

**MINUTES**  
**MISSOURI AIR CONSERVATION COMMISSION**  
**Northeast Regional Office**  
**1709 Prospect Drive**  
**North Conference Room**  
**Macon, MO 63552**  
**October 30, 2014**  
**9:00 a.m.**

**Commissioners Present**

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

**Staff Members Present**

Aaron Basham, Air Quality Planning Section, Air Pollution Control Program (APCP)  
Steve Boone, Northeast Regional Office (NERO)  
Daniel Brownawell, NERO  
Cherie Bryant, NERO  
Darcy Bybee, Compliance/Enforcement Section Chief, APCP  
David Gilmore, Program Secretary, APCP  
Wayne Graf, Air Quality Planning Section, APCP  
Kendall Hale, Permits Section Chief, APCP  
Julia Katich, Department of Natural Resources  
Victoria Lovejoy, Director's Office, APCP  
Kyra Moore, Director, APCP  
Pete Muzio, NERO  
Wendy Vit, Air Quality Planning Section Chief, APCP

**Others Present by Attendance Record**

Tim Duggan, Attorney General's Office (AGO)  
D.K. Hirner, Regulatory Environmental Group for Missouri  
Emily Wright, Gibbons Workman  
Mike Zlatic, St. Louis County Health Department

**A. Call to Order**

Chairman Gary Pendergrass called the October 30, 2014, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Jack Baker, Gary Pendergrass, Mark Garnett and David Zimmermann. \*Commissioners Jack Baker and David Zimmermann participated by phone.

**B. Minutes from September 25, 2014, Meeting**

Vice Chairman Mark Garnett moved to approve the September 25, 2014, minutes as written. Commissioner Jack Baker seconded the motion, and all commissioners voted to approve the minutes.

**C. New Business**

Mr. Wayne Graf presented Necessity Findings 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*, 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* to the commission for approval. Information on the Necessity Findings begins on page 21 of the briefing document.

Commissioner Jack Baker moved to approve the Necessity Findings as presented by Mr. Graf. Commissioner David Zimmermann seconded the motion. All of the commissioners voted to approve the Necessity Findings as presented by Mr. Graf.

**D. Unfinished Business**

None.

**E. Public Hearing**

Chairman Pendergrass called the public hearing to order.

Mr. Aaron Basham presented 10 CSR 10-6.110, *Reporting Emission Data, Emission Fees, and Process Information*. Information on the proposed amendment begins on page 23 of the briefing document.

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.

**F. Recommended for Adoption and Actions to be Voted on**

None.

**G. Appeals and Variance Requests**

None.

**H. Reports - The following referenced reports are in the October 30, 2014, Missouri Air Conservation Commission Briefing Document and available online at [dnr.mo.gov/env/apcp/macc.htm](http://dnr.mo.gov/env/apcp/macc.htm).**

**1) COMPLIANCE/ENFORCEMENT REPORT**

Ms. Darcy Bybee stated that the Compliance/Enforcement Report begins on page 41 with the Concern Report. There were a total of 61 concerns received from August 16, 2014 through September 15, 2014. During this time period, there were 66 investigations completed.

The Ongoing Negotiations Report can be found on pages 61 and 62. There are 59 enforcement actions in the negotiation process at this time.

The Finalized Agreement Report is on page 63. For the time period of August 16, 2014 through September 15, 2014, the department finalized 12 agreements with a total penalty of \$58,700. Of that amount, \$17,000 (approximately) was paid to the school fund of the county in which the violation occurred, and the remaining \$41,000 (approximately) was suspended.

The Pending Referrals Report can be found on page 64. At this time, there are 15 active referrals. There are currently three cases that have been directly referred to the Attorney General's Office. Details of those three cases can be found on pages 67- 74 of the briefing document.

Ms. Bybee then updated the commission on third quarter report of the Gateway Vehicle Inspection Program (GVIP) for 2014. The GVIP report can be found on page 65 of the briefing document. Over 218,000 vehicles were tested from July 1, 2014 through September 30, 2014. In addition, 567 audits were conducted by staff. The next GVIP report will be provided in January 2015.

The Attorney General's Office (AGO) Referral Notifications can be found beginning on page 67 of the briefing document. Three individuals/facilities were referred to the AGO: White Rock Quarries of Lincoln County LLC, Mr. Edward John Wray and Pallet Connection & Farms LLC. Ms. Bybee gave a brief description of the enforcement actions to the commission.

Ms. Bybee asked if this process was agreeable to the commission.

Chairman Pendergrass said yes, he was certain the commission would have referred each one of these cases to the AGO.

Ms. Bybee then reported that as of this month, almost 74 percent of the facilities subject to the Vapor Recovery Rule in the St. Louis area have gone through the entire decommissioning and testing process and have been issued a Stage I Vapor Recovery operating permit. Technically, 80 percent of all facilities have applied for decommissioning and the program is working with the remaining 20 percent of facilities to ensure they come into compliance by December 1, 2015.

The Compliance and Enforcement Section has completed interviews for its vacant Unit Chief position and hopes to offer the position soon.

## 2) **PERMITS REPORT**

Mr. Kendall Hale stated that the Permits Report begins on page 75 of the briefing document with the Permit Applications Received Report. There were a total of 42 construction permits and 21 operating permits received for the month of September. A grand total of 626 projects have been received for 2014. Details of the projects received for September can be seen from pages 76 through 81 of the briefing document.

Beginning on page 83 is the Permit Applications Completed Report. The Permits Section completed a total of 42 construction permit and 27 operating permit projects for the month of September. A grand total of 601 projects have been completed for 2014. Details of the projects completed for September can be seen from pages 84 through 90 of the briefing document

On page 91 of the briefing document is the Open Permits Report. This report details the types of projects currently in the Permit Section. There are a total of 154 construction permit projects and 306 operating permit projects currently open in the Permits Section.

Mr. Hale said the program was able to send staff to attend EPA Region VII's Compliance and Permitting Workshop earlier this week. This workshop was attended by all the states in Region VII including Iowa, Nebraska and Kansas.

The Permit Section has received several new construction projects, including two applications from shingle manufacturers: one from GAF in Moberly and one from Serpentine in St. Louis. The Permit Section has also received a Prevention of Significant Deterioration (PSD) permit application from BASF in Hannibal. Owens Corning has also indicated they will be submitting a PSD permit application in the next few weeks.

## 3) **AIR QUALITY PLANNING REPORT**

### a) **Rule and State Implementation Plan (SIP) Agenda**

The proposed changes to 10 CSR 10-6.110, *Reporting of Emission Data, Emission Fees, and Process Information* will be presented for adoption at the November 21, 2014 commission meeting. These changes include the proposed emission fee increase from \$40 to \$48 per ton, effective January 2016 (starting with calendar year 2015 emissions).

At this time, no rule or SIP actions are scheduled for public hearing or adoption beyond the November 21, 2014 commission meeting.

The draft rule text and the Regulatory Impact Report for changes to 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*

("opacity rule") are currently available for 60-day public review and comment. This comment period closes December 20, 2014. The main changes include adding exemptions for sources complying with the Mercury and Air Toxics Standards (MATS), multiple exemptions for small emitters, and new monitoring and record keeping requirements. The Air Program Advisory Forum has provided significant input on this rulemaking thus far.

**b) Cross-State Air Pollution Rule Update**

On October 23, 2014 the U.S. Court of Appeals for the District of Columbia Circuit lifted the stay on implementation of EPA's Cross-State Air Pollution Rule (CSAPR). However, it is still not clear when CSAPR becomes effective. It could be as early as January 2015, but we have not heard a definitive date from EPA.

Commissioner Pendergrass asked if the state needed to put rules in place in order to implement CSAPR.

Ms. Vit responded that CSAPR is being implemented as a Federal Implementation Plan (FIP) with no action required by states, but states have the ability to replace all/portions of the FIP through a state rulemaking/SIP revision. When CSAPR was finalized several years ago, the Air Pollution Control Program started several rulemakings to adjust emission allowances for some affected utilities. This effort was put on hold when CSAPR was stayed. With CSAPR reinstated, we intend to reach out to affected sources once we have clarity on when it becomes effective and revisit this issue.

**c) Ozone Update**

The 2014 ozone season, which ends October 31, has been a very mild one. A total of four exceedances of the 2008 ozone standard of 75 parts per billion (ppb) were recorded statewide in 2014 – two in St. Louis and two in Kansas City. For comparison purposes, 15 exceedances were recorded in 2013, and 260 exceedances occurred during the extreme hot, dry conditions of 2012. Three monitors continue to be in violation of the 2008 ozone standard in the St. Louis nonattainment area.

Commissioner Pendergrass noted that meteorology plays a significant role in ozone levels.

Ms. Vit agreed that weather is a factor in ozone formation. However, St. Louis ozone levels are trending downward, along with precursor emissions of volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>).

In December 2014, the EPA is expected to propose a lower ozone standard in the range of 60-70 ppb, with a final standard anticipated in October 2015.

**4) DIRECTOR'S REPORT**

**a) Meetings at Regional Offices**

Ms. Moore welcomed the commission to the Northeast Regional Office in Macon and introduced regional office staff that perform air media work: Mr. Steve Boone, Ms. Cherie Bryant, Mr. Pete Muzio and Mr. Daniel Brownawell.

**b) Carbon Pollution Standards – Clean Power Plan**

Ms. Moore said that on Tuesday of this week, the EPA released a Notice Of Data Availability (NODA), a list of additional items EPA is requesting comments on in regards to the Clean Power Plan. This is based on comments EPA has already received. A link was sent to the Air Program Advisory Forum group that lists three items: Compliance Trajectory (glidepath), building block methodology, and the state specific carbon dioxide goals and the way they are calculated. The EPA did not further extend the public comment period for the carbon pollution standards, it still ends on December 1, 2014.

**c) Future Meetings**

As the commission is aware, the December 4, 2014 commission meeting was cancelled and rescheduled to Friday, November 21, 2014 and it will start at 10:00 a.m. This change in the meeting date was necessitated to keep the Emission Fee Rule, currently on public notice, on schedule. The Election of Officers will also take place at the November 21, 2014 meeting.

Ms. Moore said she welcomed the commission's input on any presentations they would like to see or items they would like more information during upcoming meetings.

Ms. Moore also said the 2015 meeting locations are finalized and were driven by conference room availability. Therefore, the March 2015 meeting will take place in Kansas City, the May 2015 in Springfield and the September 2015 in St. Louis. The rest of the meetings for 2015 are scheduled in Jefferson City.

The Air Program Advisory Forum meeting is still scheduled for 1:00 p.m. on Thursday, December 4, 2014.

**I. Open Session**

No one addressed the commission.

**J. Future Meeting Dates**

**November 21, 2014 – Jefferson City  
Friday – 10:00 a.m.**

Elm Street Conference Center  
1730 East Elm Street  
Bennett Springs Conference Room  
Jefferson City, MO 65101

**January 29, 2015 – Jefferson City**

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

**March 26, 2015 – Kansas City**

Kansas City Regional Office  
500 Northeast Colbern Road  
Large Conference Room  
Lee's Summit, MO 64086

**April 30, 2015 – Jefferson City**

Lewis and Clark State Office Building  
1101 Riverside Drive  
LaCharrette and Nightingale Creek Conference Rooms  
Jefferson City, MO 65101

**May 28, 2015 - Springfield**

Southwest Regional Office  
2040 West Woodland  
East and West Conference Rooms  
Springfield, MO 65807

**June 25, 2015 – Jefferson City**

Governor's Office Building  
200 Madison Street  
Conference Room 450  
Jefferson City, MO 65101

**July 30, 2015 – Jefferson City**  
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**

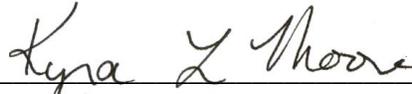
None.

**L. Missouri Air Conservation Commission**

Vice Chairman Garnett moved to adjourn the October 30, 2014, Missouri Air Conservation Commission meeting. Commissioner Zimmermann seconded the motion, and all commissioners voted to adjourn the meeting.

Chairman Pendergrass adjourned the October 30, 2014, Missouri Air Conservation Commission meeting.

Respectfully submitted,



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Kyra L. Moore, Director  
Air Pollution Control Program

Approved:

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Gary Pendergrass, Chairman  
Missouri Air Conservation Commission

