

MINUTES
MISSOURI AIR CONSERVATION COMMISSION
Kansas City Regional Office
500 Northeast Colbern Road
Missouri River Conference Room
Lee's Summit, MO 64086
April 27, 2017
9:00 a.m.

Commissioners Present

Jack Baker, Member
Jack Jones, Vice Chairman
Gary Pendergrass, Member
David Zimmermann, Chairman

Commissioners Absent

Mark Garnett, Member

Staff Members Present

Darcy Bybee, Air Quality Planning Section Chief, Air Pollution Control Program (APCP)
Michael Cunningham, Kansas City Regional Office
David Gilmore, Director's Office, APCP
Kendall Hale, Permits Section Chief, APCP
James Helgason, Kansas City Regional Office
Kyra Moore, Director, APCP
Lisa Nahach, Public Information Specialist, APCP
Seth Norcross, Kansas City Regional Office
Crew Schuster, Kansas City Regional Office
Richard Swartz, Compliance/Enforcement Section Chief, APCP
Suzanne Ward, Kansas City Regional Office

Others Present by Attendance Record

Paul Brugmann, Cummins
Tracey Casburn, Environmental Protection Agency
Jennifer Hernandez, Attorney General's Office
Aveen Noori, City of Kansas City
Roger Walker, Regulatory Environmental Group for Missouri

A. Call to Order

Chairman David Zimmermann called the April 27, 2017, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present:
Jack Jones, David Zimmermann, Jack Baker and Gary Pendergrass.

B. Minutes from March 30, 2017, Meeting

Commissioner Jack Baker moved to approve the March 30, 2017, minutes as written. Commissioner Gary Pendergrass seconded the motion, and all commissioners voted to approve the March 30, 2017, minutes as written.

C. Reports - The following referenced reports are in the April 27, 2017, Missouri Air Conservation Commission Briefing Document and available online at dnr.mo.gov/env/apcp/macc.htm.

1) COMPLIANCE/ENFORCEMENT REPORT

Mr. Richard Swartz said the Compliance/Enforcement Report begins on page 55 with the Concern Report. A total of 72 concerns were received from February 16, 2017 through March 15, 2017. The largest number of concerns revolved around open burning, followed by odor, asbestos and fugitive dust. During this time period 72 investigations were completed by regional office staff.

The Ongoing Negotiations Report can be found on page 75. There are 26 enforcement actions in the negotiation process at this time. The majority of those cases are regarding open burning, followed by Inspection/Maintenance issues.

The Finalized Agreement Report is on page 77. For the time period of February 16, 2016 through March 15, 2017, the department finalized two agreements with a total penalty of \$10,000. Of that amount \$8,500 was suspended and \$1,500 was paid to the school district in the county where the violation occurred.

The Pending Referrals Report can be found on page 79. At this time, there are six Active Referrals. This number is unchanged from last month.

The first quarter Gateway Vehicle Inspection Program (GVIP) report for 2017 can be found on page 81 of the briefing document. Over 203,000 vehicles were tested with a passing rate greater than 97 percent. Staff in the St. Louis Regional Office conducted 319 audits. The program is currently in the midst of transitioning from Opus to Worldwide Environmental Projects. Mr. Swartz said he expected the transition should be completed by May.

Mr. Swartz announced that Unit Chief should soon be filled. In addition, two staff in the Asbestos Unit have left the program: Ms. Sara Hoover and Mr. Ethan Smith. Both were high quality staff members. Mr. Swartz recognized the efforts of Ms. Connie Kinney, an Administrative Professional in the Compliance and Enforcement Section, and the other members of the Asbestos Unit. They have been a tremendous help in keeping the work flowing and issuing certifications.

Chairman Zimmermann asked if these staff left due to their salaries.

Mr. Swartz replied that Mr. Smith joined the ranks of the Northeast Regional Office because it offered more time in the field. And Ms. Hoover left the

program to join the Public Service Commission because it gave her the opportunity to advance her career.

Commissioner Pendergrass asked if those two positions would be filled.

Mr. Swartz replied that the program would soon be interviewing to fill Mr. Smith's vacant position. However, the position vacated by Ms. Hoover will be held until the Division provides approval to fill the position.

2) **PERMIT REPORT**

Mr. Hale stated the Permit Report begins on page 83 of the briefing document with the Permit Applications Received Report. For the month of March the Permit Section received 74 construction and 49 operating permit projects. So far the Permit Section has received a total of 287 permit applications.

The Permit Applications Completed report begins on page 97 of the briefing document. For the month of March the Permit Section completed 171 construction and 149 operating permit projects. So far the Permit Section has completed a total of 320 permit projects, which is greater than the number of projects received.

The Open Permits Report is on page 115 of the briefing document. This report details the types of projects currently open in the Permit Section. There are currently 478 open permit projects.

The Permit Section continues to work on the backlog of permit projects, including the older projects. The Permit Section is making good progress.

There are 12 operating projects, Part 70s and Intermediates, on public notice. There is currently one Prevention of Significant Deterioration (PSD) project on public notice: Columbia Municipal Power Plant. The public hearing has tentatively been set for May 18, 2017. If no requests are received by May 8, 2017, to hold a public hearing then it will be canceled. Written comments on the PSD permit will be taken until May 17, 2018. Draft permits that are on public notice can be found on the Air Pollution Control Program's website at <http://dnr.mo.gov/env/apcp/permit-public-notices.htm>. Public comments can also be submitted from this webpage.

The Permit Section will hold interviews for three vacant positions starting next week and the positions should be filled by the middle of June.

3) **AIR QUALITY PLANNING REPORT**

The slides from Ms. Bybee's presentation can be seen in Attachment A of these minutes or on the commission's website at <http://dnr.mo.gov/env/apcp/macc.htm>.

a) **Rule and State Implementation Plan (SIP) Agenda**

The Rule and SIP Agenda is found on page 117. There are no public hearing or adoption items for the commission meetings in April or May. The Planning Section is continuing work on several items to bring before the commission in the future.

b) **Rules in Progress Schedule**

The Rules in Progress Schedule is found on pages 119 – 120 of the briefing document. Ms. Bybee reviewed what was presented to the commission at the March 30, 2017, meeting. Originally there were three rules on the agenda, however, 10 CSR 10-6.070, *New Source Performance Regulations* was withdrawn and only rules 10 CSR 10-6.075 *Maximum Achievable Control Technology Regulations* (page 119, last row) and 10 CSR 10-6.080 *Emission Standards for Hazardous Air Pollutants* (page 120, first row) were presented to the commission for adoption. The MACT and NESHAP rules were published in the *Missouri Register* on November 15, 2016 and were then presented at public hearing on January 31, 2017. The public comment period ended on February 7, 2017, and the commission adopted these rules at the March 30, 2017 meeting. Both rules are set to become effective at the end of July 2017.

c) **State Air Quality Plans Status Report**

The State Air Quality Plans Status Report can be found on pages 121 – 126 of the briefing document. The Air Quality Planning Section is in the process of reviewing the report to make it more streamlined, and focused on current standards and obligations.

Ozone and Sulfur Dioxide

The program submitted ozone and sulfur dioxide (SO₂) boundary recommendations to EPA in 2016. The program expects to receive a ‘120-day’ letter in June 2017 for the 2015 ozone standard and another ‘120-day’ letter in August for the 2010 SO₂ standard. The 120-day letters will describe EPA’s planned designations under these two standards and will detail any agreement, disagreement or further questions on the recommendations. EPA plans to finalize the 2015 ozone boundary designations in October 2017 and the round 3 2010 SO₂ boundary designations in December 2017. Monitoring data for these pollutants can be found at:

-Ozone: www.dnr.mo.gov/env/apcp/docs/ozonemonitordata.pdf

-SO₂: www.dnr.mo.gov/env/apcp/docs/so2monitoringdata.pdf

Federal Register Notices

Ms. Bybee presented six federal register notices in chronological order.

- “Withdrawal of Proposed Rules: Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations; and Clean Energy Incentive Program Design Details”

More information regarding this notice can be viewed at the following link: <https://www.gpo.gov/fdsys/pkg/FR-2017-04-03/pdf/2017-06518.pdf>

In the following three notices the EPA is informing the public that they are considering potential amendments, rescissions, or delays in effective dates.

- “Review of the Clean Power Plan”

More information regarding this notice can be viewed at the following link: <https://www.gpo.gov/fdsys/pkg/FR-2017-04-04/pdf/2017-06522.pdf>

- “Review of the Standards of Performance for Greenhouse Gas Emissions New, Modified, and Reconstructed Stationary Sources: Electric Generating Units”

More information regarding this notice can be viewed at the following link: <https://www.gpo.gov/fdsys/pkg/FR-2017-04-04/pdf/2017-06519.pdf>

- “Review of the 2016 Oil and Gas New Source Performance Standards for New, Reconstructed, and Modified Sources”

More information regarding this notice can be viewed at the following link: <https://www.gpo.gov/fdsys/pkg/FR-2017-04-04/pdf/2017-06658.pdf>

- “Adequacy Determination for the St. Louis Area 2008 8-Hour Ozone Redesignation Request and Maintenance State Implementation Plan, Motor Vehicle Emissions Budgets for Transportation Conformity Purposes; State of Missouri”

More information regarding this notice can be viewed at the following link: <https://www.gpo.gov/fdsys/pkg/FR-2017-04-13/pdf/2017-07500.pdf>

- “Evaluation of Existing Regulations”

EPA is seeking input on regulations that may be appropriate for repeal, replacement or modification. Comments must be received on or before May 15, 2017.

The following link provides information on how comments can be provided: <https://www.gpo.gov/fdsys/pkg/FR-2017-04-13/pdf/2017-07500.pdf>

4) DIRECTOR'S REPORT

The slides from Ms. Kyra Moore's presentation are in Attachment B of these minutes or on the commission's website at <http://dnr.mo.gov/env/apcp/macc.htm>

a) Kansas City Regional Office

Ms. Moore introduced the following staff from the Kansas City Regional Office: Mr. James Helgason, Mr. Michael Cunningham, Ms. Suzanne Ward, Mr. Seth Norcross and Ms. Crew Schuster. Mr. Helgason will be giving a presentation after the Director's Report.

b) Air Program Advisory Forum

An Air Program Advisory Program meeting is scheduled for May 25, 2017, at 12:30 p.m. – the same day as the May commission meeting.

c) Staffing

At the last commission meeting Ms. Moore said there were 13 vacancies and the program will be filling five of those vacancies. This has not changed. The Permit Section is working to fill their vacancies and the Compliance/Enforcement Section is working to fill the Unit Chief position as well as the asbestos position.

Mr. Dru Buntin has accepted the Department Deputy Director position.

d) Permit Section Update

The Permit Section continues to work on its backlog of air operating permits. Ms. Moore commended permit staff for doing a great job and working hard clear up the backlog of permits. As evidence of their continued hard work, 12 operating permits are on public notice even though the Operating Permit Unit has two vacancies. The Permit Section continues to work with applicants to clear up the backlog of permits.

e) Volkswagen

There has been no change in the status of Volkswagen since the last commission meeting. The program is still waiting for the trustee and the Department of Justice to set the trust effective date, which is what triggers the state's action, the start of the project, and disbursement of funds.

f) General Updates

Ms. Moore presented a few slides to answer questions from commissioners at the last meeting. For more information, see the slides in Attachment B or review the video of the meeting:

https://www.youtube.com/watch?v=gqrL_iDUgOY&feature=youtu.be&list=UL

5) KANSAS CITY REGIONAL OFFICE UPDATE

Mr. James Helgason presented an update to the commission about the Kansas City Regional Office. Details of his presentation can be viewed in Attachment C to these minutes and on the Missouri Air Conservation Commission webpage at <http://dnr.mo.gov/env/apcp/macc.htm>. To see a video of his presentation please visit

https://www.youtube.com/watch?v=gqrL_iDUgOY&feature=youtu.be&list=UL

D. Public Hearing

None.

E. Recommended for Adoption and Actions to be Voted on

None.

F. New Business

None.

G. Unfinished Business

None.

H. Appeals and Variance Requests

None.

I. Open Session

Mr. Paul Brugmann, representing Cummins, addressed the commission. To see a video of his address, please visit

https://www.youtube.com/watch?v=gqrL_iDUgOY&feature=youtu.be&list=UL.

J. Future Meeting Dates

May 25, 2017 – Thursday

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

July 27, 2017 – Thursday

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

August 31, 2017 – Thursday

St. Louis Regional Office
7545 South Lindbergh, Suite 220
DESE Conference Room
St. Louis, MO 63125

September 28, 2017 – Thursday

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

October 26, 2017 – Thursday

Southwest Regional Office
2040 West Woodland
East and West Conference Rooms
Springfield, MO 65807

December 7, 2017 – Thursday

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

K. Discussion of Pending Litigation and Legal Matters

Ms. Jennifer Hernandez updated the commission on two cases. The view her update, please visit

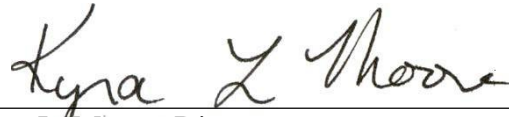
https://www.youtube.com/watch?v=gqrL_iDUgOY&feature=youtu.be&list=UL.

L. Meeting Adjournment

Commissioner Pendergrass moved to adjourn the April 27, 2017, Missouri Air Conservation Commission meeting. Vice Chairman Jones seconded the motion, and all commissioners voted to adjourn the meeting.

Chairman Zimmermann adjourned the April 27, 2017, Missouri Air Conservation Commission meeting.

Respectfully submitted,

A handwritten signature in black ink that reads "Kyra L. Moore". The signature is written in a cursive style and is positioned above a horizontal line.

Kyra L. Moore, Director
Air Pollution Control Program

Approved:

David Zimmermann, Chairman
Missouri Air Conservation Commission

