



**MINUTES**  
**MISSOURI AIR CONSERVATION COMMISSION**  
**Kansas City Regional Office**  
**500 Northeast Colbern**  
**Large Conference Room**  
**Lee's Summit, MO 64086**  
**September 25, 2014**  
**9:00 a.m.**

**Commissioners Present**

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

**Staff Members Present**

Darcy Bybee, Compliance/Enforcement Section Chief, Air Pollution Control Program (APCP)  
Andrea Collier, Director, Kansas City Regional Office (KCRO)  
Mike Cunningham, KCRO  
Kendall Hale, Permits Section Chief, APCP  
James Helgason, KCRO  
Diana Hill, KCRO  
Ashley Keas, Air Quality Planning Section, APCP  
Julia Katich, Department of Natural Resources  
Victoria Lovejoy, Director's Office, APCP  
Kyra Moore, Director, APCP  
Ciara Oehring, KCRO  
Wendy Vit, Air Quality Planning Section Chief, APCP  
Corey Whitaker, KCRO  
Emily Wilbur, Air Quality Planning Section, APCP  
Joe Winkelmann, Air Quality Planning Section, APCP

**Others Present by Attendance Record**

Shannon Andrews, Exide Technologies  
Gretchen Barwick, Sierra Club  
Amy Bhesania, U.S. EPA, Region VII  
April Brennan; Environmental Works, Inc.  
Robert Brundage; Newman, Comley and Ruth P.C.  
Sara Campbell, Missouri Sierra Club  
Robert Cheever, U.S. EPA Region VII  
Tim Duggan, Attorney General's Office (AGO)  
Kyle Frakes, Tnemec Company Inc.  
Amanda Graor, Mid-America Regional Council  
D.K. Hirner, Regulatory Environmental Group for Missouri  
Kimberly Hose

Bob Ludlow  
David McKercher, Exide Technologies  
Catherine Reid, Kansas City Health Department  
Richard Rocha, Bayer CropScience  
Cymone Turner  
Jim Turner, Missouri Sierra Club  
Claus Wawvzindr  
Mike Zlatic, St. Louis County Health Department

**A. Call to Order**

Chairman Gary Pendergrass called the September 25, 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 Mark Garnett and David Zimmermann participated by phone.

**B. Minutes from August 28 and September 2, 2014, Meetings**

Commissioner Jack Baker moved to approve the August 28, 2014, minutes as written. Vice Chairman Mark Garnett seconded the motion, and all commissioners voted to approve the minutes.

Vice Chairman Mark Garnett moved to approve the September 2, 2014, minutes as written. Commissioner Jack Baker seconded the motion, and all commissioners voted to approve the minutes.

**C. Public Hearing**

None.

**D. Recommended for Adoption and Actions to be Voted On**

Mr. Joe Winkelmann presented Missouri State Implementation Plan Revision – 2008 Lead National Ambient Air Quality Standard Compliance Plan –Exide Technologies Canon Hollow Facility. Information on the proposed plan can be found beginning on page 74.

Commissioner David Zimmermann moved to adopt Missouri State Implementation Plan Revision – 2008 Lead National Ambient Air Quality Standard Compliance Plan –Exide Technologies Canon Hollow Facility. Commissioner Jack Baker seconded the motion. All of the commissioners voted to adopt Missouri State Implementation Plan Revision – 2008 Lead National Ambient Air Quality Standard Compliance Plan –Exide Technologies Canon Hollow Facility as amended.

**E. Future Meeting Dates**

Chairman Pendergrass said the commission has three options for 2015 meeting dates: hold nine meetings, hold ten meetings, or hold ten meetings with the option of cancelling one meeting.

Commissioner Zimmermann moved to hold ten meetings in 2015 with the option of cancelling one meeting. Vice Chairman Garnett seconded the motion, all commissioners voted to hold ten meetings in 2015 with the option of cancelling one of those meetings.

Ms. Moore also asked the commission for locations outside of Jefferson City in 2015.

Chairman Pendergrass asked the commission its pleasure regarding 2015 meeting locations. He said he assumed the commission would hold meetings in St. Louis, Kansas City and Springfield with the meetings taking place at the regional offices.

Ms. Moore said that with the exception of the meeting in Springfield, when the regional office was unable to host the meeting, it has worked out well to hold the commission meetings in the regional offices. It helps to hold down costs.

After some discussion, the commission left the decision of where to hold the Jefferson City, St. Louis, Kansas City and Springfield meetings to the discretion of Ms. Moore.

Ms. Moore said she would work with the regional offices on their availability and have the locations filled in the next time the commission meets in Macon.

**October 30, 2014 - Macon**

Northeast Regional Office  
1709 Prospect Drive  
North Conference Room  
Macon, MO 63552

**December 4, 2014 – Jefferson City**

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

*10 Meetings/Year Schedule*

January 29, 2015 – Thursday  
March 26, 2015 – Thursday  
April 30, 2015 – Thursday  
May 28, 2015 – Thursday  
June 25, 2015 – Thursday  
July 30, 2015 – Thursday  
August 27, 2015 – Thursday  
September 24, 2015 – Thursday

October 29, 2015 – Thursday  
December 3, 2015 – Thursday

**F. New Business**

Ms. Ashley Keas presented the Sulfur Dioxide presentation to the commission. Details of her presentation can be viewed as an attachment to these minutes (See Attachment A) or a full color copy of her presentation can be seen on the Missouri Air Conservation Commission website at <http://dnr.mo.gov/env/apcp/macc.htm>.

Chairman Pendergrass asked if monitoring could be discontinued if dispersion modeling was being performed.

Ms. Moore explained that there are federal law requirements of when an existing monitor can be discontinued. The monitors have to be a certain percentage below the standard. Existing monitors would have to stay in place until they became so low after a couple of years that we could remove them. We would address them every year in our annual monitoring plan whether they could be removed or not, but there would be no immediate intention to remove them.

Chairman Pendergrass said you would still have that monitoring data to calibrate your dispersion modeling.

Ms. Moore replied yes.

**G. Unfinished Business**

None.

**H. Appeals and Variance Requests**

None.

**I. Reports - The following referenced reports are in the September 25, 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 17 with the Concern Report. There were a total of 95 concerns received from July 16, 2014 through August 15, 2014. During this time period, there were 79 investigations completed.

The Ongoing Negotiations Report can be found on pages 41 and 42. There are 64 enforcement actions in the negotiation process at this time.

The Finalized Agreement Report is on page 43. For the time period of July 16, 2014 through August 15, 2014, the department finalized 12 agreements with a

total penalty of \$34,000. Of that amount, \$6,000 was paid to the school fund of the county in which the violation occurred, and the remaining \$28,000 was suspended.

The Pending Referrals Report can be found on page 44. At this time, there are 16 active referrals. There are currently five cases that are being reviewed that meet the criteria for direct referral. Since these are the first cases going through direct referral it is taking some time to go through the process.

Ms. Bybee then updated the commission on the decommissioning of the Stage II Vapor Recovery program in the St. Louis area. As of this month, 73 percent of the facilities subject to the Vapor Recovery Rule in St. Louis have gone through the entire decommissioning and testing process and have been issued a Stage I Vapor Recovery operating permit. There are several more who have applied, they just not have completed the decommissioning process. The program is working on its outreach efforts to remind the facilities to decommission by December 1, 2015, to make sure they understand the process, and to provide them with the tools they need.

## **2) PERMITS REPORT**

Mr. Kendall Hale stated that the Permits Report begins on page 45 of the briefing document with the Permit Applications Received Report. There were a total of 48 construction permits and 14 operating permits received for the month of August. A grand total of 563 projects have been received for 2014. Details of the projects received for July can be seen from pages 46 through 51 of the briefing document.

Beginning on page 53 is the Permit Applications Completed Report. The Permits Section completed a total of 52 construction permit and 24 operating permit projects for the month of August. A grand total of 531 projects have been completed for 2014. Details of the projects completed for August can be seen from pages 54 through 61 of the briefing document

On page 62 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 480 projects in the Permits Section.

Mr. Hale said there are currently seven Title V operating permits on public notice.

The Permits Section is also reviewing ways to streamline and improve efficiencies in the permitting process. Mr. Hale went into further detail.

The Permits Section has added three new staff in the last few months and it still has once vacancy.

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

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

As approved by the commission at the special September 2, 2014 meeting, the Air Program is moving forward with the rulemaking to increase the emission fee in 10 CSR 10-6.110, *Reporting of Emission Data, Emission Fees, and Process Information*. The proposed increase is from \$40 to \$48 per ton, effective January 2016 (starting with 2015 emissions). This proposed rulemaking was published in the Missouri Register on September 15, 2014, and the comment period closes November 6, 2014. The public hearing is scheduled for October 30, 2014, and it would be presented to the commission for adoption on November 21, 2014.

#### b) **Update on Redesignation Process for 1997 Ozone and Annual Fine Particulate Matter (PM<sub>2.5</sub>) standards**

The Air Program recently provided additional information to the U.S. Environmental Protection Agency (EPA) to support the redesignation of the St. Louis area to attainment for the 1997 ozone and annual PM<sub>2.5</sub> standards. The information clarified that the maintenance plans for both of these standards rely on the federal Cross State Air Pollution Rule (CSAPR) recently upheld by the U.S. Supreme Court, rather than the Clean Air Interstate Rule (CAIR). Regardless of which federal transport rule is relied upon as one of the “permanent and enforceable” emission controls, the Air Program is able to demonstrate continued maintenance of both of these standards. EPA is expected to finalize the redesignations of St. Louis for both of these standards in the near future.

#### c) **Ozone Update**

Through September 24, 2014, there have been only two exceedances of the 2008 ozone NAAQS of 75 parts per billion (ppb) statewide: one in Kansas City and the other in St. Louis. Based on a three-year average of 2012-2014 (2014 ozone season to date), two monitors in the St. Louis nonattainment area continue to be in violation of the 75 ppb standard.

### 4) **DIRECTOR'S REPORT**

#### a) **Carbon Pollution Standards**

Ms. Moore said the EPA has extended the public comment period for the carbon pollution standards from October 16, 2014 to December 1, 2014. The final guideline is still set to come out in June 2015.

**b) 2014 Meetings**

The October 30, 2014 commission meeting will take place at the department's Northeast Regional Office located in Macon.

In addition, 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 Air Program Advisory Forum meeting is still scheduled for 1:00 p.m. on Thursday, December 4, 2014. If there are any changes, they will be communicated through the listserv.

**c) Emission Fee**

Ms. Moore mentioned the EPA sets their emission fee every year starting on October 1st and ending on September 30th. Last year EPA had an emission fee of \$47.52 per ton. EPA just released their emission fee for the next year, \$48.27 per ton. This is the fee EPA charges for areas where they administer the air program.

**d) Meetings at Regional Offices**

Ms. Moore mentioned a side benefit of holding commission meetings at the regional offices, in addition to saving money, is that regional office staff are able to attend the meetings. Ms. Moore then introduced Ms. Andrea Collier, Director of the Kansas City Regional Office, as well as staff from the regional office's Air and Land Section: James Helgason, Mike Cunningham, Corey Whitaker, Diana Hill and Ciara Oehring.

Ms. Moore also introduced staff from the EPA Region VII, Mid-America Regional Council, and the Kansas City Health Department.

Chairman Pendergrass thanked the regional office staff for hosting the commission meeting.

**J. Open Session**

Ms. Gretchen Barwick, representing the Sierra Club, addressed the commission.

Ms. Kimberly Hose addressed the commission.

Mr. Jim Turner, representing the Missouri Sierra Club, addressed the commission.

Ms. Cymone Turner, representing the Sierra Club, addressed the commission.

Ms. Sara Campbell, representing the Missouri Sierra Club, addressed the commission.

**K. Future Meeting Dates**

**October 30, 2014 - Macon**

Northeast Regional Office  
660-385-8000  
1709 Prospect Drive  
North Conference Room  
Macon, MO 63552

**December 4, 2014 – Jefferson City**

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

**L. Discussion of Pending Litigation and Legal Matters**

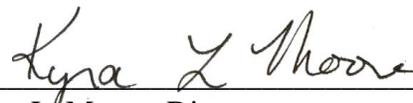
None.

**M. Missouri Air Conservation Commission**

Vice Chairman Garnett moved to adjourn the September 25, 2014, Missouri Air Conservation Commission meeting. Commissioner Baker seconded the motion, and all commissioners voted to adjourn the meeting.

Chairman Pendergrass adjourned the September 25, 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



MISSOURI  
DEPARTMENT OF  
NATURAL RESOURCES



*Celebrating 40 years of taking care of Missouri's natural resources.*

## 2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS)

### State Implementation Plan (SIP) Development

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Sept. 25, 2014



MISSOURI  
DEPARTMENT OF  
NATURAL RESOURCES



*Celebrating 40 years of taking care of Missouri's natural resources.*

## SO<sub>2</sub> Standards

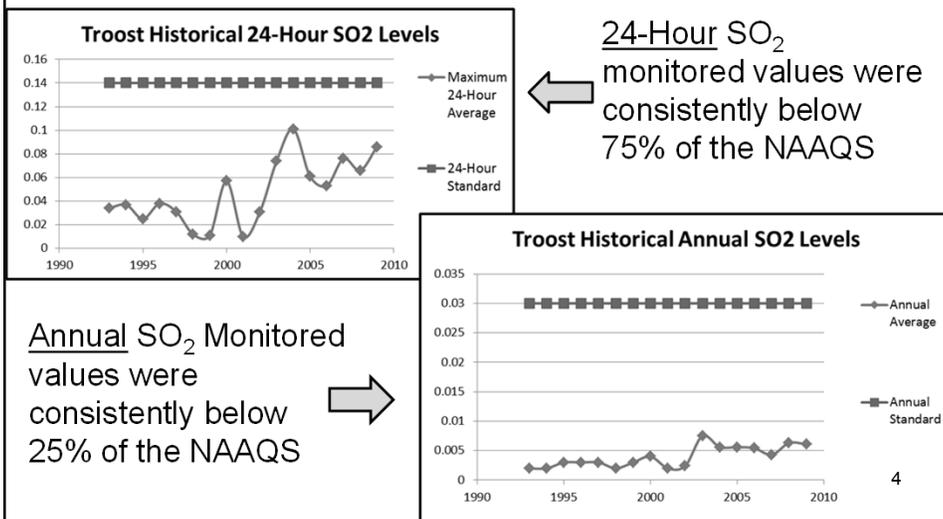
- **Historical (1971)**
  - Primary (health-based) standards set at:
    - 0.14 ppm, or 140 ppb (24-Hour)
    - 0.03 ppm, or 30 ppb (Annual)
  
- **Current (2010)**
  - Primary standard revised to 75 ppb (1-hour)
  - Annual and 24-hour standards were revoked

## Missouri's SO<sub>2</sub> Monitoring Network

- All Missouri monitors have historically demonstrated compliance with federal standards and requirements
  - Monitored values substantially below historical standards
  - Minimum federal monitoring requirements surpassed
- SO<sub>2</sub> is a localized pollutant so monitors are typically source-oriented

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## Troost Historical SO<sub>2</sub> Levels



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## 1-Hour NAAQS

### Initial Nonattainment Designations

- Based on violations in monitoring data (2007-2009)
  - Troost Avenue monitor violated
    - Designated portion of Jackson County as NAA  
(Approx.  $\frac{3}{4}$  Mile from Monitor to Source)
  - Mott St. Monitor violated
    - Designated portion of Jefferson County as NAA
    - Mott St. Monitor is a source-oriented monitor for the Doe Run Company Herculaneum Smelter  
(Approx.  $\frac{1}{4}$  Mile from Monitor to Source)

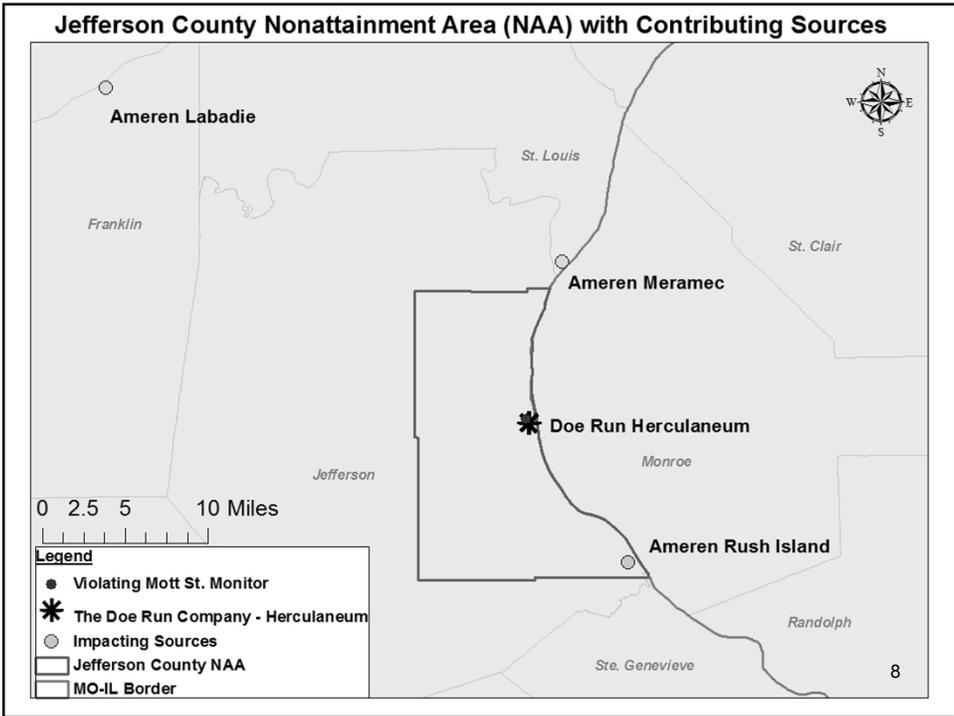
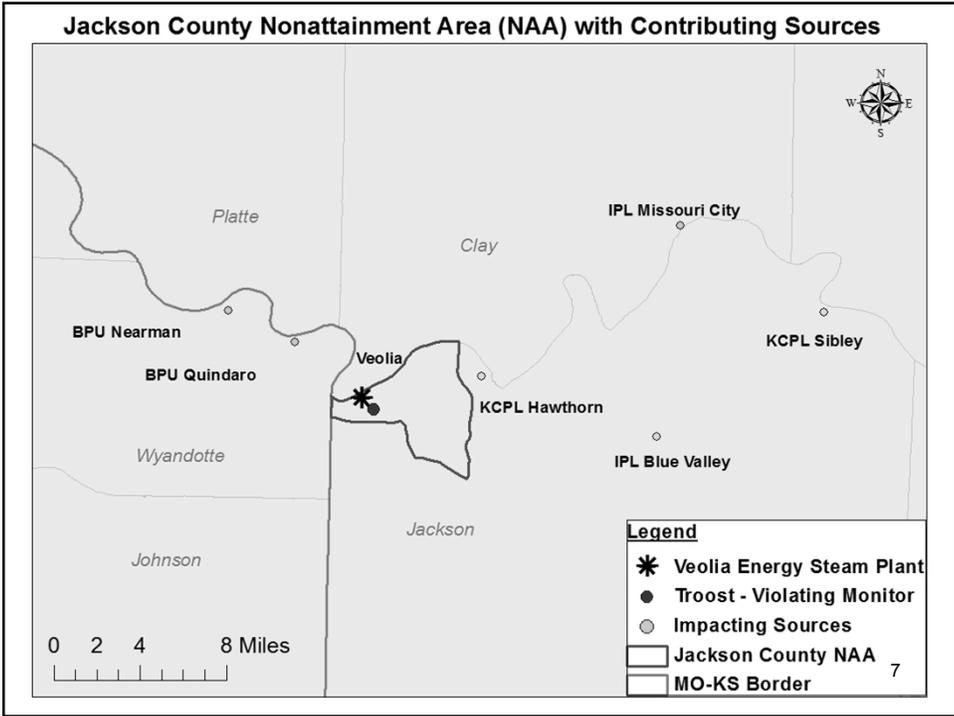
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## Nonattainment SIP Timeline

- Nonattainment designations were effective Oct. 4, 2013
- Control strategies must be implemented by Jan. 1, 2017
- Attainment date is Oct. 4, 2018

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## Modeled Attainment Demonstration

- Evaluate sources of SO<sub>2</sub> in and near the NAA.
- Model at potential or allowable (permanent & enforceable) emission rates (in rule or permit).
- Identify source-specific emission limits necessary for compliance, for sources located both inside and outside the NAA boundary.

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## New State SO<sub>2</sub> Rulemaking, 10 CSR 10-6.261

- Establish requirements necessary for the 1-hour NAAQS (initial non-attainment areas).
- Will be amended over time to address future phases of 1-hour SO<sub>2</sub> NAAQS implementation.
- Will clarify and update SO<sub>2</sub> requirements that have been on the books for years.

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## NAA Plan & Rule Tentative Timeline

**Fall 2014** – Complete discussions with affected sources

**Dec. 2014** – Draft rule text out for 60-day comment period

**May/June 2015** – Proposed rule and plan on Public Notice  
(30+ day comment period)

**July 2015** – Public Hearing for rule and plan

**Nov./Dec. 2015** – Submit rule and plan to EPA

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## EPA's Implementation Strategy for SO<sub>2</sub>

- Traditional strategy relied solely on monitoring data to identify areas exceeding the standard
  - Scope of SO<sub>2</sub> monitoring network is limited
  - Some areas without monitors likely violate NAAQS
- Updated strategy based on air quality modeling as surrogate to monitoring
  - SO<sub>2</sub> is a directly emitted, localized pollutant which is conducive to dispersion modeling
  - Phased approach, details yet to be finalized

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## Future Phases

- Proposed Data Requirements Rule outlines evaluation criteria for next rounds of designations (final rule expected mid-2015)
- Air quality around affected sources will be characterized by monitoring or modeling
- Designations for Modeled Sources - 2017
- Designations for Monitored Sources - 2020

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## How the Public Can Stay Informed

Email notification of public notices:

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

Email notification of Air Program Advisory Forum updates:

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



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## Opportunities for Review and Comment

- Dec. 2014 for Draft Rule (60-day period)
- May/June 2015 for complete NAA SIP package (30+day period)

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Division of Environmental Quality Director: Leanne Tippett Mosby

Date: Sept. 25, 2014

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.

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