

MINUTES
MISSOURI AIR CONSERVATION COMMISSION
Elm Street Conference Center
1730 East Elm Street – Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101
May 26, 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

Darcy Bybee, Air Quality Planning Section Chief, Air Pollution Control Program (APCP)
David Gilmore, Program Secretary, APCP
Kendall Hale, Permits Section Chief, APCP
Sara Hoover, Compliance/Enforcement Section, APCP
Julia Katich Mudd, Assistant General Counsel, Department of Natural Resources
Kyra Moore, Director, APCP
Lisa Nahach, Public Information Specialist, APCP
Nathan O’Neil, Air Quality Analysis Section, APCP
Stan Payne, Compliance/Enforcement Section, APCP
Richard Swartz, Compliance/Enforcement Section Chief, APCP
Emily Wilbur, Air Quality Planning Section, APCP

Others Present by Attendance Record

Ken Anderson, Ameren
John Beck, Ameren
Robert Brundage, Newman, Comley & Ruth, PC
Jeff Burkett, Empire District Electric Company
Maggie Crocker, Doe Run Company
Kathrina Donegan, St. Louis County Health Department
Dave Fraley, Diamond Sky Ventures
Josh Gardner, Trinity Consultants
Daniel Hedrick, City Utilities of Springfield
Jennifer Hernandez, Attorney General’s Office
Chris Nelson, 3M
Kevin Perry, Regulated Environmental Group for Missouri
Alan Reinkemeyer, Associated General Contractors of Missouri
David Shanks, Boeing
Wendy Vit, GeoEngineers, Inc.
Steven Whitworth, Ameren

A. Call to Order

Chairman Gary Pendergrass called the May 26, 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 May 26, 2016, Meeting

Commissioner Mark Garnett moved to approve the May 26, 2016, minutes as written. Commissioner Jack Baker seconded the motion, and all commissioners voted to approve the May 26, 2016, minutes as written.

C. Appeals and Variance Requests

Ameren Missouri Variance Request

Mr. Richard Swartz presented a variance request for Ameren Missouri. Information regarding the variance request can be found beginning on page 99 of the May 26, 2016, briefing document.

Vice Chairman David Zimmermann moved to grant a variance request to Ameren Missouri 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 Ameren Missouri for 10 CSR 10-6.220 until the rule modification becomes final.

D. Reports - The following referenced reports are in the May 26, 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 29 with the Concern Report. There were a total of 92 concerns received from March 16, 2016, through April 15, 2016. During this time period 69 investigations were completed.

The Ongoing Negotiations Report can be found on pages 63 and 64. There are 41 enforcement actions in the negotiation process at this time.

The Finalized Agreement Report is on page 65. For the time period of March 17, 2016 through April 15, 2016, the department finalized 10 agreements with a total penalty of \$24,000. Of that amount, \$4,000 was paid to the school fund of the County in which the violation occurred, and the remaining \$20,000 was suspended.

The Pending Referrals Report can be found on page 67. At this time, there are 15 Active Referrals.

Mr. Swartz informed the commission of a recent case where Mr. Stan Payne, the Asbestos Unit Chief, coordinated with the state of Oklahoma, the department's general counsel, and the Environmental Protection Agency in order to ensure a plant that straddles the Missouri/Oklahoma border could fulfill their regulatory obligations regarding an asbestos abatement project at the plant, and ensure that public health is protected in association with the abatement project.

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 47 construction and 11 operating permit projects were received in April. So far, a total of 271 permit projects have been received in 2016.

The Permit Applications Completed report begins on page 77 of the briefing document. A total of 43 construction and 25 operating permit projects were completed in April. So far, a total of 258 operating permit projects have been completed in 2016.

The Open Permits Report is on page 85 of the briefing document. This report details the types of projects currently open in the Permit Section.

The prevention of significant deterioration permit for Owens Corning has been issued.

As the commission is aware, the Permit Section has been working with stakeholders to revise and streamline permits for the construction industry. Progress in the area of incinerators has been made. Traditionally, all incinerators have been required to apply for a construction and operating permit regardless of the amount of their emissions, or at the very minimum a Basic operating permit. The rule has been changed. Incinerators are now being treated just like any other facility with low emissions. They no longer have to apply for a construction and operating permit just because they are an incinerator, it is based upon their level of emissions. This will affect approximately between 40 – 60 facilities.

The Permit Section will soon have three new staff. Two will be starting on June 3, 2016: one is located in the construction permit unit, one in the operating permit unit. Another construction permit writer will be starting on June 20, 2016.

3) **AIR QUALITY PLANNING REPORT**

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

The Rule and SIP Agenda starts on page 87 of the briefing document. 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*, also known as the Opacity Rule, and 10 CSR 10-6.210, *Confidential Information* will be presented to the commission at the July 28, 2016, public hearing and for adoption at the August 25, 2016, meeting. In addition, it is anticipated the Missouri SIP Revision – Redesignation

Request and Maintenance Plan for the St. Louis (Missouri) 2008 Ozone Standard Nonattainment Area will also be presented to the commission at the July 28, 2016, public hearing.

b) Rules In Progress Schedule

The Rules In Progress Schedule is found on pages 91 and 92 of the briefing document. Both the Opacity Rule (first row on page 91) and the Confidential Information Rule (second row from the bottom on page 91) are set to become effective at the end of this year.

Rule amendments 10 CSR 10-6.070, *New Source Performance Regulations* and 10 CSR 10-6.075, *Maximum Achievable Control Technology Regulations* and 10 CSR 10-6.080, *Emission Standards for Hazardous Air Pollutants* are the last three rows on page 92. These are generally referred to as MACT, NESHAP and NSPS rules. Based upon this schedule, these rules are set to be brought before the commission this Fall and effective early next year.

c) State Air Quality Plans Status Report

The State Air Quality Plans Status Report can be found on pages 93 – 97 of the briefing document.

As reported last month, the program is working on the 2008 ozone redesignation package, which is scheduled to be brought before the commission at the July 28, 2016, meeting. The program has documented, based on the 2013-2015 ozone monitoring data, that the St. Louis area has attained the 75 parts per billion (ppb) standard.

The program continues to work on the 2015 ozone standard boundary recommendations. Based upon the 2013-2015 ozone monitoring data, the West Alton monitor in St. Louis is the only monitor in violation of this 70 ppb standard. The program is working on its boundary recommendation based upon this one violating monitor.

So, as a reminder, for both of these projects, the program is evaluating Missouri's attainment based upon 2013-2015 ozone monitoring data.

Missouri is now approximately one month into the 2016 ozone season, and the program is watching the values very closely. Missouri has documented the first three exceedances of the 2016 ozone season: one in Ste. Genevieve County and two in the St. Louis area. This is preliminary data and has not been quality assured. Ms. Bybee said she would keep the commission updated as both the season progresses and as work on the two ozone standards progress. For up to date ozone monitoring data, please see: <http://dnr.mo.gov/env/apcp/docs/ozonemonitordata.pdf>.

As the commission is aware, EPA is implementing the 2010 sulfur dioxide (SO₂) national ambient air quality standards (NAAQS) in a four-tiered approach and the program is actively working on all four rounds. The program is in the process of reviewing emissions data, plans, etc.

Round one was the Existing Monitor Round. There are currently two nonattainment areas from the First Round of Designations in Missouri which was based upon monitoring data. Those areas are located in Jefferson County and Jackson County. The program has already submitted SIPs to address these areas. The Jackson County area is expected to attain the standard by October 2018. As Mr. Steve Hall showed the commission last month, the monitoring data is showing that Missouri is well on its way to documenting compliance with this standard. For the Jefferson County area, the monitoring has already demonstrated that it has attained the standard based on 2013-2015 monitoring data. As previously reported, the program is working on a redesignation package to bring through the public process and to the commission.

Ms. Bybee updated the commission on round two, the Consent Decree round. EPA is currently considering three areas in Missouri for designation: Sikeston, Sibley and Labadie. The program anticipates EPA making final designations in July, so an update will be provided to the commission at their July meeting. Additional information may be found at: <http://dnr.mo.gov/env/apcp/naaqsboundarydesignations.htm#SO2>.

For the third and fourth rounds, the Data Requirements Rule or DRR rounds, these are the rounds that include those sources that emitted a certain threshold of SO₂ in calendar year 2014. There are 16 sources that are being reviewed per the DRR and by July 1, 2016, the program must send EPA a letter explaining each source's plans for compliance. That letter will be posted on the program's website and an update will be provided to the commission at its July meeting. Additional information may be found at: <http://dnr.mo.gov/env/apcp/so2.htm>.

4) DIRECTOR'S REPORT

a) Clean Power Plan

The Supreme Court issued a stay on 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, but it is still responding to inquiries and answering questions. No meetings have been scheduled. The D.C. Circuit Court of appeals will hear challenges on this stay in September 2016.

b) Ozone

A question regarding the weather and ozone was recently raised during a conference attended by Ms. Kyra Moore and Chairman Pendergrass.

Someone had asked, “If all you’re worried about is the weather, how do we control that?” Ms. Moore replied that although the ozone levels have decreased over the last 30 years, so has the ozone standard. Although weather plays a large role in impacts to ozone there are also impacts from automobiles and point sources, which the program tracks.

c) Monitoring Network Plan

Every July 1st the program submits a Monitoring Network Plan to the EPA. This plan details the monitors in the state. The plan is open for public inspection for 30 days prior to submitting it to the EPA.

d) Briefing Documents

The program is no longer printing commission briefing documents except for staff and commissioners. All of the material in the briefing document is available on line several days prior to the commission meeting. A notice was sent out to the last few subscribers informing them of this change.

e) Staff Update

Ms. Moore announced the program hired two Summer interns. The program continues to review vacancies to determine which vacancies to fill immediately and which positions to hold, balancing expenditures with workload.

Ms. Sara Pringer, who formerly used to work in the Fiscal and Budget Section, has moved to the Water Protection Program.

f) Future Meetings

Ms. Moore said there will be an Air Program Advisory Forum meeting starting at 1:00 p.m. in the same room as the commission meeting. Brief updates will be given on SO₂ and the Cross State Air Pollution Rule and stakeholders will have the chance to ask questions. A discussion regarding permit streamlining will also be held.

g) Presentation

Ms. Moore announced that Mr. Nathan O’Neil will give an Air Quality Analysis presentation to the commission regarding MoGEM and E-Enterprise.

5) AIR QUALITY ANALYSIS REPORT

Mr. Nathan O’Neil gave a presentation to the commission regarding MoGEM and E-Enterprise. Details of his presentation can be seen in Attachment A of these minutes. A color copy of his presentation may be viewed on the Missouri Air Conservation Commission website at <http://dnr.mo.gov/env/apcp/macc.htm>.

E. Public Hearing

None.

F. Recommended for Adoption and Actions to be Voted on

None.

G. New Business

None.

H. Unfinished Business

None.

I. Open Session

No one addressed the commission.

J. Future Meeting Dates

July 28, 2016 – Thursday
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101

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

K. Discussion of Pending Litigation and Legal Matters

None.

L. Missouri Air Conservation Commission

Commissioner Baker moved to adjourn the May 26, 2016, Missouri Air Conservation Commission meeting. Vice Chairman Zimmermann seconded the motion, and all commissioners voted to adjourn the meeting.

Chairman Pendergrass adjourned the May 26, 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



Changing Approaches to Environmental Data Management

Nathan O'Neil
Data Management Unit Chief

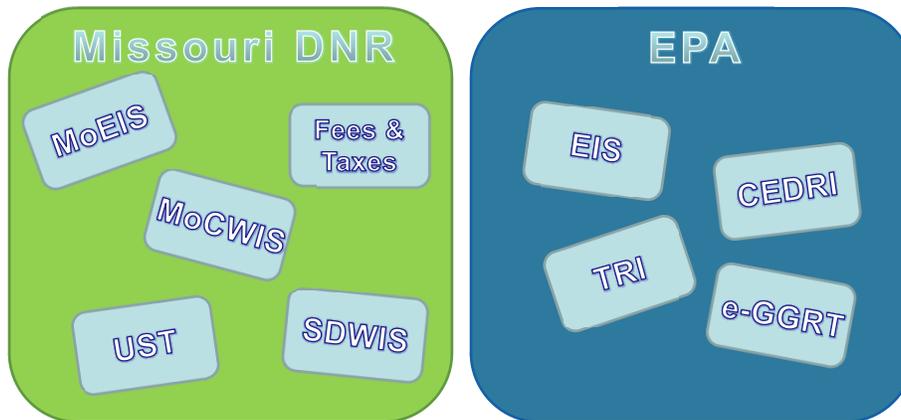


Overview

1. Current challenges in environmental data management
2. Missouri DNR's approach
3. EPA's approach
4. How the two approaches will work together

Part 1 - Current Challenges

- Multiple independent data systems



Part 1 - Current Challenges

- Difficultly matching the same regulated entity across the different systems
- Inconsistent data for the same regulated entity
- Inconsistent responses to information requests

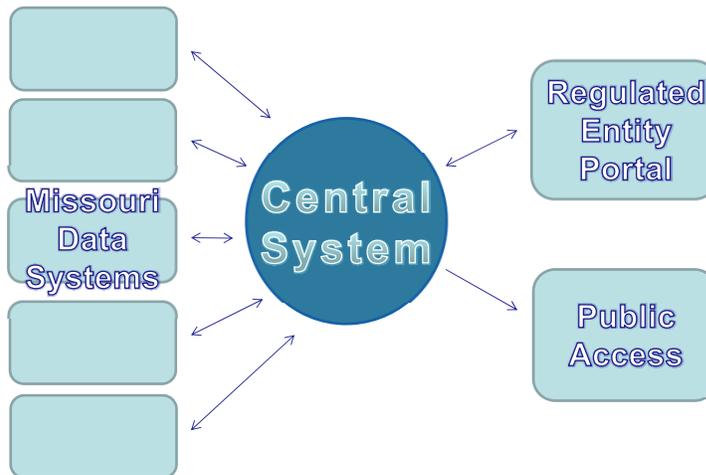
What's the right answer?



Part 2 - Missouri DNR's approach

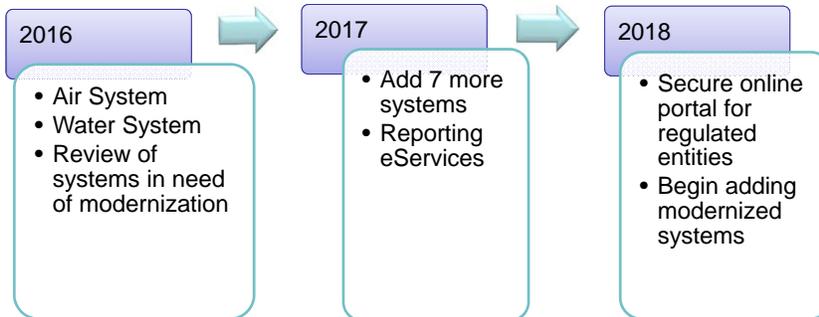
- Missouri Gateway to Environmental Management (MoGEM)
- Central hub connects Divisions of Environmental Quality and Geological Survey data systems
- Regulated entities access all of their site's information in one location
- Public access to data

Part 2 - Missouri DNR's approach



Part 2 - Missouri DNR's approach

Timeline



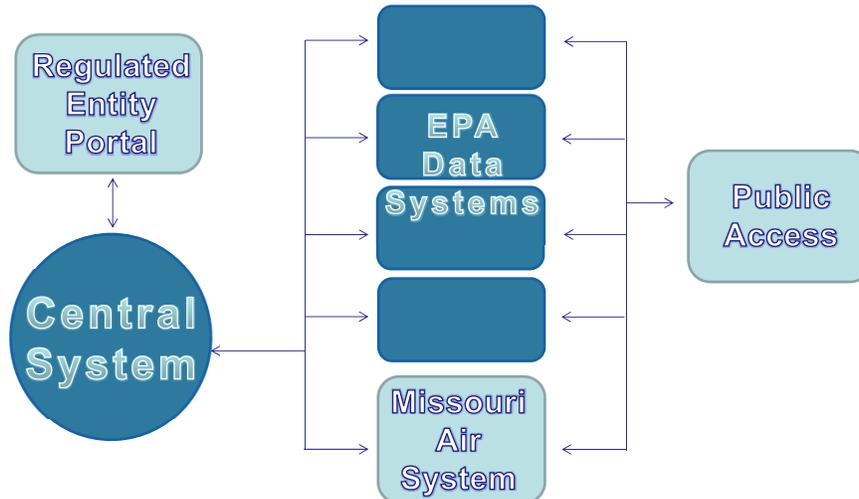
Part 3 – EPA's Approach

- Combined Air Emissions Reporting (CAER)
- Connects systems of four EPA Project Groups



- Regulated entity enters information once
- Information is shared with the state systems

Part 3 – EPA’s Approach



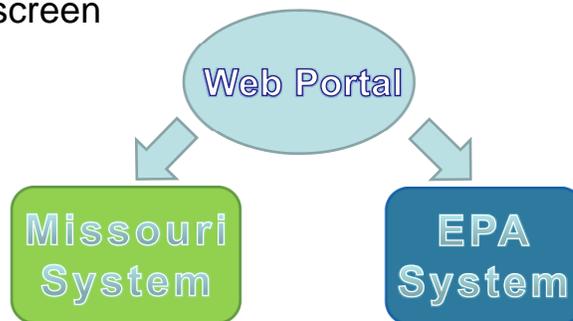
Part 3 – EPA’s Approach

Timeline

- EPA currently in the planning phase
- General implementation plan by May 2016
- Plan to complete a working prototype by end of 2016

Part 4 - Two approaches working together

- Two Agencies – One Web Portal
- Sites can access everything from one login screen



Moving Forward

- Air system and water system will be connected to Missouri's centralized system by the end of the year
- Missouri's project group will continue to add more systems to and expand functionality of the centralized system
- Air Program will continue to work with EPA as EPA's project develops

Questions



Nathan O'Neil - Data Management Unit Chief
nathan.o'neil@dnr.mo.gov

