

**MINUTES**  
**MISSOURI AIR CONSERVATION COMMISSION**  
**Elm Street Conference Center**  
**1730 East Elm Street**  
**Lower Level**  
**Bennett Springs Conference Room**  
**Jefferson City, MO 65109**  
**October 31, 2019**  
**9:00 a.m.**

**Commissioners Present**

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

**Commissioners Absent**

Mark Fohey, 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  
David Davison, Air Quality Analysis Section, APCP  
David Gilmore, Director's Office, APCP  
Wayne Graf, Air Quality Planning Section, APCP  
Sara Green, Director's Office, APCP  
Stephen Hall, Air Quality Analysis Section Chief, APCP  
Connie Kinney, Compliance and Enforcement Section, APCP  
Mark Leath, Air Quality Planning Section, APCP  
Kyra Moore, Deputy Director, Division of Environmental Quality (DEQ)  
Paul Myers, Air Quality Planning Section, APCP  
Brian Quinn, DEQ Public Information Coordinator, Director's Office  
Angela Wagner, Permits Section, APCP  
Richard Waters, Assistant General Counsel, Department of Natural Resources

**Others Present by Attendance Record**

Robert Brundage, Newman, Comley & Ruth P.C.  
Dave Fraley, Diamond Sky Ventures  
Rick Groeneman, Assistant Attorney General, Attorney General's Office  
Daniel Hedrick, City Utilities of Springfield  
Lacey Hirschvogel, Missouri Public Utility Alliance  
Ron Leone, Missouri Petroleum Marketers and Convenience Store Association  
David Little, City Utilities of Springfield  
Chris Thiltgen, Capital Quarries  
Roger Walker, Regulatory Environmental Group for Missouri  
Brock Wilson, Capital Sand Company

## **A. Call to Order**

Chairman Gary Pendergrass called the October 31, 2019, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Gary Pendergrass, Ron Boyer, Kevin Rosenbohm, and Richard Rocha.

## **B. Minutes from September 26, 2019, and October 17, 2019**

Chairman Pendergrass asked for a motion to approve the September 26, 2019, minutes. Commissioner Boyer moved to approve, and Vice Chairman Rosenbohm seconded the motion. All commissioners voted to approve the September 26, 2019, minutes as written.

Chairman Pendergrass asked for a motion to approve the October 17, 2019, minutes. Commissioner Rocha moved to approve, and Vice Chairman Rosenbohm seconded the motion. All commissioners voted to approve the October 17, 2019, minutes as written.

## **C. Welcome and Introductions**

Ms. Darcy Bybee welcomed all those in attendance. She mentioned that October 31st was the last day of the ozone monitoring season and that she would share an update later in the meeting. Ms. Bybee gave a brief overview of the meeting agenda. She also shared that the program is planning an Air Program Advisory Form meeting, and that it likely will be scheduled after the December 3, 2019, commission meeting.

## **D. Reports – The following referenced reports are in the October 31, 2019, 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 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 29 with the Concern Report and runs through page 88. A total of 84 concerns were received from August 16, 2019, through September 15, 2019. The majority of those are regarding open burning, odor, asbestos, and fugitive particulate matter concerns. During this time 76 investigations were completed by regional office staff. In addition, ten Letters of Warning were issued as well as two Referral Notices of Violations. See Attachment A for the slides to his presentation.

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

The Ongoing Negotiations Report can be found on page 89. There are currently ten enforcement actions in the negotiation process at this time.

It was noted that Toro Enterprises has dropped off the list since the last meeting. An agreement was reached, which will be posted in the next Finalized Agreement Report.

**c) Finalized Agreement Report**

The Finalized Agreement Report for this reporting period is on page 91. There are four finalized agreements to report: Bell Management, Harrisonville Senior Citizen Housing Inc., Jack Smalley, and Buick Resource Recycling Facility. Mr. Swartz gave a brief description of each agreement.

**d) Pending Referrals Report**

The Pending Referrals Report can be found on page 93. There are three active referrals at this time.

**e) Gateway Vehicle Inspection Report**

The Gateway Vehicle Inspection Report begins on page 95. Over 230,000 vehicles were tested during the third quarter of 2019 with a passing rate of over 97 percent. The program also conducted 59 audits during the third quarter.

**f) Compliance Report**

A summary of the Compliance Report can be found on page 97. 528 reports were received during the third quarter, the majority of which were semi-annual monitoring reports.

**g) Quarterly Asbestos Report**

The Quarterly Asbestos Report can be found on page 99. The program processed 718 Occupational Certifications and 284 notifications. In addition, the program issued 34 Abatement Contractor Registrations along with two Training Provider Accreditations. Mr. Swartz also mentioned that St. Louis City would be resuming their asbestos activities as of November 1, 2019.

Commissioner Boyer asked if the new burning rules had any impact on complaints.

Mr. Swartz replied no and went into more detail on the subject.

**2) PERMITS REPORT**

Mr. Kendall Hale said the Permit Report begins on page 101 of the briefing document with the Permit Applications Received Report. For the month of September, the Permits Section received 45 construction and nine operating permits. The permits received are listed on pages 102-106 of the briefing document.

The Permit Applications Completed Report begins on page 107 of the briefing document. For the month of September, the Permit Section completed 42 construction and 13 operating permits. Pages 108-113 in the briefing document gives further detail on the projects completed.

Page 115 of the briefing document shows the number and type of permit projects currently open in the Permit Section. This information is searchable on the Air Pollution Control Program's website and is updated weekly.

There is currently one operating permit project that is on public notice for SRG Global.

The Permit Section currently has five vacancies. There have been interviews and the paperwork is being sent through. They are hoping to make offers for at least two of the positions.

Mr. Hale then gave an update of the permits associated with cotton gins.

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.

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

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

Ms. Emily Wilbur said the Rule and SIP Agenda begins on page 117 of the briefing document. There are no items on this agenda for public hearing, but there are three rulemakings and three SIPs that staff will present to the commission for adoption. These rulemakings are 10 CSR 10-5.570, *Control of Sulfur Emissions From Stationary Boilers*; 10 CSR 10-6.161, *Commercial and Industrial Solid Waste Incinerators*; and 10 CSR 10-6.200, *Hospital, Medical, Infectious Waste Incinerators*.

The three SIPs are *Maintenance Plan Revision for the St. Louis (Missouri) Maintenance Area Under the 1979, 1997, and 2008 Ozone Standards*; *Maintenance Plan Revision for the St. Louis (Missouri) Maintenance Area Under the 1997 Annual Fine Particulate Matter (PM2.5) Standard*; and *Inspection and Maintenance Program for the St. Louis Area- 2019 Revision*.

The December 3, 2019, commission meeting will be held in Jefferson City. The program will present three rulemakings and one SIP: 10 CSR 10-6.330, *Restriction of Emissions From Batch-Type Charcoal Kilns*; 10 CSR 10-6.390, *Control of NOx Emissions From Large Stationary Internal Combustion Engines*; 10 CSR 10-6.060, *Construction Permits Required*; and *Air Quality Control Region Priority Reclassification Request – Multipollutant*. The status for all of the rules can be found in the Rules in Progress Schedule. Ms. Wilbur also mentioned that they were putting together a presentation on Regional Haze for the December meeting.

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

The Rules in Progress Schedule begins on page 121 of the briefing document. There are currently no rulemakings that are in the early stages of rule development to share; however, there were a few approvals that the EPA has finalized. Ms. Wilbur went on to speak about the approvals starting on page 121. The fourth row down shows 10 CSR 10-2.390, which has been finalized by the EPA and will go into effect November 8, 2019. Another final action that occurred is on page 123, last row, 10 CSR 10-6.065, which was also approved by the EPA.

Ms. Wilbur gave an update regarding 10 CSR 10-6.030, which is the rulemaking EPA has been waiting for in regards to references for other RTR rulemakings. She hopes that once this rulemaking gets approved, the EPA will start to approve others that are in reference to it.

## **c) State Plans Report**

The State Plans Report begins on page 127 of the briefing document. Ms. Wilbur focused on the ozone updates from that report, which starts on page 128. She had an update regarding the 2015 Ozone Infrastructure SIP. EPA has approved this SIP, which was submitted in April of 2019. She went into more detail regarding the SIP and its approval. Ms. Wilbur reminded everyone that October 31, 2019, is the last day for the ozone monitoring season as well and that those numbers would be given later. She talked about the West Alton monitor and the possibility of the monitor not meeting data completeness requirements for the year due to flooding issues. Ms. Wilbur also gave a summary of where the program was regarding the planning elements of the 2015 Ozone Standard. She mentioned the Ozone Nonattainment Area Plan as well, with it being the next planning obligation and details regarding it.

The program is planning an Air Program Advisory Forum meeting after the December commission meeting. It will be a stakeholder meeting, and they will be going into more detail regarding the Ozone Nonattainment Area Plan SIP as well as the ACE Rule.

Finally, Ms. Wilbur announced the retirement of Wayne Graf from the program.

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

### **a) Staffing**

There are approximately 14-15 vacancies program-wide. The program is holding some of the positions while they reevaluate workloads, etc.; but hopes to fill several vacancies as quickly as possible.

### **b) 2020 Fee Stakeholder Process**

Ms. Bybee reminded everyone of the upcoming Fee Stakeholder Process. The program is still targeting next spring for the kick off meeting. There is work already being done behind the scenes in preparation for this meeting. Ms. Bybee mentioned again the Air Program Advisory Forum will take place after the

December 3, 2019, commission meeting and some of the items that would be discussed.

**c) Ozone**

The 2019 ozone monitoring season ends October 31, 2019. There are currently no additional preliminary exceedances to report since the September commission meeting. Ms. Bybee briefly shared details regarding the monitors and preliminary exceedances. Ms. Bybee noted that Mr. Stephen Hall would present his annual report on the air quality monitoring data with additional detail, next spring.

Ms. Bybee reminded everyone that the program's webpage has regularly updated monitoring data.

**d) Volkswagen**

Ms. Bybee stated that October 30, 2019, was the close for an application period for four different award categories. The program will be working to review those applications and award the funding. The program will have more information to share, soon, regarding the electric vehicle charging stations, closed application periods, and details on future application rounds.

**e) Miscellaneous Items**

Ms. Bybee talked briefly on the meetings she attended since the last commission meeting and things she had learned and discussed. Ms. Bybee mentioned again the Air Program Advisory Forum and to sign up for GovDelivery to get notifications for when those would be held.

**f) Future Meeting Dates**

The next commission meeting will be December 3, 2019, in Jefferson City and it will be a full agenda. She thanked the Ozarks Clean Air Alliance for their presentation at the previous meeting and for all the good work they do in the Springfield area.

**E. Recommended for Adoption and Actions to be Voted on**

Mr. Aaron Basham presented 10 CSR 10-5.570, *Control of Sulfur Emissions From Stationary Boilers*. More information on the proposed amendment can be found on page 131 of the briefing document.

Commissioner Rocha moved to adopt 10 CSR 10-5.570, *Control of Sulfur Emissions From Stationary Boilers*. Vice Chairman Rosenbohm seconded the motion. All commissioners voted to adopt 10 CSR 10-5.570, *Control of Sulfur Emissions From Stationary Boilers* as proposed.

Mr. Paul Myers presented 10 CSR 10-6.161, *Commercial and Industrial Solid Waste Incinerators*. More information on the proposed amendment can be found on page 133 of the briefing document.

Vice Chairman Rosenbohm moved to adopt 10 CSR 10-6.161, *Commercial and Industrial Solid Waste Incinerators*. Commissioner Rocha seconded the motion. All commissioners voted to adopt 10 CSR 10-6.161, *Commercial and Industrial Solid Waste Incinerators*.as revised.

Mr. Paul Myers presented 10 CSR 10-6.200, *Hospital, Medical, Infectious Waste Incinerators*. More information on the proposed amendment can be found on page 135 of the briefing document.

Commissioner Rocha asked if Mr. Myers thought that there was a mistake in the system with one of the comments regarding this amendment.

Mr. Myers replied that he believed there was an error in directing the comment to the proposed action, and that the comment had been forwarded to the correct area.

Vice Chairman Rosenbohm moved to adopt 10 CSR 10-6.200, *Hospital, Medical, Infectious Waste Incinerators*. Commissioner Fohey seconded the motion. All commissioners voted to adopt 10 CSR 10-6.200, *Hospital, Medical, Infectious Waste Incinerators*.

Mr. Mark Leath presented the Maintenance Plan Revision for the St. Louis (Missouri) Maintenance Area Under the 1979, 1997, and 2008 Ozone Standards. More information on the proposed amendment can be found on page 139 of the briefing document.

Vice Chairman Rosenbohm moved to adopt the Maintenance Plan Revision for the St. Louis (Missouri) Maintenance Area Under the 1979, 1997, and 2008 Ozone Standards. Commissioner Boyer seconded the motion. All commissioners voted to adopt the Maintenance Plan Revision for the St. Louis (Missouri) Maintenance Area Under the 1979, 1997, and 2008 Ozone Standards as proposed.

Mr. Mark Leath presented the Maintenance Plan Revision for the St. Louis (Missouri) Maintenance Area Under the 1997 Annual Fine Particulate Matter (PM2.5) Standard. More information on the proposed amendment can be found on page 149 of the briefing document.

Commissioner Rocha moved to adopt the Maintenance Plan Revision for the St. Louis (Missouri) Maintenance Area Under the 1997 Annual Fine Particulate Matter (PM2.5) Standard. Vice Chairman Rosenbohm seconded the motion. All commissioners voted to adopt the Maintenance Plan Revision for the St. Louis (Missouri) Maintenance Area Under the 1997 Annual Fine Particulate Matter (PM2.5) Standard as proposed.

Mr. Mark Leath presented the Inspection and Maintenance Program for the St. Louis Area – 2019 Revision. More information on the proposed amendment can be found on page 157 of the briefing document.

Commissioner Rocha asked if the program had confidence regarding whether the EPA would be willing to approve this SIP revision due to the comments they presented.

Mr. Leath replied that the program was more than willing to work with the EPA regarding this SIP revision and that the program has verbally discussed several of the comments and responses with the EPA.

Vice Chairman Rosenbohm moved to adopt the Inspection and Maintenance Program for the St. Louis Area- 2019 Revision. Commissioner Rocha seconded the motion. All commissioners voted to adopt Inspection and Maintenance Program for the St. Louis Area- 2019 Revision as proposed.

#### **F. Open Comment Session**

No one addressed the commission.

#### **G. Future Meeting Dates**

##### **December 3, 2019 – Tuesday**

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

##### **January 30, 2020 – Thursday**

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

##### **March 26, 2020 – Thursday**

Harry S Truman State Office Building  
301 West High Street  
Room 400  
Jefferson City, MO 65101

##### **April 29, 2020 – Wednesday**

Kansas City Regional Office  
500 Northeast Colbern Road  
Missouri River Conference Room  
Lee's Summit, MO 64086

##### **May 28, 2020 – Thursday**

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

**July 30, 2020 – Thursday**  
St. Louis Regional Office  
7545 South Lindbergh, Suite 220  
DESE Conference Room  
St. Louis, MO 63125

**August 27, 2020 – Thursday**  
Elm Street Conference Center  
1730 East Elm Street  
Lower Level  
Bennett Springs Conference Room  
Jefferson City, MO 65101

**September 24, 2020 – Thursday**  
Southwest Regional Office  
2040 West Woodland  
East and West Conference Rooms  
Springfield, MO 65807

**October 29, 2020 – Thursday**  
Elm Street Conference Center  
1730 East Elm Street  
Lower Level  
Bennett Springs Conference Room  
Jefferson City, MO 65101

**December 3, 2020 – Thursday**  
Elm Street Conference Center  
1730 East Elm Street  
Lower Level  
Bennett Springs Conference Room  
Jefferson City, MO 65101

#### **H. Discussion of Pending Litigation and Legal Matters**

None.

## **I. Meeting Adjournment**

Commissioner Boyer moved to adjourn the October 31, 2019, Missouri Air Conservation Commission Meeting. Vice Chairman Rosenbohm seconded the motion. All commissioners voted to adjourn the October 31, 2019, Missouri Air Conservation Commission meeting.

Chairman Pendergrass adjourned the October 31 2019, 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



## Compliance & Enforcement Report

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Richard Swartz  
Air Pollution Control Program



## Concern Report (Aug 16-Sept 15)

- Concerns Received – 84
  - Burning – 26
  - Odor – 15
  - Asbestos – 10
  - Fugitive Particulate Matter – 10
  - Hazardous Air Pollutants – 1
  - Other – 22
- Investigations – 76
- Issued two RNOVs & ten LOW



**MISSOURI**  
DEPARTMENT OF  
NATURAL RESOURCES

**Air Pollution Control Program**  
**Ongoing Negotiations**

Responsible Party	Facility	Negotiations Initiated	Region
<b>Asbestos</b>			
ACORN Industries LLC	Cedar Haven Lodge	4/3/2018	SWRO
<b>Excess Emissions</b>			
City of Kansas City - Water Services	Blue River Treatment Plant	8/1/2018	KCRO
Stericycle Specialty Wste Solutions, Inc	SOLVENT RECOVERY LLC	6/18/2018	KCRO
<b>Intermediate Operating Permit</b>			
Golden Triangle Energy	GOLDEN TRIANGLE ENERGY - CRAIG	8/9/2019	KCRO
<b>Maximum Achievable Control Technology (MACT)</b>			
Black Oak Recycling and Disposal	Black Oak Recycling	3/5/2019	SWRO
Central Missouri Landfill	Central Missouri Sanitary Landfill	3/5/2019	KCRO
<b>Open Burning</b>			
Bufford Sweatt	Beau Elliot	5/11/2018	SWRO
Chad Long	Chad Long	7/23/2018	SWRO
David Chesnut	David Chesnut	1/8/2019	KCRO
<b>Part 70 Operating Permit</b>			
Owens Corning Insulating Systems, LLC	Owens Corning Insulation LLC	11/18/2018	SWRO



**MISSOURI**  
DEPARTMENT OF  
NATURAL RESOURCES

**Air Pollution Control Program**  
**Finalized Agreements between August 16, 2019 and September 15, 2019**

Responsible Party	Facility	Negotiation Initiated	Settled	Total Amount	Suspended Amount	Region
<b>Asbestos</b>						
Bell Management	Harrisonville Senior Citizen Housing Inc DBA Foxcroft Housing		9/11/2019	4000	3000	KCRO
Harrisonville Senior Citizen Housing Inc	Harrisonville Senior Citizen Housing Inc DBA Foxcroft Housing		9/9/2019	4000	3500	KCRO
Jack Smalley	Harrisonville Senior Citizen Housing Inc DBA Foxcroft Housing		9/11/2019	8000	6000	KCRO
<b>Maximum Achievable Control Technology (M</b>						
Buick Resource Recycling Facility	DOE RUN COMPANY Buick	6/25/2015	8/30/2019	1200000	0	SERO



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

Responsible Party	Facility	Referred to AGO	Region
<b>Construction Permit</b>			
Douglas Rose	Cameron Concrete	8/13/2018	KCRO
<b>Maximum Achievable Control Technology (M)</b>			
EBV - General Dynamics	ICI EBV General Dynamics	4/1/2016	SWRO
<b>Open Burning</b>			
Pallet Connection	Pallet Connection	7/13/2018	SERO



**GATEWAY VEHICLE INSPECTION PROGRAM**

**July 1, 2019 – September 30, 2019**

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: 4,633

**Initial OBD Pass/Fail Rate for this Period:**

Total Test: 233,883  
Total Pass: 228,516 = 97.7%  
Total Fail: 5,367 = 2.3%

Number of Mileage Exemptions Issued: 817  
Number of Waivers Issued: 164

**Enforcement:**

Audits Conducted by DNR: Overt 31  
Covert 28

Stations Locked out by MSHP: Violations 0 Failed Audits 2  
Photographs 0  
Offline Testing 0

## Compliance Report

3rd Quarter 2019

ACC INT Reports -	19	ACC P70 Reports-	4
Annual Reports -	6	Emission Reports -	15
Excess Emission Report -	34	Misc. Reports -	51
Quarterly Reports -	61	Semi-Annual P70 Reports -	116
Semi-Annual Reports -	148	Start-up Notifications-	20
SSM Reports -	42	Notice of Compliance Reports	12
<b>Total -</b>	<b>528</b>		

ACC- Annual Compliance Certification  
 INT- Intermediate Permitted Facility  
 P70- Part 70 Permitted Facility  
 SSM- Start-up, Shutdown, Malfunction

## Quarterly Asbestos Report

July 1, 2019 to September 30, 2019

- Number of Occupation Certificates Issued
  - Worker: 297
  - Supervisor: 243
  - Inspector: 135
  - Management Planner: 20
  - Project Designer: 18
  - Air Sampling Professional: 5
    - Total: 718
- Number of Asbestos Notifications Process
  - Demolition: 168
  - Abatement: 51
  - Courtesy: 65
    - Total: 284
- Number of Asbestos Abatement Contractors Registrations Issued: 34
- Number of Asbestos Training Providers Accredited: 2

QUESTIONS??

