

**MINUTES**  
**MISSOURI AIR CONSERVATION COMMISSION**  
**Kansas City Regional Office**  
**500 Northeast Colbern Road**  
**Missouri River Conference Room**  
**Lee's Summit, MO 64086**  
**April 28, 2016**  
**9:00 a.m.**

**Commissioners Present**

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

**Staff Members Present**

Darcy Bybee, Air Quality Planning Section Chief, Air Pollution Control Program (APCP)  
Mike Cunningham, Kansas City Regional Office  
David Gilmore, Program Secretary, APCP  
Kendall Hale, Permits Section Chief, APCP  
Julia Katich Mudd, Assistant General Counsel, Department of Natural Resources  
Kyra Moore, Director, APCP  
Lisa Nahach, Public Information Specialist, APCP  
Ciara Oehring, Kansas City Regional Office  
Diana Reinart, Kansas City Regional Office  
Richard Swartz, Compliance/Enforcement Section Chief, APCP  
Corey Whiteaker, Kansas City Regional Office

**Others Present by Attendance Record**

Steven Brown, U.S. Environmental Protection Agency, Region VII  
Robert Brundage, Newman, Comley & Ruth, PC  
Jennifer Hernandez, Attorney General's Office  
Wendy Vit, GeoEngineers, Inc.  
Roger Walker, Regulated Environmental Group for Missouri

**A. Call to Order**

Chairman Gary Pendergrass called the April 28, 2016, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Jack Baker, Gary Pendergrass, Jack Jones, David Zimmermann and Mark Garnett.  
\*Commissioner Garnett participated by phone.

**B. Minutes from March 31, 2016, Meeting**

Vice Chairman David Zimmermann moved to approve the March 31, 2016, minutes as written. Commissioner Jack Baker seconded the motion, and all commissioners voted to approve the March 31, 2016, minutes as written.

**C. Reports - The following referenced reports are in the April 28, 2016, Missouri Air Conservation Commission Briefing Document and available online at [dnr.mo.gov/env/apcp/macc.htm](http://dnr.mo.gov/env/apcp/macc.htm).**

**1) DIRECTOR'S REPORT**

**a) Staff Update**

Ms. Kyra Moore announced that Richard Swartz accepted the position of the Compliance and Enforcement Section Chief.

Ms. Moore introduced the Kansas City Regional Office staff that were present: Ciara Oehring, Diana Reinert, Corey Whiteaker, Mike Cunningham and James Helgason.

**b) Clean Power Plan**

The Supreme Court issued a stay on the rule that reduces carbon dioxide emissions from power plants on February 9, 2016. A hearing at the DC Circuit Court is scheduled for June 2, 2016. The program is awaiting the result of the stay to move forward.

**c) Vacancies**

The program is hiring permit writers for the Permits Section and Mr. Swartz is hiring for the Unit Chief position he vacated. The program continues to review vacancies to determine which vacancies to fill immediately and which positions to hold, balancing expenditures with workload.

**d) Future Meetings**

The next commission meeting will be in Jefferson City on Thursday, May 26, 2016. The next Air Program Advisory Forum meeting will take place on May 26, 2016 at 1:00 p.m. Please see Attachment A to these minutes for further details.

**2) COMPLIANCE/ENFORCEMENT REPORT**

Mr. Richard Swartz gave a brief summary of his work history.

The Compliance/Enforcement Report begins on page 39 with the Concern Report. There were a total of 57 concerns received from February 16, 2016, through March 15, 2016. During this time period 52 investigations were completed.

The Ongoing Negotiations Report can be found on pages 59 and 60. There are 47 enforcement actions in the negotiation process at this time.

The Finalized Agreement Report is on page 61. For the time period of February 16, 2016 through March 16, 2016, the department finalized 5 agreements with a total penalty of \$14,000. Of that amount, \$9,000 was paid to the school fund of the County in which the violation occurred, and the remaining \$5,000 was suspended.

The Pending Referrals Report can be found on page 63. At this time, there are 15 Active Referrals.

The 2016 first quarter update for the Gateway Vehicle Inspection Program can be found on page 65 of the briefing document. Over 200,000 vehicles were tested and 845 audits were conducted by department and Missouri State Highway Patrol staff from January 1, 2016 through March 31, 2016. The second quarter report for 2016 will be presented in July 2016.

Ameren has submitted a variance request for the opacity rule, 10 CSR 10-6.220. The variance request is for their Labadie, Rush Island, Meramec and Sioux locations. This variance request will be presented at the May 26, 2016 meeting.

### **3) PERMITS REPORT**

Mr. Hale stated the Permits Report begins on page 67 of the briefing document with the Permit Applications Received Report. A total of 61 construction and 37 operating permit projects were received in March. So far, a total of 213 permit projects have been received in 2016.

The Permit Applications Completed report begins on page 77 of the briefing document. A total of 47 construction and 22 operating permit projects were completed in March. So far, a total of 189 operating permit projects have been completed in 2016.

The Open Permits Report is on page 85 of the briefing document. This report details the types of projects currently open in the Permit Section.

Four operating permits are on currently on public notice: Woodridge Corporation in Kansas City, Mid-South Steel Products in Cape Girardeau, Blue Scope Buildings in St. Joseph, and Silgan Containers in St. Joseph.

The draft permit for Owens Corning has come off public notice and no request for a public hearing was received. A few comments were received from EPA and the permit should be issued within the next few weeks.

The Permits Section is working with stakeholders to revise and streamline permits for the construction industry

**4) AIR QUALITY PLANNING REPORT**

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

The Rule and SIP Agenda starts on page 87 of the briefing document. 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*, also known as the Opacity Rule, will be presented to the commission at the July 28, 2016, public hearing and for adoption at the August 25, 2016 meeting.

**b) Rules In Progress Schedule**

The Rules In Progress Schedule is found on pages 89 and 90 of the briefing document. The Opacity Rule (fourth row down on page 89) will become effective at the end of this year following this timeline.

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

The State Air Quality Plans Status Report can be found on pages 91 – 95 of the briefing document.

On page 91 of the briefing document is the work done on the 2015 ozone standard (sixth row). As reported last month, the program is reviewing air quality monitoring data, emissions data, etc. in order to meet the October 1, 2016, deadline of submitting boundary recommendations to EPA. The program has reviewed the 2013-2015 ozone monitoring data. Based upon that data, there is only one monitor in the state that is exceeding the 2015 standard.

The status of the program's work on the 2008 8-Hour Ozone Standard for the St. Louis Area can be found on page 92 (row two). At this time, according to 2013 through 2015 air quality monitoring data, all areas of the state, including the nonattainment area in St. Louis, have met this standard. The program is working to bring a redesignation request and maintenance plan through the public process to the commission, hopefully, this summer. No dates have been made official yet since the program is working with Illinois and EPA. The ozone season officially started on April 1st.

Based upon the most recent monitoring data, there are four monitors in the St. Louis area that are registering 66 parts per billion (ppb), which is still below the 2008 and 2015 ozone standards. The data has not been quality assured and is preliminary. There are several more months still left in the ozone season. The program will watch the monitoring data closely and update the commission as the ozone season progresses. (For up to date

information, please see:  
<http://dnr.mo.gov/env/apcp/docs/ozonemonitordata.pdf>.)

EPA is approaching the implementation of the 2010 sulfur dioxide (SO<sub>2</sub>) national ambient air quality standards (NAAQS) which will take place in a four-tiered approach (page 93, row 2). Ms. Bybee updated the commission on round two, the Consent Decree round. The program is actively working on information and documentation on all four rounds. The program submitted recommendations for three areas of the state last September: Sibley, Sikeston and Labadie. The program received a 120-day letter from EPA in February and the public comment period closed on March 31, 2016. The state comment period closed April 19, 2016 and EPA will finalize designations in July 2016. As a reminder, last September the program recommended both Sikeston and Sibley as attainment and Labadie as Unclassifiable. Then in February, EPA issued the 120-day letter which initially recommended Unclassifiable/Attainment for Sikeston, Unclassifiable for Sibley, and Nonattainment for Labadie. The program reviewed all of the information and formally responded to the letter. The program's response essentially reiterated its original recommendations. (Details on this can be found at: <http://dnr.mo.gov/env/apcp/naaqsboundarydesignations.htm#SO2>.)

Chairman Pendergrass asked what the most recent Labadie monitoring data shows.

Ms. Bybee replied that the most recent quality assured monitoring data through the end of 2015 continues to show low levels of SO<sub>2</sub> at that site. (For up to date information, please see: <http://dnr.mo.gov/env/apcp/docs/so2monitoringdata.pdf>.)

An e-mail was sent to the Air Program Advisory Forum list serve so that everyone was aware that EPA proposed a revision to the Regional Haze rule. This rule was originally promulgated in 1999 and is a program to improve visibility in certain federal areas. According to EPA, the proposed revisions are intended to "streamline, strengthen and clarify various aspects of the regional haze program." There is a 60-day public comment period. There will be a public hearing in Washington, D.C. on May 19, 2016. Additional guidance is expected in Summer 2016 and the rule should be finalized at the end of the year. The rule is lengthy, and Ms. Bybee said she would provide an update to the commission as the program moves through the process.

Ms. Bybee reminded the commission about the upcoming Periodic Rule Review. This state statute requires all state departments to conduct a Periodic Rule Review on a five-year rotation. Different state departments are on different schedules. For the Department, the year is 2016 (along with The Departments of Transportation, Labor and Industrial Relations and Mental Health). The review process officially begins July 1, 2016. However, in anticipation of the 2016 schedule, work was initiated in late

2013. Several interested parties participated in the workgroup process that has or will ultimately result in initiating several rulemaking actions—some to rescind obsolete rules and some to update outdated rules. The official process will begin no later than July 1st of this year when the Joint Committee on Administrative Rules will publish a notification in the Missouri Register. A comment period on any of the Department’s rules will be open for 60 days. Then the Department will provide a report of the comments/responses/planned actions.

The program has identified several necessary rule amendments and even some rules that need to be rescinded.

There are several on the list for upcoming amendments and there are approximately five – eight that need more work.

A copy of the top half of the page from last year’s Notice of Periodic Rule Review, published in the *Missouri Register*, was presented to the commission. Please see Attachment A to these minutes for further details. Public comments must meet specific requirements.

Mr. Steven Brown has taken over as the EPA state coordinator.

**5) MID-AMERICA REGIONAL COUNCIL UPDATE**

Ms. Amanda Graor presented the commission with an update on the Mid-America Regional Council. This included who makes up the council, and functions and responsibilities of the council. Details of her presentation can be found on the Missouri Air Conservation Commission website at <http://dnr.mo.gov/env/apcp/macc.htm>

**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. Unfinished Business**

None.

**J. Open Session**

Mr. Roger Walker, representing the Regulatory Environmental Group for Missouri (REGFORM), addressed the commission. Mr. Walker gave a brief update on the most recent annual REGFORM air seminar and thanked program staff for the participation.

**K. Future Meeting Dates**

**May 26, 2016 – Thursday**

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

**July 28, 2016 – Thursday**

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

**August 25, 2016 – Thursday**

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

**September 29, 2016 – Thursday**

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

**October 27, 2016 – Thursday**

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

**December 1, 2016 – Thursday**  
Elm Street Conference Center  
1730 East Elm Street  
Lower Level  
Bennett Springs Conference Room  
Jefferson City, MO 65101

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

None.

**M. Missouri Air Conservation Commission**

Commissioner Baker moved to adjourn the April 28, 2016, Missouri Air Conservation Commission meeting. Vice Chairman Zimmermann seconded the motion, and all commissioners voted to adjourn the meeting.

Chairman Pendergrass adjourned the April 28, 2016, Missouri Air Conservation Commission meeting.

Respectfully submitted,

***Signature on File***

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Kyra L. Moore, Director  
Air Pollution Control Program

Approved:

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Gary Pendergrass, Chairman  
Missouri Air Conservation Commission



# Air Pollution Control Program Director's Report

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Kyra Moore

Missouri Air Conservation Commission Meeting  
Kansas City, MO  
April 28, 2016



## Air Pollution Control Program Section Chiefs and General Functions

### Air Quality Planning

- Darcy Bybee
  - Rules, State Plans

### Permits

- Kendall Hale
  - Construction/Operating Permits

### Compliance Enforcement

- Richard Swartz
  - Compliance Assistance, Enforcement Cases, Vapor Recovery and Inspection Maintenance Oversight, Stack Test Oversight

## Air Pollution Control Program Section Chiefs and General Functions – cont.

### Air Quality Analysis

- Steve Hall
  - Monitoring, Emission Inventories, Compliance Assistance

### Inspection Maintenance

- Chuck Dachroeden
  - Vehicle Emissions Program in St. Louis

### Fiscal Budget

- Carolyn Kliethermes
  - Budget, Personnel

## General Updates

- Clean Power Plan
- Legislation
- Staffing
- Travel to Jefferson City
  - Bridge Construction starting ~ May 2
  - Last 4 months
  - <http://www.modot.org/central/MORiverBridgeJC.htm>



## Air Program Advisory Forum

Meetings scheduled:

Elm Street Conference Center

1:00 p.m. to 3:00 p.m. on:

- May 26<sup>th</sup>
- September 29<sup>th</sup>
- December 1<sup>st</sup>

Following Missouri Air Conservation Meetings



## Compliance/Enforcement Report

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Richard Swartz

Compliance Enforcement Section Chief  
Air Pollution Control Program

Missouri Air Conservation Commission Meeting  
Kansas City, MO  
April 28, 2016



# Permits Report

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**Kendall Hale**

Permits Section Chief  
Air Pollution Control Program

Missouri Air Conservation Commission Meeting  
Kansas City, MO  
April 28, 2016



# Air Quality Planning Report

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**Darcy Bybee**

Air Quality Planning Section Chief  
Air Pollution Control Program

Missouri Air Conservation Commission Meeting  
Kansas City, MO  
April 28, 2016

## Rule and SIP Agenda

*Briefing Document, page 87-88*

- 10 CSR 10-6.220 (amendment) Restriction of Emission of Visible Air Contaminants
  - <http://dnr.mo.gov/env/apcp/rulesdev.htm>
  - Planned schedule:
    - July 28, 2016, Public Hearing
    - August 25, 2016, Commission Vote

## Rules in Progress Schedule

*Briefing Document, pages 89-90*

### MISSOURI AIR CONSERVATION COMMISSION RULES IN PROGRESS

Rule Action	Draft Rule Out for Other Dept Review	Public Notice (Accepting Comments on Draft Rule)	File with Secretary of State*	Published in Missouri Register	Public Hearing
<b>Rule Amendment 10 CSR 10-6.070</b> New Source Performance Regulations (40 CFR 60 updates through 12/13)	10-13-14	N/A	12-15-14	01-15-15	02-15-15 Combined
<b>Rule Amendment 10 CSR 10-6.075</b> Maximum Achievable Control Technology Regulations (40 CFR 63 updates through 12/13)	10-13-14	N/A	12-15-14	01-15-15	03-15-15 Combined
<b>Rule Amendment 10 CSR 10-6.080</b> Emission Standards for Hazardous Air Pollutants (40 CFR 61 updates through 12/13)	10-13-14	N/A	12-15-14	01-15-15	03-15-15 Combined
<b>Rule Amendment 10 CSR 10-6.220</b> Restriction of Emission of Visible Air Contaminants (Fixes director discretion provision and adds exemptions and clarifications.)	10-13-14	10-21-14	04-15-15 03-29-08	05-15-15 05-02-16	06-15-15 07-15-15



## State Air Quality Plans Status Report

*Briefing Document, pages 91-95*

- Ozone
  - Boundary Recommendations for 2015 Ozone Standard, Page 91, Row 6
  - Redesignation Request and Maintenance Plan for 2008 Ozone Standard, Page 92, Row 2
  - <http://dnr.mo.gov/env/apcp/docs/ozonemonitordata.pdf>



## State Air Quality Plans Status Report

*Briefing Document, pages 91-95*

- Sulfur Dioxide
  - Round 2, Consent Decree, Page 93, Row 2
    - Submitted recommendations, September 2015
    - Received “120-day letter,” February 2016
    - Public comment period closed, March 31, 2016
    - State comment period closed, April 19, 2016
    - EPA will finalize designations, July 2016

## Missouri's Recommendations/EPA's responses

Affected Area	MDNR's Initial Area Designation Recommendations <i>September 2015</i>	EPA's Recommendation <i>February 2016</i>	MDNR's Area Designation Recommendations <i>April 2016</i>
Sikeston	Attainment	Unclassifiable/ Attainment	Attainment
Sibley	Attainment	Unclassifiable	Attainment
Labadie	Unclassifiable	Nonattainment	Unclassifiable

<http://dnr.mo.gov/env/apcp/naaqsboundarydesignations.htm#SO2>

## Revisions to Regional Haze Rule

- EPA proposed revisions on April 25, 2016
- 60-day public comment period (once published in the Federal Register)
- <https://www.epa.gov/visibility/proposed-rulemaking-amendments-regulatory-requirements-state-regional-haze-plans>
- Guidance expected Summer 2016

## Periodic Rule Review (536.175 RSMo)

- Requires the periodic review of all agency rules on a rolling 5 year schedule
- Review process begins no later than July 1, 2016
  - JCAR publishes notification in the Missouri Register
  - Comments accepted for 60 days
  - Agency provides report

## Rule Review Update

- Reviewed ~99 rules
  - 3 have been rescinded
  - 3 are in the process of being rescinded
  - Numerous have been identified for amendments
  - ~5-8 rules require additional research

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

### Notice of Periodic Rule Review

The General Assembly has instituted a five- (5-) year rolling review of existing rules that will begin July 1, 2015, as set forth in section 536.175, RSMo. The following agencies will begin this process for rules promulgated within their designated Title of the *Code of State Regulations* with a sixty- (60-) day public comment period. The *Code of State Regulations* may be viewed at <http://www.sos.mo.gov/adrules/csr/csr.asp>.

#### Titles Reviewed Beginning July 1, 2015:

Title 1 - Office of Administration  
Title 2 - Department of Agriculture  
Title 3 - Department of Conservation  
Title 4 - Department of Economic Development  
Title 5 - Department of Elementary and Secondary Education  
Title 6 - Department of Higher Education

The Public Comment Process: Agencies with rules in Titles 1-6 of the *Code of State Regulations* may receive comments from the public for any rule within these titles.

- Comments must be received within sixty (60) days of July 1, 2015. (August 31, 2015)
- Comments must identify the commenter.
- Comments must identify the specific rule commented upon.
- Comments must be directly associated with a specified rule.
- Comments must be submitted to the following agency designee:

Title 1 - Office of Administration  
Kristen Paulsmeyer

Title 2 - Department of Agriculture  
Amber Buckland



Division of Environmental Quality Director: Leanne Tippett Mosby

Date: April 28, 2016

Nothing in this document may be used to implement any enforcement action or levy any penalty unless promulgated by rule under chapter 536 or authorized by statute.





MID-AMERICA REGIONAL COUNCIL  
AIR QUALITY PROGRAM

## Kansas City Air Quality

Amanda Graor  
Air Quality Program Manager



## What is MARC?

- Regional council of governments
- Federally designated Metropolitan Planning Organization (MPO)
- 9 counties, 119 municipalities



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



## Air Quality Planning

- Transportation
  - Mobile source emissions
- Regional cooperation
- Public engagement/education



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM

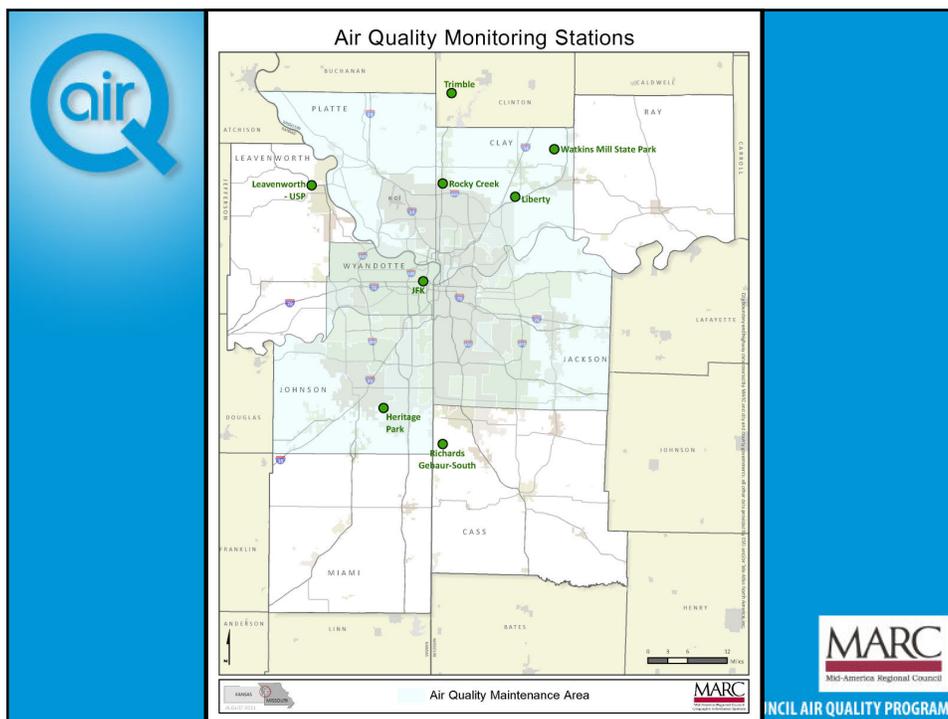


## KC Ozone History

- Original non-attainment area for ozone
- Officially redesignated to a maintenance area in 1992
- Maintenance plan sunset in 2014



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



## Air Quality Forum

- Reformatted in 1978 based on MOU
- 33 voting members
- Co-governs CMAQ with TTPC
- Monthly meetings
  - Ad hoc working groups

MARC  
Mid-America Regional Council

MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



## Clean Air Action Plan

- Developed in 2004, updated in 2011
- Comprehensive voluntary plan for reducing emissions before EPA requires it
- Targets both stationary and mobile sources
- Short-, intermediate- and long-term measures
- Four categories of strategies: power plants, diesel engines, public education, and sustainability



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



## Clean Air Action Plan Update

- Bikeable, Walkable, Transit-Friendly Communities
- Native/Sustainable Landscaping and Streetscaping
- Green Building/Site Design and Improved Bldg Codes
- Consumer Incentives to Improve Energy Efficiency



Example of a Complete Street. Source: National Complete Streets Coalition



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



## Other Activities

- Rideshare/Alternative Transportation Planning, Education and Outreach
- Sulfur Dioxide Outreach
- Climate Resilience/Energy Efficiency



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



## Public Education

- Messaging
  - Social Media
  - Traditional Media
  - Tabling Events
  - Presentations
- Audiences
  - Workplace Partnership
  - General Public
  - Families/Educators
  - Elected Officials



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



## Public Education

- Finding ways to increase reach
  - Emissions testing at HHW events
  - Kansas City Corporate Challenge
  - Native landscaping with Water Quality Public Ed.
- Proactive engagement of smaller communities
  - Inside and outside of Kansas City AQ boundary



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



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AIR QUALITY PROGRAM

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