

MINUTES
MISSOURI AIR CONSERVATION COMMISSION
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101
January 30, 2020
9:00 a.m.

Commissioners Present

Ron Boyer, Member
Gary Pendergrass, Chairman
Richard Rocha, Member
Mark Fohey, Member
Kevin Rosenbohm, Vice Chairman

Staff Members Present

Aaron Basham, Air Quality Planning Section, Air Pollution Control Program (APCP)
Darcy Bybee, Director, APCP
David Gilmore, Director's Office, APCP
Sara Green, Director's Office, APCP
Kendall Hale, Permits Section Chief, APCP
Stephen Hall, Air Quality Analysis Section Chief, APCP
Paul Myers, Air Quality Planning Section, APCP
Shelly Reimer, Air Quality Planning Section, APCP
Seanmichael Stanley, Air Quality Planning Section, APCP
Richard Swartz, Compliance and Enforcement Section Chief, APCP
Angela Wagner, Permits, APCP
Richard Waters, Assistant General Counsel, Department of Natural Resources
Emily Wilbur, Air Quality Planning Section Chief, APCP
Chris Wood, Air Quality Planning Section, APCP

Others Present by Attendance Record

Robert Brundage, Newman, Comley & Ruth P.C.
Dave Fraley, Diamond Sky Ventures
Richard Groeneman, Assistant Attorney General, Attorney General's Office
Melanie Hutton, Cooper Company Public Health Center
David Little, City Utilities of Springfield
Morgan Mundell, Missouri Limestone Producers Association
Wendy Vit, GeoEngineers, Inc.
Roger Walker, Regulatory Environmental Group for Missouri
Dan Wilkus, Manager, Evergy, Inc.
Shirley Wolverson

A. Call to Order

Chairman Gary Pendergrass called the January 30, 2020, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Gary Pendergrass, Ron Boyer, Mark Fohey, Richard Rocha, and Kevin Rosenbohm.

B. Welcome and Introductions

Ms. Darcy Bybee welcomed all to the first meeting of 2020. Ms. Bybee informed the commission that there was a new agenda this morning. There had been a glitch in the posting of the original agenda and items for vote and for commission action had been removed to ensure everyone had the most up-to-date agenda. It would be formally requested later in the meeting to set another meeting for the following Monday in order to accomplish the business needed. This included the minutes from the December 2019 meeting, requests for adoption, the election of officers, and a second public hearing.

Commissioner Rocha clarified that this meant there would be no voting today, and Ms. Bybee stated that was correct. The program would provide regular reports and information including holding the public hearing and open comment session. Any items for commission action will be placed on a future meeting agenda.

C. Reports – The following referenced reports are in the January 30, 2020, Missouri Air Conservation Commission Briefing Document and available online at dnr.mo.gov/env/apcp/macc.htm.

1) COMPLIANCE/ENFORCEMENT REPORT

The video for this meeting and these reports are available at <https://dnr.mo.gov/videos/archive-meetings.htm>. Please note the video will be removed 90 days after the date of the commission meeting.

a) Concern Report

Mr. Richard Swartz said the Compliance/Enforcement Report begins on page 29 of the briefing document with the Concern Report and runs through page 96. The Department received a total of 98 concerns from October 16, 2019, through December 15, 2019. The majority of the concerns the program received were regarding burning or odor. During this time regional office staff completed 97 investigations. In addition, the Department issued nine Letters of Warning as well as three Referral Notices of Violation. See Attachment A for the slides to his presentation.

b) Ongoing Negotiations Report

The Ongoing Negotiations Report is on page 97. There are currently ten enforcement actions in the negotiation process at this time. You will notice that Central Missouri Landfill is no longer on the list. They resolved the issues they were experiencing and the department issued a Return to Compliance letter in December of 2019. An open burning case has been added with VSW Farms.

c) Finalized Agreement Report

There is no finalized agreement report for this reporting period.

d) Pending Referrals Report

The Pending Referrals Report is on page 99. There are three active referrals. The list is unchanged since the last commission meeting.

e) Gateway Vehicle Inspection Report

The Gateway Vehicle Inspection Report begins on page 101. Over 170,000 vehicles were tested during the fourth quarter of 2019 with a passing rate of over 97 percent. The program also conducted 232 audits during the fourth quarter.

f) Compliance Report

A summary of the Compliance Report is available on page 103. The program received 391 reports during the fourth quarter, the majority of which were semi-annual monitoring reports. Brunswick Freshwater Group has not yet submitted their report, and the program is working with them to get it submitted.

g) Quarterly Asbestos Report

The Quarterly Asbestos Report is available on page 105. The program processed 820 Occupational Certifications and 262 notifications. In addition, the program issued 37 Abatement Contractor Registrations along with six Training Provider Accreditations.

2) PERMITS REPORT

Mr. Kendall Hale said the Permit Report begins on page 107 of the briefing document with the Permit Applications Received Report. This table is from January to December of 2019 and shows that the Permits Section received 511 construction and 130 operating permits for a total of 641. Comparing that to 2018, 429 construction permits were received, as well as 199 operating permits which brought 2018 to 628 total. The projects received for November and December are listed on pages 109-114 of the briefing document.

The Permit Applications Completed Report begins on page 115 of the briefing document. For the year 2019 from January to December, the Permit Section completed 476 construction permit projects and 159 operating permit projects for a total of 635 for the year. Compared to 2018, in which 459 construction permits and 315 operating permits were completed for a total of 774. Mr. Hale went on to explain that one reason previous years were larger, was due to closing out basic operating permits during those times. Pages 116-125 in the briefing document gives further detail on the projects completed in November and December of 2019.

This information is searchable on the Air Pollution Control Program's website and is updated weekly.

There are currently four operating permits on public notice: Buck-Eye Tank Terminal, ABB Enterprise Software, Black Oak Recycling, and Associated Electric Power Plant in New Madrid. All are Part 70 permits that the program is taking public comments on.

On page 127 of the briefing document is the breakdown of the types of projects that the program currently is reviewing. The program is currently working on 262 total projects for both construction and operating permits. Looking back, at the end of 2018 there were 249 projects, 229 without basics. In 2016, the total number of open projects was 417 without basics.

Commissioner Boyer asked if the program knew what project for the Carbon Cycle LLC Thermal Conversion Unit was. Mr. Hale responded that he would need to look into it to give exact details. Mr. Boyer responded it was listed on page 114 of the briefing document. Mr. Hale informed the commission that those items were applications being reviewed and he would let the commission know at a future date.

The video for this meeting and these reports are available at <https://dnr.mo.gov/videos/archive-meetings.htm>. Please note that the video will be removed 90 days after the date of the commission meeting.

3) AIR QUALITY PLANNING REPORT

a) Rule and State Implementation Plan Agenda

Ms. Emily Wilbur said the Rule and SIP Agenda begins on page 129 of the briefing document. There are three rulemakings on this agenda for public hearing. These rulemakings are 10 CSR 10-5.500, *Control of Emissions From Volatile Organic Liquid Storage*; 10 CSR 10-6.241 *Asbestos Projects—Registration, Abatement, Notification, Inspection, Demolition, and Performance Requirements*; and 10 CSR 10-5.540 *Control of Emissions From Batch Process Operations*.

Ms. Wilbur stated that there were an additional three items on the agenda for adoption in the briefing document, but due to the glitch with the posting of the agenda they would not be presenting those today, and would be working with the commission later in the meeting to set up a special time so that those items could move forward. Those items, as a reminder, were: 10 CSR 10-6.330 *Restriction of Emissions From Batch-Type Charcoal Kilns*; 10 CSR 10-6.390 *Control of NOx Emissions From Large Stationary Internal Combustion Engines*; and 10 CSR 10-6.060 *Construction Permits Required*.

Ms. Wilbur noted that on the last meeting agenda the program had planned a request for adoption for the Air Quality Control Region Priority Reclassification Request for today's meeting. It was an item that the program had been working with the EPA on to update, and had run into some issues with the logistics. The program wanted to work those out before putting it on the agenda for final approval. The issues have been worked out, and this item will now be on the agenda for the March meeting.

The March 26, 2020, commission meeting will be held in Jefferson City at the Truman Building and will be a full agenda. The program will present eight rulemakings and one boundary recommendation for public hearing: 10 CSR 10-5.390 *Control of Emissions From the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products*; 10 CSR 10-6.061 *Construction Permit Exemptions*; 10 CSR 10-6.070 *New Source Performance Regulations*; 10 CSR 10-6.075 *Maximum Achievable Control Technology Regulations*; 10 CSR 10-6.080 *Emission Standards for Hazardous Air Pollutants*; 10 CSR 10-6.270 *Acid Rain Source Permits Required*; 10 CSR 10-6.405 *Restriction of Particulate Matter From Fuel Burning Equipment Used for Indirect Heating*; 10 CSR 10-2.330 *Control of Gasoline Reid Vapor Pressure*. These rulemakings are part of the after RTR group. During the RTR process, the program identified some updates that needed to be done; some of which were annual updates, and others that needed to just move through the process. Of note, as well, is the rescission of the *Control of Gasoline Reid Vapor Pressure* rule, which is a rulemaking that applies to the Kansas City area and is no longer necessary due to the area attaining the standard.

Up for adoption at the March meeting there are three rulemakings: 10 CSR 10-5.500 *Control of Emissions From Volatile Organic Liquid Storage*; 10 CSR 10-6.241 *Asbestos Projects—Registration, Abatement, Notification, Inspection, Demolition, and Performance Requirement*; 10 CSR 10-5.540 *Control of Emissions From Batch Process Operation*; and the Air Quality Control Region Priority Reclassification Request.

b) Rules in Progress Schedule

The Rules in Progress Schedule begins on page 135 of the briefing document. There are currently no updates on rulemakings in development to share at the state level; however, there were a few actions at the federal level. Ms. Wilbur went on to speak about the actions starting on page 135. The sixth and eighth row from the bottom show 10 CSR 10-6.362 *Clean Air Interstate Rule Annual NOx Trading Program* and 10 CSR 10-6.366 *Clean Air Interstate Rule SO2 Trading Program* which the EPA has approved and have taken final effect. On page 137, first row from the top, 10 CSR 10-6.300 *Conformity of General Federal Actions to State Implementation Plans*; EPA is proposing approval of that rule revision. On the same page, fifth row from the bottom, 10 CSR 10-6.045 *Open Burning Requirements*; EPA is proposing approval of that SIP revision as well as on the third row from the bottom, 10 CSR 10-6.062 *Construction Permits By Rule*.

On page 138, fourth, fifth, and sixth rows from the top; 10 CSR 10-6.372 *Cross-State Air Pollution Rule NOx Annual Trading Program*, 10 CSR 10-6.374 *Cross-State Air Pollution Rule NOx Ozone Season Group 2 Trading Program*, and 10 CSR 10-6.376 *Cross-State Air Pollution Rule Annual SO2 Group 1 Trading Program* are three rulemakings that the EPA has also taken final action on for approval into the SIP; as well as at the bottom of page 138, 10 CSR 10-6.030 *Sampling Methods for Air Pollution Sources*. Ms. Wilbur mentioned we should start seeing a lot more EPA approvals from here on out. On page 139, sixth row from the top, 10 CSR 10-6.330 *Restriction of Emissions From Batch-Type Charcoal Kilns*, EPA is also proposing approval of this rulemaking.

The rules that were submitted during the RTR process are all going through at the federal level. A final mention, on page 137, ninth row from the bottom, 10 CSR 10-2.230 *Control Of Emissions From Industrial Surface Coating Operations*, a typographical error was discovered. Ms. Wilbur went into detail on the specifics of the error and mentioned the program has been in contact with the Secretary of State and the EPA to correct this error.

c) State Plans Report

The State Plans Report begins on page 141 of the briefing document. The SO₂ round four designations for the 2010 SO₂ one hour standard is on page 144 of the briefing document. Ms. Wilbur went on to speak on how EPA would be designating the last remaining areas in the 2010 SO₂ NAAQS. Iron County, which includes the facility of Doe Run Buick, and New Madrid County, which includes the facility of Magnitude 7 Metals, are the two final counties in Missouri to be designated. The EPA requires the program to submit boundary recommendations to them by May 1, 2020, and the program plans on going on public notice by the end of February 2020 with their recommendations in order to meet that deadline.

Commissioner Boyer asked for clarification if the Magnitude 7 Metals facility was the former aluminum plant. Ms. Wilbur replied that it was.

Ms. Wilbur spoke on how the monitoring values are high in these areas and have exceeded the standard in the past, so the program does anticipate recommending a nonattainment designation.

4) DIRECTOR'S REPORT

a) Staffing

There are approximately 14 vacancies program-wide, roughly half of which the program is hoping to fill in the near future.

b) Air Program Advisory Forum

Ms. Bybee reminded everyone that there was an Air Program Advisory Meeting the afternoon of the last meeting. The program and attendees discussed the 2015 Ozone Nonattainment Area Plan and the Affordable Clean Energy Rule. Both of these presentations are available on the Air Program Advisory Forum page. The upcoming Fee Stakeholder Process and meetings was also discussed, as well as Volkswagen and a general open discussion.

c) Fee Stakeholder Process

Ms. Bybee stated that the first Fee Stakeholder meeting was scheduled for Monday, March 2, 2020 at 1pm in the Elm Street Conference Room. Ms. Bybee stated the program would send a GovDelivery notice out with the details for the meeting and would also send the notice to other emails on file. The program is preparing information to show where revenues and expenditures are today as compared to where they were at the time of previous fee stakeholder meetings. The program is also preparing information to show what the program has done since the last process and where the program thinks revenues and expenditures are projected to be in the future. Ms. Bybee went on to discuss a few particular items regarding this process and how it would relate to other meetings and the commission.

d) Volkswagen

Ms. Bybee reminded the commission that at the last meeting she reported approximately 6.7 million dollars in awarded projects. After finalizing applications, the program is now at approximately \$8 million in awarded projects. There is \$13.5 million set aside for this fiscal year. The projects are all available to view on the Volkswagen page. The program is currently accepting public comments on guidelines, through January 31, 2020, for three project categories. Ms. Bybee also mentioned that additional information on the electric vehicle infrastructure project is planned to be available in the coming weeks. The program expects to open up an additional application period starting in the spring for the remaining money.

e) Miscellaneous Items

Ms. Bybee shared a final example of the plaques commemorating previous Missouri Air Conservation Commissioners service. She updated that the program had contacted each of the former commissioners and was in the process of presenting their plaques.

The 2020 Ozone Monitoring Season will begin on March 1 and run through the end of October. Ms. Bybee will update the commission at the March meeting with how the season is going so far. As a reminder, in 2019, there were eight days of exceedances reported from 15 monitors, mostly in the St. Louis area. Mr. Stephen Hall will present his annual emissions and air quality report in the spring for the 2019 Ozone Monitoring Season.

Two final items to bring to the attention of the commission was a reminder that all the original items for vote on this agenda were pulled off, and the program is requesting that another meeting be rescheduled for the following Monday.

Chairman Pendergrass stated that the commission is available for a meeting at 9 a.m. on Monday, February 3, 2020. Commissioner Boyer asked if there would be a call in number provided, and Ms. Bybee stated that the program would finalize the logistics and send out the needed information to the commissioners.

Ms. Bybee also noted up that she had been invited to participate with the Director's Office and the Governor's Office in traveling to another state to see how other departments handle similar type of work. It would however mean that she would not be able to attend the March 26, 2020, commission meeting. She offered that the program could reschedule the March 26, 2020, meeting to March 30, 2020, at the preference of the commission. The commission requested to place this item on the February 3, 2020, agenda for discussion.

D. Public Hearing

The video for this meeting is available at <https://dnr.mo.gov/videos/archive-meetings.htm>. Please note that the video will be removed 90 days after the date of the commission meeting.

Chairman Pendergrass called the public hearing to order.

Mr. Aaron Basham presented 10 CSR 10-5.500 *Control of Emissions From Volatile Organic Liquid Storage*. More information on the proposed amendment is available on page 145 of the briefing document.

Mr. Seanmichael Stanley presented 10 CSR 10-6.241 *Asbestos Projects—Registration, Abatement, Notification, Inspection, Demolition, and Performance Requirements*. More information on the proposed amendment is available on page 161 of the briefing document.

Mr. Aaron Basham presented 10 CSR 10-5.540 *Control of Emissions From Batch Process Operations*. More information on the proposed amendment is available on page 169 of the briefing document.

Chairman Pendergrass closed the public hearing.

To obtain a copy of the public hearing transcript, please contact Alaris Litigation Services, 711 North 11th Street, St. Louis, MO 63101, or by phone at 1-800-280-3376.

E. Open Comment Session

No one addressed the commission.

F. Future Meeting Dates

February 3, 2020 – Monday

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

March 26, 2020 – Thursday

Harry S Truman State Office Building
301 West High Street
Room 400
Jefferson City, MO 65101

April 29, 2020 – Wednesday

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

May 28, 2020 – Thursday

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

July 30, 2020 – Thursday

St. Louis Regional Office
7545 South Lindbergh, Suite 220
DESE Conference Room
St. Louis, MO 63125

August 27, 2020 – Thursday

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

September 24, 2020 – Thursday

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

October 29, 2020 – Thursday
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101

December 3, 2020 – Thursday
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101

G. Discussion of Pending Litigation and Legal Matters

None.

H. Meeting Adjournment

Commissioner Rosenbohm moved to adjourn the January 30, 2020, Missouri Air Conservation Commission Meeting. Commissioner Fohey seconded the motion. All commissioners voted to adjourned the January 30, 2020, Missouri Air Conservation Commission meeting.

Chairman Pendergrass adjourned the January 30, 2020, Missouri Air Conservation Commission meeting.

Respectfully submitted,

Signature on File

Darcy A. Bybee, Director
Air Pollution Control Program

Approved:

Richard Rocha, Chairman
Missouri Air Conservation Commission



Compliance & Enforcement Report

Richard Swartz
Air Pollution Control Program



Concern Report (Oct 16-Dec 15)

- Concerns Received – 98
 - Burning – 31
 - Odor – 27
 - Asbestos – 13
 - Fugitive Particulate Matter – 5
 - Other – 22
- Investigations – 97
- Issued three RNOVs & nine LOW



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

**Air Pollution Control Program
Ongoing Negotiations**

Responsible Party	Facility	Negotiations Initiated	Region
Asbestos			
ACORN Industries LLC	Cedar Haven Lodge	4/3/2018	SWRO
Excess Emissions			
City of Kansas City - Water Services	Blue River Treatment Plant	8/1/2018	KCRO
Stericycle Specialty Waste Solutions, Inc	SOLVENT RECOVERY LLC	6/18/2018	KCRO
Intermediate Operating Permit			
Golden Triangle Energy	GOLDEN TRIANGLE ENERGY - CRAIG	8/9/2019	KCRO
Maximum Achievable Control Technology (MACT)			
Black Oak Recycling and Disposal	Black Oak Recycling	3/5/2019	SWRO
Open Burning			
BSW Farms, LLC	BSW Farms, LLC	10/11/2019	SWRO
Bufford Sweatt	Beau Elliot	5/11/2018	SWRO
Chad Long	Chad Long	7/23/2018	SWRO
David Chesnut	David Chesnut	1/8/2019	KCRO
Part 70 Operating Permit			
Owens Corning Insulating Systems, LLC	Owens Corning Insulation LLC	11/18/2018	SWRO



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

**Air Pollution Control Program
Pending Cases Referred to Attorney General's**

Responsible Party	Facility	Referred to AGO	Region
Construction Permit			
Douglas Rose	Cameron Concrete	8/13/2018	KCRO
Maximum Achievable Control Technology (M)			
EBV - General Dynamics	ICI EBV General Dynamics	4/1/2016	SWRO
Open Burning			
Pallet Connection	Pallet Connection	7/13/2018	SERO



GATEWAY VEHICLE INSPECTION PROGRAM

October 1, 2019 to December 31, 2019

The GVIP is a combined emission and safety inspection program for vehicles registered in the St. Louis ozone nonattainment area. The GVIP is jointly overseen by the Missouri Department of Natural Resources and the Missouri State Highway Patrol.

Approximate Number of Active Inspection Stations: 826
 Approximate Number of Active Inspector/Mechanics: 4,585

Initial OBD Pass/Fail Rate for this Period:

Total Test: 170,081
 Total Pass: 165,831 = 97.5%
 Total Fail: 4,250 = 2.5%

Number of Mileage Exemptions Issued: 453
 Number of Waivers Issued: 171

Enforcement:

Audits Conducted by DNR: Overt 21
 Covert 211

Stations Locked out by MSHP: Violations 1 Failed Audits 4
 Photographs 0
 Offline Testing 0



Compliance Report

4th Quarter 2019

ACC INT Reports - 0	ACC P70 Reports- 3
Annual Reports - 4	Emission Reports - 12
Excess Emission Report - 23	Misc. Reports - 82
Quarterly Reports - 50	Semi-Annual P70 Reports - 130
Semi-Annual Reports - 37	Start-up Notifications- 23
SSM Reports - 20	Notice of Compliance Reports 5
Total - 391	

ACC- Annual Compliance Certification
 INT- Intermediate Permitted Facility
 P70- Part 70 Permitted Facility
 SSM- Start-up, Shutdown, Malfunction



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Quarterly Asbestos Report October 1, 2019 to December 31, 2019

- Number of Occupation Certificates Issued
 - Worker: 272
 - Supervisor: 315
 - Inspector: 189
 - Management Planner: 24
 - Project Designer: 16
 - Air Sampling Professional: 4
 - Total: 820

- Number of Asbestos Notifications Process
 - Demolition: 134
 - Abatement: 65
 - Courtesy: 63
 - Total: 262

- Number of Asbestos Abatement Contractors Registrations Issued: 37

- Number of Asbestos Training Providers Accredited: 6



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QUESTIONS??