

MINUTES
MISSOURI AIR CONSERVATION COMMISSION
Elm Street Conference Center
1730 East Elm Street – Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101
July 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

Stacy Allen, Air Quality Planning Section, Air Pollution Control Program (APCP)
Darcy Bybee, Air Quality Planning Section Chief, APCP
Deanna Distler, Director's Office, APCP
Wayne Graf, Planning Section, APCP
Kendall Hale, Permits Section Chief, APCP
Steve Hall, Air Quality Analysis Section Chief, APCP
Morgan Hovis, Air Quality Planning Section, APCP
Patricia Maliro, Air Quality Analysis Section, APCP
Kyra Moore, Director, APCP
Julia Katich Mudd, Assistant General Counsel, Department of Natural Resources
Lisa Nahach, Public Information Specialist, APCP
Richard Swartz, Compliance/Enforcement Section Chief, APCP
Will Wetherell, Environmental Services Program
Emily Wilbur, Air Quality Planning Section, APCP

Others Present by Attendance Record

Mike Alesandrini, St. Louis Regional Chamber Environmental Council
Deborah Bredehoft, Environmental Protection Agency, Region 7
Kathrina Donegan, St. Louis County Health Department
Tim Duggan, Attorney General's Office
Dave Fraley, Diamond Sky Ventures
Michael Reid, Michael C. Reid and Associates
Chris Schreiber, Schreiber Engineering, LLC
David Shanks, Boeing
Chris Thiltgen, Capital Quarries Company
Todd Wagner, City Utilities of Springfield
Roger Walker, Regulatory Environmental Group for Missouri
Steven Whitworth, Ameren

A. Call to Order

Chairman Gary Pendergrass called the July 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. *Commissioners Jack Jones and Mark Garnett participated by phone.

B. Minutes from July 28, 2016, Meeting

Vice Chairman David Zimmermann moved to approve the July 28, 2016, minutes as written. Commissioner Jack Baker seconded the motion, and all commissioners voted to approve the July 28, 2016, minutes as written.

C. Public Hearing

Chairman Gary Pendergrass called the public hearing to order.

Mr. Wayne Graf presented 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*. Information on the proposed amendment begins on page 115 of the briefing document.

Mr. David Shanks, representing Boeing, presented comments in support of 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*.

Mr. Mike Alesandrini, representing the Air Committee of the St. Louis Regional Chamber Environmental Council, presented comments in support of 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*.

Mr. Wayne Graf presented 10 CSR 10-6.210, *Confidential Information*. Information on the proposed amendment begins on page 125 of the briefing document.

Mr. Roger Walker, representing the Regulated Environmental Group for Missouri, presented comments in support of 10 CSR 10-6.210, *Confidential Information*.

Ms. Stacy Allen presented Missouri State Implementation Plan (SIP) Revision – Redesignation Request and Maintenance Plan for the St. Louis (MO) 2008 Ozone Standard Nonattainment Area. Information on the proposed SIP revision begins on page 131 of the briefing document.

Mr. Mike Alesandrini, representing the Air Committee of the St. Louis Regional Chamber Environmental Council, presented comments in support of the proposed SIP revision.

Chairman Pendergrass closed the public hearing.

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.

D. Appeals and Variance Requests

Kansas City Power and Light Variance Request

Mr. Richard Swartz presented a variance request for Kansas City Power and Light. Information regarding the variance request can be found beginning on page 133 of the July 28, 2016, briefing document.

Vice Chairman David Zimmermann moved to grant a variance request to Kansas City Power and Light for 10 CSR 10-6.220 until the rule modification becomes final. Commissioner Jack Baker seconded the motion. All commissioners voted to grant a variance to Kansas City Power and Light for 10 CSR 10-6.220 until the rule modification becomes final.

E. Reports - The following referenced reports are in the July 28, 2016, Missouri Air Conservation Commission Briefing Document and available online at dnr.mo.gov/env/apcp/macc.htm.

1) COMPLIANCE/ENFORCEMENT

Mr. Richard Swartz said the Compliance/Enforcement Report begins on page 21 with the Concern Report. There were a total of 134 concerns received from April 16, 2016, through June 15, 2016. During this time period 120 investigations were completed.

The Ongoing Negotiations Report can be found on pages 61 and 62. There are 38 enforcement actions in the negotiation process at this time.

The Finalized Agreement Report is on page 63. For the time period of April 16, 2016 through June 15, 2016, the department finalized 16 agreements with a total penalty of \$49,000. Of that amount, \$17,500 was paid to the school fund of the County in which the violation occurred, and the remaining \$31,500 was suspended.

The Pending Referrals Report can be found on page 65. At this time, there are 15 Active Referrals.

The 2016 second quarter update for the Gateway Vehicle Inspection Program (GVIP) can be found on page 67 of the briefing document. Over 220,000 vehicles were tested and 379 audits were conducted by department and Missouri State Highway Patrol staff from April 1, 2016 through June 30, 2016. The third quarter report for 2016 will be presented in October 2016. The GVIP contract is expected to be awarded soon.

2) **PERMITS REPORT**

Mr. Hale stated the Permits Report begins on page 69 of the briefing document with the Permit Applications Received Report. A total of 56 construction and 29 operating permit projects were received in May. And a total of 48 construction and 14 operating permit projects were received in June. So far, a total of 418 permit projects have been received in 2016.

The Permit Applications Completed report begins on page 85 of the briefing document. A total of 49 construction and 33 operating permit projects were completed in May. And a total of 52 construction and 13 operating permit projects were completed in June. So far, a total of 404 operating permit projects have been completed in 2016.

The Open Permits Report is on page 101 of the briefing document. This report details the types of projects currently open in the Permit Section.

There are currently three operating permits on public notice: Brief Packaging, Edwards Fiberglass, and Empire State Line power plant.

The Permit Section is currently fully staffed. Four new staff have started since the last commission meeting: three in the Construction Permit Unit and one in the Operating Permit Unit.

At the beginning of 2017 the Permit Section will have fee increases so it is working diligently to get out the message to affected facilities.

The Operating Permit Unit has set a goal to have permit guidance on its website by the end of this year. The unit is also revising its Basic operating permit procedures and trying to streamline that. More significantly, the Operating Permit Applications are also going through a total overhaul. The unit hopes to receive input from the Air Program Advisory Forum regarding the new applications.

3) **AIR QUALITY PLANNING REPORT**

A black and white copy of Ms. Bybee's presentation may be seen as an attachment to these minutes (Attachment A) or a color copy of her presentation may be viewed on the commission's website at <http://dnr.mo.gov/env/apcp/macc.htm>.

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

The Rule and SIP Agenda is found on pages 103 - 106 of the briefing document. 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*, also known as the Opacity Rule, 10 CSR 10-6.210, *Confidential Information*, and Missouri SIP Revision – Redesignation Request and Maintenance Plan for the St. Louis (Missouri) 2008 Ozone Standard Nonattainment Area were presented at public hearing. The Boundary Recommendation for the 2015 Ozone Standard will be presented at the August 25, 2016 public hearing.

Those items presented at today's public hearing will be presented to the commission for adoption at the August 25, 2016, meeting.

b) Rules In Progress Schedule

The Rules In Progress Schedule is found on pages 107 - 108 of the briefing document. Both the Opacity Rule and the Confidential Information Rule are planned to become effective at the end of this year.

The department has been reviewing the rulemaking procedures for all its programs to improve efficiency and consistency and ensure compliance with statutory requirements. New procedures are now in place for the programs to follow. Internal processes have been streamlined and the following three rules are some of the first that will be processed using the new rulemaking procedures: 10 CSR 10-6.060, *Construction Permits Required*; 10 CSR 10-6.161, *Commercial and Industrial Solid Waste Incinerators*; and 10 CSR 10-5.330, *Control of Emissions From Industrial Surface Coating Operations*. Ms. Bybee said she would keep the commission updated on the progress of these rules.

c) State Air Quality Plans Status Report

The State Air Quality Plans Status Report can be found on pages 109 – 114 of the briefing document.

Ms. Bybee provided the commission with an update on ozone, sulfur dioxide (SO₂), and regional haze.

Ozone

As reported last month, the program is working on the 2008 ozone redesignation package, which Ms. Allen presented at today's public hearing. As a reminder, the program's work on both the 2008 (75 parts per billion or ppb) and 2015 (70 ppb) standards has focused on quality assured ozone monitoring data from 2013-2015 that shows compliance at all monitors for the 2008 standard. This 2013-2015 ozone monitoring data does show a violation of the 2015 standard at one monitor, the West Alton monitor in the St. Louis area. The West Alton monitor has a 2013 – 2015 design value of 71 ppb. The program will present more detailed information on the 2015 boundary recommendations to the commission next month. The documentation is currently available on the Internet for public review and comment. Ms. Bybee also gave a brief timeline for the 2015 ozone standard designation process.

As of the date of the commission meeting, there have been 22 exceedances of the 2015 ozone standard for this ozone season. There have been a few exceedances for the 2008 standard, however, the data continues to support the program's redesignation request under the 2008 standard. For up to

date ozone monitoring data, please see:
<http://dnr.mo.gov/env/apcp/docs/ozonemonitordata.pdf>.

SO₂

Ms. Bybee provided a description of the current status of rounds 1 through 4 of the designations for the 2010 SO₂ NAAQS. She also provided website links for further information.

For round 1, the program is continuing work on a redesignation request/maintenance plan for the Jefferson County Nonattainment area. Also, the monitoring data for the Jackson county area is showing positive results.

For round 2, on June 30, EPA officially designated Ameren Labadie Energy Center and Kansas City Power and Light- Sibley Generating Station as Unclassifiable and Sikeston Power Station as Unclassifiable/Attainment. This officially moves all 3 sources into the Data Requirements Round (DRR) for designations.

EPA will be designating sources subject to the DRR in rounds 3 and 4 in 2017 and 2020. On July 1, 2016, the air program notified EPA which compliance option each of the DRR sources plans to pursue. Additional information may be found at: <http://dnr.mo.gov/env/apcp/so2.htm>.

Ms. Bybee also provided a timeline for the remainder of the 2010 SO₂ DRR designation process.

Regional Haze Rule

EPA has proposed revisions to the regional haze rule and the comment period has been extended to August 10, 2016. EPA proposed draft guidance earlier this month and the comment period for the guidance will close on August 22, 2016. The regional haze rule addresses visibility in Federal Class I areas. Missouri has two Class I areas: Hercules Glades Wilderness Area and the Mingo National Wildlife Refuge Area.

Additional information on these proposals may be found at: <https://www.epa.gov/visibility/proposed-rulemaking-amendments-regulatory-requirements-state-regional-haze-plans> and <https://www.epa.gov/visibility/draft-guidance-second-implementation-period-regional-haze-rule>.

d) Periodic Rule Review

July 1, 2016, initiated the Periodic Rule Review process for the Department of Natural Resources. Any public comments must be submitted by August 31, 2016. Ms. Bybee noted specific requirements per

the statute. The department will prepare and make available a report summarizing the results of the review.

Ms. Bybee also provided the commission with a brief description on how the public can comment during the “regular” public notice process and how they can sign up to receive updates when items are available for review and comment.

Key websites include: <http://dnr.mo.gov/env/apcp/public-notices.htm> (for air program rulemaking, plan, and permit actions available for public comment) and <https://dnr.mo.gov/proposed-rules> (for department-wide proposed rules and rules in development).

4) DIRECTOR’S REPORT

a) Air Program Fees

Ms. Moore presented an overview of the program fees and the fee stakeholder meetings held in the last several years. Currently, approximately 60% of the program’s revenue comes from emission, asbestos, and permit fees. Effective January 1, 2016, the emission fee increased from \$40 to \$48 per ton for calendar year 2015 emissions. The increase in permit and asbestos fees become effective in January 1, 2017.

b) Clean Power Plan

The Supreme Court issued a stay on the Clean Power Plan, which is the rule that reduces carbon dioxide emissions from power plants on February 9, 2016. Due to this issuance, the program is not actively working on the Clean Power Plan. However, EPA did come out with a piece that is associated with the Clean Power Plan called the Clean Energy Incentive Program. The CEIP is an option of the Clean Power Plan that encourages energy efficiency and solar measures specifically in low-income communities. The CEIP is not affected by the stay. EPA is soliciting comments and the comment period ends on September 2, 2016. Ms. Moore encourage anyone that has questions regarding the CEIP to visit the EPA website at <https://www.epa.gov/cleanpowerplan/proposed-rule-about-ceip-design-details>.

Commissioner Jack Baker inquired if there would be any additional work required on behalf of the commission if the Clean Power Plan were to pass.

Ms. Moore replied that if the stay is lifted and work on the Clean Power Plan continued, the program would bring state plans to the commission for approval.

c) Volkswagen

The Department of Justice and EPA have entered into a draft settlement with Volkswagen on how to resolve alleged violations of emission inspection requirements for automobiles. Part of this settlement is an Environmental Mitigation fund that will provide money for environmental projects in each state. The draft document details diesel emission reduction projects that are approvable under this fund. Everything is preliminary and Ms. Moore stated she would update the commission as more details emerge.

d) Staff Update

The program continues to review vacancies to determine which vacancies to fill immediately and which positions to hold, balancing expenditures with workload.

Mr. Josh Vander Veen has accepted the Emissions and Testing Unit Chief position in the Compliance/Enforcement Section. Mr. Vander Veen will work closely with the Gateway Vehicle Inspection Program in St. Louis. He also oversees the stack testers.

F. Public Hearing

None.

G. Recommended for Adoption and Actions to be Voted on

None.

H. New Business

None.

I. Unfinished Business

None.

J. Open Session

No one addressed the commission.

K. Future Meeting Dates

A list of 2017 meeting dates is provided to the commission for their review. Ms. Moore reminded the commission that statute requires the commission to hold at least nine meetings per year. She asked the commission to review the 2017 future meeting dates and to discuss the number of meetings and the dates at the August commission meeting. Finalizing the 2017 meeting dates helps the program facilitate rulemaking publications.

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

Recommended 2017 MACC Meeting Dates

9 Meetings/Year Schedule
January 31, 2017 – Tuesday
March 30, 2017 – Thursday
April 27, 2017 – Thursday
May 25, 2017 – Thursday
July 27, 2017 – Thursday
August 31, 2017 – Thursday
September 28, 2017 – Thursday
October 26, 2017 – Thursday
December 7, 2017 – Thursday

10 Meetings/Year Schedule
January 31, 2017 – Tuesday
March 30, 2017 – Thursday
April 27, 2017 – Thursday
May 25, 2017 – Thursday
June 29, 2017 – Thursday
July 27, 2017 – Thursday
August 31, 2017 – Thursday
September 28, 2017 – Thursday

October 26, 2017 – Thursday
December 7, 2017 – Thursday

Note: Alternate dates are possible, but need to be analyzed before finalizing a schedule.

L. Discussion of Pending Litigation and Legal Matters

Mr. Tim Duggan addressed the commission. He informed the commission he was sitting in for Ms. Jennifer Hernandez since she was on vacation.

Mr. Duggan gave the commission a brief update regarding the Volkswagen settlement including state comments, smaller states issues, when settlement funds might be available, and the mitigation trust fund. Details of his update can be viewed on the commission's website at <http://dnr.mo.gov/env/apcp/macc.htm>.

M. Missouri Air Conservation Commission

Commissioner Baker moved to adjourn the July 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 July 28, 2016, Missouri Air Conservation Commission meeting.

Respectfully submitted,

Signature On File

Kyra L. Moore, Director
Air Pollution Control Program

Approved:

Gary Pendergrass, Chairman
Missouri Air Conservation Commission

Air Quality Planning

Darcy Bybee

Air Quality Planning Section Chief
Air Pollution Control Program

Missouri Air Conservation Commission Meeting
Jefferson City, MO
July 28, 2016

Air Quality Planning Updates

- Rule and State Implementation Plan (SIP) agenda
- Rules in Progress Schedule
- State Air Quality Plans Status Report
 - Ozone, Sulfur Dioxide, Regional Haze
- Periodic Rule Review

Rule and SIP Agenda

Pages 103-106

Rule and SIP Agenda

Briefing Document, pages 103-104

July 28, 2016, Public Hearing:

Rule Amendments:

- 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants
- 10 CSR 10-6.210 Confidential Information

SIP Revision:

- Redesignation Request and Maintenance Plan for 2008 Ozone Standard

Actions to be voted on:

None

Rule and SIP Agenda

Briefing Document, pages 104-105

August 25, 2016, Public Hearing:

Boundary Recommendation for the 2015 Ozone Standard

Actions to be voted on:

Rule Amendments:

- 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants
- 10 CSR 10-6.210 Confidential Information

SIP Revision:

- Redesignation Request and Maintenance Plan for 2008 Ozone Standard

Rule and SIP Agenda

Briefing Document, page 106

September 29, 2016, Public Hearing:

None currently scheduled

Actions to be voted on:

Boundary Recommendation for the 2015 Ozone Standard

Rules in Progress Schedule

Pages 107-108

Rules in Progress Schedule

Briefing Document, pages 107-108

- Page 107, 1st Row:
 - 10 CSR 10-6.220
- Page 107, 2nd Row from the bottom:
 - 10 CSR 10-6.210

State Air Quality Plans Status Report

Pages 109-114

State Air Quality Plans Status Report

Briefing Document, pages 109-114

- Ozone
 - Redesignation Request and Maintenance Plan for 2008 Ozone Standard, Page 110, Row 2
 - Boundary Recommendations for 2015 Ozone Standard, Page 109, Row 6
 - <http://dnr.mo.gov/env/apcp/docs/ozonemonitordata.pdf>

8-Hour Ozone Design Values*

Weekly Reporting Date 7/25/2016

Site	County	4th High 8-hr Average (ppb)					CV - 70	# of Exceedances > 70 ppb (15 Std)			
		2012	2013	2014	2015	2016 [^]		2016 [^]	12-14	13-15	14-16 [^]
St. Louis											
Arnold West	Jefferson	85	69	72	69	67	72	1	75	70	69
Blair Street ^a	St. Louis City	87	66	66	63	67	84	0	73	65	65
Foley	Lincoln	87	72	67	65	64	81	0	75	68	65
Maryland Hts	St. Louis	90	70	72	69	71	72	5	77	70	70
Orchard Farm	St. Charles	86	71	72	66	68	75	2	76	69	68
Palmer	St. Louis	83	67	63	63	67	83	2	74	63	63
West Alton	St. Charles	92	71	72	70	74	71	5	78	71	72
St. Genevieve											
Bonne Terre	St. Genevieve	83	65	69	63	63	81	2	72	65	65
South East											
Farrar	Perry	83	65	67	67	69	79	1	71	66	67
Kansas City											
Liberty	Clay	84	67	65	62	66	86	1	72	64	64
RG South	Cass	78	64	65	65	61	83	0	69	64	63
Rocky Creek	Clay	86	71	66	68	67	79	1	74	68	67
Trimble	Clinton	85	71	64	68	67	81	1	73	67	66
Watkins Mill	Clay	86	67	67	64	67	82	0	73	66	66
Springfield											
Fellows Lake	Greene	80	64	60	61	58	92	0	68	61	59
Hillcrest H.S.	Greene	75	62	58	61	58	94	0	65	60	59
Outstate											
Alba	Jasper	84	69	65	61	59	87	0	72	65	61
Branson	Taney	71	63	58	59	56	96	0	64	60	57
Eldorado Spgs.	Cedar	81	64	65	60	60	88	0	70	63	61
Finger Lakes	Boone	78	62	64	63	65	86	0	68	63	64
Mark Twain ^a	Monroe	73	61	60	58	59	95	0	64	59	59
New Bloomfield	Callaway	75	61	64	65	64	84	1	66	63	64
Savannah	Andrew	75	66	64	64	61	85	0	68	64	63

*Quality Assured Data through December 2015.

[^]All the 2016 data has not been quality assured and is preliminary. Do not quote, do not cite.

^aYear-round ozone monitoring

2015 Ozone Standard Timeline for Designation Process

- July-Sept 2016: Public review and comment on Missouri's boundary recommendation
- Oct 2016: Missouri submits recommendation to EPA
- June 2017: Missouri receives EPA 120-day letter with proposed changes to recommendation (time for feedback)
- Oct 1, 2017: EPA finalizes designation

State Air Quality Plans Status Report

Briefing Document, pages 109-114

- Sulfur Dioxide
 - Round 1, Existing Monitors, Pages 111 Row 2 & 112, Row 3
 - <http://dnr.mo.gov/env/apcp/sips.htm#Sulfurdioxide>
 - Round 2, Consent Decree, Page 111, Row 3
 - <http://dnr.mo.gov/env/apcp/naaqsboundarydesignations.htm#SO2>
 - Rounds 3 & 4, Data Requirements Rule, Page 111, Row 4
 - <http://dnr.mo.gov/env/apcp/so2.htm>

2010 Sulfur Dioxide Standard

2nd Round: Federal Consent Decree Round Summary of EPA's June 2016 Designations

- Ameren Labadie – Unclassifiable
(Recommendation was Unclassifiable)
- KCPL Sibley – Unclassifiable
(Recommendation was Attainment)
- Sikeston – Unclassifiable/Attainment
(Recommendation was Attainment)

2010 Sulfur Dioxide Standard

3rd & 4th Rounds: SO₂ Data Requirements Rule

- 16 sources being evaluated under the DRR
- Three compliance options available:
 1. Limit emissions to less than 2,000 tons/year (5)
 2. Model compliance using actual emissions (7)
 3. Install air monitors (4)

2010 Sulfur Dioxide Standard

Timeline for Designation Processes

- Jan 1, 2017: New monitors operational, if applicable
- Jan 13, 2017: Submit modeled boundary recommendations
- Dec 2017: EPA designates areas based on modeling (3rd Round)
- May 2020: Submit boundary recommendations based on 2017-19 monitoring data
- Dec 2020: EPA designates areas based on monitoring data (4th Round)

MO Sources Affected by Final SO2 Data Requirements Rule
based on 2014 Actual Emissions



 **MISSOURI**
DEPARTMENT OF
NATURAL RESOURCES
Division of Environmental Quality
Air Pollution Control Program
Prepared: June 2, 2016

Legend

-  Sources Affected by Final DRR based on 2014 Emissions
-  Sources Affected by CD and DRR

 **MISSOURI**
DEPARTMENT OF
NATURAL RESOURCES

Proposed Regional Haze Rule and Draft Guidance

Page 112, 6th Row

Revisions to Regional Haze Rule

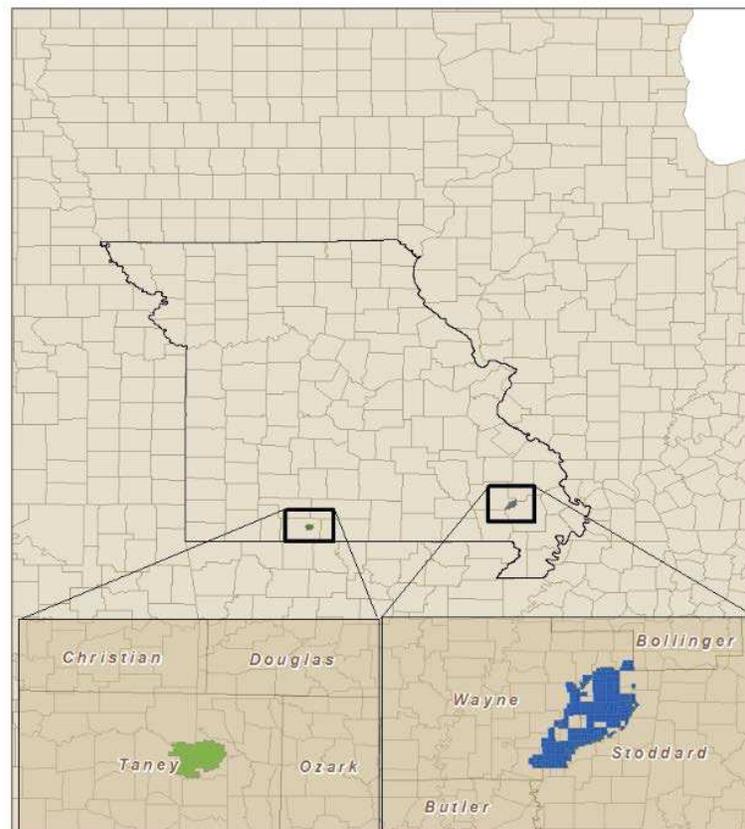
EPA proposed revisions on April 25, 2016

- Comment period closes August 10, 2016
<https://www.epa.gov/visibility/proposed-rulemaking-amendments-regulatory-requirements-state-regional-haze-plans>

Draft Guidance proposed July 8, 2016

- Comment period closes August 22, 2016
<https://www.epa.gov/visibility/draft-guidance-second-implementation-period-regional-haze-rule>

Class I Federal Areas in Missouri



Legend 24

 State Border  Hercules Glades  Mingo

Periodic Rule Review

Periodic Rule Review (536.175 RSMo)

- Requires the periodic review of all agency rules
- Review process for this round began on July 1, 2016
 - JCAR published notification in the Missouri Register
 - Comments accepted until August 31, 2016*
 - Each agency provides report by June 30, 2017

*** Comments must be submitted per the requirements in 536.175 RSMo**

**July 1, 2016
Missouri
Register,
Page 25**

This 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, 2016, 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, 2016:

- Title 7 – Department of Transportation
- Title 8 - Department of Labor and Industrial Relations
- ~~Title 9 - Department of Mental Health~~
- Title 10 - Department of Natural Resources

<http://www.sos.mo.gov/adrules/moreg/moreg>

The Public Comment Process: Agencies with rules in Titles 7-10 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, 2016. (August 31, 2016)
- 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 7 – Department of Transportation
 Pamela Harlan, Commission Secretary
 Missouri Highways & Transportation Commission
 PO Box 270
 Jefferson City, MO 65102
Pamela.Harlan@modot.mo.gov

Title 8 - Department of Labor and Industrial Relations
 Mike Pritchett, General Counsel
 PO Box 59
 421 E. Dunklin St.
 Jefferson City, MO 65102
Mike.Pritchett@labor.mo.gov

Title 9 - Department of Mental Health
 Amber Daugherty
 1706 East Elm St.
 Jefferson City, MO 65102
Amber.Daugherty@dmh.mo.gov

Title 10 - Department of Natural Resources
 Marty Miller, Acting General Counsel
 PO Box 176
 Jefferson City, MO 65102
Marty.Miller@dnr.mo.gov



How to comment during “regular” process:



Public Notices and Comment Periods

» Division of Environmental Quality » Air Pollution Control Program

- **Rulemakings on Public Notice** (updated 6/9/16) Currently accepting comments
- **Rules In Development** (updated 6/24/16)
- **Permits on Public Notice** (updated 7/06/16) Currently accepting comments
- **State Plan Actions on Public Notice** (updated 6/24/16) Currently accepting comments
- **Air Monitoring Network Plan** (updated 5/27/16)



- Program Home Page
- Air Conservation Commission
- Air Pollutants
- Air Program Advisory Forum
- Air Quality
- Asbestos
- Clean Power Plan
- Forms and Applications
- Gateway Vehicle Inspection Program
- Laws and Regulations
- NAAQS Boundary Designations
- Ozone
- Permits
- Publications and Reports
- Public Notices-Comment Periods**
- QAPP Template
- Air Pollution Compliance/Regulatory

<http://dnr.mo.gov/env/apcp/public-notice.htm>

Proposed Rules

The following are summaries and other information related to Proposed Rules that the Missouri Department of Natural Resources has submitted to the Secretary of State for Publication in the Missouri Register. These rules will not go into effect until the public has had an opportunity to submit written comments, and to attend a public hearing if one is scheduled.

Any person may offer comments on a Proposed Rule. The instructions for submitting comments, and the location and date of a hearing if one is scheduled, are located after the text of each rule. Please note that the official text of a Proposed Rule is the version that appears in the Missouri Register, not the draft copy on this site.

Information on Rules in Initial Development follows the Proposed Rules information.

We hope you find this site helpful and informative.

<https://dnr.mo.gov/proposed-rules>

To view more detailed information about the rules in development, select [here](#).

Proposed Rule	Summary	Fiscal Note(s)	Supporting Documents	Link to Missouri Register	Small Business Impact Statement	Date Posted
10 CSR 10-6.210 Submit Comment	Clarifies public disclosure requirements for making confidentiality claims, removes definitions listed in rule that are now in 10 CSR 10-6.020, and reorganizes rule into standard rule organization format.	No		10 CSR 10-6.210	No	06/01/2016
10 CSR 10-6.220 Submit Comment	Removes impermissible SSM language, adds exemption for power plants complying with MATS using CEMS, clarifies exemptions, adds compliance demonstration requirements, and removes definitions now in definitions rule.	No	Technical Support Document	10 CSR 10-6.220	No	05/02/2016

Rules in Development

Filter By

Program:

Action Type:

Status:

Director's Report

Kyra Moore

Air Pollution Control Program

Missouri Air Conservation Commission Meeting

Jefferson City, MO

July 28, 2016

Air Program Fees

- Emission Fee
 - \$48 per ton - Effective January 1, 2016 (for calendar year 2015 emissions)
 - Higher fee decreased impact of lower emissions
- Permit/Asbestos fee changes effective Jan 1, 2017

Asbestos Fee Changes

Goal – Fees cover 100% of activity

Fee Type	Current Fee	Fee Adjustment
Asbestos Demolition Fee (allowed in RsMO 643.237/currently not collected)	\$100/Demolition Project	Start collecting
Asbestos Certification Fee		
Worker Asbestos Certification	\$25 for Workers	\$40
Other Disciplines Asbestos Certification	\$75 for All Other Disciplines	\$100
Asbestos Recertification Fee		
Worker Asbestos Recertification	\$5 for All Workers	\$20
Other Disciplines Asbestos Recertification	\$5 for Other Disciplines	\$50
Asbestos Registration Fee	\$1,000/Registration	\$2,650
Asbestos Exam Fee	\$25/Exam	\$25
Asbestos Accreditation Fee	\$1,000 per Course/ \$3,000 cap	\$1,000 per Course/ \$3,000 cap
Asbestos Inspection Fee	\$100/\$300 Max	\$200/\$400
Asbestos Exemption Fee	\$250/Exemption	No fee adjustment
Asbestos Abatement Notification Fee	\$100/Notification	\$200

Permit Fee Changes

Fee Type	Current Fee	Fees Adjustment
Portable Source Filing/Review Fee	\$200/Application	\$300
Construction Permit Review Fee	\$50/Review Hour	\$75
Construction Permit Filing Fee (Deminimis & Minor)	\$100/Application	\$250
Construction Permit Filing Fee - Major Prevention of Significant Deterioration (PSD)	\$100/Application	\$5,000
Vapor Recovery Permit Filing Fee	\$100/Application	No fee adjustment
Operating Permit Filing Fee (Basic)	\$100/Application	\$500
Operating Permit Filing Fee (Intermediate & P70)	\$100/Application	Tiered \$750 - \$6,000

Clean Power Plan

- Carbon Pollution Standards for Power Plants
- Supreme Court issued stay of rule on February 9, 2016

Clean Energy Incentive Program (CEIP)

- Optional program encourages energy efficiency and solar measures in low-income communities
- Separate program from Clean Power Plan
 - Not affected by stay
- June 16, 2016 – EPA proposed detailed CEIP
- <https://www.epa.gov/cleanpowerplan/proposed-rule-about-ceip-design-details>
- Comment period ends September 2, 2016

Division of Environmental Quality Director: Leanne Tippett Mosby

Date: July 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.