

**MINUTES**  
**MISSOURI AIR CONSERVATION COMMISSION**  
**Elm Street Conference Center**  
**1730 East Elm Street – Lower Level**  
**Bennett Springs Conference Room**  
**Jefferson City, MO 65101**  
**January 30, 2014**  
**9:00 a.m.**

**Commissioners Present**

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

**Staff Members Present**

Van Beydler, Public Information Coordinator, Division of Environmental Quality  
Rayna Broadway, Environmental Services Program (ESP)  
Darcy Bybee, Compliance/Enforcement Section, Air Pollution Control Program (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  
Mark Leath, Air Quality Planning Section, APCP  
Victoria Lovejoy, Public Information Specialist, APCP  
Patricia Maliro, Air Quality Analysis Section, APCP  
Kyra Moore, Director, APCP  
Paul Myers, Air Quality Planning Section, APCP  
Stan Payne, Air Quality Planning Section, APCP  
Shelly Reimer, Air Quality Planning Section, APCP  
Aarick Roberto, Commission Secretary, APCP  
Russell Sullivan, Compliance/Enforcement Section, APCP  
Richard Swartz, Compliance/Enforcement Section, APCP  
Wendy Vit, Air Quality Planning Section Chief, APCP  
Emily Wilbur, Air Quality Planning Section, APCP  
Chris Wood, ESP

**Others Present by Attendance Record**

Mike Alesadrini, URS Corporation  
Ken Anderson, Ameren  
Amy Bhesania, Environmental Protection Agency  
Robert Brundage, Newman, Comley and Ruth, P.C.  
Kathrina Donegan, St. Louis County, Air Pollution Control Program  
Tim Duggan, Attorney General's Office  
Daniel Hedrick, City Utilities of Springfield  
Michael McMenus, Kiewit  
Steve Rudloff, Missouri Limestone Producers  
David Shanks, Boeing  
Roger Walker, Regulatory Environmental Group for Missouri  
Tim Wilson, Empire District Electric Company

\*Denotes attended meeting by phone.

**A. Call to Order**

Chairman Gary Pendergrass called the January 30, 2014, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Jack Baker, Mark Garnett, Gary Pendergrass, and David Zimmermann.

**B. Minutes from December 3, 2013, Meeting**

Vice Chairman Mark Garnett moved to approve the December 3, 2013, minutes as written. Commissioner David Zimmermann seconded the motion and all commissioners voted to approve the minutes.

**C. Public Hearing**

Chairman Pendergrass called the public hearing to order.

Mr. Mark Leath presented Missouri State Implementation Plan Revision (SIP) – Supplement/Revision to the Redesignation Demonstration and Maintenance Plan for the Missouri Portion of the St. Louis Nonattainment Area for the 1997 Annual Fine Particulate Matter National Ambient Air Quality Standard. Information on the SIP revision begins on page 93.

Ms. Amy Bhesania presented comments in support of Missouri SIP Revision – Supplement/Revision to the Redesignation Demonstration and Maintenance Plan for the Missouri Portion of the St. Louis Nonattainment Area for the 1997 Annual Fine Particulate Matter National Ambient Air Quality Standard.

Ms. Wendy Vit presented Missouri SIP Revision – Americold Logistics, LLC Particulate Matter Consent Judgment. Information on the SIP revision begins on page 99.

Ms. Emily Wilbur presented Limited Maintenance Plan for the St. Louis Nonclassifiable Maintenance Area for the 8-Hour Carbon Monoxide National Ambient Air Quality Standard. Information on the maintenance plan begins on page 117.

Mr. Stan Payne presented 10 CSR 10-6.200, *Hospital, Medical, and Infectious Waste Incinerators*. Information on the proposed rule amendment begins on page 119.

Ms. Shelly Reimer presented 10 CSR 10-5.240, *Additional Air Quality Control Measures May be Required When Sources Are Clustered in a Small Land Area*. Information on the proposed rule rescission begins on page 143.

Mr. Paul Myers presented 10 CSR 10-6.010, *Ambient Air Quality Standards*. Information on the proposed rule amendment begins on page 145.

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

**D. Recommended for Adoption and Actions to be Voted On**

None.

**E. New Business**

None.

**F. Reports - The following referenced reports are in the January 30, 2014, 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 21 with the Complaint or Concern Report. There were a total of 83 concerns received from November 1, 2013, through December 31, 2013. During this time period there were 65 investigations completed.

The Ongoing Negotiations Report is on page 47 and 48. There are 54 enforcement actions in the negotiation process at this time.

The Finalized Agreement Report is on page 49. From November 1, 2013, through December 31, 2013, the department finalized 18 agreements for a total penalty of over \$72,000. \$50,000 of that amount is suspended, with the remaining approximately \$22,000 paid to the school fund of the county in which the violation occurred.

The Pending Referral Report is on page 50. At this time, there are 13 active referrals. There are no referrals on the agenda.

The General Counsel's Office has brought to the attention of the Air Pollution Control Program that the Air Conservation Commission could grant authority to the department Director for direct referral authority. This allows the department Director to send referral cases directly to the Attorney General's Office rather than receiving prior approval from the Commission. Ms. Bybee will present this proposal to the Commission at the March 27, 2014, commission meeting.

Ms. Bybee gave an update on the decommissioning of the Stage II Vapor Recovery Program in the St. Louis area. As of the date of the meeting, there were approximately 727 facilities subject to the vapor recovery rule in St. Louis, of which 542 have applied to decommission. Of those, 412 facilities have gone through the entire process and have been issued a Stage I Vapor Recovery Operating Permit. The Air Pollution Control Program is still working to have the proposed rule amendment on public hearing at the May 29, 2014, commission meeting in St. Louis.

The quarterly update for the Gateway Vehicle Inspection Program's Report for the 4th quarter of 2013 is on page 51. Over 130,000 vehicles were tested from October 1, 2013, through December 31, 2013, and 446 audits were conducted.

**2) PERMITS REPORT**

Mr. Kendall Hale stated that the Permits Report begins on page 53 of the briefing document with the Permit Applications Received Report. There were a total of 540 construction permits and 333 operating permits received by the end of 2013, with a total of 873 projects received for the year. The Permits Applications Received Report for the months of November 2013 and December 2013 is located on pages 54 through 62.

Beginning on page 63 is the Permit Applications Completed Report for the year 2013. There were 570 construction permits and 383 operating permits completed for the year, for a total of 953 projects completed for the year. The Permits Applications Completed Report for the months of November 2013 and December 2013 is located on pages 64 through 76.

On page 77 of the briefing document is the Open Permits Report. There are currently 428 projects open, and four operating permits on public notice that are not mentioned in the briefing document.

Mr. Pendergrass asked how the projects received for 2013 compare to previous years.

Mr. Hale responded that there were more projects received at the end of 2012 than there were at the end of 2013. There were roughly 41 less construction permit projects received and roughly 55 less operating permits projects in 2013 than there were in 2012.

Finally, in regard to the city of Grandview and the Ideker Plant, the permit was issued January 2, 2014, with the 30-day comment period close to expiring February 1, 2014.

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

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

An update to the St. Louis Redesignation request and maintenance plan for the 1997 ozone National Ambient Air Quality Standard (NAAQS) of 75 parts per billion (ppb) will be presented for public hearing at the March 27, 2014, Missouri Air Conservation Commission meeting. The Air Pollution Control Program submitted the original maintenance plan to the U.S. Environmental Protection Agency (EPA) in November 2011. At the time, EPA was not able to act on it due to litigation of the federal transport rules but has since determined it is able to move forward. Because several years have lapsed, the Air Pollution Control Program is updating the technical information in the plan. The St. Louis ozone maintenance plan update will be available for public review and comment no later than February 24, 2014, and the comment period closes April 3, 2014. The goal is to redesignate the St. Louis area to attainment for the 1997 ozone NAAQS prior to the end of 2014.

#### **b) Rules In Progress Schedule**

The Air Pollution Control Program did not meet the targeted filing dates for proposed amendments to 10 CSR 10-6.040, *Reference Methods*, and 10 CSR 10-6.165, *Restriction of Emission of Odors*, and therefore, these rulemakings will not be presented for public hearing at the March 27, 2014, MACC meeting as shown on the January 14, 2014, version of the Rules in Progress schedule. Both of these rulemakings involve minor, administrative changes. The incorporation by reference dates for the latest air monitoring methods are being updated in 10 CSR 10-6.040, and definitions found in the general definitions rule are being removed from 10 CSR 10-6.165. Updated schedule information for both of these rulemakings will be made available as soon as possible.

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

#### **a) Commission Members**

Ms. Kyra Moore thanked all of the commissioners for attending, in person or by phone, to ensure a quorum. Due to recent quorum issues, Ms. Moore proposed that the agenda be permanently reorganized to have all quorum items first, with any non-quorum related items discussed after.

The commissioners agreed this would accommodate the commission and staff and approved to have it adjusted accordingly.

**b) Carbon Pollution Standards Update**

The EPA is working on two rules, one for new source performance standards regulations, and existing power plants. The new source performance standard regulation has been published as of January 8, 2014, which commences a 60 day comment period for that federal rulemaking.

EPA Region VII recently had a meeting where the standards were discussed openly with various entities that are involved with the standards.

**c) Legislative Session**

Legislation is now in session, and staff will provide summaries to the commission members that may impact the Air Pollution Control Program. There will be one bill that mentions the Air Conservation Commission, House Bill 1631, which states that “the Air Conservation Commission shall develop emission standards and compliance schedules under federal law for a unit by unit analysis of each existing source of air pollutants”.

**d) Other Issues**

Air Quality Analysis Section Chief Steve Hall will give a presentation to the Commission at the March 27, 2014, meeting on Air Quality updates for the year 2013. There will be two new staff members starting in the Compliance/Enforcement Section soon, and a new staff member has been added to the Permits Section.

The Regulatory Environmental Group for Missouri Air Seminar will be held in Columbia, Missouri this year on March 11, 2014, with many Air Pollution Control Program staff members presenting updates during the seminar.

**G. Unfinished Business**

None.

**H. Appeals and Variance Requests**

None.

**I. Open Session**

None.

**J. Future Meeting Dates**

**March 27, 2014 – Springfield**  
Lamplighter Inn  
417-869-3900  
2820 N Glenstone Avenue  
Missouri Two Meeting Room  
Springfield, MO 65803

**April 24, 2014 – Jefferson City**

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

**May 29, 2014 – St. Louis**

St. Louis Regional Office  
314-416-2960  
7545 S Lindbergh, Suite 220  
DESE Conference Room  
St. Louis, MO 63125

**July 30, 2014 – Jefferson City**

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

**August 28, 2014 – Jefferson City**

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

**September 25, 2014 – Kansas City**

Kansas City Regional Office  
816-251-0700  
500 NE Colbern Road  
Large Conference Room  
Lee's Summit, MO 64086

**October 30, 2014 - Macon**

Northeast Regional Office  
660-385-8000  
1709 Prospect Drive  
North Conference Room  
Macon, MO 63552

**December 4, 2014 – Jefferson City**

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

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

None.

**L. Missouri Air Conservation Commission**

Commissioner Zimmermann moved to adjourn the January 30, 2014, Missouri Air Conservation Commission meeting. Chairman Pendergrass seconded the motion and all commissioners voted to adjourn the meeting.

Chairman Pendergrass adjourned the January 30, 2014, Missouri Air Conservation Commission meeting.

Respectfully submitted,

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

Kyra L. Moore, Director  
Air Pollution Control Program

Approved:

---

Gary Pendergrass, Chairman  
Missouri Air Conservation Commission