on this or any other regulatory relief issue or request.

**5) MISSOURI'S VOLKSWAGEN TRUST PROGRAM FUNDS:  
FISCAL YEAR 2020 REVIEW**

Ms. Emily Wilbur shared a short presentation for the commission for this update. The slides from this presentation can be seen in Attachment B to these minutes. The video of this presentation is available at <https://dnr.mo.gov/videos/archive-meetings.htm>. Please note that the video will be removed 90 days after the date of the commission meeting.

**F. Future Meeting Dates**

The commissioners discussed and decided to hold the August MACC meeting remotely.

**August 27, 2020 – Thursday**  
Held Remotely

**September 24, 2020 – Thursday**  
Southwest Regional Office 2040  
West Woodland  
East and West Conference Rooms  
Springfield, MO 65807

**October 29, 2020 – Thursday**  
Elm Street Conference Center 1730  
East Elm Street  
Lower Level  
Bennett Springs Conference Room  
Jefferson City, MO 65101

**December 3, 2020 – Thursday**  
Elm Street Conference Center 1730  
East Elm Street  
Lower Level  
Bennett Springs Conference Room  
Jefferson City, MO 65101

**G. Discussion of Pending Litigation and Legal Matters**

Mr. Richard Groeneman stated there was an update on one case, on Breckenridge Hill Fuel LLC which was filed in June. They are waiting for the owner to be served. It was filed in conjunction with two other cases.

Mr. Groeneman also updated the commission on the ongoing Concentrated Animal Feeding Operations, and that there had been little movement in the last few weeks. He was hoping to have a clearer picture by end of next month.

## H. Meeting Adjournment

Vice Chairman Fohey moved to adjourn the July 30, 2020, Missouri Air Conservation Commission meeting. Commissioner Rosenbohm seconded the motion. All commissioners voted to adjourn the July 30, 2020, Missouri Air Conservation Commission meeting.

Vice chairman Fohey adjourned the July 30, 2020, Missouri Air Conservation Commission meeting.

Respectfully submitted,

*Signature on File*

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Darcy A. Bybee, Director  
Air Pollution Control Program

Approved:

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Richard Rocha, Chairman  
Missouri Air Conservation Commission

# Compliance & Enforcement Report

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Richard Swartz

Air Pollution Control Program

# Concern Report (April 16-June 15)

- Concerns Received – 151
  - Burning – 42
  - Odor – 60
  - Asbestos – 11
  - Fugitive Particulate Matter – 14
  - Hazardous Air Pollutants – 1
  - Other – 23
- Investigations – 139
- Issued one RNOV & eight LOW



**MISSOURI**  
DEPARTMENT OF  
NATURAL RESOURCES

**Air Pollution Control Program  
Ongoing Negotiations**

Responsible Party	Facility	Negotiations Initiated	Region
<b>Asbestos</b>			
ACORN Industries LLC	Cedar Haven Lodge	4/3/2018	SWRO
JKKJ 923 S. Morley Properties, LLC	Former Toastmaster Building	1/14/2020	NERO
Wiedeman Dozing, LLC	Former Toastmaster Building	1/14/2020	NERO
<b>Construction Permit</b>			
Valley Minerals LLC	Valley Minerals LLC	4/9/2020	SERO
<b>Excess Emissions</b>			
City of Kansas City - Water Services	Blue River Treatment Plant	8/1/2018	KCRO
<b>Inspection/Maintenance - Clean Scanning</b>			
Jiffy Lube #753	JIFFY LUBE # 753 (GVIP # 115214)	1/27/2020	SLRO
Kristy Bishop	JIFFY LUBE # 753 (GVIP # 115214)	1/27/2020	SLRO
<b>Intermediate Operating Permit</b>			
Golden Triangle Energy	GOLDEN TRIANGLE ENERGY - CRAIG	8/9/2019	KCRO
<b>Maximum Achievable Control Technology (MACT)</b>			
Black Oak Recycling and Disposal	Black Oak Recycling	3/5/2019	SWRO
<b>Open Burning</b>			
Bufford Sweatt	Beau Elliot	5/11/2018	SWRO
Copher Enterprises	Copher Enterprises/Excess Customz	2/4/2020	SWRO
D' Monaco LLC	Estates of D'Monaco resident	2/7/2020	SWRO
David Chesnut	David Chesnut	1/8/2019	KCRO
Golden Valley Disposal	Golden Valley Disposal	3/9/2020	KCRO
Lake Area Signature Homes, LLC	Lake Area Signature Homes, LLC	3/9/2020	SWRO
<b>Stage I Vapor Recovery</b>			
SHRI NARAYAN - Milap Patel	PEVELY POWER EXPRESS	8/27/2019	SLRO



## Air Pollution Control Program

### Finalized Agreements between April 16, 2020 and June 15, 2020

Responsible Party	Facility	Negotiation Initiated	Settled	Total Amount	Suspended Amount	Region
<b>Inspection/Maintenance - Clean Scanning</b>						
Car-X Tire & Auto	CAR - X TIRE & AUTO (GVIF #096056)	1/27/2020	6/10/2020	2000	0	SLRO



## Air Pollution Control Program Pending Cases Referred to Attorney General's

Responsible Party	Facility	Referred to AGO	Region
<b>Open Burning</b>			
Pallet Connection	Pallet Connection	7/13/2018	SERO
<b>Stage I Vapor Recovery</b>			
Milap Patel	ONE STOP	3/2/2020	SLRO

## **GATEWAY VEHICLE INSPECTION PROGRAM**

**April 01, 2020 to June 30, 2020**

The GVIP is a combined emission and safety inspection program for vehicles registered in the St. Louis ozone nonattainment area. The GVIP is jointly overseen by the Missouri Department of Natural Resources and the Missouri State Highway Patrol.

Approximate Number of Active Inspection Stations: 812

Approximate Number of Active Inspector/Mechanics: 4,469

### **Initial OBD Pass/Fail Rate for this Period:**

Total Test: 194,967

Total Pass: 190,778 = 97.9%

Total Fail: 4,189 = 2.1%

Number of Mileage Exemptions Issued: 285

Number of Waivers Issued: 75

### **Enforcement:**

Audits Conducted by DNR:	Overt 0
	Covert 1,520

Stations Locked out by MSHP:	Emissions Violations 8
	Photographs 0
	Offline Testing 0
	Failed Audits 8

## Compliance Report

2nd Quarter 2020

ACC INT Reports -	91	ACC P70 Reports-	134
Annual Reports -	8	Emission Reports -	10
Excess Emission Report -	27	Misc. Reports -	31
Quarterly Reports -	41	Semi-Annual P70 Reports -	129
Semi-Annual Reports -	21	Start-up Notifications-	21
SSM Reports -	21	Notice of Compliance Reports	3
<b>Total -</b>	<b>539</b>		

ACC- Annual Compliance Certification

INT- Intermediate Permitted Facility

P70- Part 70 Permitted Facility

SSM- Start-up, Shutdown, Malfunction



## **QUARTERLY ASBESTOS REPORT**

**April 1, 2020 to June 30, 2020**

- Number of Occupation Certificates Issued
  - Worker: 163
  - Supervisor: 229
  - Inspector: 121
  - Management Planner: 26
  - Project Designer: 15
  - Air Sampling Professional: 4
    - Total: 558
  
- Number of Asbestos Notifications Process
  - Demolition: 112
  - Abatement: 38
  - Courtesy: 49
    - Total: 199
  
- Number of Asbestos Abatement Contractors Registrations Issued: 64
  
- Number of Asbestos Training Providers Accreditations Issued: 12



**MISSOURI**  
DEPARTMENT OF  
NATURAL RESOURCES

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QUESTIONS??



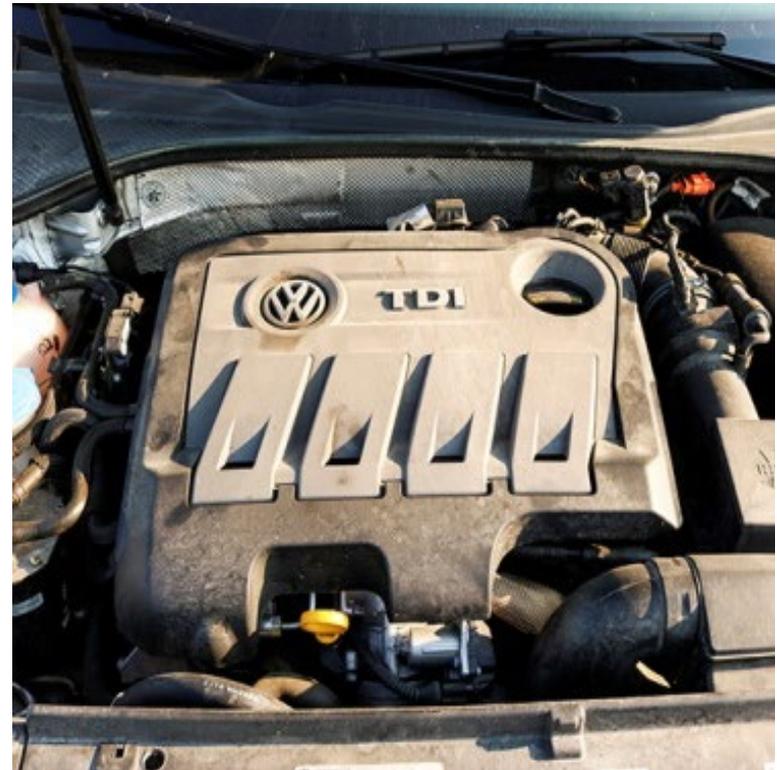


# Volkswagen Trust

Be Part of the Solution

**Missouri's Volkswagen  
Trust Program Funds  
FY 2020 Review  
FY 2021 Plans**

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# Presentation Overview

- Background
- Review FY 2020
- Tentative Plans for FY 2021

# Background

In 2015, VW admitted using software that caused diesel vehicles to perform differently during emissions tests so they would pass.

- American consumers bought 590,000 affected VW and Audi vehicles.
  - Missourians bought 7,500 affected vehicles
- During normal operation, these vehicles emitted nitrogen oxides (NO<sub>x</sub>) at levels higher than EPA standards.

# Environmental Mitigation Trust

- Volkswagen to pay \$2.9 billion to an environmental mitigation trust fund.
- **Missouri's share of trust: \$41 million**
- State to use funds to counteract excess  $\text{NO}_x$  emissions from faulty VW vehicles.



# Eligible Mitigation Actions

1. Large trucks (class 8)
2. School, shuttle and transit buses
3. Locomotives
4. Ferries/tugboats
5. Marine shorepower
6. Medium trucks (class 4-7)
7. Aircraft service equipment
8. Forklifts and cargo-handling equipment
9. Charging stations for electric vehicles
10. Diesel Emission Reduction Act (DERA) option

# Beneficiary Mitigation Plan Overall Goals

❑ Reduce NO<sub>x</sub> emissions from mobile sources.

## ❑ Additional goals:

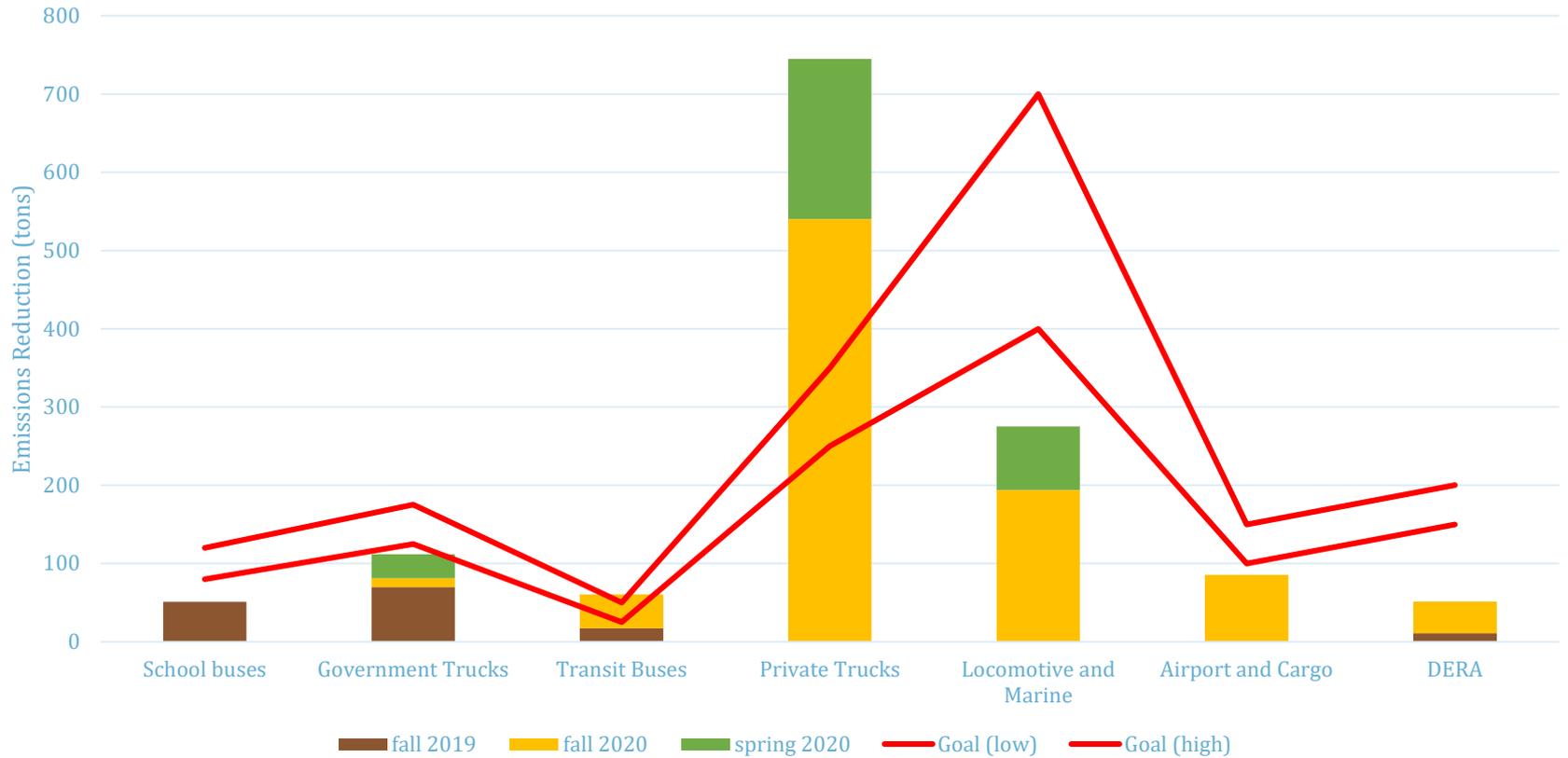
- Replace aging school bus fleets.
- Reduce diesel fuel consumption.
- Upgrade government and private fleets.
- Target areas that currently or historically have not met air quality goals.
- Target areas with affected Volkswagen vehicles.
- Promote electric vehicles.

# Award Categories and Funding Levels

Award Category	Projects	Funding Level
1	School Buses	\$12 million
2	Government Trucks	\$6 million
3	Transit and Shuttle Buses	\$4 million
4	Nongovernment Trucks	\$6 million
5	Locomotive and Marine	\$2 million
6	Airport and Cargo Equipment	\$2 million
7	DERA Option	\$3 million
8	Electric Vehicle Charging Stations	\$6 million

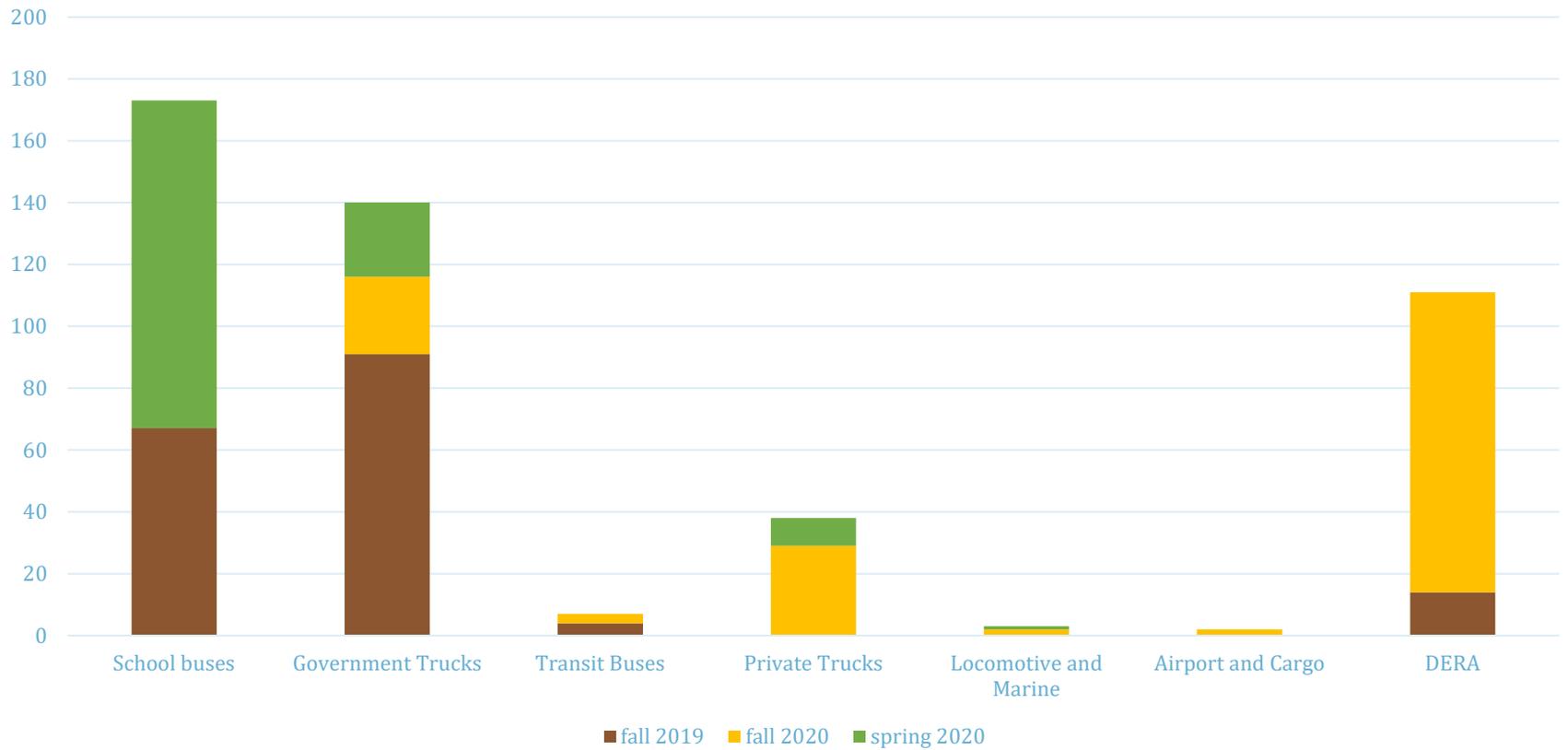
# Emissions Reduction by Year and Category

Emissions Reduction by Year and Category

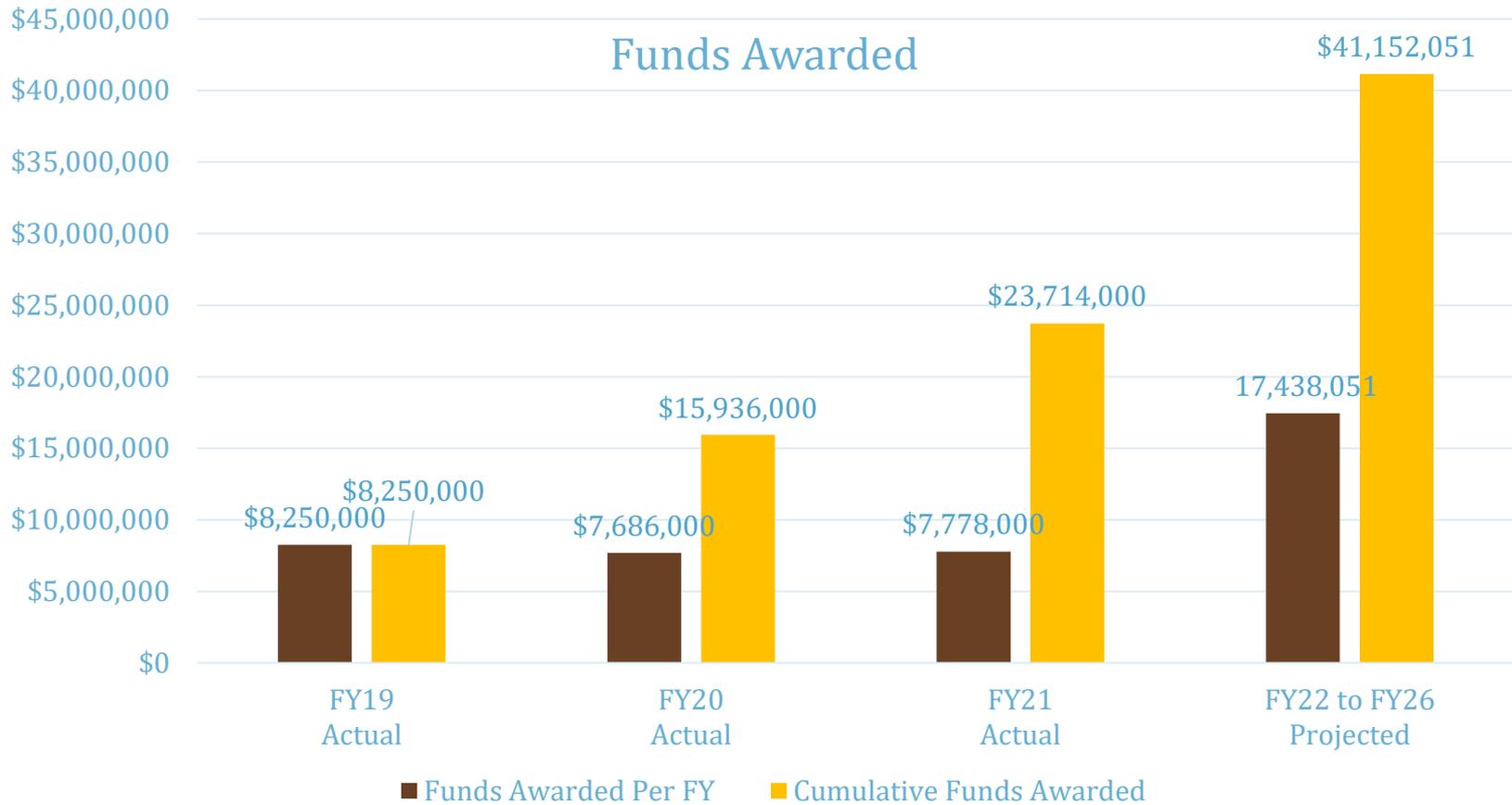


# Application Received by Year and Category

Applications by Year and Category



# Funds Awarded by Fiscal Year



# FY2021 Appropriations

- Current Budget includes:
  - \$13.5 million for distribution under Missouri's Beneficiary Mitigation Plan
  - \$1 million for replacement of Department of Corrections' fleet

# Tentative Plans for FY2021

July 1, 2020 – June 30, 2021

- Meet reporting obligations on funds spent in accordance with the trust agreement.
- Gather and award EV Infrastructure applications.
- Collect stakeholder input on Beneficiary Mitigation Plan and update guidelines.
- Open application period for all other categories early 2021.



**Air**  
**Energy**  
**Land**  
**Missouri State Parks**  
**Recycling & Waste**

- Compost Guide
- Electronics Recycling
- Environmental Site Tracking and Research Tool (E-START)
- Household Hazardous Waste
- Illegal Dumping Complaints
- Locate Landfills and Transfer Stations
- Reduce, Reuse, Recycle
- Scrap Tires

**Water**



**COVID-19 STATE TEAM  
MEMBER RESOURCES**



**Have questions?  
Chat about COVID-19**





## Volkswagen Trust Funds

The State of Missouri is a beneficiary of the Volkswagen Diesel Emissions Environmental Mitigation Trust (VW Trust). As the lead agency, the Missouri Department of Natural Resources developed a 10-year Beneficiary Mitigation Plan for awarding over \$41 million to Missouri-specific projects by October 2027.



**Get Updates  
on this  
Issue**

Find current and historical information and reports concerning the VW Trust funds by category:

**DERA  
Funding**



**School Buses**



**Transit and  
Shuttle Buses**



**Government  
Trucks**



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[QAPP Template](#)

[Air Pollution Compliance/Regulatory Assistance](#)

[State Plans and Boundary Designations](#)

[Vapor Recovery Information and Compliance Requirements](#)

[Volkswagen Trust](#)

# Questions?

## Contact Information:

Missouri Department of Natural Resources  
Air Pollution Control Program  
Volkswagen Team

Phone: 573-751-4817

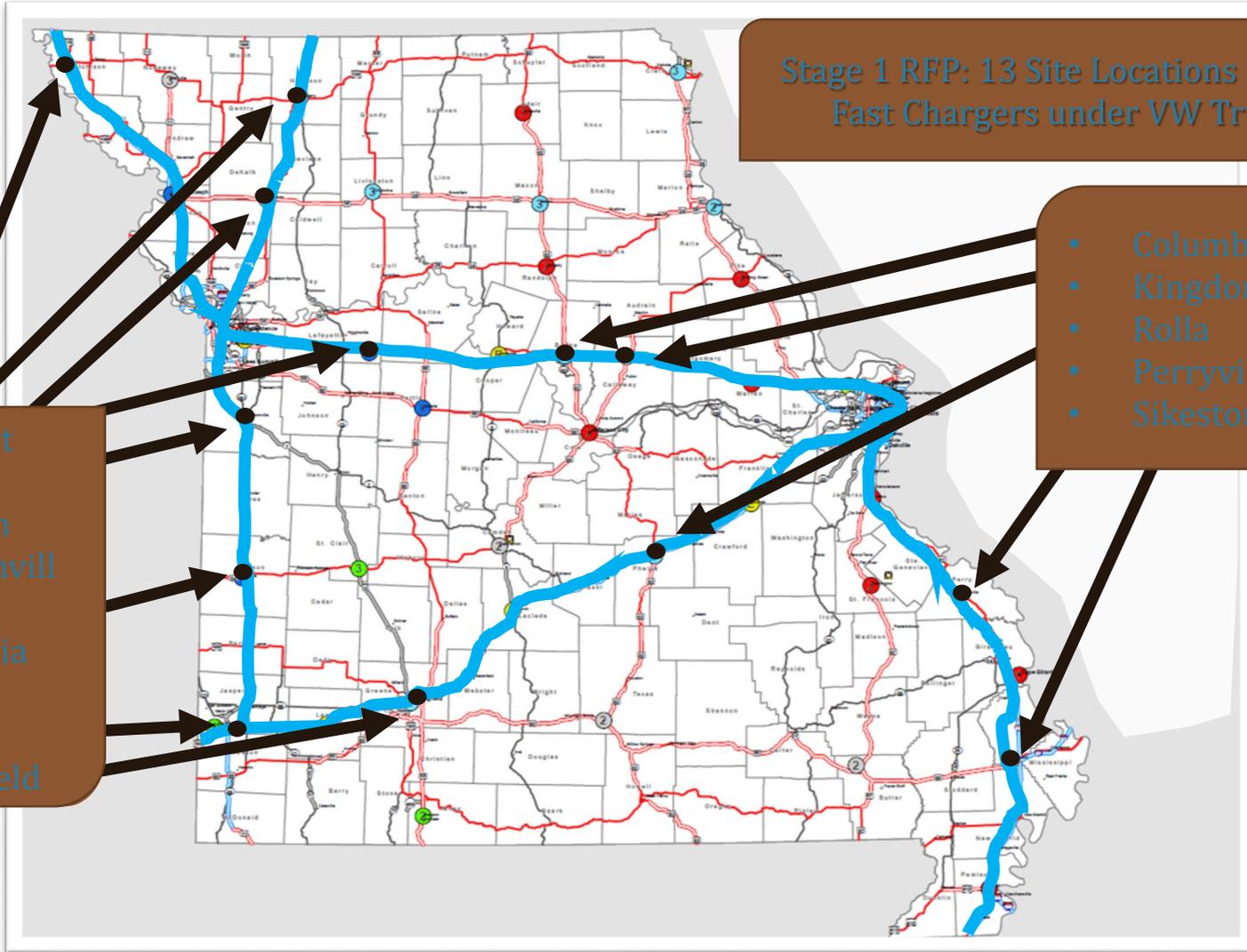
[MOVWTeam@dnr.mo.gov](mailto:MOVWTeam@dnr.mo.gov)

[dnr.mo.gov/env/apcp/vw](http://dnr.mo.gov/env/apcp/vw)

Stage 1 RFP: 13 Site Locations for DC Fast Chargers under VW Trust

- Rockport
- Bethany
- Cameron
- Harrisonville
- Concordia
- Nevada
- Joplin
- Springfield

- Columbia
- Kingdom City
- Rolla
- Perryville
- Sikeston





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August 6, 2020

Ms. Darcy Bybee, Director  
Air Pollution Control Program  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102

Re: Comments on the Proposed Redesignation Request for the Labadie Unclassifiable Area Under the 2010 Sulfur Dioxide Standard

Dear Ms. Bybee:

Union Electric Company, d/b/a Ameren Missouri, herein submits the attached comments on the Missouri Department of Natural Resources "Proposed Redesignation Request for the Labadie Unclassifiable Area Under the 2010 Sulfur Dioxide Standard". The attached comments supplement the comments made by Michael Hutcheson, Ameren Missouri Supervisor of Air Quality Permitting and Compliance at the public hearing for the proposed redesignation request held on July 30, 2020 at the Missouri Air Conservation Commission meeting. Ameren Missouri supports the proposed redesignation request in accordance with Section 107(d)(3)(d) of the Clean Air Act based on available ambient monitoring data.

As you know, Ameren in coordination with the Air Pollution Control Program and EPA Region 7, installed an ambient SO<sub>2</sub> monitoring network consisting of four ambient SO<sub>2</sub> monitors around the Labadie Energy Center in addition to two meteorological monitoring stations in accordance with the Data Requirements Rule. This ambient monitoring network provides the data used as the basis for the redesignation request. The quality assured and certified data from the network clearly establishes that the Labadie Unclassifiable Area is in attainment with the 2010 Primary SO<sub>2</sub> National Ambient Air Quality Standard. The attached comments provide additional information and support for MDNR's proposal.

Please contact Steve Whitworth or myself, at your convenience if you have questions or if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Hutcheson", with a long horizontal line extending to the right.

Michael J. Hutcheson  
Supervisor, Air Quality Permitting and Compliance

Attachments

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**Comments of Ameren Missouri on the  
Missouri Department of Natural Resources Redesignation Request  
for the Labadie Unclassifiable Area Under the 2010 Sulfur Dioxide Standard**

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Comments Prepared by Michael J. Hutcheson, Supervisor, Air Quality Permitting and Compliance,  
Ameren Missouri

August 6, 2020

Ameren Missouri is pleased to present comments in support of the proposed Redesignation of the Labadie Unclassifiable Area under the 2010 Sulfur Dioxide (SO<sub>2</sub>) Standard. Ameren Corporation is headquartered in St. Louis, Missouri, and through its subsidiaries (collectively Ameren), owns and operates electric generation, transmission, and distribution facilities, and provides electric and gas utility services in Illinois and Missouri. Together, Ameren and its subsidiaries generate and distribute electricity to approximately 2.4 million customers and distribute natural gas to nearly a million customers.

Ameren Missouri is a fully owned subsidiary of Ameren Corporation with a diversified portfolio of electric generating sources including coal, oil, natural gas, nuclear, hydroelectric and renewable energy facilities. Ameren employs more than 8,500 co-workers across its service territories. Ameren's mission is to provide safe, reliable, environmentally responsible and cost effective energy to its customers, and its operations are critical and essential components to a healthy and growing economy in the region.

Ameren is committed to transitioning its generation fleet to a cleaner, more diverse energy portfolio and doing so in the most responsible way for its customers. Ameren is executing a plan that will reduce emissions companywide while ensuring that we will be able to deliver power in a safe, reliable and environmentally responsible manner at a reasonable cost to our customers.

1. Ameren Supports the Proposed Redesignation of the area around the Labadie Energy Center from Unclassifiable to Attainment in accordance with CAA 107(d)(3)(D).

Ameren has proactively worked with MDNR and US EPA on the approach to characterizing ambient SO<sub>2</sub> concentrations near Ameren Missouri Energy Centers in accordance with the requirements of the 2010 SO<sub>2</sub> Standard. In response to the 2010 SO<sub>2</sub> Rule and the 2015 Data Requirements Rule (DRR), Ameren chose to install, certify, operate and maintain a robust network of ambient air quality and meteorological monitors around the Labadie Energy Center to provide actual air quality data for those portions of northern Franklin County and southern St. Charles County that comprise the Labadie Unclassifiable Area. As MDNR clearly identifies, there is now sufficient data from the SO<sub>2</sub> monitoring network around the



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Labadie Energy Center that shows the area is attaining the 2010 primary SO<sub>2</sub> standard. Accordingly, the area should be classified under the 2010 SO<sub>2</sub> standards as **attainment**.

These monitors operate under the review of, and with approval from, MDNR. MDNR notified EPA of the choice to monitor air quality for this area in its June 28, 2016 letter. Within a few weeks of that notification, on July 12, 2016, EPA finalized the designation of air quality for the Labadie area as unclassifiable. The monitoring program in the Labadie area provides sufficient information to support the redesignation to attainment of the 2010 SO<sub>2</sub> standard.

2. Ameren agrees with MDNR's assessment that the quality assured ambient air quality data (more than three (3) years of data) from the four SO<sub>2</sub> monitoring sites around the Labadie Energy Center supports redesignation of the area from unclassifiable to attainment of the 2010 primary SO<sub>2</sub> standard.

The design value at each of the four Labadie area SO<sub>2</sub> monitors is well below the 75 ppb standard. The monitor with the highest design value, based on 2017-2019 data, is the North monitor at a value of 29 ppb. This value is less than 40% of the level of the standard. The other three monitor design values are 24 ppb at Southwest, 19 ppb at Northwest, and 27 ppb at Valley using 2017 to 2019 data. We note that due to flooding along the Missouri River in 2019, data for that year at the Valley location does not meet completeness requirements of 40 CFR Part 50 Appendix T due to a temporary suspension of air monitoring during May through August of that year. EPA may nevertheless consider the design value of 27 ppb valid pursuant to the data comparison method outlined by the Missouri Department of Natural Resources in its Labadie Redesignation Request. In that request, MDNR demonstrates that the design value at Valley is representative and unlikely to have violated the standard by comparing such data to previous years for the missing months. Likewise, the complete data set for 2016-2018 design value at the Valley site is 28 ppb, again well below the level of the standard. With all monitor design values below the level of the standard, air quality in the Labadie area meets the 2010 SO<sub>2</sub> standard, and the area should be redesignated to **attainment** of the standard.



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3. The monitoring locations were appropriately sited according to US EPA guidance and in consultation with and approval from both MDNR and US EPA.

Ameren appreciates MDNR's summary of the siting activities for the SO<sub>2</sub> monitors in the proposed redesignation but believes additional explanation may be appropriate. The first two monitors, the Valley and Northwest sites, were evaluated in 2013 and 2014, and made operational in April 2015. These locations are sited in maximum concentration areas based on modeling using meteorological data from nearby airports, as outlined in the 2015 DNR Monitoring Network Plan, Appendix 2. The modeling that supported placement of the first two locations was based on the best available technical guidance and data available at the time.

Guidance released by US EPA later in 2015 provided additional guidance on the modeling used to determine maximum impact areas. Updated modeling performed independently by Ameren, MDNR, and US EPA using newly available on-site meteorological data indicated two additional areas of potential SO<sub>2</sub> impact. The North and Southwest monitors address these areas, and the entire network of four monitors was operational by January 1, 2017. Both US EPA and MDNR determined that the monitoring network meets the stated goals of capturing the maximum ambient SO<sub>2</sub> concentrations around Labadie, as noted in Missouri's 2016 Monitoring Network Plan (See Attachment #1). Appendix 5 of the 2016 Monitoring Network Plan details the decisions made, through consultations between the agencies, to expand the monitoring network to capture two additional potential maximum impact areas. Based on the information in Appendix 5 of the 2016 Plan, the North location was readily agreed upon by US EPA and MDNR because of historical monitoring north of the plant prior to 2000. Appendix 5 also specifically states, "Based on the analysis using the Monitor TAD evaluation process and US EPA Region VII's independent analysis, the best location for an additional SO<sub>2</sub> monitor is in the identified area southwest of the Labadie Energy Center."

While comments on MDNR's 2016 Monitoring Network Plan questioned the siting locations of the Northwest and Valley monitors, the 2016 Monitoring Network Plan Revision 0, Response to Comments page 3 of 4, MDNR indicated that "...the Northwest monitor is located in an area of anticipated maximum modeled design values and high frequency impacts..." and "...the Valley site is useful in understanding 1-hour SO<sub>2</sub> spatial representation and concentration gradients which is consistent with the monitoring TAD." The usefulness of the entire network cannot be overlooked, especially considering the single day



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highest one hour SO<sub>2</sub> value was measured at the Northwest site in November 2019. In addition, data from the Valley site is consistent with the data from both the North and the Southwest monitors and has the second highest design value for 2017-2019 of all the monitoring sites.

In summary, the combination of frequency of occurrence and magnitude of modeled SO<sub>2</sub> concentration informed the placement of all four monitors around the Labadie area. Multiple modeling analyses provided by Ameren, MDNR, and EPA informed the final placement of the monitors in areas expected to represent the highest concentrations of SO<sub>2</sub>. Actual data collected at the monitors supports that the monitoring locations are all appropriately sited as the design values at all monitoring locations provide consistent data representative of the maximum impact from the Labadie Energy Center.

#### 4. The Labadie Monitoring Sites Produce Quality Assured Data That Meets All US EPA Monitoring Requirements to Determine Compliance With The 1-hour SO<sub>2</sub> Standard.

The monitoring network captures the areas of maximum-modeled concentrations in accordance with the requirements of the 2010 SO<sub>2</sub> Rule and 2015 Data Requirements Rule (DRR). The DRR (40 CFR 51.1203(c)) requires the monitoring network to also meet the US EPA requirements in 40 CFR Part 58 for networks used to determine compliance with ambient air quality standards. The monitoring network has been certified and undergoes annual audits, and Ameren works with MDNR to ensure data is reported in a timely fashion meeting the reporting standards prior to MDNR certifying the data annually. The network includes four ambient SO<sub>2</sub> monitor locations installed in two waves, and two surface meteorological modeling stations along with a Sonic Detection and Ranging (SODAR) station.

The Monitoring Network Plan also describes how the MDNR has oversight over Ameren's monitoring network under the approved Quality Assurance Project Plan and Quality Management Plan, including periodic audits performed by MDNR and EPA. The 2016 Monitoring Network Plan was approved by EPA in a letter dated December 29, 2016 (See Attachment #1). The approval of the Monitoring Network Plan also completed the DRR requirement that states choosing to characterize an area based on monitoring must include relevant information about the network in the agencies annual network plan. MDNR's annual Monitoring Network Plans since 2015 and the 2020 Monitoring Network Assessment from June 26, 2020 reiterate the purpose of the monitors in the Labadie area to characterize ambient air quality through properly sited monitors with quality assured data.



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5. Additional monitoring locations are not required to characterize the air quality around Labadie.

Criticism regarding the need for additional monitoring are unfounded. At the public hearing for the Labadie Unclassifiable Area Redesignation, Mr. Ken Miller, of the Sierra Club, asked that MDNR delay redesignation and require the installation of a *fifth* ambient monitor in an area to the southeast of the Labadie Energy Center. After considerable input and collaboration with MDNR and US EPA, the four monitoring locations were carefully selected and appropriately sited to properly capture the highest 1-hour SO<sub>2</sub> impacts around the Labadie Energy Center.

The monitoring locations were determined in two phases. The first phase was based on air quality modeling using the most representative airport meteorological data and the US EPA AERMOD air quality model. From this modeling analysis two areas of highest modeled SO<sub>2</sub> concentrations were identified as potential monitor sites; one to the NE (Valley site) and one to the NW (Northwest site) of the Labadie Energy Center. This modeling analysis was reviewed and confirmed by MO DNR who then visited the sites and verified the proposed locations met siting criteria before any installations were begun. MO DNR approved these sites in their 2015 Monitoring plan which was ultimately approved by US EPA. In 2016 US EPA published the "SO<sub>2</sub> NAAQS Designations Source-Oriented Monitoring Technical Assistance Document"(Monitoring TAD). In this document US EPA states that a monitoring network proposal, "... would characterize an area around or impacted by an identified SO<sub>2</sub> source and include the identification of one or more locations where peak 1-hour SO<sub>2</sub> concentrations are expected to occur."

In the first phase of SO<sub>2</sub> monitor installation, the Northwest monitor site by itself met this requirement, as this location was where the AERMOD model predicted the highest SO<sub>2</sub> concentrations. However, because modeling indicated a secondary high concentration area, Ameren installed the Valley site (along with a surface meteorological station) to be assured the sites were capturing the higher SO<sub>2</sub> concentrations in the Labadie Energy Center area.

After collecting sufficient onsite meteorological data supplemented with the NCAR Weather Research and Forecasting (WRF) model meteorological information, Ameren performed additional air quality modeling in response to the US EPA Data Requirements Rule (DRR). The new modeling supplemented the first phase by using *onsite* surface meteorology data rather than airport weather data and utilized the same air quality model (AERMOD). This modeling confirmed the existing Northwest Monitoring Site was an



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area of increased modeled SO<sub>2</sub> concentrations, and identified two additional areas; one to the southwest and one to the north of Labadie Energy Center. Both MO DNR and US EPA reviewed and analyzed the modelling. Based on their recommendations resulting from their independent analysis, Ameren agreed to install SO<sub>2</sub> monitors at both locations; the Southwest and North sites, where the second phase of modeling showed the greatest impacts. Ameren agreed that the additional two sites would support characterization of the peak 1 hour impacts, as their selection was based onsite surface meteorological data that is more representative of the Labadie Energy Center area than the original airport data from meteorological monitors located miles from the facility. Both phases of monitor siting meet the requirements of Monitoring TAD and differ only in the origin of the meteorology data used in the model.

Ameren is now operating all four SO<sub>2</sub> sites along with two surface meteorological stations and one SODAR station. These sites were located using the techniques recommended in Monitoring TAD and have been approved by MO DNR and US EPA in MO DNR's current state monitoring plan as representative of areas of maximum SO<sub>2</sub> concentrations. In fact, the SO<sub>2</sub> data collected for the 2017-2019 monitoring period at the original sites installed in phase 1 based on modeling using surface meteorology data from airport monitors currently have the highest and second highest SO<sub>2</sub> design values. The two original sites alone meet the requirements of the DRR and Monitoring TAD.

Additional monitoring is unnecessary in characterizing the air quality around the Labadie Energy Center. The locations of the highest modeled impacts from two separate modeling efforts have monitors in place that show the area is in attainment. Installing an additional monitor as suggested by the Sierra Club at a location that reflects lower and fewer impacts is not in accordance with the monitoring TAD and is unlikely to produce peak impacts significantly higher than have been shown at the current four monitors. To achieve a different result (nonattainment), the Sierra Club's proposed monitor location would have to result in SO<sub>2</sub> impacts more than twice as high as the existing monitors which were sited at the point of maximum impacts based on two separate modeling efforts. For this reason, Ameren believes that additional monitor locations are not required to characterize the air quality around Labadie.



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6. Ameren agrees with MDNR that because the Area around Labadie was never designated as nonattainment, the requirements of CAA 107(D)(3)(E) for redesignating nonattainment areas do not apply.

The Labadie Redesignation Request will initiate the process under 107(d)(3)(D) where EPA must either approve or deny the request within 18 months of receipt of a complete submittal. Under this section of the CAA, EPA's role is clear and binary; it must either approve or deny the request.

Other portions of CAA section 107(d)(3) for redesignation do not apply to the Labadie Redesignation Request. Section 107(d)(3)(A) applies only when the EPA Administrator notifies a state they intend to revise a designation, and EPA has not provided such notification to Missouri at this time. Sections 107(d)(3)(B) and (C) require further responses triggered by section (A), but are again not applicable since the triggering request is not from the EPA per section (A). Section 107(d)(3)(E) applies only to nonattainment areas being designated to attainment as MDNR points out in Section 2 of the proposed Redesignation. The Labadie area was designated unclassifiable per 81 FR 45039, effective 9/12/2016, and has never been designated nonattainment for the SO<sub>2</sub> standard. Ameren believes this distinction is important as several of the requirements in Section 107(d)(3)(E) pertain specifically to areas designated nonattainment and cannot be applied to the proposed Labadie Redesignation. For instance, Section 107(d)(3)(E) requires US EPA to make a determination that the air quality improvement is due to permanent and enforceable emission reductions (107(d)(3)(E)(iii)), however, in the case of the Labadie unclassifiable area, there has been no change in air quality. Section 107(d)(3)(E)(iv) requires a fully approved maintenance plan as a prerequisite for redesignation and 107(d)(3)(E)(v) requires that all requirements under 110 and part D have been met.

Ameren also believes that timely action by the Missouri Air Conservation Commission is warranted due to pending EPA response to the Sierra Club petition for reconsideration of the Labadie Designation. In September 2016, Sierra Club petitioned EPA to reconsider the unclassifiable designation completed in July of 2016. EPA granted the Sierra Club petition on January 18, 2017, and committed to evaluate three years of monitoring data for calendar years 2017 to 2019. EPA anticipates concluding the evaluation by December 31, 2020, concurrent with the final round of designations for the 2010 SO<sub>2</sub> Standard. EPA has committed to reviewing the same data included here under the Labadie Redesignation Request, so it is appropriate for MDNR to submit the request to EPA in advance, outlining the state's position on the area's attainment.



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**Attachment #1**

**US EPA Region 7 2016 Monitoring Network Plan Approval Letter**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

DEC 29 2016

OFFICE OF THE  
REGIONAL ADMINISTRATOR

Ms. Kyra Moore, Director  
Missouri Department of Natural Resources  
Air Pollution Control Program  
1659 East Elm Street  
Jefferson City, Missouri 65101

Dear Ms. Moore:

With this letter, I am pleased to approve the Missouri Department of Natural Resources' Air Pollution Control Program's, 2016 Monitoring Network Plan (or the plan). The plan was submitted to U.S. Environmental Protection Agency for approval on December 20, 2016. The plan was reviewed and found to be in accordance with the provisions of Code of Federal Regulations, 40 CFR Part 58-*Ambient Air Surveillance*.

As indicated in the submittal letter and the cover to the plan's *Appendix 7-Comments and Responses of Proposed 2016 Monitoring Network Plan, Revision 1*, the plan was first posted for public comment, as required by 40 CFR Part 58, on the MDNR's website from May 27, 2016, through June 28, 2016. Due to substantive changes in the plan, the MDNR provided a public comment period from November 15, 2016, to December 15, 2016, for the *2016 Monitoring Network Plan Revision 1* (revised plan). During the May-June 2016 public comment period, the MDNR received comments from Ameren Missouri and the Washington University School of Law on behalf of the Sierra Club. During the November-December 2016 public comment period the MDNR received comments from two citizens; the Washington University School of Law on behalf of the Sierra Club; the Labadie Environmental Organization; Ameren Missouri; the City of Springfield Utilities and the St. Charles County Council. The MDNR responded to the public comments but did not make substantive changes to the *2016 Monitoring Network Plan Revision 1*.

As you are aware, on August 21, 2015, the EPA promulgated the Data Requirements Rule (the rule), codified at 40 CFR Part 51 Subpart BB, for the 2010 1-hour Sulfur Dioxide Primary National Ambient Air Quality Standard. The rule required air agencies to: submit a list of applicable sources (or source areas) by January 15, 2016; notify the EPA, by July 1, 2016, whether the air agency had chosen to characterize peak 1-hour SO<sub>2</sub> concentrations in the source areas through ambient air quality monitoring, air quality modeling techniques, or provide federally enforceable emission limitations (limiting emissions to less than 2,000 tons per year). If monitoring is selected for characterization, the air agency must include relevant information about the monitors, used to meet the requirements of the rule, in the air agency's annual monitoring network plan.

The MDNR identified 16 source areas subject to the rule in its January 2016 submission and notified the EPA that it was planning to utilize monitoring to characterize four of those source areas in its July 2016 submission: Ameren Missouri Labadie Energy Center (Labadie); Doe Run Buick Source Recycling (Buick); AECI New Madrid Power Plant – Marston (AECI); and Noranda Aluminum Incorporated - New Madrid (Noranda). The plan includes monitor specific information for the Labadie,



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Buick, and Noranda locations. Although, the plan does not specifically mention AECI as a DRR source characterized by monitoring, the plan does discuss AECI in its *Appendix 4-Review of Proposed SO<sub>2</sub> and Meteorological Monitoring Stations around the Noranda New Madrid Plant*. AECI and Noranda share a fence line and AECI was included in the dispersion modeling utilized to select the site for the Noranda/AECI monitor location. As such, the EPA finds that the plan includes monitoring information for each of the four DRR source areas the MDNR indicated it would characterize by collecting ambient air quality monitoring data in accordance with 40 CFR Part 58.

The plan is well organized and thorough. The EPA appreciates your commitment to protecting air quality for the citizens of Missouri and dedication to our shared mission. I look forward to continued work with you and your staff.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Hague", with a long horizontal flourish extending to the right.

Mark Hague

## SCHOOL OF LAW

## Interdisciplinary Environmental Clinic

August 6, 2020

Ms. Emily Wilbur  
Chief, Air Quality Planning Section  
Air Pollution Control Program  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102  
**Via email to:** [apcpsip@dnr.mo.gov](mailto:apcpsip@dnr.mo.gov)

Re: Redesignation Request for the Labadie Unclassifiable Area

Dear Ms. Wilbur:

On behalf of the Sierra Club, we submit the following comments on the Missouri Department of Natural Resources' ("DNR") request to reclassify the area around the Ameren Labadie Energy Center from unclassifiable to attainment for the 2010 1-hour sulfur dioxide ("SO<sub>2</sub>") National Ambient Air Quality Standard ("NAAQS").<sup>1</sup> The U.S. Environmental Protection Agency ("EPA") designated the area, which includes portions of Franklin County and St. Charles County, Missouri, as unclassifiable in July 2016 pursuant to a court-ordered schedule requiring it to complete certain designations for the 2010 SO<sub>2</sub> NAAQS by July 2, 2016.<sup>2</sup>

We believe DNR's request to reclassify the Labadie area to attainment is premature. There is no ambient SO<sub>2</sub> monitor southeast of the plant, where modeling performed by Ameren in 2016 using the limited on-site meteorological data available at the time indicated peak 1-hour SO<sub>2</sub> concentrations were expected to occur. Additional on-site meteorological data collected in the ensuing three years shows that winds near the Labadie stack height are predominantly from the northwest, validating Ameren's 2016 modeling and reinforcing the need for a monitor southeast of the plant. No decisions regarding the attainment status of the area should be made until this significant data gap is filled.

**The Data Gap Southeast Of The Labadie Plant Must Be Filled Before The Labadie Area's Attainment Status Can Be Determined**

<sup>1</sup> DNR, Redesignation Request for the Labadie Unclassifiable Area Under the 2010 Sulfur Dioxide Standard (July 30, 2020) ("Labadie Redesignation Request").

<sup>2</sup> Areas subject to the July 2, 2016 deadline included "(1) Areas that have newly monitored violations of the 2010 SO<sub>2</sub> NAAQS and (2) areas that contain any stationary sources that had not been announced as of March 2, 2015, for retirement and that, according to the EPA's Air Markets Database, emitted in 2012 either (i) more than 16,000 tons of SO<sub>2</sub>, or (ii) more than 2,600 tons of SO<sub>2</sub> with an annual average emission rate of at least 0.45 pounds of SO<sub>2</sub> per one million British thermal units (lbs SO<sub>2</sub>/mmBTU)." EPA, Air Quality Designations for the 2010 Sulfur Dioxide (SO<sub>2</sub>) Primary National Ambient Air Quality Standard—Round 2, 81 Fed. Reg. 45039 (July 12, 2016) at 45042.

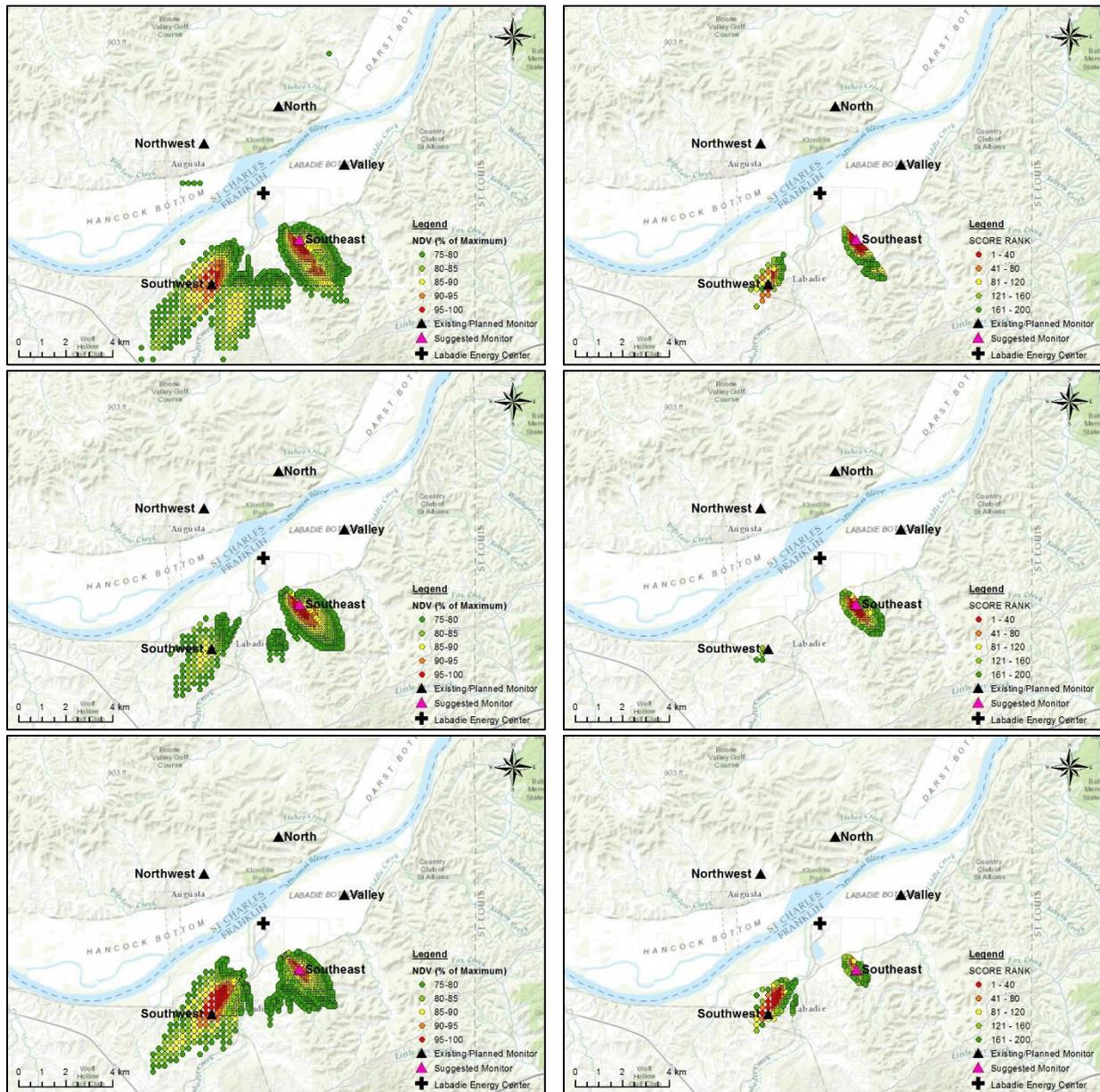
As explained in Sierra Club’s comments on DNR’s revised 2016 Monitoring Network Plan,<sup>3</sup> the modeling evaluation Ameren performed in 2016 using the available on-site meteorological data from the Valley monitoring site (“2016 modeling evaluation”) strongly supported the need for an SO<sub>2</sub> monitor southeast of Labadie. According to EPA’s SO<sub>2</sub> NAAQS Designations Source-Oriented Monitoring Technical Assistance Document (“Monitoring TAD”), “the most valuable data for [monitoring site evaluations] are meteorological data collected very nearby or even on the property of an identified SO<sub>2</sub> emitting facility ... These on-site data typically have very good spatial representativeness of the area in which the identified SO<sub>2</sub> source is situated, and thus, provide the best information to understand the actual conditions in which SO<sub>2</sub> emissions are being dispersed.”<sup>4</sup> Therefore, Ameren’s 2016 modeling evaluation was more representative of conditions around Labadie than previous evaluations by both DNR and Ameren, which used airport data from the National Weather Service (“NWS”) instead of on-site data.

The results of the 2016 modeling evaluation are shown in Figures 1-4 below. These figures show normalized design values (“NDVs”) for all receptors exceeding 75 percent of the maximum NDV and score ranks for the top 200 receptors for all meteorological and emissions datasets used in the modeling.<sup>5</sup> Score ranks, which provide a means of prioritizing receptor locations for consideration as permanent monitoring sites using NDVs and frequency of having the highest 1-hour daily maximum concentration, were calculated using the methodology described in Appendix A of the Monitoring TAD. Note that the “suggested monitor” in these figures (denoted by a pink triangle labeled Southeast) is not a current monitoring site location, but rather the location where Sierra Club recommended a monitor be installed based on the results of the 2016 modeling evaluation. Only the “current/planned monitors” in the figures (denoted by black triangles labeled North, Northwest, Southwest, and Valley) represent current monitoring site locations.

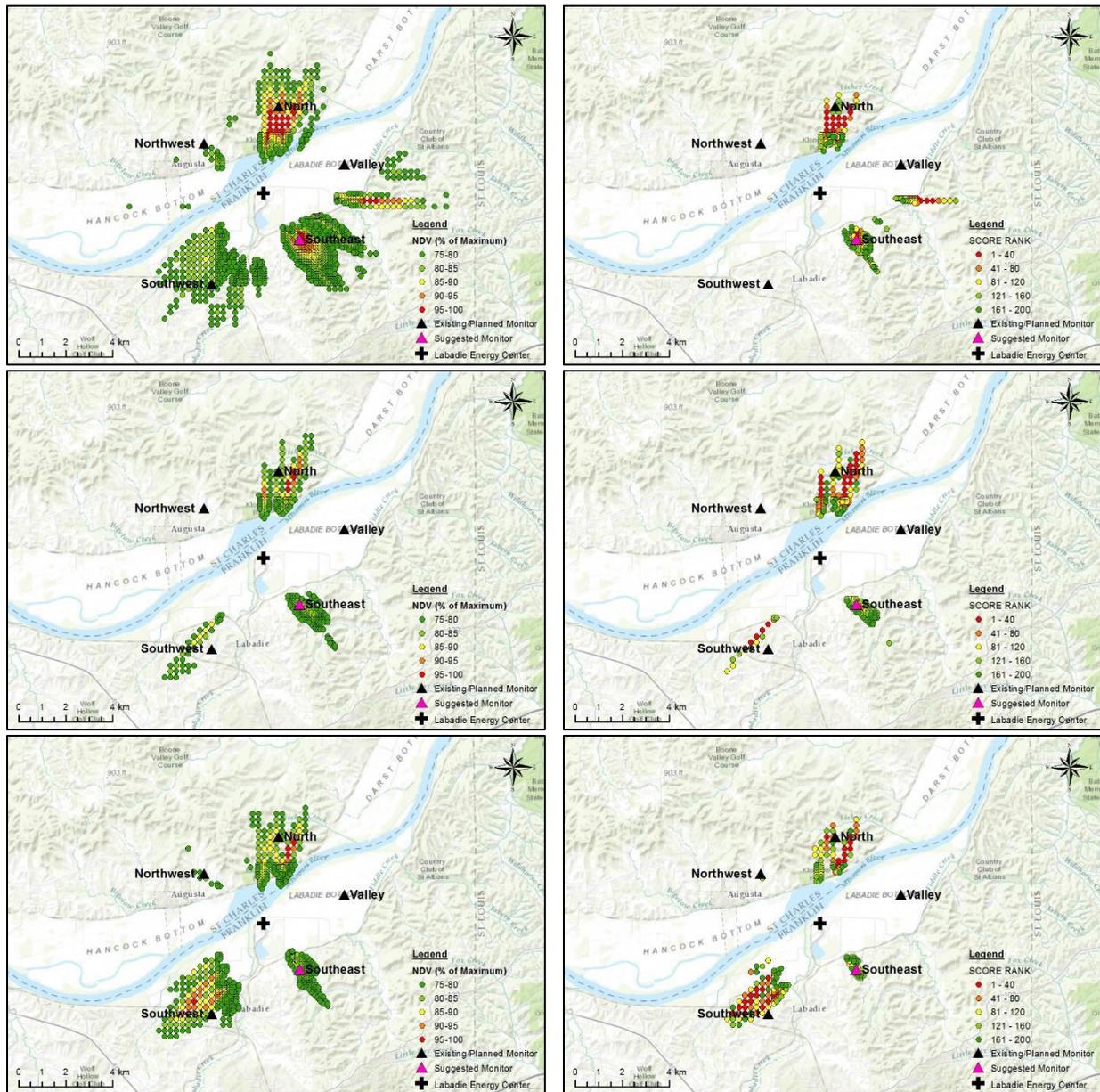
<sup>3</sup> DNR, 2016 Monitoring Network Plan, Revision 1 (Nov. 15, 2016) (“Revised Plan”).

<sup>4</sup> EPA, SO<sub>2</sub> NAAQS Designations Source-Oriented Monitoring Technical Assistance Document (Feb. 2016, Draft) (“Monitoring TAD”) at 6, available at <https://www.epa.gov/sites/production/files/2016-06/documents/so2monitoringtad.pdf>.

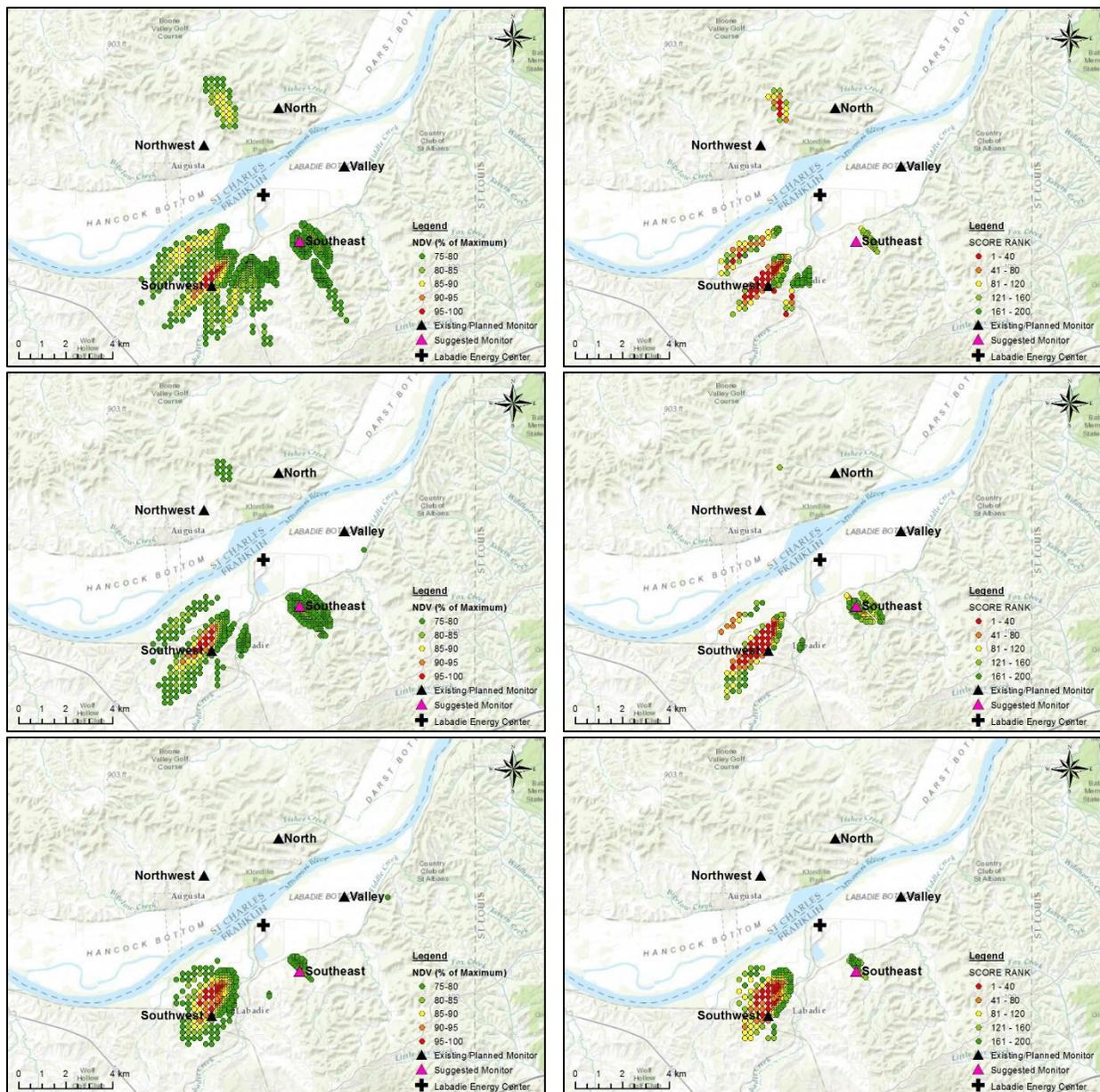
<sup>5</sup> Because the Valley monitoring site was flooded from the end of December 2015 until late March 2016 resulting in a gap in the on-site meteorological data, Ameren used four separate meteorological datasets in its modeling: 1) Valley site data from April 22, 2015 through June 30, 2016; 2) Valley site data from April 22, 2015 through June 30, 2016 with the gap filled with NWS data from Jefferson City Memorial Airport; 3) Valley site data from April 22, 2015 through June 30, 2016 with the gap filled with NWS data from Spirit of St. Louis Airport; and 4) Weather Research and Forecasting model data for the year 2015. Ameren also used three separate emissions datasets: 1) actual hourly emissions (normalized) with actual hourly stack temperatures and exit velocities; 2) a fixed emission rate with constant stack temperature and exit velocity based on all units operating at >500 MW (“high-load scenario”); and 3) a fixed emission rate with constant stack temperature and exit velocity based on all units operating between 300-450 MW (“mid-load scenario”).



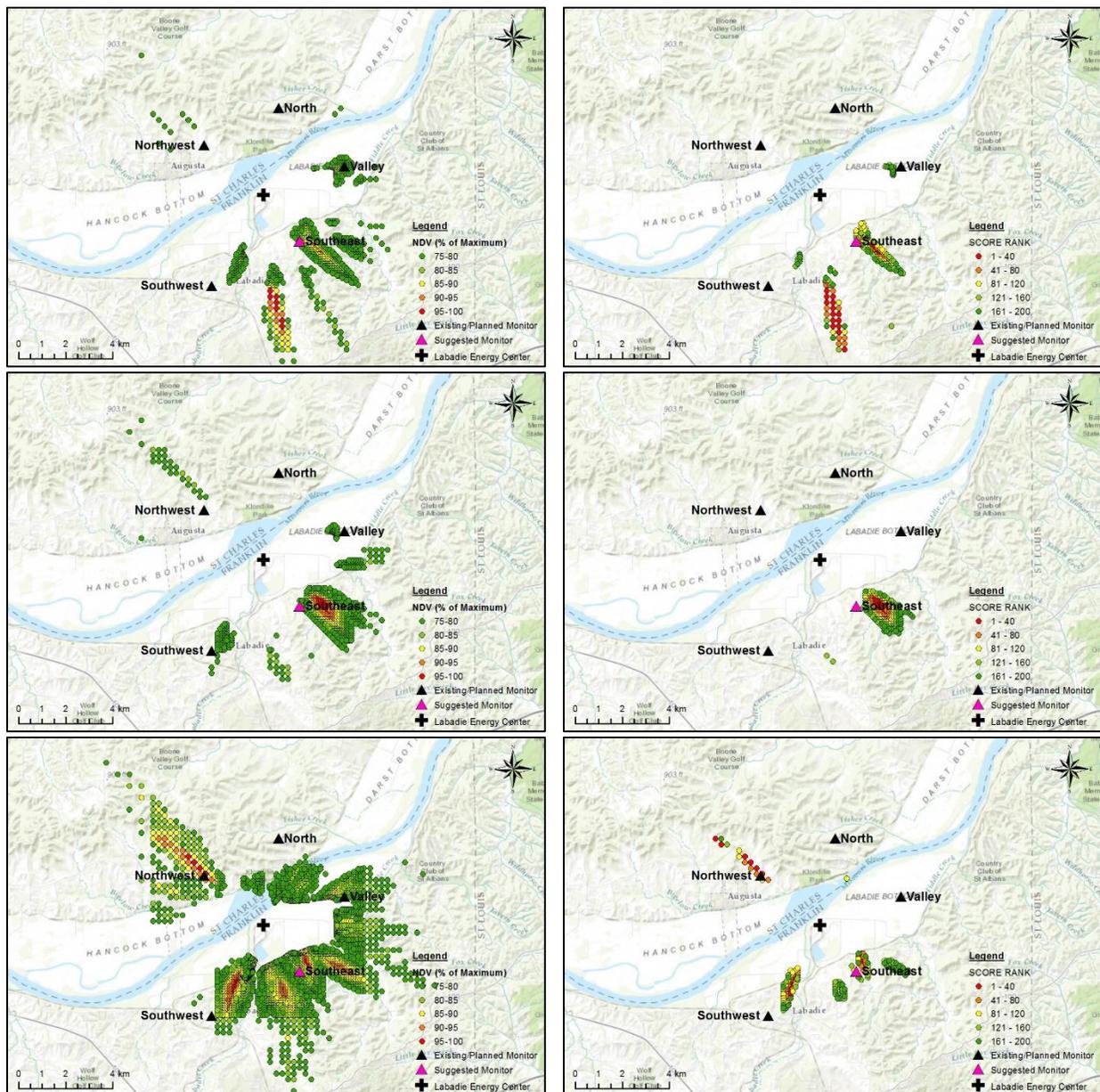
**Figure 1:** Normalized design values (left; all receptors exceeding 75% of the maximum NDV) and score ranks (right; top 200 receptors only) for modeling runs using meteorological data from the Valley site. The top, middle, and bottom rows show results for the actual hourly emissions scenario, the high-load scenario, and the mid-load scenario, respectively.



**Figure 2:** Normalized design values (left; all receptors exceeding 75% of the maximum NDV) and score ranks (right; top 200 receptors only) for modeling runs using meteorological data from the Valley site with the gap in on-site data filled with NWS data from Jefferson City Memorial Airport. The top, middle, and bottom rows show results for the actual hourly emissions scenario, the high-load scenario, and the mid-load scenario, respectively.



**Figure 3:** Normalized design values (left; all receptors exceeding 75% of the maximum NDV) and score ranks (right; top 200 receptors only) for modeling runs using meteorological data from the Valley site with the gap in on-site data filled with NWS data from Spirit of St. Louis Airport. The top, middle, and bottom rows show results for the actual hourly emissions scenario, the high-load scenario, and the mid-load scenario, respectively.

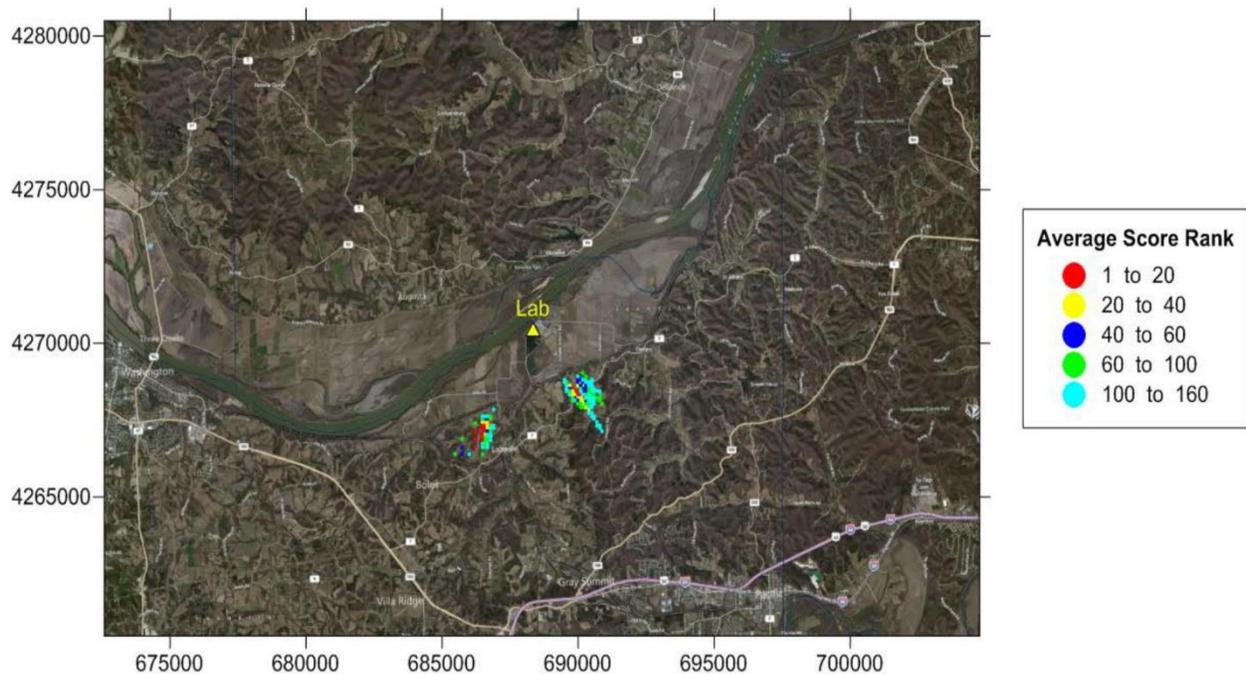


**Figure 4:** Normalized design values (left; all receptors exceeding 75% of the maximum NDV) and score ranks (right; top 200 receptors only) for modeling runs using Weather Research and Forecasting model meteorological data. The top, middle, and bottom rows show results for the actual hourly emissions scenario, the high-load scenario, and the mid-load scenario, respectively.

As Figures 1-4 clearly show, all of Ameren’s 2016 modeling predicted an area of high NDVs and/or highly ranked receptors southeast of Labadie. The size and exact locus of the area, modeled NDVs, and receptor ranks all varied somewhat depending on the meteorological and emissions datasets used. However, in every instance there was a grouping of top 200 receptors in the area that frequently included some of the most highly ranked receptors. Further, modeled

NDVs in the area were always greater than 75 percent of the maximum NDV and were greater than 90 or 95 percent of the maximum in over half of the model runs. Hence the modeling strongly supported a monitor southeast of the plant.

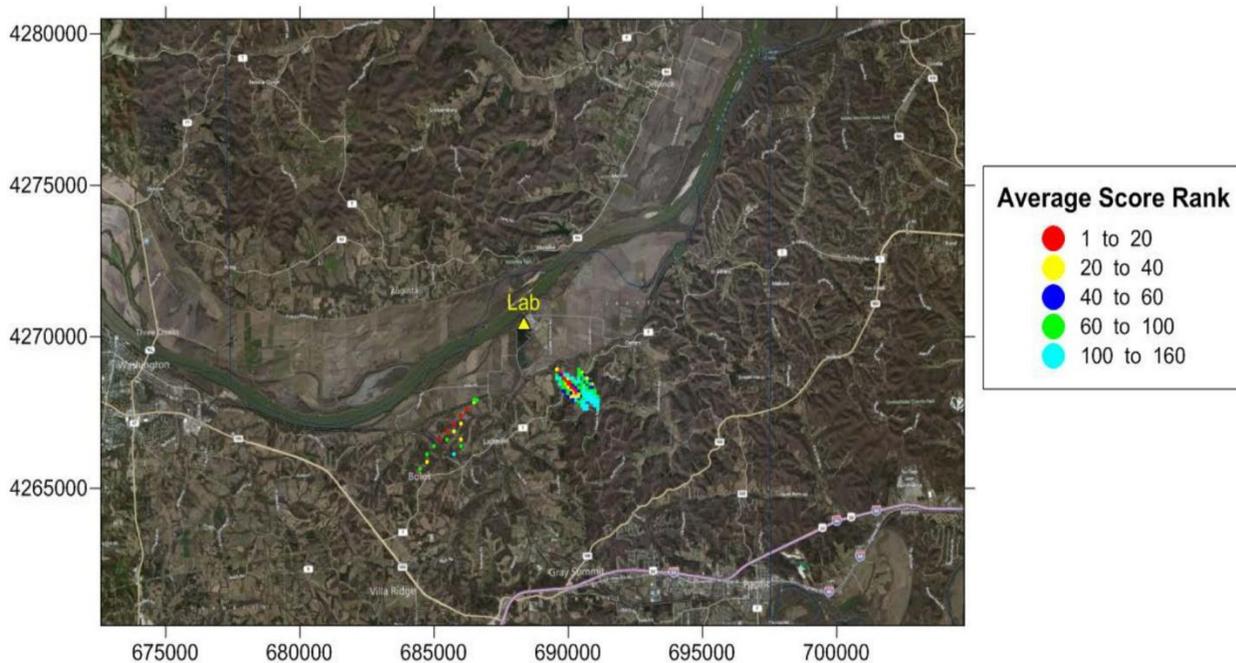
Ameren's own analysis of its 2016 modeling reached the same conclusion. Appendix 5 of DNR's revised 2016 Monitoring Network Plan included an analysis by Ameren that purported to combine the results of all modeling runs using the four different meteorological datasets (for the actual hourly and high-load emissions scenarios) in order to determine a preferred monitor location.<sup>6</sup> The results of this analysis are shown in Figures 5 and 6 below.<sup>7</sup>



**Figure 5.** Summary average score rank over all met scenarios, actual hourly emissions scenario.

<sup>6</sup> Revised Plan at 172. (“To further refine a preferred monitor location from the scenario predictions, the top 200 NDV receptors for these two operating conditions were combined into individual files of 800 receptors (top 200 NDV receptors for each meteorological scenario). These receptors were then searched to see if any of the top 200 NDV receptors for each meteorological scenario were repeated. A list of receptors that occurred in at least two or more of the meteorological scenarios were compiled and the average score rank for those duplicate receptors was calculated. Those duplicate receptors were then ranked. This ranked list of receptors represents a consensus between the four different meteorological scenarios as to the best location to site an additional SO<sub>2</sub> monitor.”)

<sup>7</sup> Figures 5 and 6 reproduce Figures 6 and 7, respectively, from Revised Plan, Appendix 5.



**Figure 6.** Summary average score rank over all met scenarios, high-load emissions scenario.

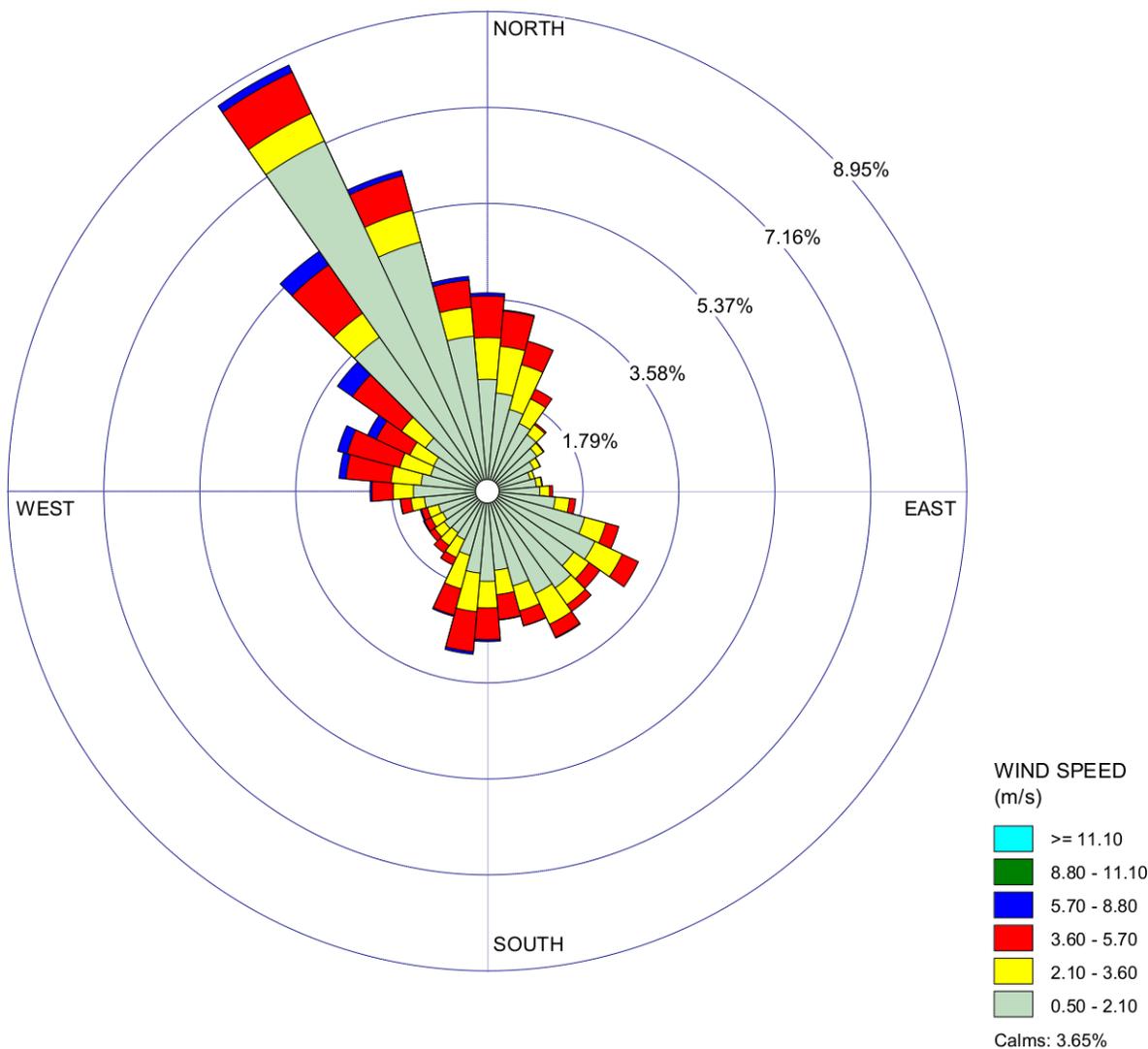
Figures 5 and 6 both show groupings of duplicate receptors with high average score ranks southeast and southwest of Labadie. Ameren provided this analysis to justify the new Southwest monitor it was proposing at the time. However, it also clearly demonstrated the need for a monitor southeast of the plant, an area Ameren itself labeled a “preferred monitoring location” like the area to the southwest.<sup>8</sup> In fact, it arguably showed a greater need for a monitor to the southeast than to the southwest due the preponderance of highly ranked receptors in that area. This led Sierra Club to conclude at the time, “The addition of a southeast monitor is critical to monitoring all significant areas around Labadie where peak 1-hour SO<sub>2</sub> concentrations are expected to occur.”<sup>9</sup>

Unfortunately, EPA approved DNR’s revised 2016 Monitoring Network Plan without requiring Ameren to install a monitor southeast of Labadie. Now, more than three years later, on-site meteorological data collected in the ensuing years shows that this was a mistake and reaffirms the need for a monitor at this location to determine compliance with the 2010 SO<sub>2</sub> NAAQS. Since late February 2017, Ameren has operated a meteorological monitoring station at the Northwest monitor.<sup>10</sup> The wind rose for this monitor for the period February 23, 2017 through December 31, 2019 is shown in Figure 7 below.

<sup>8</sup> Revised Plan at 176. (“As can be seen from the figures, only locations to the southwest and southeast of the Labadie Energy Center remain as preferred SO<sub>2</sub> monitoring locations.”)

<sup>9</sup> Sierra Club comments on Revised Plan (Dec.14, 2016).

<sup>10</sup> Ameren has also continued to operate the meteorological monitoring station at the Valley monitor. However, the Valley monitor is located in the Missouri River Valley, where channeling is an issue. The Northwest monitor, by contrast, is located in elevated terrain to the north of the Missouri River Valley, where topographic wind effects like



**Figure 7.** Northwest monitor wind rose, February 23, 2017 – December 31, 2019.

Figure 7 shows that the most frequent winds at the Northwest monitor during the 2017-2019 period were from the northwest. This was the case by a wide margin; winds were from the northwest roughly 20 percent of the time, or one out of every five days, which is several times the frequency of winds from any other direction. Given that wind direction approximates the direction of plume transport, this indicates that the Labadie plume was transported to the southeast much more frequently than in any other direction during the 2017-2019 period. Hence it is possible if not probable that the highest SO<sub>2</sub> concentrations during this period occurred southeast of Labadie, not to the north, northwest, southwest, or east, where the Labadie SO<sub>2</sub>

channeling are less likely. It is also closer to Labadie's stack-tip elevation. As such, winds at the Northwest monitor are more representative of winds at stack height and better approximate the direction of plume transport.

monitors are located. As a result, SO<sub>2</sub> concentrations near Labadie may have exceeded the NAAQS in 2017-2019 even though the monitors all showed compliance with the standard during that time.

## **Conclusion**

Areas are designated as unclassifiable when there is insufficient information available to determine whether or not they are attaining the NAAQS. While the addition of two new SO<sub>2</sub> monitors north and southwest of Labadie in 2016 was a positive step toward obtaining sufficient information to determine whether the area is attaining the 2010 SO<sub>2</sub> NAAQS, DNR and EPA's failure to also require the installation of a monitor southeast of the plant, where Ameren's 2016 modeling evaluation indicated peak 1-hour SO<sub>2</sub> concentrations were expected to occur and where on-site meteorological data collected in the ensuing years shows the Labadie plume is most frequently transported, has resulted in a significant data gap that must be filled before the area's attainment status can be determined. The fact that all existing monitors purport to show compliance with the standard<sup>11</sup> does not demonstrate that the entire area is attaining the standard if, as the available information strongly suggests, DNR has no data for the area with the highest concentrations. DNR's assertion that the basis for the unclassifiable area designation no longer exists now that all the monitors have valid design values is therefore untrue.<sup>12</sup> To the contrary, because DNR – due to the data gap southeast of the plant – lacks sufficient information to determine whether the entire area is attaining the NAAQS, unclassifiable remains the only justifiable designation for the area.

DNR's 2020 Monitoring Network Plan is currently on public notice.<sup>13</sup> We recommend the department shelve its redesignation request and modify the 2020 Monitoring Network Plan to include a new SO<sub>2</sub> monitor southeast of Labadie in order to fill the data gap in that area. Only when the new southeast monitor has a valid design value based on three years of quality-assured monitoring data will DNR have sufficient information to determine whether the Labadie area is attaining the 2010 SO<sub>2</sub> NAAQS. Although EPA indicated in its January 2017 response to Sierra Club's petition for reconsideration of the Labadie unclassifiable designation that it anticipated completing a new evaluation and potentially redesignating the area by December 31, 2020, it is under no deadline to act by that date. Hence, there is no reason to rush to judgement and seek redesignation to attainment before the data gap southeast of the plant is filled. Alternatively, if DNR and EPA insist on moving forward despite this critical data gap, then the agencies could utilize modeling to complete the designation now that three full years of on-site meteorological data are available. Labadie is still the largest source of SO<sub>2</sub> in Missouri and the largest coal-fired power plant in the country without SO<sub>2</sub> controls. As such, it is critically important that DNR

<sup>11</sup> All four monitors do not, in fact, show compliance with the standard. There is no valid 2017-2019 design value for the Valley monitor because the 2019 data for the Valley monitor, which was offline due to flooding from May 13 to August 2, 2019, is incomplete. This is yet another reason why DNR should not move forward with its redesignation request at this time.

<sup>12</sup> Labadie Redesignation Request at 1.

<sup>13</sup> DNR, 2020 Monitoring Network Plan (July 15, 2020), available at <https://dnr.mo.gov/env/apcp/docs/2020-07-14-2020-monitoring-network-plan-with-appendix.pdf>.

protect the public and not seek to redesignate the Labadie area until it has sufficient information to determine whether the area is, in fact, attaining the NAAQS.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'E. Hubertz', is positioned above the typed name.

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