



Small Business Compliance Advisory Committee (SBCAC)

Meeting Minutes Wednesday, March 09, 2011

Meeting was held at: 1659 East Elm Street in Division of State Parks Conference Room

Members present: T. Robin Cole, III, Gale Holsman, Randy Potterfield, and Pam Cain (conference call in morning and present in afternoon)

DNR present: Aaron Basham, Tiffany Drake, Carlton Flowers, Lucy Thompson, Calvin Ku, Stephen Hall, Stacy Allen, and Trisha Berve

Others present: Kathrina Donegan, St. Louis County Department of Health, Air Pollution Control

I. Call to Order

Meeting was called to order at 10:39 am by Gale Holsman

II. Minutes approved from August 03, 2010 meeting (Pam Cain cast her vote via conference call)

III. Next Meeting

Discussions were held concerning the remaining 2011 meetings. It was decided to hold the meetings during the last week of May, in mid-August, and mid-November. Trisha Berve will check on availability of rooms and finalize the dates with the members.

IV. Introductions and Air Pollution Control Program Changes

Lucy Thompson, Stephen Hall, and Carlton Flowers

The Air Pollution Control Program has moved the Small Business Assistance group to a different section. They are now reporting to the Maximum Available Control Technology (MACT) and Monitoring Unit. Steve Hall is the supervisor of the unit and Calvin Ku is Steve Hall's supervisor. Trisha Berve will replace Kelly Bowers as the clerical support person. The Small Business Assistance group will continue with their previous duties. Additional duties concerning MACTs have been added.

A discussion was held on the Committee's vacant positions and the terms of the sitting Committee members. A request was made that if you know of anyone who might be interested in serving on the committee to please contact Lucy Thompson. The Governor's appointees represent the people of the state and the Senate and House appointees represent small businesses. The committee is interested in people who want to be active on the committee.

V. Elections of Officers

The committee voted to retain the same officers as 2010, T. Robin Cole, III - Chairman and Gale Holsman - Vice Chairman. Pam Cain cast her vote via conference call.

VI. Update of Legislation and Activities and Effect on Small Businesses

Lucy Thompson

The following regulations are open for comment through April 7, 2011. Comments can be made on <http://dnr.mo.gov/env/apcp/rulemaking.htm>.

The first regulation is being changed to start the process of adding all of the definitions from the air pollution regulations to one spot. The next four regulations have been presented to the committee during an earlier meeting. They incorporate changes to the Reasonable Available Control Technology (RACT) in the regulations to make them consistent with federal RACT guidance documents. In general, they change the amount of Volatile Organic Compounds (VOC) allowed in the various materials. These regulations can affect quite a few small businesses.

- 10 CSR 10-6.020 (amendment) Definitions and Common Reference Tables
- 10 CSR 10-5.330 (amendment) Control of Emissions from Industrial Surface Coating Operations
- 10 CSR 10-5.340 (amendment) Control of Emissions from Rotogravure and Flexographic Printing Operations
- 10 CSR 10-5.442 (amendment) Control of Emissions from Lithographic Printing Operations
- 10 CSR 10-5.455 (amendment) Control of Emission from Solvent Cleanup Operations

The following regulations are being changed to incorporated greenhouse gas permitting requirements.

- 10 CSR 10-6.060 (amendment) Construction Permits Required
- 10 CSR 10-6.065 (amendment) Operating Permits

The following regulation is being updated to allow it to remain consistent with federal regulations.

- 10 CSR 10-6.200 (amendment) Hospital, Medical, Infectious Waste Incinerators

The Committee discussed how the Program lets small businesses know when regulations that affect them are passed. Future possibilities that were discussed were an email sign up for regulation changes, a posting on the internet, tailored emails, and getting a list from the Secretary of State. None of the possibilities appeared to meet the needs of the small business and provide a cost effective means of getting the information out. The committee agreed to table it for the time being.

VII. Outreach and On-sites

Carlton Flowers

There are presently four people doing assistance work in Missouri. Lucy Thompson and Carlton Flowers in Jefferson City, Don Kotur – half time in St. Louis, and Matt Arnold – half time in Kansas City. In general, we assist all companies, though our emphasis is on

small businesses. We help companies with their permit applications, explain and help set up various reports to meet their requirements, assist them with their annual emissions calculations, and provide general translation assistance to help them understand the regulations they need to meet. We help with general assistance. We also provide outreach with different groups. We would like to go over a couple of assistance visits.

There is a company in Haiti, Missouri that we helped. They had gotten in trouble because their vendor dumped some glycerin and had a fish kill. They wanted to make sure they were in compliance and asked for some help. Carlton researched their requirements. He went to their plant and helped them understand what the regulations and their permit required them to do.

Carlton has also been working with a structural sign company in Arnold. The facility was told by an Inspector that they needed to track the Volatile Organic Compounds (VOC) in their paints and solvents. Upon investigation, the requirement to track VOCs appears not to apply to this company. Carlton worked with enforcement to clarify what the company needed to do.

Another company Carlton has been working with is an oak furniture manufacturer located in a Mennonite community. They have three paint booths. Carlton assisted them with a construction permit application.

We are assisting another company in setting up a spreadsheet to calculate their VOCs and HAPs.

The question was asked whether a paint booth would require a permit. The assistance group responded by saying maybe. We cannot make an official determination, but bottlenecks affect the amount of parts that can be painted and a permit may not be required. Local areas have additional requirements and may require a permit. There may be some requirements in certain parts of the state on the amount of VOCs that can be allowed in the paint. Concern was stated by the committee that the various regulations could cause the painting to be moved out of the country.

The assistance group tries to help companies work with the Department. We provide assistance as needed.

VIII. Overview of upcoming Federal Standards and Requirements

Tiffany Drake

The National Ambient Air Quality Standards (NAAQS) have to be evaluated by EPA every 5 years. Ambient air is air outside the property line. These standard refer to pollutants affect the air quality off the property. These standards refer to six criteria pollutants.

Particulate matter - 24 hour standards revised in 2006. Missouri has been determined as being in attainment statewide.

In 2008, the Ozone Standard and lead standard were revised. The Ozone Standard is being reconsidered.

Nitrogen Dioxide was considered in 2010 – attainment statewide.
Sulfur Dioxide was also considered in 2010.
Carbon Monoxide and particulate matter will be considered in 2011.
Secondary SOx and NOx standards will be considered in 2011.

Primary standards are set to protect public health. Secondary standards protect the environment. Three years of monitoring will be needed prior to determining whether an area is in attainment

We believe two monitors will be required for both St. Louis and Kansas City. Locations for proper placement will need to be determined. Capital cost for the monitors are anticipated to be around \$50,000.

The Program may be able to co-locate the monitors for CO and NOx. They will be specifically located by roadsides, at the highest intersection of two interstates in urban areas. We are unsure at this time what the affect traffic congestion will have on attainment issues.

The lead standard is being tightened 10 fold from 1.5 to .15 micrograms per meter³. We anticipate additional monitoring requirements. Missouri airports will not require monitors. We are unsure at this time if it will affect the lead in airplane fuel. Any concerns should be addressed to EPA.

The SO₂ evaluation will be done primarily using modeling rather than using a large number of monitors. The modeling will be set up on major sources within designated regions in the state. Aggregated minor sources may also be modeled. Sources within the various regions may be subjected to SO₂ limits. Concerning mobile sources that emit SO₂, the committee commented that the trucking industry is modifying trucks with aftermarket kits rather than upgrading their trucks. There have been issues with the new trucks.

Additional information can be found on the powerpoint presentation.

IX. Changes in Emissions Reporting

Stacy Allen

Changes to the emission reporting rule, finalized in 2010, affect the reports sent in annually by small businesses. Though the emission fee rate and emission fee due date remain the same, the emission data is due earlier (either April 1 or May 1 depending on report type). The reports may be due sooner, but less work is required to prepare them and Air Program staff provides more assistance than in previous years. That assistance includes inputting some information into the electronic reporting system (MoEIS) prior to the company inputting data and highly responsive phone, email, and in-person assistance

X. New Boiler Rule

Aaron Basham

Aaron Basham presented information on the area source regulations. Because of time constraints he was unable to touch on the major source regulations. Because small businesses are generally not major sources, it was not deemed critical to have the major source information presented. Information on both presentations is included for completeness in the minutes. The powerpoints for both presentations are available for informational purposes.

National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers. (Area Source Boiler MACT/GACT).

On February 21, 2011 the U.S. Environmental Protection Agency (EPA) released national emission standards for control of hazardous air pollutants (HAPs) from two area source categories: industrial boilers and commercial and institutional boilers. Emission standards for control of mercury and polycyclic organic matter emission from coal fired sources are based on maximum available control technology (MACT). Emission standards for control of HAP emissions from biomass fired and oil fired area source boilers are based on generally available control technology (GACT) and/or management practices. Management practices may include boiler tune-ups and an energy assessment. This rule does not apply to gas fired units, hot water heaters, and waste heat boilers residing at area source facilities. Most units that are covered by this rule will be required to conduct a tune-up every other year and will not have to install pollution control equipment. The emission standards or management practices in the rule are dependent on the size of the boiler, the fuel used and if the boiler is existing or new.

The following are questions/comments that were raised during the SBCAC meeting:

Do the Area Source Boiler MACT standards apply to boilers that are subject to another standard under 40 CFR part 63?

- EPA is classifying the HAPs into three groupings:
 - mercury HAP
 - non-mercury metallic HAP (arsenic, beryllium, cadmium, chromium, lead, manganese, and nickel), and
 - organic HAP (POM, ethylene, dichloride, and PCB).

If the facility has a boiler that is subject to a standard under 40 CFR part 63 for one of the above HAPs, then the standards in the area source boiler MACT will not apply. (per page 26 of the rule that reads “The standards do not apply to boilers that are subject to another standard under 40 CFR part 63 or to a standard developed under CAA section 129).”

What are the Initial Compliance requirements for the area source boiler MACT rule?

- Energy Assessment and Work Practice
 - Existing- 1 year after final rule published

- New – up on startup (flexibility of new right after rule published)
- Emission Limits
 - Existing – 3 years after final rule published.
 - New – up on startup (flexibility of new right after rule published)
- Demonstration of compliance is defined in rule starting on page 261.

For Gas-fired boilers (which are exempt from the area source boiler MACT) is the 48 hour maximum for using liquid fuel for a single unit or for the facility?

- The definition of a gas-fired boiler may be found on page 250 of the February 21, 2011 draft Final rule and would apply on a boiler-by-boiler basis.

National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boiler and Process Heaters. (Major Source Boiler MACT).

On February 21, 2011 the U.S. Environmental Protection Agency (EPA) released national emission standards for control of hazardous air pollutants (HAPs) for new and existing industrial, commercial, and institutional boilers and process heaters. The agency is establishing emission standards that will require industrial, commercial and institutional boilers and process heaters located at major sources to meet HAP standards based on maximum available control technology (MACT). Hot water heaters and waste heat boilers located at major source facilities are exempt from this rule. The final rule sets standards to address Hydrogen Chloride (HCl) (as a surrogate for Acid gas HAPs), particulate matter (PM) (as a surrogate for non-mercury HAP metals), mercury (Hg), carbon monoxide (CO) (as a surrogate for non-dioxin/furan HAP), and dioxin/furans. EPA estimates that more than 80% of affected boilers are gas fired and will only have to conduct a tune up and/or energy assessment rather than meet an emission limit. The requirements in this rule are dependent on boiler size, fuel used, and whether a unit is existing or new.

EPA is “Reconsidering” the Area Source and Major Source Boiler MACTs to allow the agency to re-examine certain elements of the rule to better determine if the regulations fully meet the requirements of the CAA.

Solid Wastes and Incinerators

In a concurrent rule making, EPA revised the definition of the term “solid waste”. This is important because burning “solid waste” as fuel makes the equipment doing the burning an incinerator, not a boiler with quite a few more controls required. In the proposed rule, EPA was considering listing used oil and tire derived fuel as solid waste and burn off ovens as incinerators. EPA decided to continue handling all three items the way it has been handled in the past. This means that used oil and tire derived fuel can be used as fuel without the combustion unit being considered an incinerator. They will be readdressing burn off ovens at a future date.

XI. Role of the Committee

T. Robin Cole, III, Pam Cain, Randy Potterfield, Gale Holsman, Lucy Thompson, Carlton Flowers, Stephen Hall, and Trisha Berve (the rest of the attendees had left)

The committee needs to re-evaluated its role to make it more effective. The following items were discussed:

1. The committee did not feel that detailed presentations on various new regulations were useful, unless the committee had input on the regulation. Discussions on how to “get the word out” on the regulation would be useful and using the committee to help develop strategies on getting to “word out” would be useful. Discussions concerning major impact regulation should continue. This would include the new ozone standards.
2. The committee offered to become involved when the assistance group had a ticklish issue in their area. The assistance group should contact the committee member in the area as needed.
3. The committee would like to look into the possibility of temporary enlargement of limits on permits, short term permits, and emergency allowances on permits. Request Permit supervision to come to the next meeting.
4. The committee commented on the concerns small businesses have when asking questions or self-disclosing. The small businesses are concerned they will get a violation and fine when all they want to do is become compliant with the regulations. The committee would like to pursue ways to allow small businesses to become compliant without fear of getting in trouble.
5. The committee would like to “special” invite a couple of association representatives to each meeting. To hear of issues the association might have concerning air pollution.

XII. Meeting adjourned at 2:25 pm by T. Robin Cole, III.