

MINUTES
MISSOURI AIR CONSERVATION COMMISSION
Governor Office Building
200 Madison Street
Conference Room 450
Jefferson City, MO 65101
June 25, 2015
9:00 a.m.

Commissioners Present

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

Staff Members Present

Larry Archer, Division of Environmental Quality
Darcy Bybee, Compliance/Enforcement Section Chief, Air Pollution Control Program (APCP)
Kimberly Campbell, Directors Office, APCP
Steve Feeler, Deputy Director, Division of Environmental Quality
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
Brian Hirsch, Air Quality Planning Section, APCP
Julia Katich Mudd, Department of Natural Resources
Ashley Keas, Air Quality Planning Section, APCP
Cliff Li, Air Quality Planning Section, APCP
Kyra Moore, Director, APCP
Paul Myers, Air Quality Planning Section, APCP
Lisa Nahach, Public Information Specialist, 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
Gretchen Waddell Barwick, Sierra Club
Robert Brundage; Newman, Comley & Ruth, PC
Calvin T. Burks
Sara Campbell, Sierra Club of Missouri
Kathrina Donegan, St. Louis County Health Department
Tim Duggan, Attorney General's Office
Dave Fraley, Diamond Sky Ventures
Geoff Marke, Missouri Office of Public Counsel

D.K. Hirner, Regulated Environmental Group for Missouri
Amber Krisp, Washington University Environmental Law Clinic
Jim Lanzafame, Doe Run Company
Rajiv Ravulapati, Sierra Club of Missouri
Sam Syberg, Sierra Club
Jacob Westen, Attorney General's Office
Steven Whitworth, Ameren
Tim Wilson, Empire District

A. Call to Order

Chairman David Zimmermann called the June 25, 2015, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Jack Baker*, Gary Pendergrass, Mark Garnett and David Zimmermann. *Commissioner Jack Baker participated by phone.

B. Minutes from May 28, 2015, Meeting

Vice Chairman Gary Pendergrass moved to approve the May 28, 2015, minutes as written. Commissioner Mark Garnett seconded the motion, and all commissioners voted to approve the minutes.

C. Public Hearing

Chairman David Zimmermann called the public hearing to order.

Mr. Paul Myers presented 10 CSR 10-6.261, *Control of Sulfur Dioxide Emissions*. Information on the proposed rule begins on page 83 of the briefing document.

Mr. Paul Myers presented 10 CSR 10-6.260, *Restriction of Emission of Sulfur Compounds*. Information on the proposed rescission begins on page 95 of the briefing document.

Mr. Bob Randolph presented Missouri State Implementation Plan Revision – Nonattainment Area Plan for the 2010 1 Hour Sulfur Dioxide National Ambient Air Quality Standard – Jackson County Sulfur Dioxide Nonattainment Area. Information on the proposed plan revision begins on page 105 of the briefing document. Please see Attachment A for a copy of his 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>.

Mr. Steven Whitworth, representing Ameren, presented comments to the commission.

Ms. Sara Campbell, representing Sierra Club of Missouri, presented comments to the commission.

Ms. Gretchen Waddell Barwick, representing Sierra Club of Missouri, presented comments to the commission.

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.

Vice Chairman Pendergrass moved to close the June 25, 2015 public hearing. Commissioner Garnett seconded the motion, and all commissioners voted to close the public hearing.

D. Recommended for Adoption and Actions to be Voted on

None.

E. New Business

Fee Stakeholder Process Update and Asbestos Fee Stakeholder

Ms. Kyra Moore provided an update on the fee stakeholder process. Ms. Moore stated that the program is continuing to work with stakeholders on permit fees and intends to submit a permit fee structure to the commission for their review at the August 3, 2015 commission meeting.

Ms. Moore then presented the Asbestos Fee Stakeholder Proposal to the commission. Her presentation can be found on Attachment B of these minutes. A color copy of her presentation can be found on the Missouri Air Conservation Commission website at <http://dnr.mo.gov/env/apcp/macc.htm>.

Vice Chairman Pendergrass moved to approve the department to begin the Asbestos Fee Rulemaking. Commissioner Garnett seconded the motion, and all commissioners voted to approve the department to begin the Asbestos Fee Rulemaking.

F. Unfinished Business

None.

G. Appeals and Variance Requests

Mr. Jacob Weston presented the Administrative Hearing Commission's (AHC) recommendation to the Missouri Air Conservation Commission (commission) for the Calvin T. Burks (Burks) appeal.

Mr. Calvin T. Burks addressed the commission regarding his appeal.

Chairman Zimmermann asked the pleasure of the commission.

Vice Chairman asked what action is required of the commission.

Mr. Tim Duggan addressed the commission and gave them some options on what actions they could take.

Commissioner Garnett moved to table the decision on the Burks appeal until the August 3, 2015 commission meeting. Vice Chairman Pendergrass seconded the motion, and all commissioners voted to table the decision on the Burks appeal until the August 3, 2015 commission meeting.

H. Reports - The following referenced reports are in the June 25, 2015, Missouri Air Conservation Commission Briefing Document and available online at dnr.mo.gov/env/apcp/macc.htm.

1) COMPLIANCE/ENFORCEMENT REPORT

Ms. Darcy Bybee stated that the Compliance/Enforcement Report begins on page 23 with the Concern Report. There were a total of 71 concerns received from April 16, 2015 through May 15, 2015. During this time period there were 65 investigations completed.

The Ongoing Negotiations Report can be found on pages 45 and 46. There are 53 enforcement actions in the negotiation process at this time.

The Finalized Agreement Report is on page 47. For the time period of April 16, 2015 through May 15, 2015, the department finalized 11 agreements with a total penalty of \$40,000. Of that amount, \$17,500 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 49. At this time, there are 16 Active Referrals. There are a couple of multi-media cases that are being reviewed for referral at this time.

There is an item listed on the agenda for the Closed Session portion of the agenda. It is a discussion on the program's Director Referral process.

Ms. Bybee said the program was notified this week of an appeal of an administrative penalty order issued for open burning violations. It is currently scheduled to be heard by the AHC on July 30, 2015. An update will be provided to the commission at a future meeting.

Ms. Bybee gave a quick update on the Decommissioning of the Stage II program in St. Louis. As of this week, 81 percent of the facilities subject to the St. Louis vapor recovery rule have gone through the entire Stage II decommissioning, testing and permitting process. The program continues to work with the 113 facilities that have not started the process to assist them to meet the December 31, 2015, compliance date.

Ms. Bybee then provided an update on staffing in the Compliance/Enforcement Section. She said Mr. Russell Sullivan has accepted the position of the Compliance Unit Chief. He has held this position before and the Compliance/Enforcement Section is very fortunate for him to return to the

position. He will be starting next Monday. The Asbestos Unit Chief vacancy position should be filled soon.

2) **PERMITS REPORT**

Mr. Kendall Hale stated that the Permits Report begins on page 51 of the briefing document with the Permit Applications Received Report. A total of 82 construction and operating permit applications were received in May. A total of 412 construction and operating permit projects have been received in 2015. Details of the projects received for May can be seen from pages 52 through 59 of the briefing document.

Beginning on page 61 is the Permit Applications Completed Report. The Permits Section completed a total of 56 construction and operating permits projects for May. A total of 296 construction and operating permit projects have been completed in 2015. Details of the projects completed for May can be seen from pages 62 through 67 of the briefing document.

On page 68 of the briefing document is the Open Permits Report. This report details the types of projects currently open in the Permit Section.

Mr. Hale said there are currently three Intermediate and Part 70 operating permits on public notice. Ag Processing also has one Prevention of Significant Deterioration permit that is on public notice for their facility in St. Joseph, Missouri; there was no request for a public hearing so it was cancelled. The public notice period for Ag Processing ends next week.

The CB Asphalt permit under appeal by the City of Marston was heard by the AHC on June 2, 2015. The AHC should have a recommendation by the end of June so this matter should come before the commission at their next meeting in August.

3) **AIR QUALITY PLANNING REPORT**

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

The Air Program is presenting three new state rules associated with the federal Cross State Air Pollution Rule (CSAPR) for public hearing on August 3, 2015: 10 CSR 10-6.372, 6.374 and 6.376 to reallocate annual nitrogen oxides (NO_x), ozone season NO_x and SO₂ emission allowances among Missouri's affected utilities. These state rules do not make any other changes to this federal emissions trading program; EPA administers and enforces CSAPR. These proposed rules were published in the *Missouri Register* on June 15, 2015. The comment period closes August 10, 2015.

The Air Program anticipates presenting the state's area designation recommendations for the 1-hour sulfur dioxide (SO₂) standard for public hearing on August 27, 2015. The recommendations will address the

Kansas City Power & Light – Sibley, Ameren – Labadie and Sikeston power plants, as well as the Doe Run Buick Recycling Facility. The Air Program expects to make the recommendations and technical support analysis available for public review and comment no later than July 27, 2015.

b) 2008 Ozone Standard Attainment Date Extension Request

The 2015 ozone season has been mild so far. As of June 22, 2015, only one exceedance of the 2008 ozone standard of 75 parts per billion (ppb) has occurred. It was at the Farrar monitor in Perry County.

As a follow up to Commissioner Garnett’s question about whether St. Louis had ever been in attainment for the ozone standard, Ms. Vit gave a short presentation on the history of ozone in St. Louis and progress made to date. Since 1971, the U.S. Environmental Protection Agency (EPA) has lowered the ozone standard several times, which has made it a challenge to achieve attainment status in the St. Louis area. Though the St. Louis area has been nonattainment for ozone since the late 1970s (except for a brief period in 2003/2004), ozone concentrations have steadily decreased due to a number of control strategies, including industrial volatile organic compound (VOC) controls, cleaner burning and less evaporative gasoline, vehicle emissions inspections and regional nitrogen oxides (NOx) emission reductions. See Attachment C.

4) DIRECTOR’S REPORT

a) Ozone Standard

Ms. Kyra Moore said the EPA has a court ordered deadline of October 1, 2015, to either issue a revised ozone standard or keep the current standard of 75 ppb. The proposal called for comments in the range of 65 – 70 ppb, and also leaving it at 75 ppb.

If the standard is lowered, the program expects to do significant outreach to those communities who have violating monitors that have never dealt with the program. When the standard was lowered in 2008, the program worked with community leaders to educate them about ozone and how it impacts those in their communities.

One of the tools the program uses in its outreach efforts are Broadcast Listservs. To sign up to receive e-mail updates on air quality go to <http://dnr.mo.gov/broadcastlists.htm>, click on the topic of your choice and enter your e-mail address.

b) Carbon Pollution Standards – Clean Power Plan

EPA will finalize the carbon pollution rules later this summer.

c) Staff Update

Ms. Moore announced the program has a new Public Information Specialist, Ms. Lisa Nahach. Ms. Nahach helps the program run its Livestreaming equipment as well as making correspondence and publications more user friendly to the general public.

There are currently 13 vacancies in the program. 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 July 30, 2015 commission meeting was rescheduled to August 3, 2015, and will be in Jefferson City at the Elm Street Conference Center. Reminder – there are two commission meetings in August: August 3, 2015 and August 27, 2015.

I. Open Session

Mr. Robert Brundage, representing Newman, Comley & Ruth, addressed the commission. Mr. Brundage made comments in regards to the Stakeholder Process Letter he gave to the commission at their April 30, 2015, meeting. He also made comments in regards to the Direct Referral process.

J. Future Meeting Dates

August 3, 2015 – Jefferson City
Monday – Starts at 1:30 PM
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

K. Discussion of Pending Litigation and Legal Matters

Vice Chairman Pendergrass moved that the commission meeting go into Closed Session. Commissioner Garnett seconded the motion, and all commissioners voted to go into Closed Session.

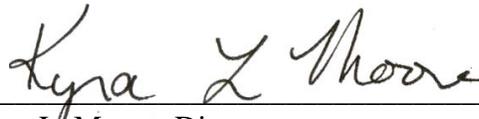
Vice Chairman Pendergrass moved that the commission return to Open Session. Commissioner Garnett seconded the motion, and all commissioners voted to return to Open Session.

L. Missouri Air Conservation Commission

Vice Chairman Pendergrass moved to adjourn the June 25, 2015, Missouri Air Conservation Commission meeting. Commissioner Garnett seconded the motion, and all commissioners voted to adjourn the meeting.

Chairman Zimmermann adjourned the June 25, 2015, Missouri Air Conservation Commission meeting.

Respectfully submitted,



Kyra L. Moore, Director
Air Pollution Control Program

Approved:

David Zimmermann, Chairman
Missouri Air Conservation Commission



2010 Sulfur Dioxide (SO₂) 1-Hour National Ambient Air Quality Standard (NAAQS)

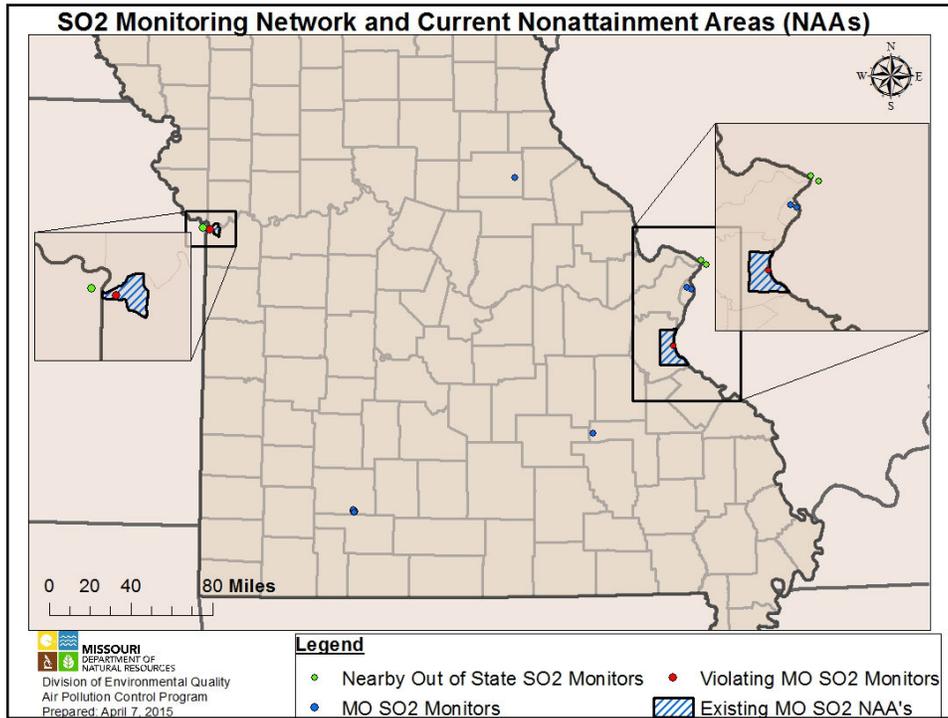
Jackson County SO₂ Nonattainment Area Plan

Public Hearing
June 25, 2015



SO₂ 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)

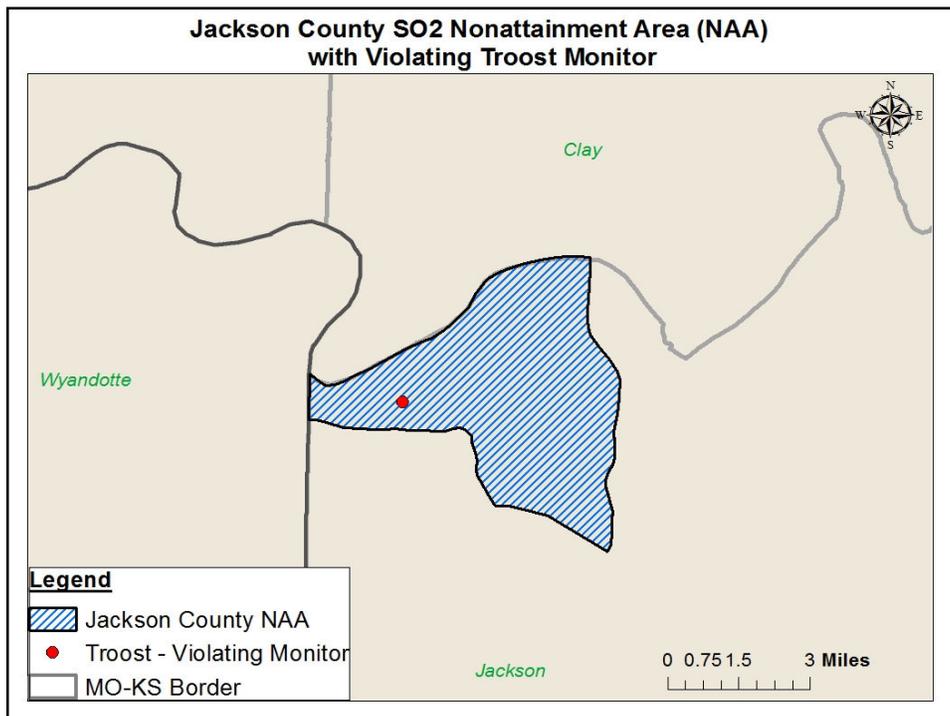


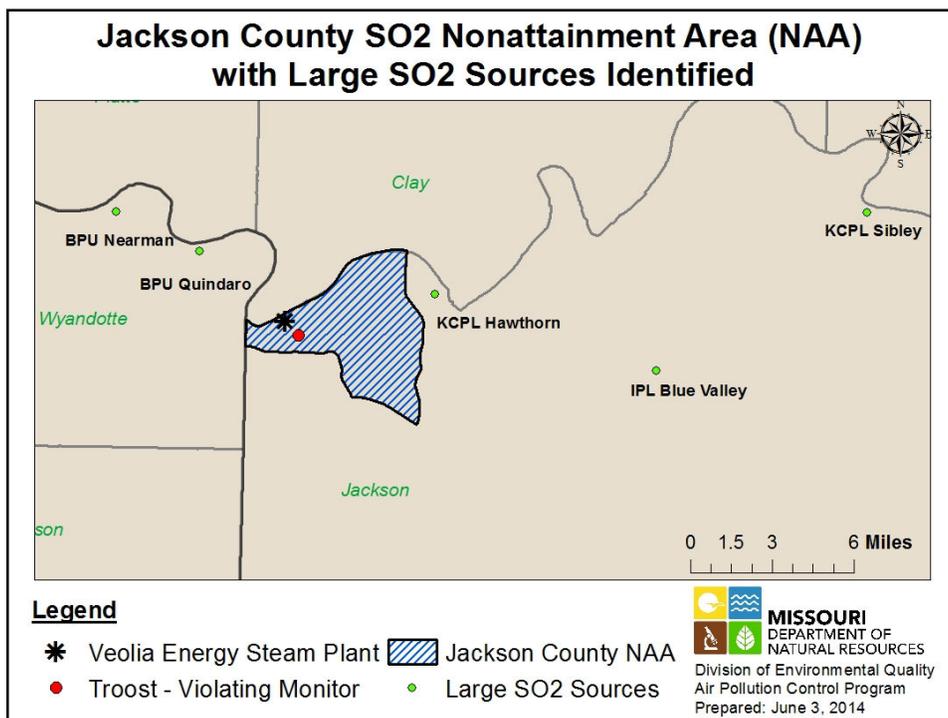
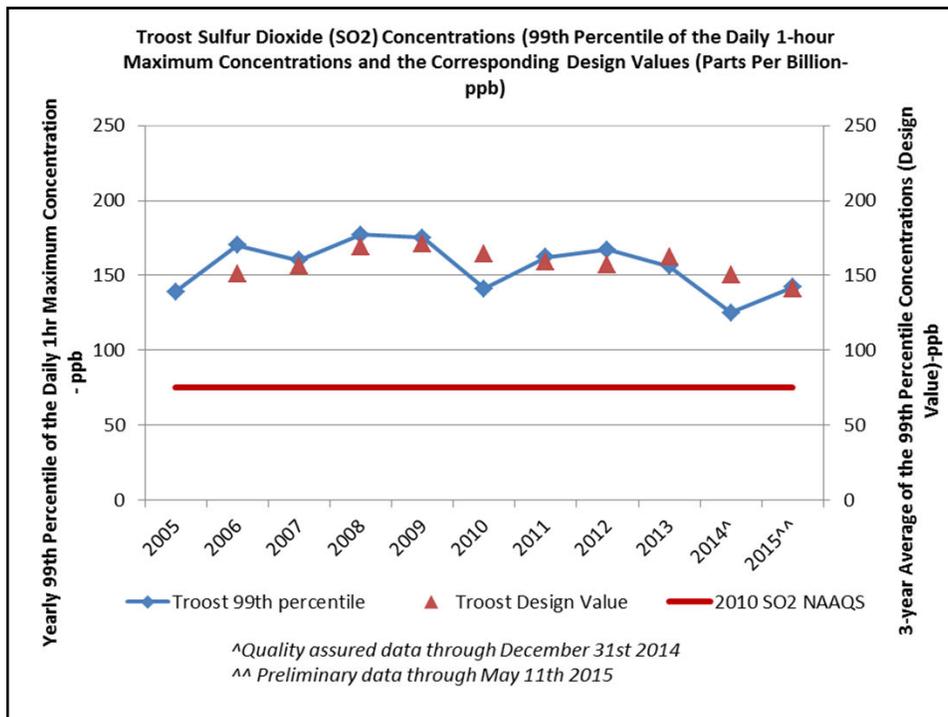
Jackson County NAA Plan Timeline

- May 22- July 2, 2015: Public review & comment
- June 25, 2015: Public hearing
- August 3, 2015: Presented for Adoption
- End of 2015: Submit to EPA w/ New State Rule

Initial Round SO₂ Nonattainment Area Compliance Dates

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





Control Strategy

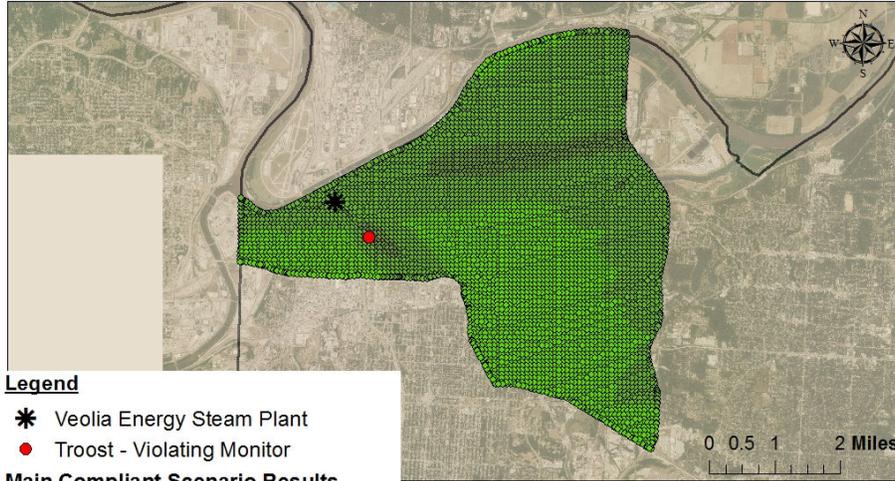
- Emission Limits for Veolia yielding 95% reductions in allowable SO₂ emissions
- Emission Limits for boilers at two KCPL stations
- Natural Gas required for units at KCPL Hawthorn & IPL Blue Valley
- Delivery of Ultra Low Sulfur Diesel
- Proposed new MO SO₂ rule

Modeling Analysis

- Several model scenarios included in plan
- Together, scenarios demonstrate NAAQS compliance throughout the NAA
- Analysis supported by evaluation of potential emissions for all interactive sources

Note: 75 ppb = 196.73 µg/m³

Jackson County SO₂ Nonattainment Area (NAA) Compliant Scenario Model Results



Legend

- * Veolia Energy Steam Plant
- Troost - Violating Monitor

Main Compliant Scenario Results

Conc. (ug/m³)-All Receptors Compliant

- 136.110 - 150.000
- 150.001 - 175.000
- 175.001 - 196.725



Conclusion

- Main control strategy: Emission Limits & Unit Specific Fuel Requirements
 - Troost Avenue monitor expected to be in compliance by October 2018
- Modeling analysis: the entire area is in compliance under controlled conditions
- Additional requirements: Delivery of Ultra Low Sulfur Diesel



Division of Environmental Quality Director: Leanne Tippett Mosby

Date: June 25, 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.



Air Pollution Control Program Asbestos Fee Proposal

June 25, 2015



Asbestos Fees

- Goal – Asbestos fees support 100% of asbestos activities
 - Approximate annual expenditure
\$600,000 - \$625,000
- Suggested increases reflect goal

Fee Adjustment Proposal Based on Fee Stakeholder Meetings - Asbestos Fees

Fee Type	Current Fee	Fee Adjustment For Discussion*
Asbestos Demolition Fee (allowed in RsMO 643.237/currently not collected)	\$100/Demolition Project	No fee adjustment / propose 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

Timeline for Rulemaking - Asbestos

- May 28, 2015 : Present proposed asbestos fee structure to Missouri Air Conservation Commission (MACC)
- June 25, 2015: request MACC approval to file notice of proposed rulemaking with recommended asbestos fee structure
- July 2015: File proposed rulemaking



Timeline for Rulemaking Asbestos - Continued

- September 24, 2015 – Asbestos Rules Public hearing
- October 29, 2015 – MACC adoption of rules
- December 1, 2015 – File order of Rulemakings
- January **2017** - Rulemaking(s) effective.
– Fee(s) take effect January 1, 2017



Division of Environmental Quality Director: Leanne Tippet Mosby

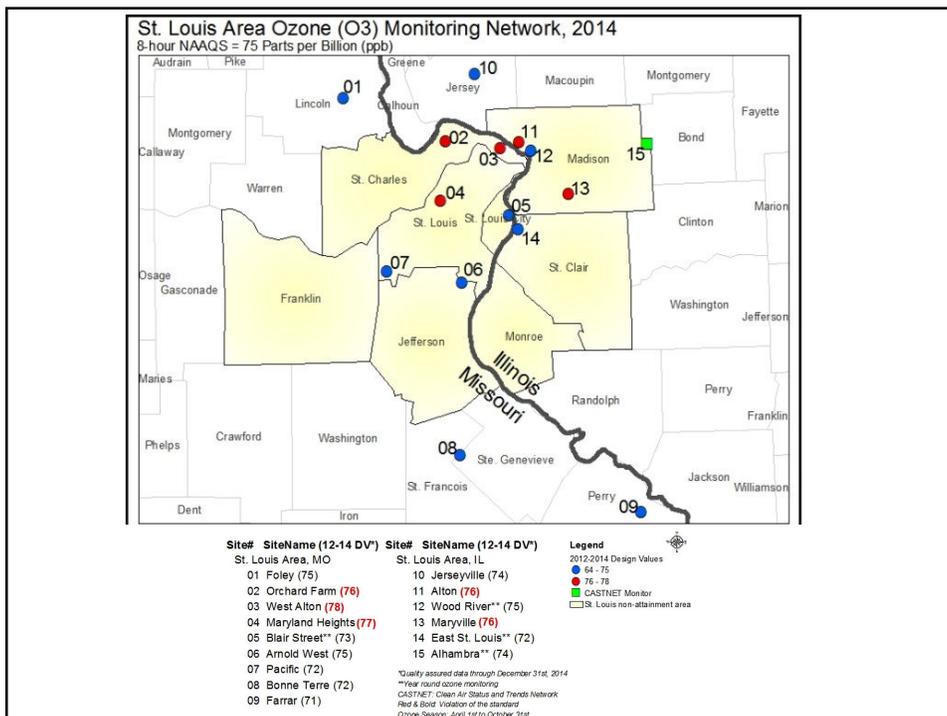
Date: June 25, 2015

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St. Louis Ozone Timeline and Progress

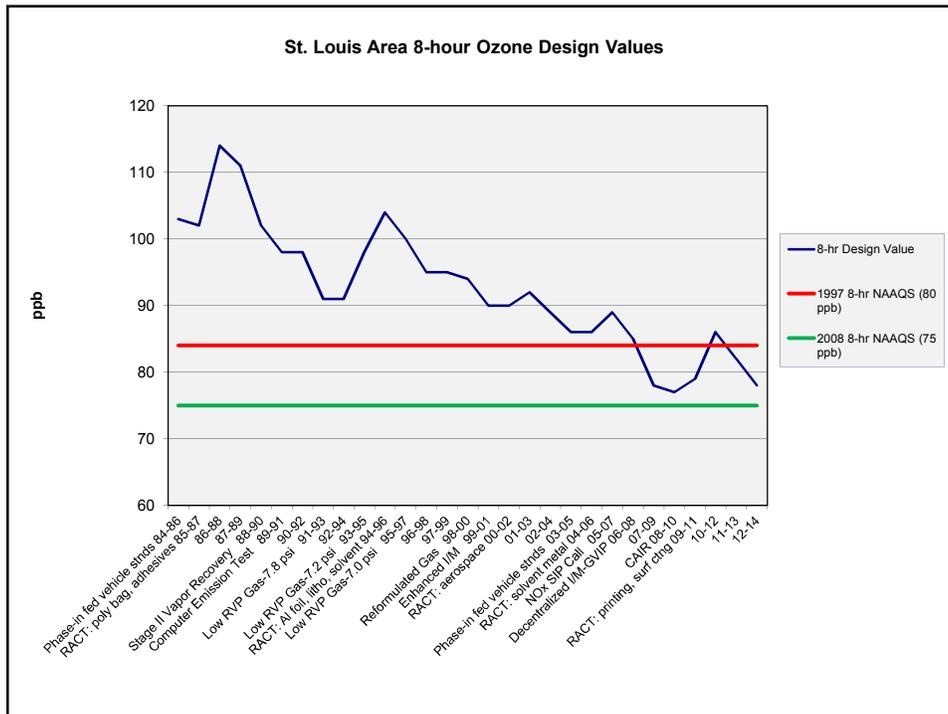
Missouri Air Conservation Commission Meeting
 Air Quality Planning Report
 June 25, 2015



St. Louis Ozone History - *Estimated*

Ozone National Ambient Air Quality Standard	Nonattainment Designation	Classification	Redesignation to Maintenance
1971 1-Hr Photochemical Oxidant Standard: 80 ppb	March 1978	N/A	N/A
1979 1-Hr Ozone Standard: 120 ppb	November 1991	Moderate	May 2003
1997 8-Hr Ozone Standard: 80 ppb	April 2004	Moderate	Feb 2015
2008 8-Hr Ozone Standard: 75 ppb	July 2012	Marginal	--

Note that the ozone NAAQS summarized above have different forms and are not directly comparable in all cases. The 1971 and 1979 NAAQS were exceedance-based, not to be exceeded more than 1 hour/yr and 1 day/yr on average, respectively. The two 8-hour NAAQS are based on averaging the annual 4th highest daily max values over a 3-year period.



Air Quality Monitoring Data Summaries

- For monitoring data updates for ozone and other common air pollutants, see:

<http://dnr.mo.gov/env/apcp/airpollutants.htm>

Division of Environmental Quality Director: Leanne Tippet Mosby

Date: March 5, 2015

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