



MINUTES
MISSOURI AIR CONSERVATION COMMISSION
Elm Street Conference Center
1730 East Elm Street – Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101
July 24, 2013
9:00 a.m.

Commissioners Present

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

Staff Members Present

Darcy Bybee, Compliance/Enforcement Section Chief, Air Pollution Control Program (APCP)
David Gilmore, Program Secretary, APCP
Wayne Graf, Air Quality Planning Section, APCP
Kendall Hale, Permits Section Chief, APCP
Steven Kratky, Department of Natural Resources
Victoria Lovejoy, Public Information Specialist, APCP
Kyra Moore, Director, APCP
Paul Myers, Air Quality Planning Section, APCP
Shelly Reimer, Air Quality Planning Section, APCP
Aarick Roberto, Commission Secretary, APCP
Emily Wilbur, Air Quality Planning Section, APCP
Joe Winkelmann, Air Quality Planning Section, APCP
Wendy Vit, Air Quality Planning Section Chief, APCP

Others Present by Attendance Record

Amy Bhesania, the Environmental Protection Agency (EPA)
Robert Brundage, Newman, Comley and Ruth, P.C.
Chris DeCioccio, The Doe Run Company
Kathrina Donegan, St. Louis County, Air Pollution Control Program
Dave Fraley, City Utilities of Springfield
Paula Higbee, EPA
Justin Province, The Doe Run Company
Steve Rudloff, Missouri Limestone Producers Association
Chris Schreiber, Schreiber Engineering, LLC
David Shanks, Boeing

A. Call to Order

Chairman Jack Baker called the July 24, 2013, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Jack Baker, Mark Garnett, Gary Pendergrass, and David Zimmermann.

*Commissioner Mark Garnett participated by phone.

B. Minutes from June 27, 2013, Meeting

Commissioner Gary Pendergrass moved to approve the June 27, 2013, minutes as written. Commissioner Mark Garnett seconded the motion and all commissioners voted to approve the minutes.

C. Recommended for Adoption and Actions to be Voted On

Mr. Paul Myers presented 10 CSR 10-6.040, Reference Methods, to the commission. Information on the adoption item can be found beginning on page 121 of the briefing document.

Commissioner Pendergrass moved to adopt 10 CSR 10-6.040, *Reference Methods*. Commissioner Zimmermann seconded the motion. All of the commissioners voted to adopt 10 CSR 10-6.040, *Reference Methods*.

Mr. Joe Winkelmann presented Missouri State Implementation Plan (SIP) – Modification to the Attainment Demonstration for the 2008 Lead National Ambient Air Quality Standards (NAAQS) for the Buick/Viburnum Trend Lead Nonattainment Area. Information on the adoption item can be found on page 127 of the briefing document.

Commissioner Zimmermann moved to adopt Missouri SIP – Modification to the Attainment Demonstration for the 2008 Lead NAAQS for the Buick/Viburnum Trend Lead Nonattainment Area. Commissioner Pendergrass seconded the motion. All of the commissioners voted to adopt Missouri SIP – Modification to the Attainment Demonstration for the 2008 Lead NAAQS for the Buick/Viburnum Trend Lead Nonattainment Area.

D. Public Hearing

Chairman Baker called the public hearing to order.

Mr. Stan Payne presented 10 CSR 10-6.070, *New Source Performance Regulations*, 10 CSR 10-6.075, *Maximum Achievable Control Technology Regulations*, and 10 CSR 10-6.080, *Emission Standards for Hazardous Air Pollutants*. Information on the proposed rule amendments begins on page 81, 89 and 99, respectively.

Ms. Shelly Reimer presented 10 CSR 10-6.130, *Controlling Emissions During Episodes of High Air Pollution Potential*. Information on the proposed rule amendment begins on page 103.

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

E. Reports - The following referenced reports are in the July 24, 2013, Missouri Air Conservation Commission Briefing Document and available online at dnr.mo.gov/env/apcp/macc.htm.

1) COMPLIANCE/ENFORCEMENT

Ms. Darcy Bybee said the Compliance/Enforcement Report begins on page 23 with the Complaint or Concern Report. There were a total of 63 concerns received during the time period of May 16, 2013, through June 15, 2013. During this time there were 44 investigations completed and six violations issued.

The Ongoing Negotiations Report is on page 41 and 42, with 68 enforcement actions in the negotiation process at this time.

The Finalized Agreement Report is on page 43. For the time period of May 16, 2013, through June 15, 2013, the department finalized agreements for a total penalty of approximately \$34,000. Approximately \$25,000 of that amount is suspended, with the remaining \$9,000 paid to the school fund of the county in which the violation occurred.

The Pending Referrals Report is on page 44. At this time, there are 18 active referrals and no referrals listed on the agenda for today.

The Gateway Vehicle Inspection Program Report for the second quarter of 2013 can be found on page 45. Over 350,000 emission tests were conducted during the time period of April 1, 2013, through June 30, 2013, with over 1,200 audits conducted. The third quarter report will be found in the October 31, 2013, briefing document.

In regards to the decommissioning process of the Stage II Vapor Recovery program in St. Louis, approximately 700 facilities are subject to the Stage II Vapor Recovery rule, of which 452 have applied for decommissioning. 178 facilities have gone through the entire decommissioning process and have been issued a Stage I Vapor Recovery Operating Permit.

2) AIR QUALITY PLANNING REPORT

a) Rules and State Implementation Plan Agenda

Ms. Wendy Vit stated that at the August 29, 2013, commission meeting, a proposed rescission of 10 CSR 10-3.010, *Auto Exhaust Emission Controls* will be presented for public hearing. This rule was originally written in 1972 with the intent of controlling vehicle emissions outside of the Kansas City, Springfield and St. Louis areas. Since this rule was put in place, standard manufactured vehicle emissions control equipment has advanced significantly beyond the requirements of this rule.

b) State Air Quality Plans Status Report

The regional haze five-year progress report is a new item added to the report on page 79 of the briefing document. The original regional haze plan was submitted to the Environmental Protection Agency (EPA) in August 2009

with the goal of reducing all manmade visibility impairment in the state's two Class I areas by 2064. The five-year progress report is intended to review progress made toward the regional haze goal thus far and make adjustments as needed to ensure the goal is met. The report is due to EPA in August 2014.

Another item added to the report on page 80 of the briefing document is the plan addressing new federal requirements for commercial and industrial solid waste incinerators (CISWI). The plan is required to satisfy section 111(d) of the Clean Air Act. In conjunction with a new rule being developed to address these requirements (10 CSR 10-6.161), the CISWI plan is tentatively scheduled to be presented at public hearing on September 26, 2013.

c) Ozone National Ambient Air Quality Standard

Only two exceedances of the 2008 ozone National Ambient Air Quality Standard (NAAQS) of 75 parts per billion (ppb) have occurred at ozone monitors throughout the state thus far in the 2013 ozone season. The exceedances were recorded in the St. Louis area. However, monitors located in the St. Louis, Kansas City and Joplin areas continue to violate the 75 ppb standard for the 2011-2013 period.

EPA's proposed implementation rule for the 2008 ozone NAAQS was published in the *Federal Register* on June 6, 2013, and the comment period was recently extended through September 4, 2013. Based on the proposal, a minimal State Implementation Plan (SIP) will be required for the St. Louis marginal nonattainment area by the summer of 2014. Additional SIP/planning work may also be needed as a result of the violation of the previous ozone standard of 80 ppb that occurred during the summer of 2012, but the proposed implementation rule lacked specifics regarding this issue. The Air Pollution Control Program is preparing comments on the proposal, including comments encouraging EPA to provide clarity on what will be required to address the violation of the previous ozone NAAQS in St. Louis.

3) PERMITS REPORT

Mr. Kendall Hale said the Permits Report begins on page 47 of the briefing document. For the month of June 2013, the Permits Section received 43 construction permit projects, and 23 operating permit projects, for a total of 431 permit projects received for the year. The Permit Applications Received Report is located on pages 48 through 54, where there is a detail of the projects received.

Beginning on page 55 is the Permits Applications Completed Report. There were 36 construction permits and 50 operating permits completed for the month of June, for a total of 422 projects completed for the year. The Permits Applications Completed Report is located on pages 56 through 65.

On page 66 of the briefing document is Open Permits Report. There are currently 512 projects open, and seven operating permits on public notice that are not mentioned in the briefing document.

4) DIRECTOR'S REPORT

a) Stage II Vapor Recovery

Ms. Kyra Moore thanked all of the staff members are working on the process for removal of the Stage II Vapor Recovery system from gas pumps in St. Louis. These staff members are working diligently to make the process go as smoothly as possible.

b) House Bill 28 Update

House Bill 28, which includes various department statute revisions, including extensions to the clean water fees, hazardous waste fees and battery fees, is now signed. With this bill, the Air Pollution Control Program can commence a stakeholder process to review emission fees. The Air Pollution Control Program will work with the department to schedule this meeting.

c) Climate Action Plan Update

EPA held several conference calls with the states to discuss the President's Climate Action Plan. EPA intends to schedule meetings and webinars with states and other stakeholders in the coming months.

F. New Business

None.

G. Unfinished Business

None.

H. Appeals and Variance Requests

None.

I. Open Session

None.

J. Future Meeting Dates

August 29, 2013 – Jefferson City

Elm Street Conference Center

1730 East Elm Street

Lower Level

Bennett Springs Conference Room

Jefferson City, MO 65101

September 26, 2013 – Kansas City

Holiday Inn Southeast

816-737-0200

Grand BC

9103 East 39th Street

Kansas City, MO 64133

October 31, 2013 – Jefferson City
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101

December 5, 2013 – 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 Garnett moved to adjourn the July 24, 2013, Missouri Air Conservation Commission meeting. Commissioner Zimmermann seconded the motion, and all commissioners voted to adjourn the meeting.

Chairman Baker adjourned the July 24, 2013, Missouri Air Conservation Commission meeting.

Respectfully submitted,

Kyra L. Moore, Director
Air Pollution Control Program

Approved:

Jack Baker, Chairman
Missouri Air Conservation Commission