



MINUTES
MISSOURI AIR CONSERVATION COMMISSION
Holiday Inn CoCo Key
9103 East 39th Street
Grand D
Kansas City, MO 64133
September 26, 2013
9:00 a.m.

Commissioners Present

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

Staff Members Present

Aaron Basham, Air Quality Planning Section, Air Pollution Control Program (APCP)
David Gilmore, Program Secretary, APCP
Wayne Graf, Air Quality Planning Section, APCP
Kendall Hale, Permits Section Chief, APCP
Bern Johnson, Air Quality Planning Section, APCP
Victoria Lovejoy, Public Information Specialist, APCP
Kyra Moore, Director, APCP
Shelly Reimer, Air Quality Planning Section, APCP
Aarick Roberto, Commission Secretary, APCP
Wendy Vit, Air Quality Planning Section Chief, APCP
Emily Wilbur, Air Quality Planning Section, APCP

Others Present by Attendance Record

Amy Bhesania, Environmental Protection Agency (EPA)
Jeff Burkett, Empire District Electric
Robert Cheever, EPA
Dave Fraley, City Utilities of Springfield
DeeAnn Gregory, Department of Natural Resources, Kansas City Regional Office
James Helgason, Department of Natural Resources, Kansas City Regional Office
Julia Katich, Department of Natural Resources
Seth Norcross, Department of Natural Resources, Kansas City Regional Office
Kim Olson, EPA
Richard Rocha, Former Commissioner, Bayer CropScience
David Shanks, Boeing
Kara Valentine, Attorney General's Office
Roger Walker, Regulatory Environmental Group for Missouri
Corey Whiteaker, Department of Natural Resources, Kansas City Regional Office
Michael Zlatic, St. Louis County Health Department

A. Call to Order

Chairman Jack Baker called the September 26, 2013, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Jack Baker, Mark Garnett, Gary Pendergrass, and David Zimmermann.

*Vice Chairman Pendergrass attended by phone.

B. Minutes from August 29, 2013, Meeting

Commissioner David Zimmermann moved to approve the August 29, 2013, minutes as written. Commissioner Mark Garnett seconded the motion and all commissioners voted to approve the minutes.

C. Reports - The following referenced reports are in the September 26, 2013, Missouri Air Conservation Commission Briefing Document and available online at dnr.mo.gov/env/apcp/macc.htm.

1) COMPLIANCE/ENFORCEMENT

Mr. Kendall Hale stated that the Compliance/Enforcement Report begins on page 13 with the Complaint or Concern Report. There were a total of 83 concerns received during the time period of July 16, 2013, through August 15, 2013. During this time period there were 62 investigations completed and four violations issued.

The Ongoing Negotiations Report is on pages 35 through 37, with 77 enforcement actions in the negotiation process at this time.

The Finalized Agreement Report is on page 38. For the time period from July 16, 2013, through August 15, 2013, the department finalized agreements for a total penalty of \$25,000. \$13,500 of that amount is suspended, with the remaining \$11,500 paid to the school fund of the county in which the violation occurred.

The Pending Referrals Report is on page 39. At this time, there are 16 active referrals and no referrals on the agenda for today.

Mr. Hale also gave an update on the decommissioning of the Stage II Vapor Recovery Program in St. Louis. Of the approximately 700 facilities subject to these requirements, 482 have applied for the decommissioning process, and 40% have completed the entire decommissioning process and have received a Stage I Operating Permit.

2) PERMITS REPORT

Mr. Kendall Hale said the Permits Report begins on page 41 of the briefing document. For the month of August 2013, the Permits Section received 29 construction permit projects, and 20 operating permit projects, for a total of 553 from January 2013 through August 2013. The Permit Applications Received Report is located on pages 42 through 47, where there is detail of the projects received.

Beginning on page 49 is the Permits Applications Completed Report. There were 36 construction permits and 36 operating permits completed for the month of August, for a total of 565 projects completed for the year. The Permits Applications Completed Report is located on pages 50 through 58.

On page 59 of the briefing document is the Open Permits Report. There are currently 510 projects open, and seven operating permits on public notice that are not mentioned in the briefing document.

3) **AIR QUALITY PLANNING REPORT**

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

At the October 31, 2013 MACC meeting, proposed revisions to 10 CSR 10-6.200, *Hospital, Medical, Infectious Waste Incinerators* will be presented for public hearing. The revisions would remove language that allows emission limit exemptions during startup, shutdown, malfunction conditions limits. Also scheduled for public hearing is the state's recommendation for area boundary designations for the 2012 annual fine particulate matter (PM_{2.5}) national ambient air quality standard (NAAQS). The recommendation is for the entire state of Missouri to be designated as attainment/unclassifiable. The recommendation is due to the Environmental Protection Agency (EPA) by December 2013, and EPA has one year to make a final decision (December 2014). Both of these items are available for public review and comment through November 7, 2013.

b) **Vapor Recovery Rulemaking**

The draft rule text and regulatory impact report for 10 CSR 10-5.220, *Control of Petroleum Liquid Storage, Loading and Transfer* will be posted for a 60-day public review and comment period beginning September 26, 2013. This is the rulemaking associated with the phase-out of the Stage II vapor recovery program in the St. Louis ozone nonattainment area. The 30-day public review and comment period and public hearing associated with the proposed rulemaking are tentatively scheduled for the late spring/summer 2014 timeframe with a rule effective date in late 2014.

c) **2008 Ozone Standard**

As of September 25, 2013, Missouri has monitored a total of fifteen exceedances of the 2008 ozone NAAQS of 75 parts per billion (ppb) in the 2013 ozone season. It has been a mild ozone season in comparison to 2012, when the state experienced a total of 260 exceedances. However, several ozone monitors continue to be in violation of the 2008 ozone NAAQS for the current three-year period (2011-2013): five located in the St. Louis area, four in the Kansas City area, and one in Joplin. St. Louis is the only nonattainment area for this standard, and it is classified as a marginal area. Though the 2013 ozone season is not over, it appears likely that the lower ozone readings in 2013 will bring the St. Louis area monitors back into compliance with the 1997 ozone NAAQS of 80 ppb.

4) DIRECTOR'S REPORT

a) Commission Members

Ms. Kyra Moore thanked all of the commissioners for attending, in person or by phone, to ensure a quorum.

b) Climate Action Plan

EPA has held several webinars and conference calls with state agencies regarding the Climate Action Plan. EPA has revised the standard for new power plants, originally published in April 2012, and has published the revised draft rule on EPA's website. EPA is also working on a standard for existing power plants, and will hold webinars and stakeholder meetings prior to setting this standard.

Commissioner Gary Pendergrass asked if the Air Pollution Control Program will notify the Air Conservation Commission when EPA schedules the meetings to discuss the standard for existing power plants.

Ms. Moore replied that the Air Pollution Control Program will notify the Air Conservation Commission, and all stakeholders of the public meetings, via the Air Pollution Control Program's list serves.

5) Improving EPA – State Communications and Processes: Improvements Nationwide and Locally to Ensure Consistency for the Regulated Community

Ms. Amy Bhesania presented to the commission an explanation of what the EPA Region VII does and how they are working with state agencies to improve the State Implementation process. Ms. Bhesania is the Missouri State Manager within EPA Region VII.

D. Public Hearing

Chairman Baker called the public hearing to order.

Ms. Shelly Reimer presented 10 CSR 10-6.020, *Definitions and Common Reference Tables*. Information on the proposed rule amendment begins on page 73.

Mr. Aaron Basham presented 10 CSR 10-6.161, *Commercial and Industrial Solid Waste Incinerators*. Information on the proposed rule amendment begins on 187.

Mr. Bern Johnson presented Clear Air Act Section 111(d)/129 State Plan Revision – Section 111(d)/129 State Plan for Implementation of the Commercial and Industrial Solid Waste Incinerator Emission Guidelines for Missouri.

To obtain a copy of the public hearing transcript, please contact Ms. Janet Wimer by writing to Midwest Litigation Services at 1301 Oak Street, Kansas City, MO 64106, or by phone at 800-280-3376.

E. Recommended for Adoption and Actions to be Voted On

Ms. Shelly Reimer presented 10 CSR 10-3.010, *Auto Exhaust Emission Controls*. Information on the adoption item can be found beginning on page 195.

Commissioner Garnett moved to adopt 10 CSR 10-3.010, *Auto Exhaust Emission Controls*. Commissioner Zimmermann seconded the motion. All of the commissioners voted to adopt 10 CSR 10-3.010, *Auto Exhaust Emission Controls*.

F. New Business

1) Necessity Finding

Mr. Wayne Graf presented Necessity Finding 10 CSR 10-6.010, *Ambient Air Quality Standards*, to the commission for adoption. Information on the Necessity Finding begins on page 199 of the briefing document.

Commissioner Zimmermann moved to adopt the Necessity Finding as presented by Mr. Graf. Commissioner Garnett seconded the motion. All of the commissioners voted to approve the Necessity Finding as presented by Mr. Graf.

G. Unfinished Business

None.

H. Appeals and Variance Requests

None.

I. Open Session

None.

J. Future Meeting Dates

Kyra Moore asked the commission to approve or make changes to the 2014 meeting dates. Suggestions were made by the commission to have the March 27, 2014, meeting in Springfield, the May 29, 2014, meeting in St. Louis, the September 25, 2014, in Kansas City, and the October 30, 2014, meeting in Macon.

Commissioner Zimmermann moved to approve the 2014 meeting dates. Commissioner Garnett seconded the motion. All the commissioners moved to approve the 2014 meeting dates.

October 31, 2013 – Jefferson City

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

December 5, 2013 – Jefferson City

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

January 30, 2014 – Jefferson City

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

March 27, 2014 – Springfield

Location to be determined

April 24, 2014 – Jefferson City

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

May 29, 2014 – St. Louis

Location to be determined

July 30, 2014 – Jefferson City

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

August 28, 2014 – Jefferson City

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

September 25, 2014 – Kansas City

Location to be determined

October 30, 2014 - Macon

Location to be determined

December 4, 2014 – 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

Commissioner Zimmermann moved to adjourn the September 26, 2013, Missouri Air Conservation Commission meeting. Commissioner Garnett seconded the motion and all commissioners voted to adjourn the meeting.

Chairman Baker adjourned the September 26, 2013, Missouri Air Conservation Commission meeting.

Respectfully submitted,

Kyra L. Moore, Director
Air Pollution Control Program

Approved:

Jack Baker, Chairman
Missouri Air Conservation Commission