

MINUTES
MISSOURI AIR CONSERVATION COMMISSION
St. Louis Regional Office
7545 South Lindbergh, Suite 220
DESE Conference Room
St. Louis, MO 63125
July 26, 2018
9:00 a.m.

Commissioners Present

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

Staff Members Present

Aaron Basham, Air Quality Planning Section, Air Pollution Control Program (APCP)
Van Beydler, Public Information Coordinator, Soil and Water Conservation Program
Darcy Bybee, Director, APCP
Stephanie Felts, St. Louis Regional Office (SLRO)
Dorothy Franklin, Director, SLRO
David Gilmore, Director's Office, APCP
Wayne Graf, Air Quality Planning Section, APCP
Kendall Hale, Permits Section Chief, APCP
Caroline Kargus, Gateway Vehicle Inspection Program (GVIP)
Connie Kinney, Compliance and Enforcement Section, APCP
Paul Myers, Air Quality Planning Section, APCP
Neena Nallaballi, GVIP
David Offu, GVIP
Shelly Reimer, Air Quality Planning Section, APCP
David Ruby, GVIP
Tom Sims, SLRO
Seanmichael Stanley, Air Quality Planning Section, APCP
Richard Swartz, Compliance and Enforcement Section Chief, APCP
Richard Waters, Assistant General Counsel, Department of Natural Resources
Emily Wilbur, Air Quality Planning Section Chief, APCP
Joe Winkelmann, GVIP
Shirley Wolverson, SLRO

Others Present by Attendance Record

Kyle Ash, St. Louis County, Department of Health
Kimberly Bauman, Mississippi Lime
Aaron Cadman, St. Louis County, Department of Health

Kathrina Donegan, St. Louis County, Department of Health
Jennifer Hernandez, Attorney General's Office
Carol Lawrence, East-West Gateway Council of Government
Maureen McCarthy, East-West Gateway Council of Government
Jeremy Rogus, St. Louis County, Department of Health
David Shanks, Boeing
Roger Walker, Regulatory Environmental Group for Missouri

A. Call to Order

Chairman Gary Pendergrass called the May 31, 2018, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Gary Pendergrass, Jack Jones, Kevin Rosenbohm, Ron Boyer and Mark Garnett. *Vice Chairman Jack Jones and Commissioner Mark Garnett participated by phone.

B. Minutes from May 31, 2018

Commissioner Boyer moved to approve the May 31, 2018, minutes as written. Commissioner Rosenbohm seconded the motion, and all commissioners voted to approve the May 31, 2018, minutes as written.

C. Welcome and Introductions

Ms. Darcy Bybee welcomed the commission to the St. Louis Regional Office. She briefly mentioned those present in the audience including Ms. Dorothy Franklin, Director of the SLRO, members of the Gateway Vehicle Inspection Program, and members of the East-West Gateway Council of Government; others included the public and stakeholders.

D. 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.

Ms. Shelly Reimer presented the following rules for rescission: 10 CSR 10-2.215, *Control of Emissions From Solvent Cleanup Operations*, 10 CSR 10-5.370, *Control of Emissions From the Application of Deadeners and Adhesives*, 10 CSR 10-5.410, *Control of Emissions From Manufacture of Polystyrene Resin*, 10 CSR 10-5.440, *Control of Emissions From Bakery Ovens*, 10 CSR 10-5.455, *Control of Emissions From Industrial Solvent Cleaning Operations*. More information on the proposed rule rescissions can be found on pages 197, 201, 205, 209 and 213, respectively.

Mr. Seanmichael Stanley presented rule 10 CSR 10-2.390, *Kansas City Area Transportation Conformity Requirements* for rescission. More information on the proposed rule rescission can be found on page 225 of the briefing document.

Mr. Paul Myers presented rule 10 CSR 10-5.360, *Control of Emissions From Polyethylene Bag Sealing Operations*. More information on the proposed rule rescission can be found on page 241 of the briefing document.

Mr. Aaron Basham presented rule 10 CSR 10-5.520, *Control of Volatile Organic Compound Emissions From Existing Major Sources* for rescission. More information on the proposed rule rescission can be found on page 245 of the briefing document.

Mr. Basham also presented the following rules for rescission: 10 CSR 10-6.362, *Clean Air Interstate Rule Annual NO_x Trading Program*, 10 CSR 10-6.364, *Clean Air Interstate Rule Seasonal NO_x Trading Program*, and 10 CSR 10-6.366, *Clean Air Interstate Rule SO₂ Trading Program*. More information on these proposed rule rescissions can be found on pages 251, 269, and 279, respectively.

Mr. Myers presented rule 10 CSR 10-2.320, *Control of Emissions From Production of Pesticides and Herbicides*. More information on the proposed rule amendment can be found on page 283 of the briefing document.

Mr. Basham presented rule 10 CSR 10-2.340, *Control of Emissions From Lithographic Printing Installations* for amendment. More information on the proposed rule amendment can be found on page 287 of the briefing document.

Mr. Basham presented rule 10 CSR 10-5.570, *Control of Sulfur Emissions From Stationary Boilers* for amendment. More information on the proposed rule amendment can be found on page 295 of the briefing document.

Mr. Basham presented rule 10 CSR 10-6.030, *Sampling Methods for Air Pollution Sources* for amendment. More information on the proposed rule amendment can be found on page 305 of the briefing document.

Mr. Basham presented rule 10 CSR 10-6.040, *Reference Methods* for amendment. More information on the proposed rule amendment can be found on page 311 of the briefing document.

Mr. Basham presented rule 10 CSR 10-6.110, *Reporting Emission Data, Emission Fees, and Process Information* for amendment. More information on the proposed rule amendment can be found on page 321 of the briefing document.

Mr. Myers presented rule 10 CSR 10-6.200, *Hospital, Medical, Infectious Waste Incinerators* for amendment. More information on the proposed rule amendment can be found on page 331 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 Midwest Litigation Services, 711 North 11th Street, St. Louis, MO 63101, or by phone at 1-800-280-3376.

E. Recommended for Adoption

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.

Mr. Stanley presented rule 10 CSR 10-1.010, *General Organization* for amendment. More information on the proposed amendment can be found on page 355 of the briefing document.

Commissioner Boyer moved to amend rule 10 CSR 10-1.010, *General Organization*. Commissioner Rosenbohm seconded the motion. All commissioners voted to amend rule 10 CSR 10-1.010, *General Organization* as proposed.

Mr. Stanley presented rule 10 CSR 10-6.180, *Measurement of Emissions of Air Contaminants* for amendment. More information on the proposed amendment can be found on page 359 of the briefing document.

Commissioner Rosenbohm moved to amend rule 10 CSR 10-6.180, *Measurement of Emissions of Air Contaminants*. Commissioner Boyer seconded the motion. All commissioners voted to amend rule 10 CSR 10-6.180, *Measurement of Emissions of Air Contaminants* as proposed.

F. Reports – The following referenced reports are in the July 26, 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 43 with the Concern Report. A total of 168 concerns were received from April 16, 2018, through June 15, 2018. During this time period 150 investigations were completed by regional office staff. Also during this time frame, one referral notice of violation and ten letters of warning were issued.

b) Ongoing Negotiations Report

The Ongoing Negotiations Report can be found on page 127. There are still seven enforcement actions in the negotiation process at this time, which is down from 11 on the last report. There are finalized agreements on consent for The City of Sarcoxie, Woody's Express Topsoil and Trucking, LG Barcus & Sons, and Blue Ridge Food Stop. The finalized agreement for Garcia Holding will appear next

month on the Finalized Agreements report. Brock Operations is shown again on the Ongoing Negotiations report. Previously an individual or facility would be removed from the report once the program received a verbal agreement. This meant that a facility may not appear on the reports for months at a time. However, that has now been addressed. Now an individual or facility is not removed from the report unless an agreement has been signed. This will help to clarify the reports.

c) Finalized Agreement Report

The Finalized Agreement Report is found on page 129. This covers the time period from April 16, 2018, through June 15, 2018. Two agreements involving asbestos violations and three open burning cases were finalized during this time frame. Mr. Swartz provided detail on each of these cases.

d) Pending Referrals Report

The Pending Referrals Report can be found on page 131. 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 (GVIP) Report

The second quarter GVIP Report can be found on page 133 of the briefing document. Over 210,000 vehicles were tested from April 1, 2018, through June 31, 2018, with a passing rate greater than 97 percent. 690 audits were conducted by staff in the SLRO during this time frame.

f) Compliance Reports

The Compliance Reports can be found on page 135 of the briefing document. This is a new report which will appear quarterly. This report includes both the first and second quarters for 2018. Mr. Swartz highlighted a few of the individual reports within the Compliance Reports and noted this highlights several aspects of what the Compliance/Enforcement section does within the program.

Chairman Pendergrass said it is a nice summary and he appreciated the new report.

Vice Chairman Jones requested a detailed presentation on how penalties are determined for individuals or facilities that incur violations.

Mr. Swartz said he would be happy to give a presentation to the commission.

2) PERMIT REPORT

Mr. Kendall Hale stated the Permit Report begins on page 137 of the briefing document with the Permit Applications Received Report. For the months of January through June, the Permit Section received 231 Construction and 102 Operating Permit projects. The Permit Section has received a total of 333 permit projects for this year.

The Permit Applications Completed Report begins on page 149 of the briefing document. For the months of January through June, the Permit Section completed 246 Construction and 168 Operating Permit projects. The Permit Section has completed a total of 414 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 165 of the briefing document. This report details the types of projects currently open in the Permit Section. There are currently 307 projects open in the Permit Section; two years ago there were 608.

There are currently four Operating 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 two Prevention of Significant Deterioration projects: Continental Cement and Nucor Steel. Mr. Hale said he anticipated the Prevention of Significant Deterioration project for Nucor Steel to on public notice next week.

Chairman Pendergrass asked if the Permit Section is fully staffed.

Mr. Hale replied the Permit Section is down three permit writers: one in the Construction Permits Unit and two in the Operating Permits Unit.

3) AIR QUALITY PLANNING REPORT

a) Rule and State Implementation Plan (SIP) Agenda & Rules in Progress Schedule

The Rule and SIP Agenda begins on page 167 and continues through page 184 of the briefing document. The corresponding information can be found in the Rules in Progress Schedule starting on pages 185 through 189 of the briefing document.

For the list of 11 rule rescissions and seven rule amendments presented at public hearing today see the slides in Attachment A. This information can be found on pages 167 through 169 in the Rule and SIP Agenda and the corresponding information can be found in the Rules in Progress Schedule on pages 185 and 186 of the briefing document.

See Attachment A at the end of these minutes to view the two rule amendments that were presented to the commission for adoption today. These rule amendments can be found in the Rule and SIP agenda on page 169 and also in the Rules in Progress Schedule on page 185.

Sixteen rule amendments will be also be presented at the August 30, 2018, public hearing in Jefferson City. For a list of these rule amendments see Attachment A at the end of these minutes. The corresponding information can be found on pages 186 through 188 in the Rules in Progress Schedule.

One SIP revision will be presented at the August 30, 2018, commission meeting in Jefferson City: Kansas City Power and Light (KCPL) – Lake Road (formerly St. Joseph Light and Power) Sulfur Dioxide (SO₂) Attainment Plan Revision. Corresponding information on this SIP revision can be found in the State Plans Report on page 196 of the briefing document.

The 11 rule rescissions and seven rule amendments presented at public hearing today (Attachment A) will be presented to the commission for adoption at the August 30, 2018, meeting in Jefferson City.

Seventeen rule amendments will be presented at public hearing at the September 27, 2018 commission meeting in Jefferson City. For a list of these rule amendments see Attachment A at the end of these minutes. More information on these rule amendments can be found on pages 174 through 177 in the Rule and SIP Agenda and also in the Rules in Progress Schedule on pages 188 and 189.

Those items presented at the August 30, 2018 public hearing, including the aforementioned SIP revision, will be presented for adoption at the September 27, 2018 commission meeting.

The last few Red Tape Reduction items will be presented at the October commission meeting in Springfield.

b) State Plans Report

The State Plans Report begins on page 191 and continues through page 196 of the briefing document. Ms. Wilbur updated the commission on the 2008 and 2015 ozone standards. See Attachment A at the end of these minutes to view her update.

c) Sulfur Dioxide (SO₂)

The program did not receive any comments on the 2018 Annual Ongoing Data Requirements Report while it was on public notice. The report was submitted to EPA on June 29, 2018. The program also submitted a letter to EPA withdrawing the Jackson County SO₂ Nonattainment Area plan on June 11, 2018. See attachment A at the end of these minutes for a link to the final report.

4) DIRECTOR'S REPORT

a) Staffing

Mr. Mark Leath accepted the SIP Unit Chief position yesterday. The program is continuing to be very thoughtful in filling vacancies. There are positions that the program hopes to fill soon. This includes a few engineering positions in the Permits Section, and one vacant clerical position.

b) Future Meeting Dates

A list of 2019 meeting dates will be presented to the commission on next month's meeting agenda.

c) Ozone

Missouri is in the middle of the 2018 ozone season. There were 16 preliminary exceedances of the 2015 ozone standard in May. There are now 48 preliminary exceedances of the ozone standard. There were several in June and July. So far those exceedances are not triggering any particular measures under the 2008 or 2015 ozone standards. The program continues to pay close attention to the air monitors. This information is posted weekly on the program's website at <https://dnr.mo.gov/env/apcp/airpollutants.htm>. The program continues to keep a watchful eye on the ozone forecast and sends GovDelivery bulletins and Tweets when the Kansas City, St. Louis, or Springfield air quality forecasts are expected to be at the orange level or above. Today, the Kansas City, St. Louis, and Springfield air quality is forecasted to be at the green level.

d) Red Tape Reduction

Ms. Bybee encouraged the commission and the public to call or send an e-mail to the program if they have any questions about where the program is in the Red Tape Reduction process.

e) Volkswagen

Last month Ms. Shelly Reimer gave an update to the commission on the Volkswagen Trust. The program continues to work on the beneficiary mitigation plan and hopes to submit that plan to the trustee soon.

f) ROCAIR

The Compliance and Enforcement section partnered with the regional offices and held a Regional Office Central Office Air Inspector Roundtable (ROCAIR) meeting last week.

G. New Business

None.

H. Unfinished Business

None.

I. Appeals and Variance Requests

None.

J. Open Comment Session

None.

K. Future Meeting Dates

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 thanked the staff for their well organized and concise presentations.

Chairman Pendergrass thanked the St. Louis Regional Office for hosting the Missouri Air Conservation meeting today.

Commissioner Rosenbohm moved to adjourn the July 26, 2018, Missouri Air Conservation Commission meeting. Commissioner Boyer seconded the motion.

Chairman Pendergrass adjourned the July 26, 2018, 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



Air Quality Planning

Emily Wilbur
Air Pollution Control Program
Planning Section Chief

Missouri Air Conservation Commission
July 26, 2018
Jefferson City, Mo.



Rule and SIP Agenda

Pages 167-184

Rules in Progress Schedule

Pages 185-189

July 26, 2018 Meeting

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Rule and SIP Agenda

Briefing document, page 167-169

July 26, 2018, in St. Louis, Mo.

Public Hearing: (11 rescissions)

- 10 CSR 10-2.215
- 10 CSR 10-5.370
- 10 CSR 10-5.410
- 10 CSR 10-5.440
- 10 CSR 10-5.455
- 10 CSR 10-2.390
- 10 CSR 10-5.360
- 10 CSR 10-5.520
- 10 CSR 10-6.362
- 10 CSR 10-6.364
- 10 CSR 10-6.366

Rules In Progress
Schedule
Page 185-186

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Rule and SIP Agenda

Briefing document, page 167-169

July 26, 2018, in St. Louis, Mo.

Public Hearing: (7 amendments)

- 10 CSR 10-2.320
- 10 CSR 10-2.340
- 10 CSR 10-5.570
- 10 CSR 10-6.030
- 10 CSR 10-6.040
- 10 CSR 10-6.110
- 10 CSR 10-6.200

Rules In Progress
Schedule
page 185-186

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Rule and SIP Agenda

Briefing document, page 169

July 26, 2018, in St. Louis, Mo.

Actions to be voted on: (2 amendments)

- 10 CSR 10-1.010
- 10 CSR 10-6.180

Rules In Progress
Schedule
page 185

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Aug. 30, 2018 Meeting

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Rule and SIP Agenda

Briefing document, page 169-174

Aug. 30, 2018, in Jefferson City, Mo.

Public Hearing: (16 amendments)

- 10 CSR 10-2.260
- 10 CSR 10-2.300
- 10 CSR 10-5.500
- 10 CSR 10-5.530
- 10 CSR 10-5.540
- 10 CSR 10-6.070
- 10 CSR 10-6.075
- 10 CSR 10-6.080

Rules In Progress
Schedule
page 186-188

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Rule and SIP Agenda

Briefing document, page 169-174

Aug. 30, 2018, in Jefferson City, Mo.

Public Hearing: (16 amendments, cont.)

- 10 CSR 10-6.120
- 10 CSR 10-6.130
- 10 CSR 10-6.161
- 10 CSR 10-6.241
- 10 CSR 10-6.250
- 10 CSR 10-6.280
- 10 CSR 10-6.300
- 10 CSR 10-6.380

Rules In Progress
Schedule
page 186-188

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Rule and SIP Agenda

Briefing document, page 172

Aug. 30, 2018, in Jefferson City, Mo.

Public Hearing:

- Missouri State Implementation Plan Revision-
*KCPL – Lake Road (formerly St. Joseph Light and
Power) Sulfur Dioxide (SO₂) Attainment Plan Revision*

State Plans Report
page 196

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Rule and SIP Agenda

Briefing document, page 172-174

Aug. 30, 2018, in Jefferson City, Mo

Actions to be voted on: (11 rescissions)

- 10 CSR 10-2.215
- 10 CSR 10-5.370
- 10 CSR 10-5.410
- 10 CSR 10-5.440
- 10 CSR 10-5.455
- 10 CSR 10-2.390
- 10 CSR 10-5.360
- 10 CSR 10-5.520
- 10 CSR 10-6.362
- 10 CSR 10-6.364
- 10 CSR 10-6.366

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Schedule
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Rule and SIP Agenda

Briefing document, page 172-174

Aug. 30, 2018, in Jefferson City, Mo.

Actions to be voted on: (7 amendments)

- 10 CSR 10-2.320
- 10 CSR 10-2.340
- 10 CSR 10-5.570
- 10 CSR 10-6.030
- 10 CSR 10-6.040
- 10 CSR 10-6.110
- 10 CSR 10-6.200

Rules In Progress
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Sept. 27, 2018 Meeting

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Rule and SIP Agenda

Briefing document, page 174-177

Sept. 27, 2018, in Jefferson City, Mo.

Public Hearing: (17 amendments)

- 10 CSR 10-2.205
- 10 CSR 10-5.295
- 10 CSR 10-2.230
- 10 CSR 10-5.220
- 10 CSR 10-5.330
- 10 CSR 10-6.045
- 10 CSR 10-6.060
- 10 CSR 10-6.062
- 10 CSR 10-6.065

Rules In Progress
Schedule
page 188-189

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Rule and SIP Agenda

Briefing document, page 174-177

Sept. 27, 2018, in Jefferson City, Mo.

Public Hearing: (17 amendments, cont.)

- 10 CSR 10-6.170
- 10 CSR 10-6.220
- 10 CSR 10-6.261
- 10 CSR 10-6.330
- 10 CSR 10-6.372
- 10 CSR 10-6.374
- 10 CSR 10-6.376
- 10 CSR 10-6.390

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Schedule
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Rule and SIP Agenda

Briefing document, page 177-180

Sept. 27, 2018, in Jefferson City, Mo.

Actions to be voted on: (16 amendments)

- 10 CSR 10-2.260
- 10 CSR 10-2.300
- 10 CSR 10-5.500
- 10 CSR 10-5.530
- 10 CSR 10-5.540
- 10 CSR 10-6.070
- 10 CSR 10-6.075
- 10 CSR 10-6.080

Rules In Progress
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Rule and SIP Agenda

Briefing document, page 177-180

Sept. 27, 2018, in Jefferson City, Mo.

Actions to be voted on: (16 amendments, cont.)

- 10 CSR 10-6.120
- 10 CSR 10-6.130
- 10 CSR 10-6.161
- 10 CSR 10-6.241
- 10 CSR 10-6.250
- 10 CSR 10-6.280
- 10 CSR 10-6.300
- 10 CSR 10-6.380

Rules In Progress
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Rule and SIP Agenda

Briefing document, page 180

Sept. 27, 2018, in Jefferson City, Mo.

Actions to be voted on:

- Missouri State Implementation Plan Revision-
*KCPL – Lake Road (formerly St. Joseph Light
and Power) Sulfur Dioxide (SO₂) Attainment
Plan Revision*

State Plans Report
page 196

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State Plans Report

Ozone and Sulfur Dioxide

Pages 191-196

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Updates

- 2008 ozone standard:
 - EPA is proposing to redesignate the St. Louis area to attainment and approve the maintenance plan as a SIP revision.
 - www.gpo.gov/fdsys/pkg/FR-2018-06-25/pdf/2018-13442.pdf
- 2010 sulfur dioxide standard:
 - “2018 Annual Ongoing Data Requirements Report” submitted to EPA on June 29, 2018
 - Letter withdrawing Jackson County SO₂ NAA plan sent to EPA on June 11, 2018
 - dnr.mo.gov/env/apcp/so2.htm

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Contact Information

Missouri Department of Natural Resources
Air Pollution Control Program
P.O. Box 176
Jefferson City, MO 65102-0176
Find us on the web at dnr.mo.gov/env/apcp

