

MINUTES
MISSOURI AIR CONSERVATION COMMISSION
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101
January 31, 2019
9:00 a.m.

Commissioners Present

Ron Boyer, Member
Mark Garnett, Member*
Gary Pendergrass, Chairman
Kevin Rosenbohm, Member

Staff Members Present

Van Beydler, Public Information Coordinator, Soil and Water Conservation Program
Darcy Bybee, Director, Air Pollution Control Program (APCP)
David Gilmore, Director's Office, APCP
Kendall Hale, Permits Section Chief, APCP
Stephen Hall, Air Quality Analysis Section Chief, APCP
Cliff Li, Air Quality Planning Section, APCP
Patricia Maliro, Air Quality Analysis Section, APCP
Kathy Meyer, Director's Office, APCP
Bob Randolph, Air Quality Planning Section, APCP
Richard Swartz, Compliance and Enforcement 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 by Attendance Record

Robert Brundage, Newman, Comley & Ruth, P.C.
Jeff Burkett, Liberty/Empire District Electric Company
Sandra Cupp, Civil and Environmental Consultants Inc.
Kathrina Donegan, St. Louis County, Department of Health
Dave Fraley, Diamond Sky Ventures
Jennifer Hernandez, Attorney General's Office
Stephanie Hirner, Kansas City Power and Light
Michael Hutcheson, Ameren
Wendy Vit, GeoEngineers
Roger Walker, Regulatory Environmental Group for Missouri
Dan Williams, Evergy Inc.

A. Call to Order

Chairman Gary Pendergrass called the January 31, 2019, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Gary Pendergrass, Ron Boyer, Mark Garnett, and Kevin Rosenbohm. *Commissioner Mark Garnett participated by phone.

B. Minutes from November 29, 2018

Commissioner Rosenbohm moved to approve the November 29, 2018, minutes as written. Commissioner Boyer seconded the motion. All commissioners voted to approve the November 29, 2018, minutes as written.

C. Welcome and Introductions

Ms. Darcy Bybee welcomed the commission to Jefferson City. She briefly mentioned the agenda and also said there will be an Air Program Advisory Forum meeting at 1:00 p.m. in the Bennett Springs conference room.

D. Reports – The following referenced reports are in the November 29, 2018, 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 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 23 with the Concern Report. A total of 123 concerns were received between October 16, 2018, and December 15, 2018. During this time period 134 investigations were completed by regional office staff; two Notices of Violation and seven Letters of Warning were issued.

b) Ongoing Negotiations Report

The Ongoing Negotiations Report can be found on page 111. There are currently six enforcement actions in the negotiation process at this time. There are three new cases on this report. See Attachment A at the end of these minutes for the slides to this presentation.

c) Finalized Agreement Report

The Finalized Agreements Report can be found on page 113. Two agreements were reached from October 16, 2018, through December 15, 2018.

d) Pending Referrals Report

The Pending Referrals Report can be found on page 115. There are currently four active referrals, which is unchanged from last month.

e) Gateway Vehicle Inspection Program Report

The GVIP Report can be found on page 117. Over 163,000 vehicles were tested during the fourth quarter with a passing rate of over 97 percent. Staff conducted over 200 investigations in the St. Louis area.

f) Compliance Report

The Compliance Report can be found on page 119. A total of 295 reports were received in the fourth quarter. The majority of those reports were semi-annual reports from Part 70 permitted facilities. The Compliance and Enforcement section expects to receive Annual Compliance Certification reports in the next quarter.

g) Asbestos Report

The fourth quarter Asbestos Report can be found on page 121. A total of 632 Occupation Certificates were issued from October 1, 2018, to December 31, 2018. A total of 238 notifications were processed during this same time frame. In addition, 20 asbestos abatement contractor registrations were issued and four asbestos training providers were accredited.

2) PERMIT REPORT

Mr. Kendall Hale stated the Permit Report begins on page 123 of the briefing document with the Permit Applications Received Report. For the months of January through December, the Permit Section received 429 Construction and 199 Operating Permit projects. The Permit Section received a total of 628 permit projects for 2018.

The Permit Applications Completed Report begins on page 131 of the briefing document. For the months of January through December, the Permit Section completed 454 Construction and 315 Operating Permit projects. The Permit Section completed a total of 769 permit projects for 2018. This information is searchable on the Air Pollution Control Program's website and is updated weekly.

The Open Permits Report is on page 143 of the briefing document. This report details the types of projects currently open in the Permit Section. There are currently 108 Construction and 141 Operating permit projects open in the Permit Section.

The Prevention of Significant Deterioration permit for Continental Cement is on public notice. In addition, there are currently five Operating Permit projects and one signification modification to an operating permit that are also on public notice. 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>

A Part 70 operating permit was issued to Doe Run Buick on December 31, 2018. Mr. Hale expressed his thanks to Ms. Alana Hess for her efforts in issuing this permit.

The public notice for the Bridgeton Landfill permit has been extended.

With Ms. Liberty Sitzes moving from the Air Quality Analysis Section to the Permit Section, and two engineers being hired, that brings the total down to six vacancies in the Permit Section.

Chairman Pendergrass congratulated Mr. Hale in getting the Doe Run Buick permit issued. He asked which facility has the next long standing permit that needs to be issued.

Mr. Hale replied Metropolitan Sewer District – Bissell Point just came off of public notice and is ready for EPA review.

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 145 and continues through page 146 of the briefing document.

The public hearing for today includes the Missouri SIP Revision – Infrastructure Elements for the 2015 Ozone Standard. Ms. Wilbur went into further detail regarding the SIP.

The program is on schedule to present the Missouri SIP Revision – Interstate Transport Provisions for the 2015 Ozone Standard at the March 28, 2019, public hearing.

b) Rules in Progress Schedule

The Rules in Progress Schedule begins on page 147 of the briefing document. Several of the Red Tape Reduction amendments became effective yesterday and several more will become effective at the end of February. The program submitted its last set of RTR rulemakings to the Secretary of State on December 31, 2018, including revisions to the Construction Permits Rule and the Operating Permits Rule; those rules will become effective on March 30, 2019. The program is currently working on rules that were started during the RTR

process, but were delayed due to workload and other priorities. One rule in development is 10 CSR 10-6.030, *Sampling Methods for Air Pollution Sources*. We have approval to begin the rulemaking which addresses fixes to the rule in reference to subparts that are referenced at the federal level. We are also addressing comments that EPA made on this rulemaking that we were unable to address during the last rule amendment due to the timing of those comments. This rule is the rule that all other state rules point to that have incorporation by reference information. The commission will be hearing more about this rule in the coming months.

c) State Plans Report

The State Plans Report begins on page 153 of the briefing document. Ms. Wilbur updated the commission on Reclassification of Priority Class for Air Quality Control Regions. The commission may recall hearing about priority reclassifications during the RTR in association with rule 10 CSR 10-6.130.

The program is in the process of reevaluating priority classifications. More about this will be presented in particular during the public hearing for the 2015 ozone infrastructure SIP as it pertains to Missouri's emergency authority specifically for ozone. The program will continue to work through reclassifications for PM, SO_x, NO_x and CO, and will be bringing reclassification requests to the commission throughout the year.

Another item in the State Plans Report is Regional Haze, and it begins on page 155 of the briefing document. The Clean Air Act established national visibility goals to prevent future, and to remedy existing, anthropogenic visibility impairment in national and state parks, wilderness areas, and wildlife refuges. To implement those, EPA issued the Regional Haze Rule in 1999 and set forth requirements that states evaluate visibility on a ten-year planning cycle. In 2017, EPA revised the Regional Haze Rule to refocus more on the anthropogenic causes of visibility impairment versus natural causes such as wildfires. This revision also extended the deadline to 2021 for states to submit their second planning period SIPs. Recently, in September of last year, EPA issued a memo that outlined their commitment to support states in developing regional haze SIPs and implementing them. More recently, in December, EPA started to fulfill that commitment and issued a final guidance for states to help them with the visibility tracking matrix and establishing international anthropogenic impacts. Even though the SIP is not due until 2021, there is a lot of coordination that states are required to do with federal land managers, national park services, US Fish and Wildlife Service, The National Forest Service, and other interested parties. Like many other states, Missouri is starting to focus more on regional haze. The commission will likely hear more and more about regional haze as the deadline approaches.

Commissioner Boyer asked that if the focus is now more on the anthropogenic causes of the haze, will something like the Smokey Mountains, where the emissions are coming from the forest, be taken out of consideration.

Ms. Wilbur replied that is part of what EPA is setting forth in their guidance. A state can reevaluate its goal. In the previous planning period, the goal was for the state to go back to its natural conditions. EPA looked at visibility at the time, which was in the 2002 or 2004 time period. A state has to be on the path to natural conditions by 2064. There are a lot of fires in the national parks on the west coast and the east coast has the Smokey Mountains, where the visibility is caused by natural causes and by starting the base line so high, it can be very difficult to reach natural conditions so EPA has allowed states to readjust their natural glide path to account for these conditions. So the glide path starts at a lower point by taking out those naturally occurring conditions.

Ms. Wilbur presented two ozone updates on the federal level. The first pertains to the 2008 ozone standard. In December 2018, EPA published the final Cross State Air Pollution Rule update rule. In this rule, EPA fully addresses the interstate transport provisions for the 2008 standard. Missouri was one of the states included under CSAPR. This final rule, coupled with the recent amendments to the states CSAPR rules, will complete our obligations for the 2008 ozone standard.

The second update is in regard to the 2015 ozone standard. Several environmental groups filed a petition with the DC courts challenging EPA's designations under the 2015 ozone standard. One of the areas mentioned in the petition was the Jefferson County, Missouri area. Ms. Wilbur said she would provide the commission with more information as it becomes available.

Commissioner Boyer asked if the mercury air toxics standard review was complete.

Ms. Wilbur said she would provide the commission with an update at their next meeting.

Commissioner Boyer asked if there was a mechanism to notify fire departments across the state of the new open burning regulation.

Mr. Swartz replied that the program is working on communicating that information to local municipalities, fire departments, and other stakeholders across the state.

4) DIRECTOR'S REPORT

a) Red Tape Reduction

As these rules become effective during the coming months, the program is using a variety of ways to make sure that those that are affected are aware and have the information they need to move forward. This will be a topic of discussion at the Air Program Advisory Forum this afternoon. The focus will be on those things that have changed, those that have stayed the same, and what will come next.

b) Staffing

The program continues to be very thoughtful in filling vacancies and is reviewing the necessity of filling some of the positions in the program. The program is trying to fill vacancies, including several in the Permits Section.

c) Air Quality Monitoring

The ozone season starts on March 1st. The program will start giving regular updates beginning at the March commission meeting.

d) Sulfur Dioxide

As mentioned last month, the program is taking a close look at sulfur dioxide (SO₂) monitoring in the southeastern part of the state. Preliminary numbers show there is a new, potential SO₂ nonattainment area in that area. The program is working with facilities in the area to address air quality. EPA is planning to finalize the fourth round of SO₂ designations under the 2010 standard by December 2020. The program is working with the facilities to proactively address any air quality issues as soon as possible.

e) Volkswagen Trust

More progress has been made on implementing the Volkswagen Trust in Missouri. This fiscal year we have been focusing on school buses, transit/shuttle buses, and government trucks, both large and medium. The application period for government trucks and shuttle buses closed on January 11, 2019. The program received multiple applications for these projects. We are looking forward to working with the successful applicants to replace those vehicles in the coming months. The goal is to have this round completed by the end of June. There is a lot of work to be completed.

The program is continuing to work on the electric vehicle infrastructure portion of the Volkswagen Trust. The EV workgroup met after the last commission meeting in January. Since then the larger workgroup has split into smaller subgroups. They have been meeting and evaluating different issues with regard to EV infrastructure. They are planning an upcoming meeting sometime in March.

The program intends to present a full report to the commission on the Volkswagen Environmental Mitigation Trust Fund sometime in the coming year, and then follow that up with an annual presentation to keep the commission up to date.

f) Presentations

The Environmental Services Program will give a presentation to the commission on their role in air quality monitoring at the March 28, 2019, meeting.

In addition, Mr. Steve Hall will give his annual presentation on air quality monitoring at the following, April, commission meeting.

g) April Commission Meeting

Due to a conflict, Ms. Bybee asked the commission to consider moving the April commission meeting in Kansas City from Tuesday, April 23, 2019, to the afternoon of Monday, April 22, 2019.

All commissioners agreed to change the April meeting to the afternoon of Monday, April 22, 2019.

h) Air Program Advisory Forum

An Air Program Advisory Forum meeting will take place in the Bennett Springs Conference room at 1:00 p.m. today.

E. Public Hearing

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.

Chairman Pendergrass called the public hearing to order.

Mr. Cliff Li presented the Missouri State Implementation Plan Revision – Infrastructure Elements for the 2015 Ozone Standard. More information on the plan revision can be found on page 157 of the briefing document.

Chairman Pendergrass closed the public hearing.

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

F. Recommended for Adoption and Actions to be Voted on

None.

G. New Business

None.

H. Unfinished Business

None.

I. Appeals and Variance Requests

None.

J. Open Comment Session

Mr. Robert Brundage, representing Newman, Comley, and Ruth P.C., addressed the commission. His comments may be viewed at <https://dnr.mo.gov/videos/archive-meetings.htm>.

K. Future Meeting Dates

March 28, 2019 – Thursday

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

April 22, 2019 – Monday

2:00 p.m. Start Time
Kansas City Regional Office
500 Northeast Colbern Road
Missouri River Conference Room
Lee’s Summit, MO 64086

May 30, 2019 – Thursday

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

July 25, 2019 – Thursday

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

August 29, 2019 – Tuesday

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

September 26, 2019 – Thursday
Southwest Regional Office
2040 West Woodland
East and West Conference Rooms
Springfield, MO 65807

October 31, 2019 – Thursday
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101

December 3, 2019 – Tuesday
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

Commissioner Rosenbohm motioned that the commissioners go into Closed Session. Commissioner Boyer seconded the motion. All commissioners moved to go into Closed Session.

Commissioner Rosenbohm moved to return to Open Session. Commissioner Boyer seconded the motion. All commissioners voted to return to Open Session.

M. Meeting Adjournment

Commissioner Garnett moved to adjourn the January 31, 2019, Missouri Air Conservation Commission meeting. Commissioner Rosenbohm seconded the motion. All commissioners voted to adjourn the January 31, 2019, Missouri Air Conservation Commission meeting.

Chairman Pendergrass adjourned the January 31, 2019, Missouri Air Conservation Commission meeting.

Respectfully submitted,

Signature on File

Darcy A. Bybee, Director
Air Pollution Control Program

Approved:

Gary Pendergrass, Chairman
Missouri Air Conservation Commission



Compliance & Enforcement Report

Richard Swartz

Air Pollution Control Program



Concern Report (Oct 16-Dec 15)

- Concerns Received – 123
 - Burning – 53
 - Odor – 27
 - Asbestos – 9
 - Fugitive Particulate Matter – 17
 - Hazardous Air Pollutant – 2
 - Other – 15
- Investigations – 134
- Issued two NOVs & seven LOWs



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

**Air Pollution Control Program
Ongoing Negotiations**

Responsible Party	Facility	Negotiations	
		Initiated	Region
Asbestos			
Doccs Welding and Fabrication, LLC	3800 Hampton Reovation	11/1/2017	SLRO
Excess Emissions			
Matt Langston	SOLVENT RECOVERY LLC	6/18/2018	KCRO
Robert Budnik	Continental Cement Company LLC Green America	7/31/2018	NERO
Maximum Achievable Control Technology (MACT)			
Genevieve Bodnar	DOE RUN COMPANY Buick	6/25/2015	SERO
Open Burning			
John Brewner	John Brewner	7/24/2017	SWRO
Part 70 Operating Permit			
Robin Bennett-Edmiston	Owens Corning Insulation LLC	11/18/2018	SWRO



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

**Air Pollution Control Program
Finalized Agreements between October 16, 2018 and December 15, 2018**

Responsible Party	Facility	Negotiation		Total Suspended Amount	Region
		Initiated	Settled		
Odor					
Carl Ehrlich	CE Grain Company LLC	11/27/2017	11/5/2018	2000	1500 NERO
Stage I Vapor Recovery					
Marco Polo Felix	Phillips 66 ST10652	5/26/2017	10/16/2018	1500	1500 SLRO



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

Responsible Party	Facility	Referred to	
		AGO	Region
Asbestos			
Troy Murdock	Troy Murdock and Craig Blevins	2/1/2018	KCRO
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			
Greg Casey	Pallet Connection	7/13/2018	SERO



GATEWAY VEHICLE INSPECTION PROGRAM

October 1, 2018 – December 30, 2018

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: 840
Approximate Number of Active Inspector/Mechanics: 4,946

Initial OBD Pass/Fail Rate for this Period:

Total Test: 163,183
Total Pass: 159,045 = 97.5%
Total Fail: 4,137 = 2.5%

Number of Mileage Exemptions Issued: 370
Number of Waivers Issued: 118

Enforcement:

Audits Conducted by DNR: Overt 126
Covert 84

Stations Locked out by MSHP: Violations 3
Failed Audits 10
Photographs 0
Offline Testing 0



Compliance Report

4th Quarter 2018

ACC INT Reports	3	ACC P70 Reports	0
Annual Reports	4	Emission Reports	7
Excess Emission Report	30	Misc. Reports	46
Quarterly Reports	38	Semi-Annual P70 Reports	101
Semi-Annual Reports -	27	Start-up Notifications-	16
SSM Reports	23	Notice of Compliance Reports	0
Total	295		

ACC- Annual Compliance Certification

INT- Intermediate Permitted Facility

P70- Part 70 Permitted Facility

SSM- Start-up, Shutdown, Malfunction



Quarterly Asbestos Report October 1, 2018 to December 31, 2018

- Number of Occupation Certificates Issued
 - Worker: 181
 - Supervisor: 229
 - Inspector: 173
 - Management Planner: 29
 - Project Designer: 18
 - Air Sampling Professional: 2
 - Total: 632
- Number of Asbestos Notifications Process
 - Demolition: 118
 - Abatement: 79
 - Courtesy: 41
 - Total: 238
- Number of Asbestos Abatement Contractors Registrations Issued: 20
- Number of Asbestos Training Providers Accredited: 4

QUESTIONS??

