

MINUTES
MISSOURI AIR CONSERVATION COMMISSION
CONFERENCE CALL
August 27, 2020
9:00 a.m.

Commissioners Present

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

Staff Members Present

Van Beydler, Public Information Coordinator, Soil and Water Conservation Program
Darcy Bybee, Director, Air Pollution Control Program
Jan Dunlap-Chronister, Southeast Regional Office
Wesley Fitzgibbons, Air Quality Planning Section, APCP
David Gilmore, Director's Office, APCP
Kendall Hale, Permits Section Chief, APCP
Stephen Hall, Air Quality Analysis Section Chief, APCP
Mark Leath, Air Quality Planning Section, APCP
Paul Myers, Air Quality Planning Section, APCP
Deedra Beye-Stegeman, Fiscal and Budget Section Chief APCP
Richard Waters, Assistant General Counsel, Department of Natural Resources
Will Wetherell, Environmental Services Program
Emily Wilbur, Air Quality Planning Section Chief, APCP
Chris Wood, Compliance and Enforcement Section, APCP

Others Present (per virtual meeting registration)

Stacy Allen, Ameren Missouri
Eric Anderson
Kimberly Bauman
Robert Brundage, Newman, Comley & Ruth PC
Jeff Burkett
Bob Cheever
Kris Donaghey
Geoff Greene
Richard Groeneman, Attorney General's Office
Austin Hawkins, Enable Midstream Partners LP
Tadd Henry
Michael Hutcheson, Ameren Missouri
Carol Lawrence

Traci Lichtenberg
Kristin Marshall
Kelley Ogletree, Missouri Petroleum Storage Tank Insurance Fund
Joseph Stolle
Roger Walker, Regulatory Environmental Group for Missouri
Steve Whitworth, Ameren Missouri
Dan Wilkus
Shirley Wolverson

A. Call to Order

Chairman Richard Rocha called the August 27, 2020, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present by phone: Gary Pendergrass, Ron Boyer, Mark Fohey, Kevin Rosenbohm, and Richard Rocha.

B. Welcome and Introductions

Ms. Darcy Bybee gave a brief overview of the agenda and noted that the meeting was again being held remotely due to the COVID-19 virus. She briefly discussed management reminders for the virtual meeting to make the remote process work for staff, commissioners, and the public.

C. Minutes for Approval

Commissioner Ron Boyer moved to approve the July 30, 2020, minutes. Commissioner Kevin Rosenbohm seconded the motion. Chairman Richard Rocha abstained from the vote. The remaining commissioners approved the July 30, 2020, minutes as written.

D. Reports – The following referenced reports are in the August 27, 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. Please see Attachment A to these minutes for slides to his presentation.

a) Concern Report

Mr. Chris Wood said the Compliance/Enforcement Report begins on page 65 of the briefing document with the Concern Report and runs through page 108. The Department received 78 concerns from June 16, 2020, through July 15, 2020. The majority of the concerns received were regarding burning or odor. During this time, regional office staff completed 81 investigations. In addition, the Department issued four Letters of Warning.

b) Ongoing Negotiations Report

The Ongoing Negotiations Report is on page 109. There are 15 active cases at this time, which is one less than the last report. Magnitude 7 Metals is a new case. Black Oak has dropped off the list, and Cedar Haven Lodge has dropped off the list as well and was administratively closed.

c) Finalized Agreement Report

The Finalized Agreement Report is on page 110 of the briefing document. Black Oak landfill had violations associated with their landfill gas control system, and all corrective actions have been completed. The penalty was paid and the case was closed. Owens Corning in Joplin had a permit violation. Corrective actions are underway and are expected to be done by early 2021. Their penalty has been paid.

d) Pending Referrals Report

The Pending Referrals Report is on page 111. Mr. Wood stated there were three active referrals at this time. Hilltop Tree Service has been recently added for an open burning case.

Commissioner Boyer asked if the saw dust piles in Southeast Missouri were combusting because of spontaneous combustion. He asked if that had been resolved.

Mr. Wood stated he did not have any information on that subject and could get back with the commission at the next meeting.

Commissioner Boyer stated he knew that some people in the area were affected by this, and that it could become a long term problem. He would appreciate the program letting the commission know next time.

2) PERMITS REPORT

Mr. Kendall Hale stated the Permit Report begins on page 113 of the briefing document with the Permit Applications Received Report for the months January-June. The Permit Section received 39 Construction and nine Operating Permit projects in July. This gives a total of 299 construction permits and 40 operating permit applications. These projects are outlined on pages 114-118 of the briefing document. This information is searchable on the Air Pollution Control Program's website and is updated weekly.

The Permit Applications Completed Report begins on page 119 of the briefing document. For the month of July, the Permit Section completed 37 Construction permit projects, and one operating permit. So far, the Permit Section has completed 286 Construction Permit projects and 34 Operating Permit projects for 2020. This information is searchable on the Air Pollution Control Program's website and is updated weekly. Pages 120-123 of the briefing document show the projects completed.

The Open Permits Report is on page 125 of the briefing document. This report details the types of projects currently open in the Permit Section.

There is currently one project on public notice: An intermediate operating permit renewal for Pro Tect Manufacturing in University City. It was placed on notice on July 31, 2020.

Mr. Hale informed the commission that there are still five vacancies in the Permits Section. Four of which were within the operating unit, leading it to currently being half staffed.

Chairman Rocha and Mr. Hale both spoke briefly on their thoughts regarding the difference in numbers of permits being submitted and dealt with in regards from 2019 to 2020.

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3) AIR QUALITY PLANNING REPORT

a) Rule and State Implementation Plan Agenda

Ms. Emily Wilbur said the Rule and State Implementation Plan (SIP) Agenda begins on page 127.

At today's meeting there will be no public hearing, but there is an action to be voted on. It is the Redesignation Request for the Labadie Unclassifiable Area Under the 2010 Sulfur Dioxide Standard.

At the September meeting there will be a public hearing for 10 CSR 10-6.110 *Reporting Emission Data, Emission Fees, and Process Information*. There will also be a proposed adoption item to be voted on: The Missouri State Implementation Plan Revision – Plan for Continued Attainment of the 2008 Lead Standard in Liberty and Arcadia Townships in Iron County, Doe Run Glover Facility.

b) Rules in Progress Schedule

The Rules in Progress Schedule starts on page 129. Ms. Wilbur stated that there were currently no new rules on the schedule at this time. Ms. Wilbur noted an update on the federal level regarding RTR Rules that were submitted to the EPA last year. EPA has taken final action on two of the rules: 10 CSR 10-5.570, and 10 CSR 10-2.320.

c) State Plans Report

The State Plans Report begins on page 131 of the briefing document. In regards to the St. Louis Marginal nonattainment plan for the 2015 Standard under the Ozone entry, Ms. Wilbur noted the due date and stated that the program would be late in submitting this plan. She went into short detail of what this involved.

Ms. Wilbur spoke about the ambient air quality monitor in St. Louis that was not meeting current standards. She wanted to update the commission on what the plan would be for the upcoming months regarding this preliminary violation. She reminded the commission that as Ms. Bybee had noted in July, the monitor registered two preliminary ozone exceedances, and went into detail regarding how the EPA would determine if the area meets the standards within the specified time frames. Ms. Wilbur stated she would keep the commission updated as more information became available.

Further down in the report, the program has received letters from the EPA in regard to each of the three SO₂ entries listed. More detail was given regarding EPA's letter about the upcoming Round 4 designations and what the EPA has proposed.

EPA sent another letter regarding redesignating the area in Franklin County and St. Charles County from unclassifiable to attainment. Ms. Wilbur went into brief detail on what this involved. She reminded the program that the program's redesignation request for the Labadie area was on the day's schedule for proposed adoption, and if adopted, the program would submit it to EPA before they made their decision.

Ms. Wilbur mentioned a letter received from the Director of the Office of Air Quality Planning Standards at EPA headquarters. EPA thanked the program for helping "to bring cleaner air to the people of Missouri." She went into a few specifics on what that involved and how different areas were meeting the standards.

Chairman Rocha thanked the program for their hard work over the years and congratulated them on the letter from EPA. Chairman Rocha also asked about a comment letter in the federal register from two environmental groups out of Colorado and if the program saw many letters from out of state.

Ms. Wilbur stated that the EPA received comments from Colorado during their open comment period. The program was a bit surprised to see that, and she didn't find it typical that other states would comment on Missouri's rules, but she was not fully sure.

Commissioner Pendergrass also congratulated the program on the letter from the EPA. He then asked in regards to the Maryland Heights ozone monitors, if the levels had been creeping up for some time or if this was out of the ordinary.

Ms. Wilbur stated that it was not a monitor the program would expect to see having a preliminary violation, and the program was continuing to look at what was happening.

4) DIRECTOR'S REPORT

a) Staffing

Ms. Bybee said that the program has the same vacancies as reported in previous months, though the program was still optimistic to fill positions soon.

Many staff are working remotely, checking e-mail, checking voicemail, and conducting business as much as possible while maintaining distancing.

Ms. Bybee encouraged everyone to e-mail, to call our regular phone lines, or to leave a message at the main number. Overall, she expects the near future to go as it has been the past few months.

b) Ozone

The 2020 ozone-monitoring season runs from March 1 - October 31. Ms. Bybee stated that there have now been six days of preliminary exceedances. The West Alton monitor has now had exceedances such that it is now in the same situation as the Maryland Heights monitor. They will both now likely be in violation of the 2015 Ozone Standard once the final reports are done. This will likely bump the St. Louis area's nonattainment status from marginal to moderate as Ms. Wilbur explained. Ms. Bybee reminded everyone that the program utilizes both its GovDelivery and Twitter accounts to update the public about forecasted high ozone days.

c) Volkswagen

Ms. Bybee reminded the commission of the presentation given in July on the Volkswagen progress and future plans. She stated that the review shows how far the program has come with this project and how much is still left to go. She reminded everyone that the program is currently accepting applications for electric vehicle infrastructure projects. That application period will close October 15, 2020. The next application period the program plans on opening is for the Diesel Emission Reduction Act (DERA). They expect it will open in another month or so.

Ms. Bybee mentioned that the Beneficiary Mitigation Plan, the plan the program developed with stakeholders, will need to be updated with the progress that has been made.

d) Miscellaneous

Ms. Bybee reminded the commission that they had already voted to hold the September meeting remotely, but that there would still be time to decide on how the commission would like to hold the October meeting.

The proposed 2021 schedule is available, and the program would like to finalize those dates in the near future and is open to any suggestions the commission might have on changes.

Commissioner Rosenbohm had previously inquired as to cost savings going from in-person to virtual meetings. As would be expected, the preliminary outlook was that spending is significantly less. From January- June of 2019, meeting expenditures were roughly \$2,200. From January- June of 2020, expenditures were roughly \$1,200. Ms.

Bybee went into brief detail on how that information was analyzed and committed to continuing the evaluation. She noted that, although the virtual meetings have a cost and time saving, they do lack the intangible benefits of in person meetings.

e) Fee Stakeholder Process

Ms. Bybee reminded the commission that the program will need to schedule an additional meeting in November for the fee rulemaking. Though, as of now, the 2021 schedule should be complete.

Ms. Bybee thanked everyone for the extra work done this spring and in the month of July for the Fee Stakeholder Process. The considerations, extra meetings, and input to help move through the first phase of the process was much appreciated. She reaffirmed the program's commitment to continue fee stakeholder discussions and answer questions. The program plans to schedule an Air Program Advisory Forum meeting this fall. The forum agenda will include information from the Fee Stakeholder process along with other program updates.

Commissioner Rosenbohm thanked Ms. Bybee for getting the numbers together relating to the cost savings of moving to virtual meetings.

5) Recommended for Adoption and Actions to be Voted on

Mr. Wesley Fitzgibbons presented the Redesignation Request for the Labadie Unclassifiable Area Under the 2010 Sulfur Dioxide Standard for adoption. More information on this SIP revision can be found in the briefing document.

Commissioner Pendergrass moved to accept the Redesignation Request for the Labadie Unclassifiable Area Under the 2010 Sulfur Dioxide Standard as presented. Commissioner Rosenbohm seconded the motion. All commissioners voted to accept the Redesignation Request for the Labadie Unclassifiable Area Under the 2010 Sulfur Dioxide Standard as presented.

F. Future Meeting Dates

The commissioners discussed and decided to hold the October MACC meeting remotely. Chairman Rocha requested an item on the September meeting agenda to discuss the 2021 meeting schedule.

September 24, 2020 – Thursday

Held Remotely

October 29, 2020 – Thursday

Held Remotely

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

Mr. Richard Groeneman had no new updates for this meeting.

H. Meeting Adjournment

Vice Chairman Fohey moved to adjourn the August 27, 2020, Missouri Air Conservation Commission meeting. Commissioner Boyer seconded the motion. All commissioners voted to adjourn the August 27, 2020, Missouri Air Conservation Commission meeting.

Chairman Rocha adjourned the August 27, 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

Chris Wood

Air Pollution Control Program

Concern Report (June 16-July 15)

- Concerns Received – 78
 - Burning – 19
 - Odor – 35
 - Asbestos – 6
 - Fugitive Particulate Matter – 8
 - Hazardous Air Pollutants – 1
 - Other – 9
- Investigations – 81
- Issued four LOW



Air Pollution Control Program Ongoing Negotiations

Responsible Party	Facility	Negotiations Initiated	Region
Asbestos			
ACORN Industries LLC	Cedar Haven Lodge	4/3/2018	SWRO
JKKJ 923 S. Morley Properties, LLC	Former Toastmaster Building	1/14/2020	NERO
Wiedeman Dozing, LLC	Former Toastmaster Building	1/14/2020	NERO
Construction Permit			
Valley Minerals LLC	Valley Minerals LLC	4/9/2020	SERO
Excess Emissions			
City of Kansas City - Water Services	Blue River Treatment Plant	8/1/2018	KCRO
Inspection/Maintenance - Clean Scanning			
Jiffy Lube #753	JIFFY LUBE # 753 (GVIP # 115214)	1/27/2020	SLRO
Kristy Bishop	JIFFY LUBE # 753 (GVIP # 115214)	1/27/2020	SLRO
Intermediate Operating Permit			
Golden Triangle Energy	GOLDEN TRIANGLE ENERGY - CRAIG	8/9/2019	KCRO
Maximum Achievable Control Technology (MACT)			
Magnitude 7 Metals	Magnitude 7 Metals formerly Noranda Aluminum Inc	7/15/2020	SERO
Open Burning			
Bufford Sweatt	Beau Elliot	5/11/2018	SWRO
Copher Enterprises	Copher Enterprises/Excess Customz	2/4/2020	SWRO
D' Monaco LLC	Estates of D'Monaco resident	2/7/2020	SWRO
David Chesnut	David Chesnut	1/8/2019	KCRO
Golden Valley Disposal	Golden Valley Disposal	3/9/2020	KCRO
Lake Area Signature Homes, LLC	Lake Area Signature Homes, LLC	3/9/2020	SWRO
Stage I Vapor Recovery			
SHRI NARAYAN - Milap Patel	PEVELY POWER EXPRESS	8/27/2019	SLRO



Air Pollution Control Program

Finalized Agreements between June 16, 2020 and July 15, 2020

Responsible Party	Facility	Negotiation Initiated	Settled	Total Amount	Suspended Amount	Region
Maximum Achievable Control Technology (MACT)						
Black Oak Recycling and Disposal	Black Oak Recycling	3/5/2019	6/30/2020	4375	0	SWRO
Part 70 Operating Permit						
Owens Corning Insulating Systems LLC	Owens Corning Insulation LLC	11/18/2018	7/6/2020	69600	0	SWRO



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

Responsible Party	Facility	Referred to AGO	Region
Open Burning			
Pallet Connection	Pallet Connection	7/13/2018	SERO
Ronald Hill	Hill Top Tree Service	8/13/2020	KCRO
Stage I Vapor Recovery			
Milap Patel	ONE STOP	3/2/2020	SLRO



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

QUESTIONS??