

MINUTES
MISSOURI AIR CONSERVATION COMMISSION
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101
March 28, 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)
Kyra Moore, Deputy Division Director, Division of Environmental Quality
David Gilmore, Director's Office, APCP
Kendall Hale, Permits Section Chief, APCP
Cliff Li, Air Quality Planning Section, APCP
Wayne Graf, Air Quality Planning Section, APCP
Mark Leath, Air Quality Planning Section, APCP
Patricia Maliro, Air Quality Analysis Section, APCP
Brandi Prater, Air Quality Analysis Section, APCP
Kathy Meyer, Director's Office, APCP
Richard Swartz, Compliance and Enforcement Section Chief, APCP
Richard Waters, Assistant General Counsel, Department of Natural Resources
Will Wetherell, Environmental Services Program
Chris Heimsoth, Environmental Services Program
Dustin Kuebler, Environmental Services Program
Rayna Broadway, Environmental Services Program
Chris Wood, Compliance and Enforcement Section, APCP

Others Present by Attendance Record

Robert Brundage, Newman, Comley & Ruth, P.C.
Jeremy Rogus, St. Louis County, Department of Health
Dave Fraley, Diamond Sky Ventures
Jennifer Hernandez, Attorney General's Office
Michael Hutcheson, Ameren
Roger Walker, Regulatory Environmental Group for Missouri (REGFORM)
Paul Brugmann, Cummins
Tadd Henry, Associated Electric Cooperative Inc.

A. Call to Order

Chairman Gary Pendergrass called the March 28, 2019, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Gary Pendergrass, Ron Boyer, Mark Garnett, and Kevin Rosenbohm. *Commissioners Mark Garnett and Kevin Rosenbohm participated by phone.

B. Minutes from January 31, 2019

Commissioner Boyer moved to approve the January 31, 2019, minutes as written. Commissioner Garnett seconded the motion. All commissioners voted to approve the January 31, 2019, minutes as written.

C. 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 (SIP) Revision – Interstate Transport Provisions for the 2015 Ozone Standard. More information on the plan revision can be found on page 131 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.

D. Recommended for Adoption and Actions to be Voted on

Mr. Cliff Li presented Missouri SIP Revision - Infrastructure Elements for the 2015 Ozone Standard for adoption. More information on this SIP revision can be found on page 133 of the briefing document.

Commissioner Rosenbohm moved to adopt SIP revision Infrastructure Elements for the 2015 Ozone Standard. Commissioner Boyer seconded the motion. All commissioners voted to adopt SIP revision Infrastructure Elements for the 2015 Ozone Standard.

Commissioner Garnett left the meeting at this time.

E. Welcome and Introductions

Ms. Darcy Bybee welcomed the commission to Jefferson City. She thanked the commission for organizing the agenda so there would be a quorum to conduct business.

She also mentioned the Environmental Services Program will be giving a presentation to the commission regarding their role in air quality. Next month, Mr. Steve Hall will give the Program's annual air quality update to the commission. The next commission meeting will be held at 2:00 p.m. on Monday, April 22, 2019, at the Kansas City Regional Office.

F. Reports – The following referenced reports are in the March 28, 2019, 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 114 concerns were received between December 16, 2018, through February 15, 2019. During this time period 105 investigations were completed by regional office staff; and 11 Letters of Warning were issued.

b) Ongoing Negotiations Report

The Ongoing Negotiations Report can be found on page 93. There are currently 11 enforcement actions in the negotiation process at this time. There are five new cases on this report. See Attachment A at the end of these minutes for the slides to this presentation.

c) Finalized Agreement Report

There are no Finalized Agreements to report at this time.

d) Pending Referrals Report

The Pending Referrals Report can be found on page 95. There are currently four active referrals, which is unchanged from last month.

e) Open Burning

At the last 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 Compliance and Enforcement Section has sent out a communication to local municipalities, counties, cities, and fire departments across the state regarding the amendment to the open burning rule. He gave a brief description of what was included in that communication. Mr. Swartz said the

program has been asked to speak with the fire chiefs in St. Louis County next month. The fact sheets and website have also been updated with this change and the rule amendment will be effective on Saturday, March 30, 2019.

2) PERMIT REPORT

Mr. Kendall Hale stated the Permit Report begins on page 97 of the briefing document with the Permit Applications Received Report. For the months of January and February the Permit Section received 65 Construction and 39 Operating Permit projects. The Permit Section has received a total of 104 permit projects, so far, for 2019.

The Permit Applications Completed Report begins on page 109 of the briefing document. For the months of January and February the Permit Section completed 47 Construction and 20 Operating Permit projects. The Permit Section has completed a total of 67 permit projects, so far, for 2019. This information is searchable on the Air Pollution Control Program's website and is updated weekly.

The Open Permits Report is on page 117 of the briefing document. This report details the types of projects currently open in the Permit Section. There are currently 121 Construction and 160 Operating permit projects open in the Permit Section.

There are currently eight Part 70 and Intermediate operating permit projects that are on public notice. The Part 70 operating permit project is for Bridgeton Landfill, and a request for a public hearing was received for that permit. The public hearing will be held on April 4, 2019, at the District 9 Machinist Hall Center Auditorium, which is located at 12365 St. Charles Rock Road in Bridgeton, Missouri. The meeting will begin at 6:00 p.m. The public comment period will end on April 11, 2019, at 5:00 p.m. 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>

Mr. Hale said there are currently seven vacancies in the Permits Section. Another engineer left the Permits Section last Friday.

He also announced the Title 5 operating permit for the Metropolitan Sewer District – Bissell Point was issued on January 20, 2019.

In addition, some of the operating and construction permit rule changes will take affect next week. Among them, the Basic operating permit will no longer be issued. This change will be communicated to all the current Basic operating permit holders by letter sometime next week.

Commissioner Boyer asked for a brief overview of Part 70 operating permit renewal process.

Mr. Hale replied that Part 70 operating permits are required to be renewed every five years. The renewal application has to be submitted between six and eighteen months

before the operating permit expires. As long as the renewal application is submitted within that six to eighteen month timeline, their existing permit will continue to be effective until the new operating permit is issued.

3) AIR QUALITY PLANNING REPORT

a) Rule and State Implementation Plan Agenda

Mr. Wayne Graf said the Rule and State Implementation Plan (SIP) Agenda begins on page 119 and continues through page 120 of the briefing document.

The Missouri SIP Revision – Interstate Transport Provisions for the 2015 Ozone Standard was presented at public hearing today.

In addition, the Missouri SIP Revision – Infrastructure Elements for the 2015 Ozone Standard was adopted by the commission today.

b) Rules in Progress Schedule

The Rules in Progress Schedule begins on page 121 of the briefing document. Since the January meeting, the 15 Red Tape Reduction (RTR) amendments that were adopted in October 2018 became effective on February 28, 2019, as shown on the last column on pages 122 and 123. These 15 RTR rule amendments were submitted to EPA. Just after these amendments, the chart shows that the last batch of RTR rules become effective on March 30, 2019. These 17 amendments have been submitted to EPA. As the commission is aware, the program has been working on ‘after RTR’ rulemakings. Three of these rulemakings have been added to the end of the schedule because they went out for other department review on February 13, 2019. These are listed on page 125 of the briefing document as 10 CSR 10-5.442, 5.550, and 6.030. Since the schedule was published, the program has filed the rulemaking for 10 CSR 10-6.030 on March 15, 2019, which will accelerate the schedule for that rulemaking. The *Missouri Register* will be April 15, 2019, with the public hearing on May 30, 2019, and will be effective on November 30, 2019, according to this schedule. The other two rulemakings were filed just a few days later on March 20, 2019. Although these two rules were filed early, they will remain as scheduled on the chart.

In addition to these three rulemakings, two of the other rulemakings that are in work to incorporate the changes resulting from the RTR review as well as any outstanding rule comments are 10 CSR 10-6.050, *Start Up, Shutdown and Malfunction Conditions*, and 10 CSR 10-6.140, *Restriction of Emissions Credit for Reduced Pollutant Concentrations from the Use of Dispersion Techniques*. It is anticipated that both of these rulemakings will be on the Rules in Progress Schedule next month.

c) State Plans Report

The State Plans Report starts on page 127 of the briefing document. Two items to note on this report are on page 129 of the briefing document. Under the SO₂ 2010 1-Hour Standard Jackson County Maintenance Plan, the commission can see that the program submitted a request for a Clean Data Determination for Jackson County SO₂ nonattainment area to EPA last May. In response to an EPA request, the program submitted an additional modeling analysis to support the demonstration on March 1, 2019. The program is hopeful that this will allow EPA to move forward with a Clean Data Determination for the area. Also on the same page, under the SO₂ 2010 1-Hour Standard Jefferson County Maintenance Plan, the commission can see that the program also submitted a request for a Clean Data Determination for the Jefferson County SO₂ Nonattainment Area in February 2016. In response to an EPA request, the program submitted a supplemental air dispersion modeling demonstration to further support the maintenance plan redesignation request on February 7, 2019. The program is hopeful this will allow EPA to move forward with approval of the program's maintenance plan and redesignation request for Jefferson County.

d) Other Items

On February 13, 2019, EPA finalized the approval of the baseline emission inventories for both the Jefferson and Jackson County SO₂ Nonattainment Areas. This is one of the steps necessary before an area can be redesignated. In June 2018, EPA published a proposed rule to retain the 2010 SO₂ National Ambient Air Quality Standard without revision. On February 25, 2019, the EPA administrator signed the final rule to retain the 2010 SO₂ Standard without revision.

On February 1, 2019, EPA proposed to approve one of the first RTR rules submitted for rescission from the SIP. This is the diammonium phosphate fertilizer rule, 10 CSR 10-3.160, that is no longer necessary since the only plant this rule applied to dismantled their fertilizer production equipment.

Chairman Pendergrass said there is one RTR amendment that was not approved by the commission: 10 CSR 10-6.130. He asked if there is a plan to revisit that amendment.

Mr. Graf replied that the program is working to move forward with a change in that rule.

Commissioner Boyer asked if the program submitted any comments on the EPA proposed rule of construction of new coal fired power plants.

Ms. Darcy Bybee replied the program did not submit any comments on that rule.

4) DIRECTOR'S REPORT

a) Red Tape Reduction

The last of the RTR rules will take effect on Saturday, March 30, 2019. Future rules will be reviewed using an RTR lens.

With regard to rule 10 CSR 10-6.130, Ms. Bybee said the Program will keep the commission updated as the rule and associated state plan action progresses.

b) Staffing

The Permits Section has the most vacancies in the program and the program plans to fill those positions soon. There are vacancies in other sections, as well. The program is moving forward to fill some of those vacancies and others are still being evaluated.

c) Reorganization

There has been a realignment of duties within the division regarding the Hazardous Waste Program and the Solid Waste Management Program. The department sent a GovDelivery bulletin explaining the changes. As of March 1, 2019, the Solid Waste Management Program has been renamed to the Waste Management Program to reflect incorporation of the RCRA C hazardous waste permitting and enforcement functions (from the Hazardous Waste Program) with existing RCRA D solid waste permitting and enforcement functions. The remainder of the Hazardous Waste Program, which includes the Brownfields/Voluntary Cleanup, Federal Facilities, Superfund, Tanks and Budget and Planning sections, is now called the Environmental Remediation Program.

d) Ozone Monitoring Season

The monitoring ozone season started on March 1. As of March 28, 2019, there have been no exceedances. The department sends out GovDelivery bulletins when there is an ozone alert. Ms. Bybee briefly described when ozone alerts are sent out. As a reminder, anyone can sign up to receive ozone alerts by clicking on the envelope icon on the program's website at <https://dnr.mo.gov/env/apcp/> and following the prompts. The department also uses Twitter to send out ozone alerts when there has been an exceedance. EPA has committed to reevaluate the 2015 ozone standard by December 2020.

e) Sulfur Dioxide

As reported to the commission for the last few months, there is an area in southeast Missouri that will likely be designated as nonattainment by EPA as part of Round 4 designations for the 2010 Sulfur Dioxide Standard.

f) Mercury Air Toxics Standard

Last month Commissioner Boyer asked for an update on the Mercury Air Toxics Standard (MATS). EPA has opened a public comment on the rule, which closes on April 8, 2019. EPA is taking comments on both the underlying cost benefit analysis for the rule and the rule itself considering recent court actions.

Ms. Bybee said she would update the commission once more is known. At this time the program is not planning on submitting comments.

g) Air Program Advisory Forum

The last Air Program Advisory Forum meeting was held after the January 31, 2019, commission meeting. The meeting was well attended. Mr. Hale walked through the changes in the Construction and Operating Permits rules. Another Air Program Advisory Forum meeting is planned for later in 2019.

h) REGFORM Air Seminar

The program participated in the REGFORM Air Seminar on March 7, 2019. The meeting was well attended and staff were able to meet with people they work with on a daily basis. Ms. Bybee, Ms. Wilbur, Mr. Swartz, and Mr. Hale were among the presenters at the meeting.

i) Association of Air Pollution Control Agencies

Ms. Bybee noted she recently attended an AAPCA meeting in Baton Rouge, Louisiana. Approximately 80 – 100 people attended, including industry representatives, consultants, along with local, state, and federal regulators. It was a great opportunity to hear what is happening in other states. Ms. Bybee briefed the commission on what she learned at the meeting.

j) National Association of Clean Air Agencies

There is a NACAA Air Directors meeting scheduled in late April in Kansas City. Ms. Bybee said she is looking forward to updating the commission on that meeting.

k) Midwest Environmental Compliance Conference

Ms. Bybee noted she will be on an air panel at the MECC in late April with other air quality professionals.

l) Volkswagen

The program held a Volkswagen meeting last week. For state fiscal year 2019, the program focused on school buses, transit/shuttle buses, and government trucks projects. Late last year, the program opened the first application period for transit/shuttle buses and government trucks. Of the applications the program

received, it has notified the awardees of approximately \$1 million in projects. The program is looking forward to funding additional projects in each of the trust categories in the future.

The electric vehicle infrastructure workgroup met last week. As previously reported to the commission, the workgroup has broken down into several subgroups to focus on specific issues and last week those smaller subgroups reported to the larger workgroup.

The program will provide a more complete update on the Volkswagen Environmental Mitigation Trust Fund to the commission in the near future.

m) Commission Operating Policy

At the October 25, 2018, meeting in Springfield, the commission requested an update to the commission's operating policy to make it clear about when a quorum is required, how the quorum functions when evaluating votes, and updating the Compliance and Enforcement process. The program is updating the policy and hopes to present those changes to the commission next month.

n) April Commission Meeting

The next commission meeting will be held on Monday, April 22, 2019, at the Kansas City Regional Office located at 500 Northeast Colbern Road in Lee's Summit, Missouri. The meeting will begin at 2:00 p.m.

Chairman Pendergrass asked how many school districts have benefited from the Volkswagen Mitigation Trust Fund.

Ms. Bybee speculated that at least 30, but will provide a complete update in the coming months.

Commissioner Boyer asked about the appearance of the relationships between EPA and the other entities during her recent attendance of the AAPCA meeting.

Ms. Bybee commented that states and local agencies have different relationships amongst themselves and EPA. There was a lot of discussion at the meeting about cooperative federalism and how it is implemented in different states and regions to work together to come up with the best plan for air quality issues in the most meaningful way possible. Ms. Bybee briefly described the attendees and agenda from the meeting.

5) ENVIRONMENTAL SERVICES PROGRAM PRESENTATION

Mr. Chris Heimsoth gave a presentation regarding the function of the Environmental Services Program. The slides from his presentation can be seen in Attachment B to these minutes. The video of his presentation, 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. Heimsoth invited the commission and the public to attend a tour of ESP located at 2710 West Main Street in Jefferson City.

G. Open Comment Session

Mr. Roger Walker, representing the Regulated Environmental Group for Missouri, addressed the commission. His comments may be viewed at <https://dnr.mo.gov/videos/archive-meetings.htm>.

Mr. Robert Brundage, representing Newman, Comley & Ruth, P.C., addressed the commission. His comments may be viewed at <https://dnr.mo.gov/videos/archive-meetings.htm> and his letter can be found as Attachment C to these minutes.

Please note that the video will be removed 90 days after the date of the commission meeting.

Commissioner Boyer requested staff to meet with legal counsel and to present a proposal on the issue raised by Mr. Brundage at the next commission meeting.

Ms. Bybee agreed.

H. Future Meeting Dates

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

I. Discussion of Pending Litigation and Legal Matters

None.

J. Meeting Adjournment

Vice Chairman Rosenbohm moved to adjourn the March 28, 2019, Missouri Air Conservation Commission meeting. Commissioner Boyer seconded the motion. All commissioners voted to adjourn the March 28, 2019, Missouri Air Conservation Commission meeting.

Chairman Pendergrass adjourned the March 28, 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 (Dec 16-Feb 15)

- Concerns Received – 114
 - Burning – 41
 - Odor – 31
 - Asbestos – 11
 - Fugitive Particulate Matter – 11
 - Other – 19
- Investigations – 105
- LOWs Issued – 11



**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			
Aveen Noori	Blue River Treatment Plant	8/1/2018	KCRO
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)			
Ethan Shackelford	Black Oak Recycling	3/5/2019	SWRO
Ethan Shackelford	Central Missouri Sanitary Landfill	3/5/2019	KCRO
Genevieve Bodnar	DOE RUN COMPANY Buick	6/25/2015	SERO
Open Burning			
David Chesnut	David Chesnut	1/8/2019	KCRO
John Brewner	John Brewner	7/24/2017	SWRO
Joyce McCreery	Joyce McCreery	11/14/2017	KCRO
Part 70 Operating Permit			
Robin Bennett-Edmiston	Owens Corning Insulation LLC	11/18/2018	SWRO



**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

QUESTIONS??



Environmental Services Program Air Quality Monitoring Section



Chris Heimsoth, Environmental Specialist III
2710 W. Main, Jefferson City, MO 65109
573-526-3394

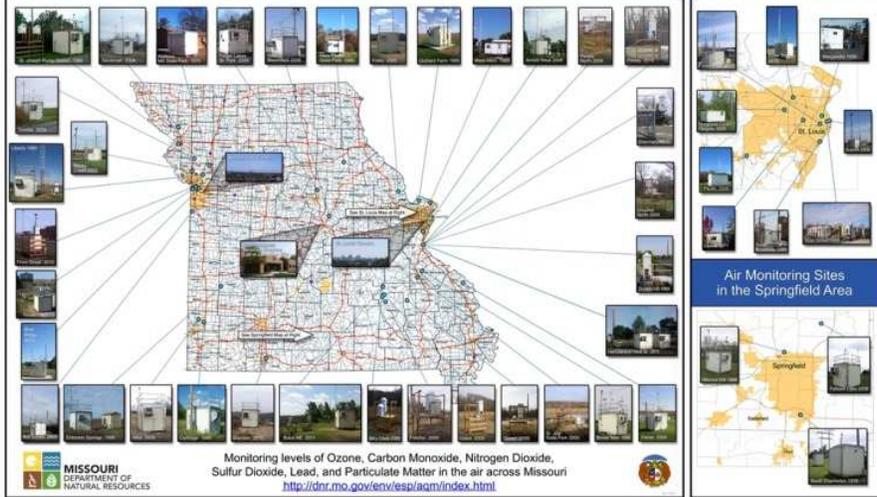


The Department's Vision for Missouri



The Missouri Department of Natural Resources helps Missouri citizens thrive by balancing a healthy environment with a healthy economy.

Air Quality Monitoring Sites



365 days per year at 46 sites across the State

3

What does AQMS do?

- 1) Ensure air site instruments are functioning properly, and 2) validate or invalidate data that comes from these instruments.



4



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES



5



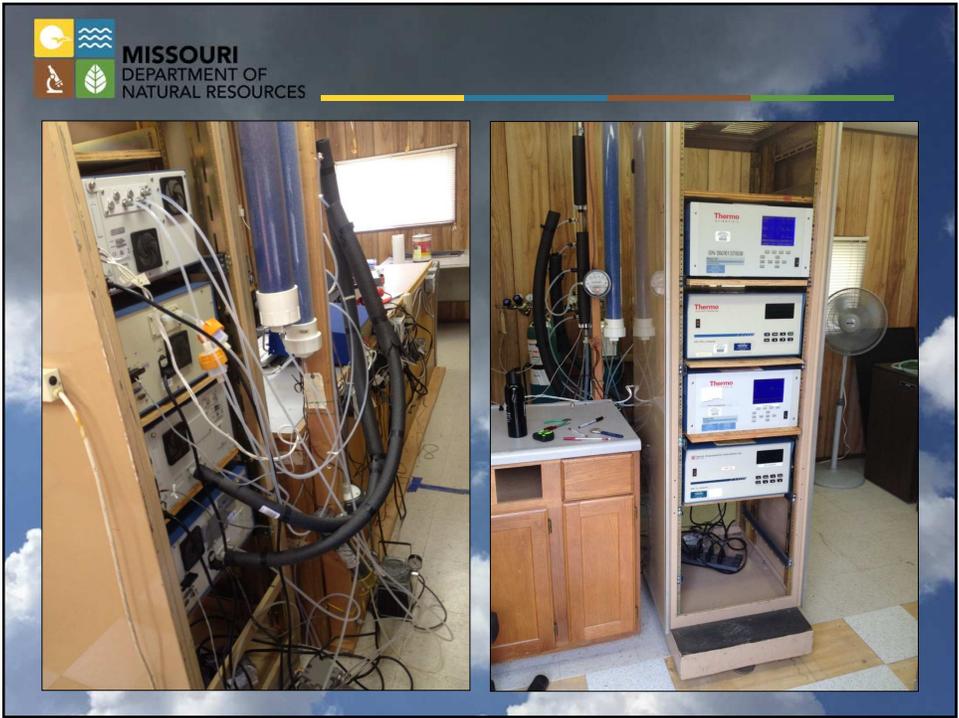
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NATURAL RESOURCES



6









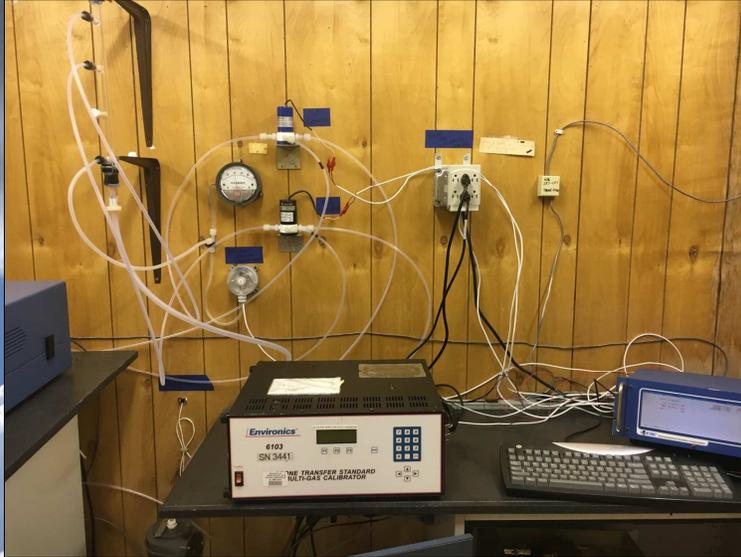
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14



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15



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NATURAL RESOURCES



16

2) Verifying and Validating Air Data

of Parameter Measurements Reviewed 2006-2018



17



18



When does AQM do this?

ST. JOSEPH	NORTHEAST	SPRINGFIELD	ST. LOUIS NORTH	ST. LOUIS SOUTH	BLAIR 1
PUMP STATION WD WS PM10 1405 TEOM PM2.5 TEOM-DF (PRIM) PM2.5 TEOM-DF (COLLO) OTEMP & AMB PRESS (PRIM) OTEMP & AMB PRESS (COLLO) HUMIDITY (PRIM) HUMIDITY (COLLO) TEMP	FINGER LAKER O3 O3S TEMP MARK TWAIN STATE PARK WD WS SO2 NO2 O3 PM10 TEOM	FELLOWS LAKE O3 O3S TEMP HILLCREST H.S. O3 PM2.5 TEOM-DF OTEMP & AMB PRESS HUMIDITY PM10 TEOM	FOLLY WEST O3 O3S TEMP MARGARETTA NO2 SO2 PM10 TEOM TEMP ORCHARD FARM O3 O3S TEMP	ARNOLD WEST WD WS O3 O3S MET 1 SPECIATION URG300N SPECIATION PM10 TEOM PM2.5 TEOM-DF OTEMP & AMB PRESS HUMIDITY TEMP	CO Trace SO2 Trace NOy NO2 Photo O3 O3S CARBONYL SVOC (PUFF) BLAIR Quarterly Checks Shelter Temp (Main shelter) Shelter Temp (DF Ekto shelter) HUMIDITY (Main shelter) SOLAR PRIM SOLAR COLLO OTEMP OPRESSURE WD WS
SAVANNAH O3 O3S TEMP	NEW BLOOMFIELD O3 O3S TEMP	LEAD RUNS TO BE DONE THE FIRST WEEK OF THE MONTH	WEST ALTON WD WS O3 O3S OTEMP SOLAR HUMIDITY TEMP	HERCULANEUM MOTT ST. WD WS SO2 OTEMP (MONTHLY) AMB PRESS (MONTHLY) TEMP LADUE PM2.5 2025 (filter retrieval only)	MARYLAND HEIGHTS O3 O3S TEMP
TRIMBLE O3 O3S TEMP				SOUTH BROADWAY PM2.5 TEOM-DF OTEMP & AMB PRESS HUMIDITY TEMP	
ROCKY CREEK O3 O3S TEMP	VIBURNUM LEADS BUICK N.E. PRIM BUICK N.E. COLLO FLETCHER GLOVER GATES ST JOE STATE PARK	HERCULANEUM LEADS DUNKLIN H.S. #1 MOTT ST. #1 MOTT ST. #1 Collo MOTT ST. #2 PEVELY SHERMAN URSULINE NORTH			
FOREST CITY Monthly LEAD HI-VOL					

Week 1 Routes



KANSAS CITY NORTH	KANSAS CITY SOUTH	SOUTHWEST	SOUTHEAST	ST. LOUIS NEAR-ROAD	BLAIR 2
FRONT ST. PM10 TEOM TEMP	BLUE RIDGE WD WS NO2 CO TRACE PM2.5 TEOM-DF BLACK CARBON OTEMP & AMB PRESS	ALBA O3 O3S TEMP	BONNE TERRE O3 O3S OTEMP (MONTHLY) AMB PRESS (MONTHLY)	FOREST PARK WD WS NO2 CO TRACE PM2.5 TEOM-DF BLACK CARBON OTEMP & AMB PRESS	BLAIR WD WS OTEMP & AMB PRESS HUMIDITY Teledyne API 640x PM2.5 2025 PM10 2025 PM10 2025 (metals) PRIM PM10 2025 (metals) COLLO BLACK CARBON (Aethalometer) MET 1 SPECIATION URG300N SPECIATION
LIBERTY WD WS O3 O3S PM2.5 TEOM-DF OTEMP & AMB PRESS HUMIDITY SOLAR TEMP	RICHARDS-GERAUR SOUTH WD WS O3 O3S PM2.5 TEOM-DF OTEMP & AMB PRESS HUMIDITY TEMP	CARTHAGE WD (QUARTERLY) WS (QUARTERLY) PM10 TEOM (PRIM) PM10 TEOM (COLLO) TEMP EL DORADO SPRINGS WD WS O3 PM2.5 TEOM-DF OTEMP & AMB PRESS HUMIDITY TEMP	BUICK NORTH EAST WD (MONTHLY) WS (MONTHLY) SO2 OTEMP (MONTHLY) AMB PRESS (MONTHLY) TEMP	LADUE PM2.5 TEOM-F PM2.5 2025 OTEMP & AMB PRESS HUMIDITY TEMP RIDER TRAIL SOUTH L70 WD WS SO2 NO2 OTEMP 10m OTEMP 2m TEMP DIFF HUMIDITY SOLAR PRECIPITATION TEMP	BLAIR Quarterly Checks Shelter Temp (Main shelter) Shelter Temp (DF Ekto shelter) HUMIDITY (Main shelter) SOLAR (PRIM) SOLAR (COLLO) OTEMP OPRESSURE WD WS
TROOST SO2 NO2 PM10 TEOM PM2.5 TEOM-DF OTEMP & AMB PRESS HUMIDITY TEMP			FARRAS O3 O3S TEMP		BRANCH WD (QUARTERLY) WS (QUARTERLY) PM10 TEOM PM2.5 TEOM-DF OTEMP & AMB PRESS HUMIDITY TEMP
WATKINS MILL STATE PARK O3 O3S TEMP			PACIFIC O3 O3S TEMP		

Week 2 Routes

Missouri has consistently operated the most Criteria Pollutant instruments out of the four States that make up EPA's Region 7 (Iowa, Kansas, Nebraska, and Missouri)

EPA Region 7	Number of reporting instruments by year											
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
MO	100	91	91	117	125	112	104	110	106	112	132	134
NE	32	35	30	32	34	36	36	34	35	35	34	32
KS	62	50	48	48	54	55	51	52	49	46	52	51
IA	81	69	68	71	73	72	73	103	101	101	103	104
% of Reg. 7 - MO	36%	37%	38%	44%	44%	41%	39%	37%	36%	38%	41%	42%

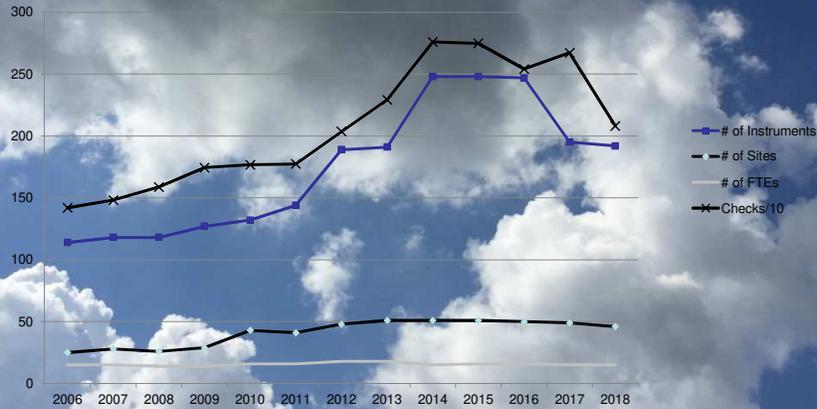
Source: AMP 430 Data Completeness Report, National Air Quality Systems (AQS) Database, December 11, 2018, James Regehr, EPA Region 7

Missouri has consistently ranked at or near the top in data completeness.

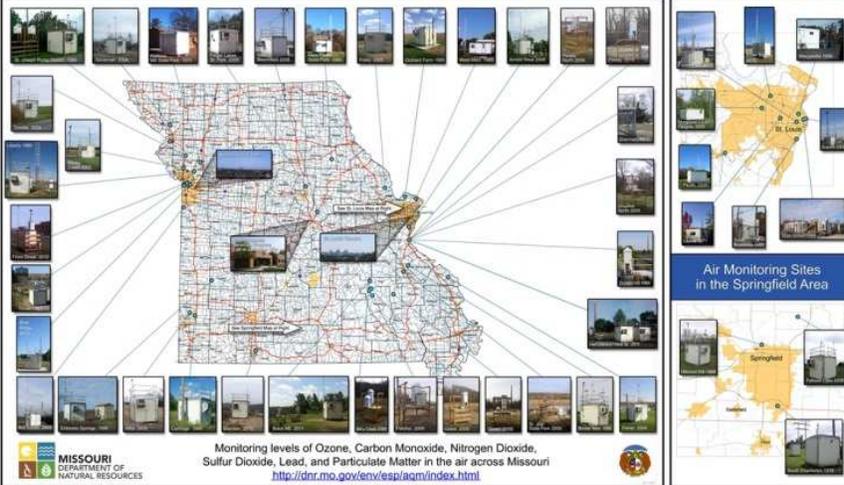
EPA Region 7	Percent completeness by year											
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
MO	85.9%	88.1%	95.2%	96.7%	96.4%	94.1%	96.0%	96.5%	97.3%	95.9%	96.5%	96.9%
NE	85.4%	81.7%	92.5%	92.2%	91.9%	85.3%	92.2%	92.8%	93.4%	92.5%	90.9%	94.7%
KS	82.9%	86.9%	95.4%	95.1%	92.6%	93.1%	94.9%	91.3%	91.5%	95.9%	94.1%	92.4%
IA	89.5%	90.4%	93.4%	92.4%	93.0%	94.2%	93.8%	93.0%	93.8%	94.9%	93.9%	95.0%

Source: AMP 430 Data Completeness Report, National Air Quality Systems (AQS) Database, December 11, 2018, James Regehr, EPA Region 7

Number of Staff (Full Time Employees – FTEs) compared to Number of Sites and Number of Instruments - 2006-2018



Air Quality Monitoring Sites





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Thank you for your time

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MARK W. COMLEY

March 26, 2019

VIA EMAIL

Darcy Bybee
Director, Air Pollution Control Program
Missouri Department of natural Resources
darcy.bybee@dnr.mo.gov

RE: Parent Company

Dear Darcy:

I think we had a good conversation at the Air Program Advisory Forum. I now have a better understanding why the APCP had historically looked at parent company information. I understand that the APCP may be concerned that in some instances a parent company of a wholly owned subsidiary company may actually be controlling the subsidiary or otherwise neglecting corporate rules whereby the corporate veil could be pierced. In such cases, the APCP believes that a parent company would actually be the “owner” who “owns, leases, operates, controls or supervises an air contaminate source” and therefore should be considered the applicant and permittee.

I suggest that it is extremely rare that a parent company would be considered the “owner,” and would supplant the subsidiary as the permit applicant. Therefore, in a vast majority of all permit applications, the parent company information on the front page of the permit is not required by regulation and the department is simply including this information “as an effort to increase the available level of information about a permit action for the interested public.” See APCP letter dated September 7, 2018. Based on this statement, I suggest that parent company information is not necessary and should be omitted from the application and permits.

I believe it is without dispute that the Air Conservation Commission cannot redefine “person” in a manner that expands the statutory definition found in § 643.020(39), RSMo. In the future, if the APCP has concerns that a parent company should be considered the “owner,” the APCP should respond through the permit application review process or through an enforcement. Let me explain.

During the permit process, “person” and “owner” are typically the same company. The company designates a “responsible corporate official” in accordance with the Missouri Air Conservation Commission regulatory definition. If during the application process the APCP has concerns that the signatory does not qualify as the applicant’s responsible corporate official, then the APCP should make inquiry with the applicant and any personnel from the parent company that may be participating in the application process. If during the APCP’s investigation it becomes clear that the parent company should be the owner, then the application should be revised and the permit should be issued in the parent company’s name.

Ms. Darcy Bybee
March 26, 2019
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Conversely, after the permit is issued, and the APCP becomes aware that the parent company may be exerting too much influence over the subsidiary company that is listed as the “owner” of the installation, the APCP through an enforcement action should take appropriate legal action to have the permit either terminated or transferred to the parent.

In conclusion, I would ask the APCP and Air Conservation Commission do the following:

1. Revise the Air Conservation Commission’s regulatory definition of “person” to mirror the definition of “person” found in § 643.020(30), RSMo.;
2. Omit parent company information from operating permits;
3. Revise the permit application and instructions to omit references to parent company. If desired, the application and instructions could emphasize the statutory definition of “owner” and “responsible corporate official”; and
4. Confirm that all permits that identify a parent company on the front page of the permit do not consider the parent company to be the owner or permittee and that such parent company has no legal obligation to comply with the permits terms and conditions.

Please feel free to share this letter with other members of the Air Program Advisory Forum. Also, please put this matter on the agenda for the next Air Conservation Commission meeting. In advance of the next Air Conservation Commission meeting, I welcome the opportunity to meet with you to discuss this matter further.

Sincerely,

NEWMAN, COMLEY & RUTH, P.C.

By: 

Robert J. Brundage
rbrundage@ncprc.com

RJB/la
cc: Air Conservation Commission members