

**MINUTES**  
**MISSOURI AIR CONSERVATION COMMISSION**  
**Kansas City Regional Office**  
**500 Northeast Colbern Road**  
**Missouri River Conference Room**  
**Lee's Summit, MO 64086**  
**April 26, 2018**  
**9:00 a.m.**

**Commissioners Present**

Ron Boyer, Member  
Jack Jones, Vice Chairman  
Gary Pendergrass, Chairman  
Kevin Rosenbohm, Member

**Commissioners Absent**

Mark Garnett, Member

**Staff Members Present**

Darcy Bybee, Director, APCP  
Michael Cunningham, Kansas City Regional Office (KCRO)  
David Gilmore, Director's Office, APCP  
Wayne Graf, Air Quality Planning Section, APCP  
Kendall Hale, Permits Section Chief, APCP  
James Helgason, KCRO  
Connie Kinney, Compliance and Enforcement Section, APCP  
Lisa Nahach, Public Information Specialist, Division of Environmental Quality  
Kayla Schramm, KCRO  
Crew Schuster, KCRO  
Jennifer Shimamoto, KCRO  
Steve Sturgess, Director, KCRO  
Richard Swartz, Compliance and Enforcement Section Chief, APCP  
Richard Waters, Assistant General Counsel, Department of Natural Resources

**Others Present by Attendance Record**

Kyle Frakes, Tnemec  
Dave Fraley, Diamond Sky Ventures  
Amanda Graor, Mid-America Regional Council  
Jennifer Hernandez, Attorney General's Office  
Tom Jacobs, Mid-America Regional Council  
Joseph Stolle, GeoEngineers Inc.  
Roger Walker, Regulatory Environmental Group for Missouri

## **A. Call to Order**

Chairman Gary Pendergrass called the April 26, 2018, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Gary Pendergrass, Jack Jones, Kevin Rosenbohm and Ron Boyer. Commissioner Mark Garnett was absent.

## **B. Minutes from March 29, 2018**

Commissioner Rosenbohm postponed voting on the March 29, 2018, minutes as there was no quorum.

## **C. Welcome and Introductions**

Ms. Darcy Bybee welcomed the commission to the Kansas City Regional Office (KCRO). She also introduced staff from the KCRO including Mr. Steve Sturgess, Director, Mr. James Helgason, Mr. Michael Cunningham, Ms. Kayla Schramm, Ms. Crew Schuster and Ms. Jennifer Shimamoto. There will be no items for adoption at this meeting and Ms. Amanda Graor from the Mid-America Council will be giving a presentation.

## **D. Reports – The following referenced reports are in the April 26, 2018, 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**

The video for this meeting and these reports can be viewed 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.

#### **a) Concern Report**

Mr. Richard Swartz said the Compliance/Enforcement Report begins on page 47 with the Concern Report. A total of 54 concerns were received from February 16, 2018 through March 15, 2018. During this time period 54 investigations were completed by regional office staff. Also during this time frame, no notices of violation and no referral notices of violation were issued.

#### **b) Ongoing Negotiations Report**

The Ongoing Negotiations Report can be found on page 67. There are still 11 enforcement actions in the negotiation process at this time. The list has not changed.

**c) Finalized Agreement Report**

The Finalized Agreement Report should have been included in the briefing document, but it was accidentally left out. Only one case was closed. Mr. Swartz said he would bring this up at the next commission meeting.

**d) Pending Referrals Report**

The Pending Referrals Report can be found on page 69. Two cases have been referred to the Attorney General's Office and this report remains unchanged from the last commission meeting.

**e) Gateway Vehicle Inspection Program Report**

The 2018 first quarter report of the Gateway Vehicle Inspection Program (GVIP) report can be found on page 71 of the briefing document. Over 185,000 vehicles were emissions tested and the passing rate was over 97%. Staff in the St. Louis Regional Office conducted 686 audits during that time frame. The program continues to work with World Wide Environmental Products.

**f) Staff**

Ms. Senora Cressmann started in the Asbestos Unit on Monday. The Compliance and Enforcement Section is currently fully staffed.

**2) PERMIT REPORT**

Mr. Hale stated the Permit Report begins on page 73 of the briefing document with the Permit Applications Received Report. For the months of January through March the Permit Section received 118 construction and 55 operating permit projects. The Permit Section has received a total of 173 permit projects for this year.

The Permit Applications Completed Report begins on page 81 of the briefing document. For the months of January through March the Permit Section completed 105 construction and 46 operating permit projects. The Permit Section has completed a total of 151 permit projects for this year. This information is searchable on the Air Pollution Control Program's website and is updated weekly.

The Open Permits Report is on page 91 of the briefing document. This report details the types of projects currently open in the Permit Section. There are currently 127 construction and 229 operating permit projects open.

There are currently 10 operation permit projects on public notice. The permit projects are on public notice for 30 days and the start date for the public notice period can be found on the website. Comments can be submitted electronically and in writing. For details on how to submit comments visit the Air Pollution Control Program's website at <https://dnr.mo.gov/env/apcp/permit-public-notices.htm>.

The Permit Section is working on a Prevention of Significant Deterioration (PSD) project for Nucor Steel in Sedalia.

EPA is working on releasing several different guidance documents. One recent guidance document released by EPA dealt with permitting which deals with setting significant impact levels, which deals with ambient air quality analysis for PM<sub>2.5</sub> and ozone with regards to the national ambient air quality standards and the significant impact level (SIL) for PM<sub>2.5</sub> for increments. There is a new EPA guidance document out that deals with those SILs and those pollutants. The Permit Section will utilize this information when processing PSD permits.

Chairman Pendergrass said Mr. Hale is doing a nice job knocking down the backlog of permits.

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

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

The Rule and SIP Agenda begins on page 93 and continues through page 99 of the briefing document. There are no public hearing items today. Two rule amendments have been scheduled for public hearing on May 31, 2018. The first nine rule rescissions through the Red Tape Reduction process originally scheduled for commission adoption today, will be presented at the May 31, 2018, meeting. Those rules will have to be filed the next day otherwise they will become void by statute.

The two rule amendments proposed for public hearing at the May 31, 2018, commission meeting (10 CSR 10-1.010 and 6.180) have also been scheduled for adoption at the July 26, 2018, meeting. If the orders of rulemaking are not available for adoption at the July meeting then a special adoption meeting or call will need to be held in order to prevent the rulemakings going void by statute.

There are no items currently scheduled for the August 30, 2018, public hearing. However, the program will file over a dozen more rule actions in the next few weeks which will be scheduled for public hearing at that meeting. The 11 rule rescissions and seven rule amendments scheduled for public hearing at the July commission meeting are scheduled for adoption at the August commission meeting. Again, if the orders of rulemaking are not available for adoption at the August commission meeting then they will have to be adopted at the September commission meeting in order to prevent the order of rulemakings from going void by statute. Although it is not on the Rule and SIP Agenda, it is projected there are 17 more amendments, those amendments with Regulatory Impact Reports, that are currently out on a 60-day comment period which closes on June 5, 2018. They will need to be filed no later than June 29, 2018. Those rules will be presented for public hearing at the September commission meeting.

## **b) Rules in Progress Schedule**

The Rules in Progress Schedule, as of April 10, 2018, begins on page 101 and continues through page 105 of the briefing document. The rule schedules have been updated to reflect the status of rulemakings. The comment period for the nine rescissions presented at the March 29, 2018, public hearing closed on April 5, 2018. Those items are shaded in the public hearing column of the Rules in Progress Schedule. Some additional items to note, those 17 rules with Regulatory Impact Reports (RIRs) were posted on the department's website on April 6, 2018 along with Draft Rule Text; their 60-day comment period closes on June 5, 2018. Those rules listed with an April 6, 2018, date in the second column and are also available at <https://dnr.mo.gov/proposed-rules/>.

Many rule actions have been added to the Rules in Progress Schedule since last month starting with rule 10 CSR 10-2.320, about halfway down on page 103. As noted, all of the dates that are unshaded are tentative and could change.

## **c) State Plans Report**

The State Plans Report begins on page 107 and continues through 111 of the briefing document. There are no new items to report.

The May 1, 2018, issue of the *Missouri Register* should include two amendments, 10 CSR 10-1.010 and 10 CSR 10-6.180, for the May public hearing. The May 15, 2018, register should include the 11 rescissions and seven amendments, which will be presented at the July public hearing. And the June 15, 2018, register should include over a dozen amendments, which will be presented at the August public hearing. Lastly, the August 1, 2018, register should include the final 17 rule amendments that have RIRs, which will be presented at the September public hearing. These are the target *Missouri Register* and public hearing dates and it is possible these dates may change. The proposed rulemakings and public comment periods will appear on the department's website at <https://dnr.mo.gov/proposed-rules/>.

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

### **a) Red Tape Reduction Process**

The state, department, and program have been very busy reviewing rules and initiating rule actions under the Red Tape Reduction Process. Ms. Bybee invited the commission and the public to review the information on the department's website. There is a lot of information available and there will be more in the coming months. At their last meeting, the program provided the commission with a memo detailing the rules that will be updated. The memo is posted on the commission's website at <https://dnr.mo.gov/env/apcp/macc.htm>.

**b) Staffing**

As Mr. Swartz mentioned, there is a new employee in the Compliance and Enforcement Section. The program is looking to fill two positions in the Permits Section. In addition, the Air Quality Planning Section should have the Section Chief position filled before the May commission meeting. The program will also have an intern working this summer in the SIP Unit.

**c) Ozone**

EPA is expected to complete area designations under the 2015 Ozone standard soon. EPA has a court ordered deadline to have 2015 ozone standard designations done by April 30, 2018. As a reminder, the program's most recent revised recommendation was brought through the public process to the commission and ultimately submitted to EPA. The revised recommended focused on St. Louis City, St. Louis County, and St. Charles as the nonattainment boundary for the violating West Alton monitor.

**d) Volkswagen**

The public, stakeholders, and facilities have worked diligently with the department in developing a draft beneficiary mitigation plan and draft implementation guidelines. The draft plan and draft guidelines are based on all the feedback and information the program has received so far. Over 270 pages of initial comments have been received. The draft plan and draft guidelines are posted on the web and can be found at <https://dnr.mo.gov/env/apcp/vw/index.html>.

The program held a public meeting on Friday, April 20, 2018. There was great attendance and comments are being received through the website. The comment period closes on May 4, 2018. The program hopes to have a final plan in June and to start implementing the plan later this summer. This is a big responsibility and the program takes it seriously.

Commissioner Ron Boyer asked if the Volkswagen settlement plan will be presented to the commission.

Ms. Bybee replied that regular updates have been provided to the commission and that the program would plan a short presentation for the next commission meeting.

Commissioner Boyer thanked Ms. Bybee.

## **5) MID-AMERICA REGIONAL COUNCIL UPDATE**

Ms. Amanda Graor presented an update on the Mid-America Regional Council's air quality work in Kansas City and the surrounding areas.

The slides from Ms. Graor's presentation are available in Attachment A of these minutes and can also be found on the commission's website at <http://dnr.mo.gov/env/apcp/macc.htm>. The video for Ms. Graor's presentation can be viewed 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.

### **E. Public Hearing**

None.

### **F. Recommended for Adoption**

None.

### **G. New Business**

None.

### **H. Unfinished Business**

None.

### **I. Appeals and Variance Requests**

None.

### **J. Open Comment Session**

None.

### **K. Future Meeting Dates**

**May 31, 2018 – Thursday**  
Elm Street Conference Center  
1730 East Elm Street  
Lower Level  
Bennett Springs Conference Room  
Jefferson City, MO 65101

**July 26, 2018 – Thursday**  
St. Louis Regional Office  
7545 South Lindbergh, Suite 220  
DESE Conference Room  
St. Louis, MO 63125

**August 30, 2018 – Thursday**  
Elm Street Conference Center  
1730 East Elm Street  
Lower Level  
Bennett Springs Conference Room  
Jefferson City, MO 65101

**September 27, 2018 – Thursday**  
Elm Street Conference Center  
1730 East Elm Street  
Lower Level  
Bennett Springs Conference Room  
Jefferson City, MO 65101

**October 25, 2018 – Thursday**  
Southwest Regional Office  
2040 West Woodland  
East and West Conference Rooms  
Springfield, MO 65807

**December 6, 2018 – Thursday**  
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. Meeting Adjournment**

Commissioner Boyer moved to adjourn the April 26, 2018, Missouri Air Conservation Commission meeting. Commissioner Kevin Rosenbohm seconded the motion, and all commissioners voted to adjourn the meeting.

Chairman Pendergrass adjourned the April 26, 2018, Missouri Air Conservation Commission meeting.

Respectfully submitted,

*Signature on File*

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Darcy A. Bybee, Director  
Air Pollution Control Program

Approved:

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Gary Pendergrass, Chairman  
Missouri Air Conservation Commission





MID-AMERICA REGIONAL COUNCIL  
AIR QUALITY PROGRAM

## Kansas City Air Quality

Amanda Graor  
Air Quality Program Manager



## What is MARC?

- Regional council of governments
- Federally designated Metropolitan Planning Organization (MPO)
- 9 counties, 119 municipalities



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



## Air Quality Planning

- Transportation
  - Mobile source emissions
  - Diesel emission reduction efforts
- Regional cooperation and bi-state coordination
- Public engagement/education



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM

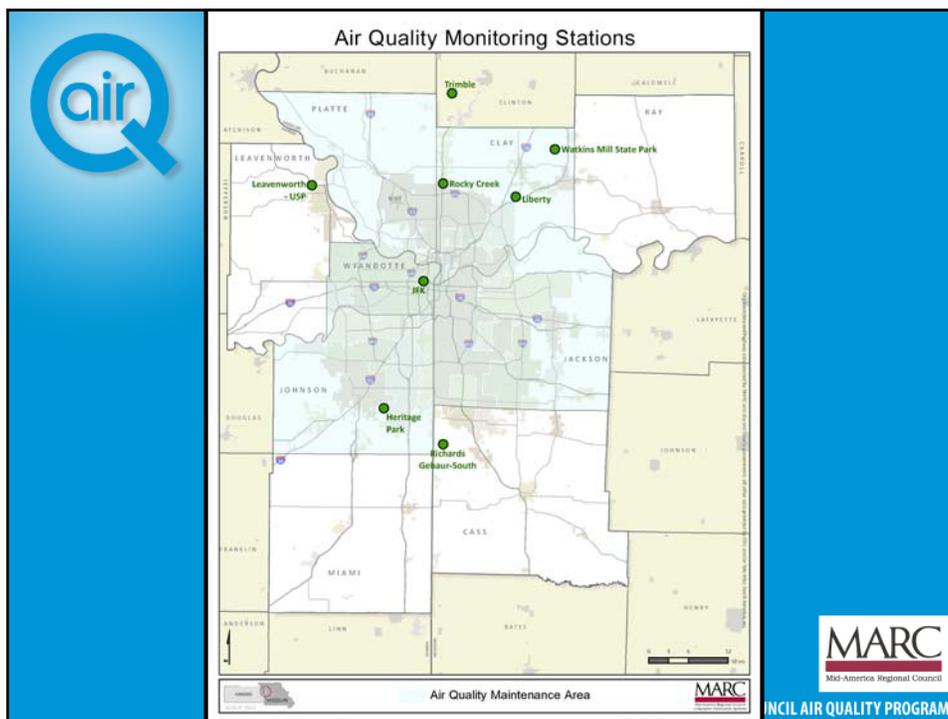


## KC Ozone History

- Original non-attainment area for ozone
- Officially redesignated to a maintenance area in 1992
- Maintenance plan sunset in 2014
- Recommended for attainment with 2015 standard



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



## Air Quality Forum

- Reformatted in 1978 based on MOU
- 33 voting members
  - Local and state governments
  - Chambers and EDCs
  - Private sector representation
  - Local health, environmental and transportation groups
- Monthly meetings

MARC  
Mid-America Regional Council

MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



## Clean Air Action Plan

- Developed in 2004, updated in 2011, new update underway currently
- Comprehensive voluntary plan for reducing emissions before EPA requires it
- Targets both stationary and mobile sources
- Short-, intermediate- and long-term measures
- Four categories of strategies: power plants, diesel engines, public education, and sustainability



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



## Other Activities

- Rideshare/Alternative Transportation Planning, Education and Outreach
- Sulfur Dioxide Outreach
- Climate Resilience/Energy Efficiency



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



## Public Education

- Messaging
  - Social Media
  - Traditional Media
  - Tabling Events
  - Presentations
- Audiences
  - Workplace Partnership
  - General Public
  - Families/Educators
  - Elected Officials



MID-AMERICA REGIONAL COUNCIL AIR QUALITY PROGRAM



## Public Education

- Finding ways to increase reach
  - Emissions testing at HHW events
  - Kansas City Corporate Challenge
  - Jobs access outreach and commuter transportation with Rideshare and transit providers
- Proactive engagement of smaller communities
  - Inside and outside of Kansas City AQ boundary



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