

MINUTES
MISSOURI AIR CONSERVATION COMMISSION
Harry S Truman State Office Building
301 West High Street
Fourth Floor – Room 400
Jefferson City, MO 65101
November 17, 2015
10:00 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
Van Beydler, Public Information Coordinator, Soil and Water Conservation Program
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
Steve Hall, Air Quality Analysis Section Chief, APCP
Kyra Moore, Director, APCP
Julia Katich Mudd, Department of Natural Resources
Lisa Nahach, Public Information Specialist, APCP
Shelly Reimer, Air Quality Planning Section, APCP

Others Present by Attendance Record

Tim Blackwell, Attorney General's Office
Kathrina Donegan, St. Louis County Department of Health
Tim Duggan, Attorney General's Office
Roger Walker, Regulatory Environmental Group for Missouri

A. Call to Order

Commissioner Jack Baker called the November 17, 2015, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Jack Baker, Gary Pendergrass, Mark Garnett and David Zimmermann. Commissioners *Gary Pendergrass, *Mark Garnett and *David Zimmermann participated by phone.

B. Minutes from October 29, 2015, Meeting

Commissioner Mark Garnett moved to approve the October 29, 2015, minutes as written. Vice Chairman Gary Pendergrass seconded the motion, and all commissioners voted to approve the October 29, 2015, minutes as written.

C. Public Hearing

None.

D. Recommended for Adoption and Actions to be Voted on

Ms. Shelly Reimer presented rule amendment 10 CSR 10-6.060, *Construction Permits Required* for adoption. More information on the proposed rule amendment can be found on page 73 of the briefing document.

Vice Chairman Pendergrass moved to adopt rule amendment 10 CSR 10-6.060, *Construction Permits Required*. Commissioner Garnett seconded the motion. All of the commissioners voted to adopt 10 CSR 10-6.060, *Construction Permits Required* as amended.

Ms. Shelly Reimer presented rule amendment 10 CSR 10-6.065, *Operating Permits* for adoption. More information on the proposed rule amendment can be found on page 127 of the briefing document.

Vice Chairman Pendergrass moved to adopt rule amendment 10 CSR 10-6.065, *Operating Permits*. Commissioner Garnett seconded the motion. All of the commissioners voted to adopt 10 CSR 10-6.065, *Operating Permits* as amended.

E. New Business

None.

F. Unfinished Business

None.

G. Appeals and Variance Requests

Greg Smith Appeal

Mr. Tim Duggan addressed the commission regarding the Greg Smith appeal. He briefly described typographical errors that were corrected and a change that was made to the Order.

Chairman David Zimmermann moved to approve the Order as revised. Commissioner Mark Garnett seconded the motion. All of the commissioners voted to approve the Order as revised.

Mr. Duggan gave a brief history of the appeal. He also detailed the revision to the Order that the commission approved. These details can be seen on the commission's website at <http://dnr.mo.gov/videos/archive-meetings2015.htm>

H. Reports - The following referenced reports are in the November 17, 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 15 with the Concern Report. There were a total of 73 concerns received from September 16, 2015 through October 15, 2015. During this time period there were 69 investigations completed.

The Ongoing Negotiations Report can be found on pages 37 and 38. There are 57 enforcement actions in the negotiation process at this time.

The Finalized Agreement Report is on page 39. For the time period of September 16, 2015 through October 15, 2015, the department finalized eight agreements with a total penalty of \$34,000. Of that amount, \$3,000 was paid to the school fund of the County in which the violation occurred, and the remaining \$31,000 was suspended.

The Pending Referrals Report can be found on page 41. At this time, there are 17 Active Referrals.

Ms. Bybee also gave an update on the Decommissioning of the Stage II program in St. Louis. As of this week, 95 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 approximately 45 facilities that have not started the process to assist them to meet the December 31, 2015, compliance date.

The Compliance and Enforcement Section has recently lost several great staff to other state and federal employment opportunities. There are 18 positions in the section and five of those are vacant: two clerical and three environmental specialists. The vacant positions are hoped to be filled soon.

2) PERMITS REPORT

Mr. Kendall Hale stated the Permits Report begins on page 43 of the briefing document with the Permit Applications Received Report. A total of 43 construction and 40 operating permit applications were received in October. So far, a total of 756 permit applications have been received in 2015.

The Permit Applications Completed report begins on page 53 of the briefing document. A total of 50 construction and 19 operating permits were completed in October. So far, a total of 653 permits have been completed in 2015.

The Open Permits Report is on page 61 of the briefing document. This report details the types of projects currently open in the Permit Section.

The Permits Section is closely following, especially in terms of construction permits, ozone modeling. Traditionally, the Permit Section has not required ozone modeling when it comes to Prevention of Significant Deterioration projects. The Permit Section is waiting for guidance from EPA.

3) AIR QUALITY PLANNING REPORT

a) Rule and State Implementation Plan Agenda

Mr. Wayne Graf said the Rule and State Implementation Plan Agenda starts on page 63 of the briefing document. The two permit fee change rulemakings, 10 CSR 10-6.060 and 10 CSR 10-6.065, are on the agenda for today and the commission adopted both rules. No public hearing is scheduled for the February 2, 2016, meeting and no items are scheduled for adoption. However, three Necessity Findings will be presented to the commission for approval at that meeting.

The Rules In Progress Schedule starts on page 65 of the briefing document. The last two rows at the bottom of page 66 are the two fee rules the commission voted on today. The "Public Comment Period Closes" boxes for those two rows should be shaded in.

b) Ozone Updates

The 2015 ozone season ended on October 31st. The state's ozone monitors indicate the state is in compliance with the 2008 ozone standard using the 2013 and 2015 data. The program is preparing the 2015 ozone monitoring data to send to EPA to be quality assured. The program has also started on the documentation to request EPA redesignate the St. Louis area to attainment of the 2008 ozone standard so it will be ready to be sent to EPA once the data is quality assured.

4) DIRECTOR'S REPORT

a) Clean Power Plan

Ms. Kyra Moore thanked the commission for attending this special commission meeting by phone and in person so the permit fee rules could be signed and filed by the December 1, 2015, deadline.

A stakeholder meeting has been scheduled specially for anyone interested in the Clean Energy Incentive Program. The meeting will take place on December 2, 2015, at 10:00 a.m. in the Bennett Springs Conference Room at the Elm Street Conference Center. This meeting will be posted on the program's Clean Power Plan website:
<http://dnr.mo.gov/env/apcp/cpp/index.html>

b) Vacancies

Ms. Moore said there are five vacancies in the Compliance and Enforcement Section and 20 vacancies throughout the program. A few of those vacancies are slowly being filled. Hopefully by the next commission meeting in February there will be a new Air Quality Planning Section Chief.

c) Future Meetings

Although the briefing document lists all of the 2016 meeting dates in Jefferson City, the program is working on scheduling a few of those meetings in the regional offices. Once the meeting locations in the regional offices have been confirmed, the briefing document will be updated.

d) Ozone

Even though it is an early celebratory notion that the St. Louis area has attained the 2008 ozone standard, there is still the 2015 standard that will be effective next year. Hopefully the St. Louis area will be redesignated as in attainment for the 2008 standard and then the program will begin refocusing its efforts on the 2015 ozone standard.

I. Open Session

No one spoke during the Open Session.

J. Future Meeting Dates

February 2, 2016 – Tuesday
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101

March 31, 2016 – Thursday
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101

April 28, 2016 – Thursday
Kansas City Regional Office
500 Northeast Colbern Road
Missouri River Conference Room
Lee's Summit, MO 64086

May 26, 2016 – Thursday
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101

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

Chairman David Zimmermann moved to adjourn the November 17, 2015, Missouri Air Conservation Commission meeting. Commissioner Garnett seconded the motion, and all commissioners voted to adjourn the meeting.

Commissioner Jack Baker adjourned the November 17, 2015, Missouri Air Conservation Commission meeting.

Respectfully submitted,

Kyra L. Moore, Director
Air Pollution Control Program

Approved:

David Zimmermann, Chairman
Missouri Air Conservation Commission

