

**MINUTES**  
**MISSOURI AIR CONSERVATION COMMISSION**  
**TELECONFERENCE MEETING**  
**Air Pollution Control Program**  
**1659 East Elm Street**  
**Division of State Parks Conference Room**  
**Jefferson City, MO 65101**  
**October 17, 2019**  
**8:00 a.m.**

**Commissioners Present**

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

**Staff Members Present**

Darcy Bybee, Director, Air Pollution Control Program (APCP)  
David Gilmore, Director's Office, APCP  
Richard Waters, Assistant General Counsel, Department of Natural Resources

**Others Present by Verbal Announcement**

Jeff Burkett, Empire District Electric Company  
Kay Drey, Missouri Coalition for the Environment  
Shahla Farzan, St. Louis Public Radio  
Richard Groeneman, Attorney General's Office  
Geoff Marke, Missouri Office of Public Counsel  
Ed Smith, Missouri Coalition for the Environment

**A. Call to Order**

Chairman Gary Pendergrass called the October 17, 2019, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Gary Pendergrass, Ron Boyer, Mark Fohey, Kevin Rosenbohm, and Richard Rocha.

**B. Commission Resolution for Consideration**

Commissioner Boyer read the revised, "RESOLUTION CONCERNING SECTION 393.135 OF THE MISSOURI REVISED STATUTES THAT PROHIBITS COST RECOVERY DURING CONSTRUCTION OF NUCLEAR POWER PLANTS" which is posted on the commission's website at <https://dnr.mo.gov/env/apcp/macc.htm>.

Vice Chairman Rosenbohm moved to accept the resolution. Commissioner Fohey seconded the motion.

Commissioner Rocha discussed the resolution, thanked all who submitted comments, and also mentioned the memorandum provided by the Office of Public Counsel.

Mr. Geoff Marke discussed the memorandum he provided to the commission.

All commissioners voted to accept the revised, “RESOLUTION CONCERNING SECTION 393.135 OF THE MISSOURI REVISED STATUTES THAT PROHIBITS COST RECOVERY DURING CONSTRUCTION OF NUCLEAR POWER PLANTS.”

Commissioner Boyer suggested to add the word “unanimously” to the “passed and approved” phrase at the end of the resolution. Mr. Groeneman stated he did not believe the addition of the word required a revote by the commission. Chairman Pendergrass requested the program send two versions of the accepted resolution to Commissioner Fohey as he will not be in attendance at the October 31, 2019, commission meeting: one version will add the word “UNANIMOUSLY” to the last statement at the end of the resolution so it reads, “UNANIMOUSLY PASSED AND APPROVED on this 17th day of October, 2019.” The second version will read, “PASSED AND APPROVED on this 17th day of October, 2019.” Commissioner Fohey will then sign both copies and mail them back to the program. The program will provide both copies to the commission at their October 31, 2019, meeting in Jefferson City, for signature of the appropriate version.

### **C. Meeting Adjournment**

Commissioner Fohey moved to adjourn the October 17, 2019, Missouri Air Conservation Commission meeting. Vice Chairman Rosenbohm seconded the motion. All commissioners voted to adjourn the October 17, 2019, Missouri Air Conservation Commission meeting.

Chairman Pendergrass adjourned the October 17, 2019, 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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Gary Pendergrass, Chairman  
Missouri Air Conservation Commission