

**MINUTES**  
**MISSOURI AIR CONSERVATION COMMISSION**  
**Lewis and Clark State Office Building**  
**1101 Riverside Drive**  
**LaCharrette/Nightingale Creek Conference Room**  
**Jefferson City, MO 65101**  
**April 30, 2015**  
**9:00 a.m.**

**Commissioners Present**

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

**Staff Members Present**

Darcy Bybee, Compliance/Enforcement Section Chief, Air Pollution Control Program (APCP)  
Steve Feeler, Deputy Director, Division of Environmental Quality (DEQ)  
David Gilmore, Program Secretary, APCP  
Wayne Graf, Air Quality Planning Section, APCP  
Kendall Hale, Permits Section Chief, APCP  
Steve Hall, Air Quality Analysis Section Chief, APCP  
Julia Katich, Department of Natural Resources  
Ashley Keas, Air Quality Planning Section, APCP  
Patricia Maliro, Air Quality Planning Section, APCP  
Kyra Moore, Director, APCP  
Leanne Tippet Mosby, Director, DEQ  
Paul Myers, Air Quality Planning Section, APCP  
Bob Randolph, Air Quality Planning Section, APCP  
Wendy Vit, Air Quality Planning Section Chief, APCP  
Emily Wilbur, Air Quality Planning Section, APCP

**Others Present by Attendance Record**

Mike Alesandrini, AECOM  
Jack Atterberry, Associated General Contractors of Missouri  
Ken Anderson, Ameren  
Gregg Aubuchon, Samurai Tax  
Robert Brundage, Newman, Comley & Ruth PC  
Anne Charles, Sierra Club  
Kathrina Donegan, St. Louis County Health Department  
Tim Duggan, Attorney General's Office (AGO)  
Sara Edgar, Sierra Club  
Chad Fisher, Anheuser-Busch LLC  
Dave Fraley  
Marcus Genova, Holcim

John Hickey, Sierra Club  
Leslie Holloway, Missouri Farm Bureau  
Mike Jay, U.S. Environmental Protection Agency  
John Kissel, Sierra Club  
Susan Knowles, Ameren Corporation  
Maxine Lipeles, Washington University Environmental Law Clinic  
Ken Miller, Washington University Environmental Law Clinic  
Jerry Monnig, Inquest Environmental Inc.  
Robert Paine, AECOM  
Segolene Renaze, Sierra Club  
Brent Ross, Associated Electric Cooperative Inc.  
John Schnarre, Trinity Consultants  
David Shanks, Boeing  
Daniel Sun, Washington University Environmental Clinic  
Roger Walker, Regulatory Environmental Group for Missouri  
Steven Whitworth, Ameren

**A. Call to Order**

Chairman David Zimmermann called the April 30, 2015, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Jack Baker, Gary Pendergrass, Mark Garnett and David Zimmermann.

**B. Minutes from March 26, 2015, Meeting**

Vice Chairman Gary Pendergrass moved to approve the March 26, 2015, minutes as written. Commissioner Jack Baker seconded the motion, and all commissioners voted to approve the minutes.

**D. Public Hearing**

Chairman David Zimmermann called the public hearing to order.

Ms. Emily Wilbur presented Missouri State Implementation Plan Revision: Nonattainment Area Plan for the 2010 1-Hour Sulfur Dioxide National Ambient Air Quality Standard – Jefferson County Sulfur Dioxide Nonattainment Area. Information on the proposed plan begins on page 93 of the briefing document. Please see Attachment A for a copy of her presentation. A color copy of all presentations may be viewed on the Missouri Air Conservation Commission website at <http://dnr.mo.gov/env/apcp/macc.htm>.

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

**E. Recommended for Adoption and Actions to be Voted on**

None.

**F. New Business**

**Necessity Findings**

Mr. Wayne Graf presented three Necessity Findings to the commission for approval: 10 CSR 10-3.160, *Restriction of Emission of Fluorides From Diammonium Phosphate Fertilizer Production*, 10 CSR 10-5.120, *Information on Sales of Fuels to be Provided and Maintained* and 10 CSR 10-5.130, *Certain Coals to be Washed*. Information on the Necessity Findings begins on page 97 of the briefing document.

Commissioner Mark Garnett moved to approve the Necessity Findings as presented by Mr. Graf. Vice Chairman Pendergrass seconded the motion. All commissioners voted to approve the Necessity Findings as presented by Mr. Graf.

**G. Unfinished Business**

None.

**H. Appeals and Variance Requests**

None.

**I. Reports - The following referenced reports are in the April 30, 2015, 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) COMPLIANCE/ENFORCEMENT REPORT**

Ms. Darcy Bybee stated that the Compliance/Enforcement Report begins on page 27 with the Concern Report. There were a total of 49 concerns received from February 16, 2015 through March 15, 2015. During this time period there were 41 investigations completed.

The Ongoing Negotiations Report can be found on pages 45 through 47. There are 66 enforcement actions in the negotiation process at this time.

The Finalized Agreement Report is on pages 49. For the time period of February 16, 2015 through March 15, 2015, the department finalized eight agreements with a total penalty of \$24,000. Of that amount, \$7,500 was paid to the school fund of the county in which the violation occurred, and the remaining portion was suspended.

The Pending Referrals Report can be found on page 51. At this time, there are 18 active referrals. There is currently one case that is being prepared to be referred to the Attorney General's Office. It is a multimedia case involving the Hazardous Waste and Water Protection Programs. The Air Program is preparing the referral notification to send to the responsible party.

Ms. Bybee said it has been one year since the department was granted the authority to directly refer cases, that meet certain criteria, to the Attorney General's Office rather than to bring them before the commission. Ms. Bybee gave a brief summary of the process to the commission.

Ms. Bybee updated the commission on the first quarter report of the Gateway Vehicle Inspection Program (GVIP) for 2015. The GVIP report can be found on page 53 of the briefing document. Over 180,000 vehicles were tested from January 1, 2015 through March 31, 2015. The number of audits reported is significantly lower than reported in other quarters. In researching this, it was noted that it is most likely due to an error in the reporting software, though there have been staffing changes that may have contributed as well. An update will be provided to the commission at their next meeting in June. The next GVIP report will be provided in July 2015.

Ms. Bybee then reported that as of this week, 79 percent of the facilities subject to the Vapor Recovery Rule in the St. Louis area have gone through the entire decommissioning and testing process and have been issued a Stage I Vapor Recovery operating permit. The program continues to work with the remaining facilities to make sure they know they must decommission by December 31, 2015, and to remind them of the proper process. There are approximately 130 facilities in the area that have not begun the decommissioning process and the program is doing outreach to those facilities at this time.

Ms. Bybee said there is a pending appeal before the Administrative Hearing Commission. An asbestos supervisor certification was denied to a certain individual. The appeal is scheduled to be heard on May 14, 2015. More information regarding the appeal will be provided to the commission at a future meeting.

Ms. Bybee then updated the commission on a couple of staffing changes. Ms. Corrinne Rosania, the former Compliance Unit Chief, has accepted a Section Chief position in the Water Protection Program at the Kansas City Regional Office. Additionally, Mr. Richard Hall, the Asbestos Unit Chief, has announced he will be retiring at the end of May.

## **2) PERMITS REPORT**

Mr. Kendall Hale stated that the Permits Report begins on page 55 of the briefing document with the Permit Applications Received Report. A total of 65 construction permit and 46 operating permit applications were received in March 2015. This is double the number of construction permit projects received in January and February. Details of the projects received for March can be seen from pages 56 through 66 of the briefing document.

Beginning on page 67 is the Permit Applications Completed Report. The Permits Section completed a total of 57 construction permit and 25 operating permit projects. Details of the projects completed for March can be seen from pages 68 through 76 of the briefing document

On page 77 of the briefing document is the Open Permits Report. This report details the types of projects currently open in the Permit Section. There are currently a total of 564 projects in the Permits Section.

Mr. Hale said there are currently seven Intermediate and Part 70 operating permits on public notice. Also, the Plantwide Applicability Limit (PAL) permit for 3M Nevada went on public notice on April 10, 2015. Two asphalt plant permits are being challenged: one is making its way through the court system and the City of Marston has appealed the other permit before the Administrative Hearing Commission.

The Permit Section has received three new staff members within approximately the last three months and is currently fully staffed.

### **3) AIR QUALITY PLANNING REPORT**

#### **a) Rule and State Implementation Plan Schedule**

The Jackson County sulfur dioxide (SO<sub>2</sub>) nonattainment area SIP is scheduled for public hearing on June 25, 2015. The SIP package consists of a new rule, 10 CSR 10-6.261 *Control of Sulfur Dioxide Emissions*, to establish enforceable emission limits and other requirements for sources contributing to the nonattainment area, as well as a modeled attainment demonstration and other plan elements. The proposed rulemaking will be published in the Missouri Register on May 15, 2015. The other SIP elements will be posted on the department's webpage no later than May 22, 2015. Comments on the SIP and rule will be accepted through July 2, 2015.

In conjunction with the 10 CSR 10-6.261 rulemaking, the existing rule 10 CSR 10-6.260 *Restriction of Emission of Sulfur Compounds* is being rescinded. This is because needed provisions from 10 CSR 10-6.260 are being incorporated into the new rule, 10 CSR 10-6.261, in order to streamline and consolidate SO<sub>2</sub> requirements for affected sources. The 10 CSR 10-6.260 rulemaking follows the same schedule as 10 CSR 10-6.261: published in Missouri Register on May 15, 2015; public hearing on June 25, 2015; comments accepted through July 2, 2015.

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

#### **a) Fee Stakeholder Meetings**

Ms. Kyra Moore announced the Air Fee Stakeholder meeting will take place in the same room as the commission meeting and will start at 1:00 p.m. The focus of the meeting will be permit and asbestos fees. She invited anyone interested to attend.

The statutes detail that after the stakeholders develop a fee proposal, the program brings it to the commission for review. At a follow up meeting the commission votes to have the program develop the applicable rules. Ms. Moore said she hopes to bring a proposal to the commission at the May 28, 2015 meeting in Springfield.

**b) Staff Update**

Of the 106 positions listed on the program's organizational chart, there are 12 vacancies. The program continues to review vacancies to determine which vacancies to fill immediately and which positions to hold, balancing expenditures with workload.

As Ms. Bybee mentioned, two of the three Unit Chief positions in the Compliance/Enforcement section will soon be vacant which leaves her and Mr. Richard Swartz running that section.

Ms. Moore announced that Mr. Joe Winkelmann has accepted the Technical Services Unit Chief position in the Inspection and Maintenance Program at the St. Louis Regional Office. Mr. Winkelmann will still be part of the Air Pollution Control Program, just working from the St. Louis Regional Office.

Mr. Larry Archer is currently filling in for Ms. Victoria Lovejoy until her replacement is hired.

**c) Future Commission Meetings**

Ms. Moore also mentioned that the June 25, 2015 commission meeting will be held at the Governor Office Building in Jefferson City.

**J. Open Session**

Mr. Robert Brundage addressed the commission. He briefly summarized the Stakeholder Process Letter he sent to the commission, thanked Mr. Roger Walker for his help, and asked the commission if they would be interested in defining the stakeholder process.

Chairman Zimmermann said it would be great if everyone would come to the table and be involved in the whole process. He asked Mr. Tim Duggan to review the matter and report back to the commission.

**K. Future Meeting Dates**

**May 28, 2015 - Springfield**  
Southwest Regional Office  
2040 West Woodland  
East and West Conference Rooms  
Springfield, MO 65807

**June 25, 2015 – Jefferson City**

Governor Office Building  
200 Madison Street  
Conference Room 450  
Jefferson City, MO 65101

**July 30, 2015 – Jefferson City**

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

**August 27, 2015 – Jefferson City**

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

**September 24, 2015 – St. Louis**

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

**October 29, 2015 – Jefferson City**

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

**December 3, 2015 – Jefferson City**

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 Garnett moved to adjourn the April 30, 2015, Missouri Air Conservation Commission meeting. Vice Chairman Pendergrass seconded the motion, and all commissioners voted to adjourn the meeting.

Chairman Zimmermann adjourned the April 30, 2015, Missouri Air Conservation Commission meeting.

Respectfully submitted,



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Kyra L. Moore, Director  
Air Pollution Control Program

Approved:

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David Zimmermann, Chairman  
Missouri Air Conservation Commission



MISSOURI  
DEPARTMENT OF  
NATURAL RESOURCES

## 2010 Sulfur Dioxide (SO<sub>2</sub>) 1-Hour National Ambient Air Quality Standard (NAAQS)

### Jefferson County SO<sub>2</sub> Nonattainment Area Plan

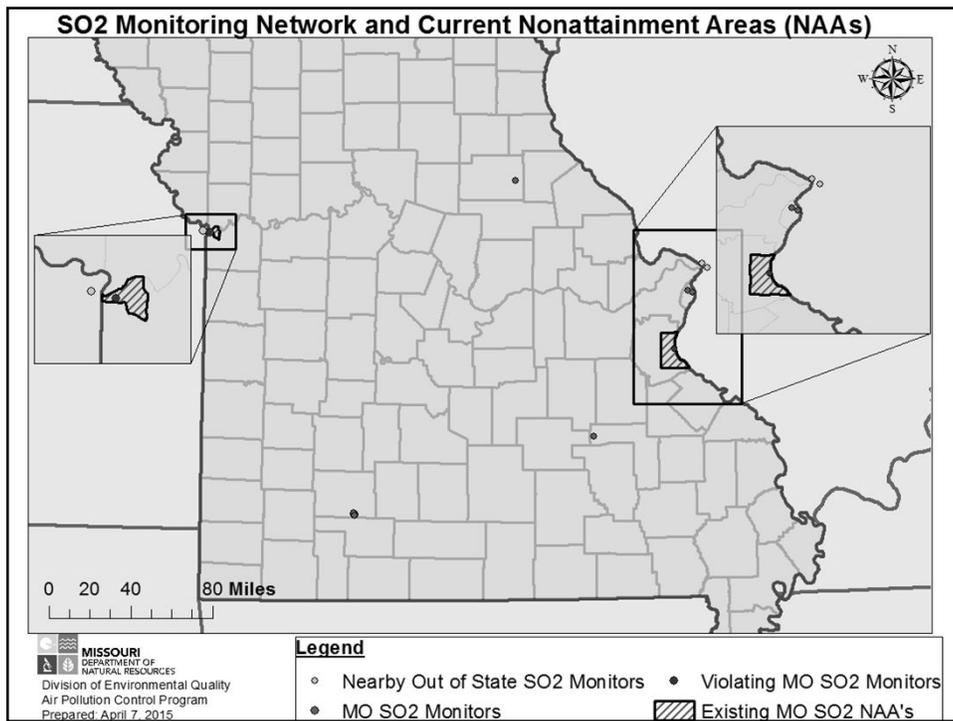
Public Hearing  
April 30, 2015



MISSOURI  
DEPARTMENT OF  
NATURAL RESOURCES

## SO<sub>2</sub> Standards

- **Current (2010)**
  - Primary standard revised to 75 ppb (1-hour)
  - Annual and 24-hour standards were revoked
- **Historical (1971)**
  - Primary (health-based) standards set at:
    - 0.14 ppm, or 140 ppb (24-Hour)
    - 0.03 ppm, or 30 ppb (Annual)




**MISSOURI**  
 DEPARTMENT OF  
 NATURAL RESOURCES

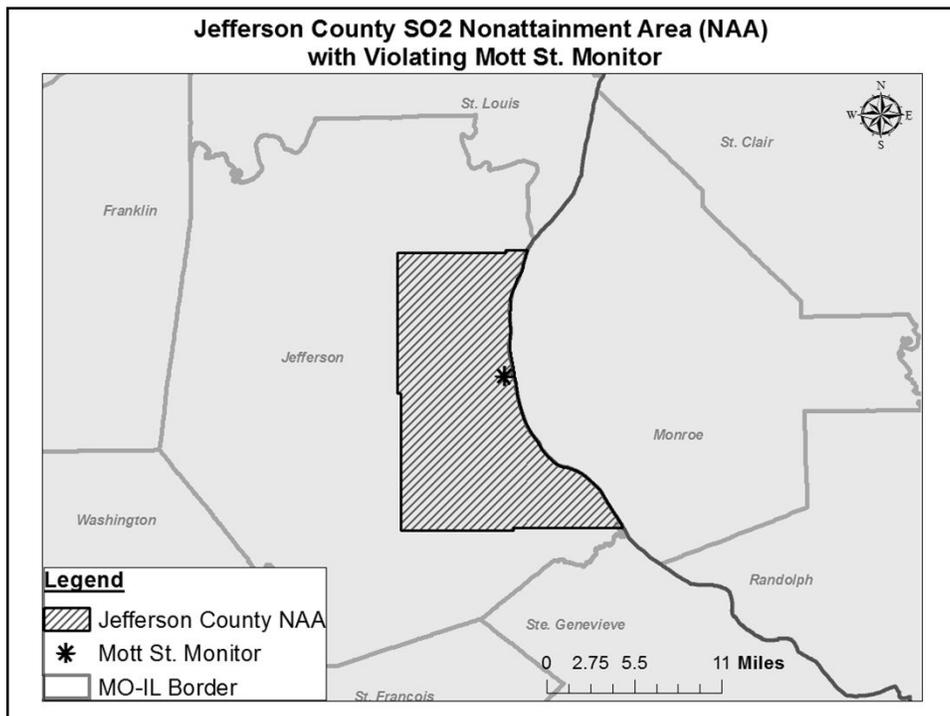
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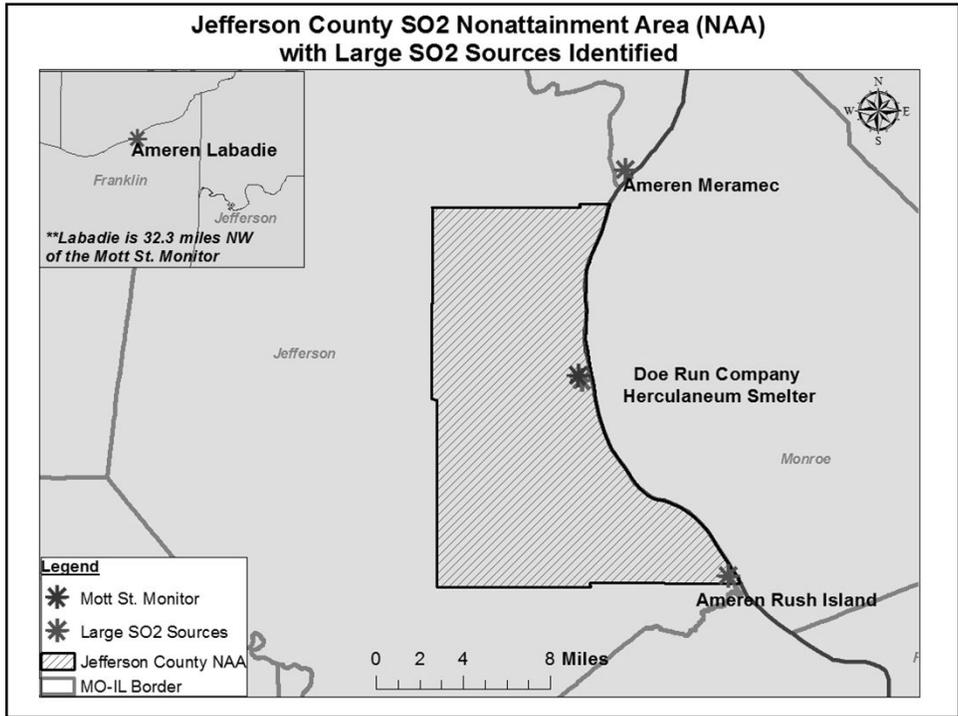
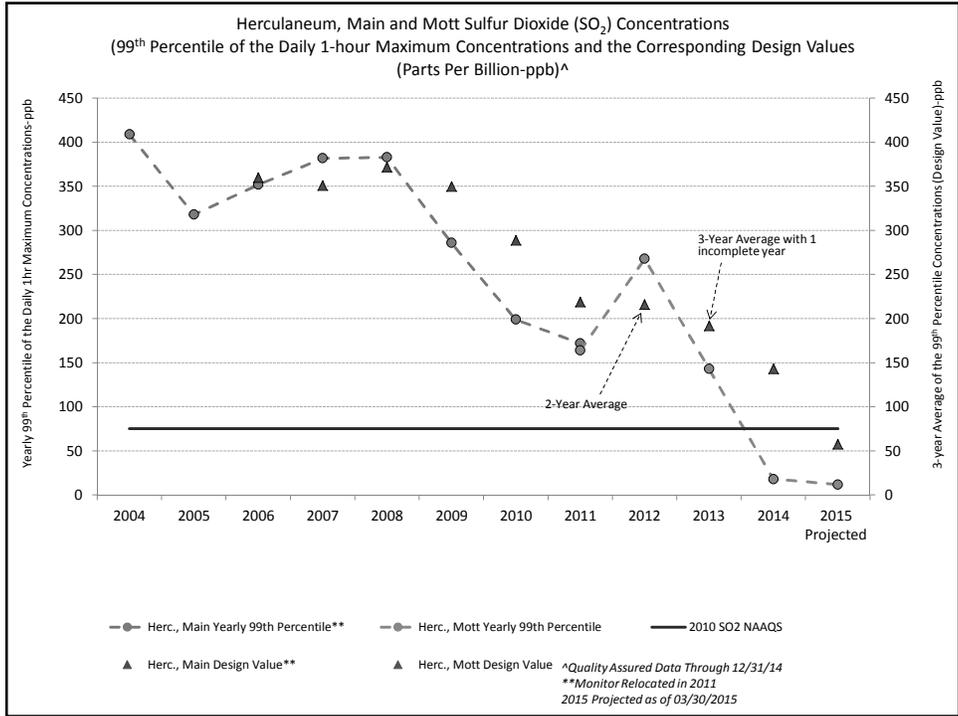
## Jefferson County NAA Plan Timeline

- March 25-May 7, 2015: Public review & comment
- April 30, 2015: Public hearing
- May 28, 2015: Presented for Adoption
- End of May 2015: Submit to EPA

## Initial Round SO<sub>2</sub> Nonattainment Area Compliance Dates

- January 1, 2017: Plan's control strategy  
fully in place
- October 2018: Attainment date





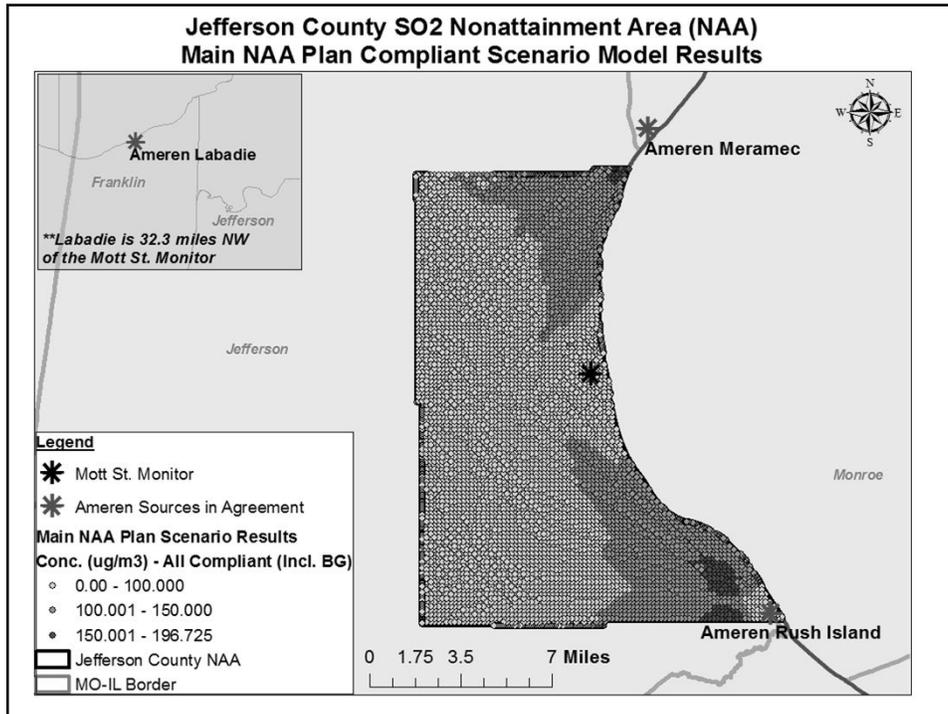
## Control Strategy

- Closure of Doe Run Herculaneum primary lead smelter (by 2011 federal consent decree)
- 2015 Agreement with Ameren Missouri:
  - New SO<sub>2</sub> emission limits for Rush Island, Labadie, & Meramec Energy Centers
  - New SO<sub>2</sub> monitors at Rush Island Energy Center

## Modeling Analysis

- Several model scenarios included in plan
- Together, scenarios demonstrate NAAQS compliance throughout the NAA
- Analysis supported by very low monitored values post Doe Run Herculaneum closure

Note: 75 ppb = 196.73  $\mu\text{g}/\text{m}^3$



## Conclusion

- Main control strategy: closure of Doe Run smelter
  - Mott St. monitor expected to be in compliance by the end of 2015
- Modeling analysis: the entire area is in compliance under current conditions
- Additional requirements: new SO<sub>2</sub> emission limits & new SO<sub>2</sub> ambient monitors added to network

Division of Environmental Quality Director: Leanne Tippett Mosby

Date: April 30, 2015

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.

