

MINUTES
MISSOURI AIR CONSERVATION COMMISSION
Elm Street Conference Center
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, MO 65101
September 27, 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

Adel Alsharafi, Air Quality Planning Section, Air Pollution Control Program (APCP)
Aaron Basham, Air Quality Planning Section, APCP
Van Beydler, Public Information Coordinator, Soil and Water Conservation Program
Darcy Bybee, Director, APCP
David Gilmore, Director's Office, APCP
Wayne Graf, Air Quality Planning Section, APCP
Kendall Hale, Permits Section Chief, APCP
Steve Hall, Air Quality Analysis Section Chief, APCP
Connie Kinney, Compliance and Enforcement Section, APCP
Mark Leath, Air Quality Planning Section, APCP
Patricia Maliro, Air Quality Analysis Section, APCP
Kathy Meyer, Director's Office, APCP
Kyra Moore, Deputy Director, Division of Environmental Quality
Paul Myers, Air Quality Planning Section, APCP
Shelly Reimer, Air Quality Planning Section, APCP
Seanmichael Stanley, Air Quality Planning Section, APCP
Richard Swartz, Compliance and Enforcement Section Chief, APCP
Josh Vander Veen, Compliance and Enforcement Section, APCP
Richard Waters, Assistant General Counsel, Department of Natural Resources
Emily Wilbur, Air Quality Planning Section Chief, APCP
Chris Wood, Compliance and Enforcement Section, APCP

Others Present by Attendance Record

Paul Brugmann, Cummins Inc.
Robert Brundage, Newman, Comley and Ruth, P.C.

Kathrina Donegan, St. Louis County, Department of Health
Dave Fraley, Diamond Sky Ventures
Dave Hanson, Superior Equipment Company
Jennifer Hernandez, Attorney General's Office
Lesley Holloway, Missouri Farm Bureau
Chris Schreiber, Schreiber Engineering, LLC
David Shanks, Boeing
Roger Walker, Regulated Environmental Group for Missouri (REGFORM)
Steven Whitworth, Ameren Missouri
Shirley Wolverson

A. Call to Order

Chairman Gary Pendergrass called the September 27, 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.

*Commissioner Mark Garnett participated by phone.

B. Minutes from August 30, 2018

Commissioner Boyer moved to approve the August 30, 2018, minutes as written. Vice Chairman Jones seconded the motion. All commissioners voted to approve the August 30, 2018, minutes as written.

C. Welcome and Introductions

Ms. Darcy Bybee welcomed the commission. She said there are 17 rule makings for today's public hearing. And there are 18 rules and one State Implementation Plan (SIP) that will be presented for adoption. Ms. Bybee asked the commission to let her know if they have any questions or if there are any items which the commission would like to know more about.

D. Reports – The following referenced reports are in the September 27, 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 31 with the Concern Report. A total of 76 concerns were received from July 16,

2018, through August 15, 2018. During this time period 71 investigations were completed by regional office staff and two letters of warning were issued.

b) Ongoing Negotiations Report

The Ongoing Negotiations Report can be found on page 81. There are five enforcement actions in the negotiation process at this time. Mr. Swartz said The Wooten Company is a new asbestos case. In addition, the two Inspection and Maintenance cases that appeared on this report for last month have been closed.

c) Finalized Agreement Report

The Finalized Agreement Report is found on page 83. This covers the time period from July 16, 2018, through August 15, 2018. Mr. Swartz provided detail on the Prock Operations and the Glenn Craig Thurmon, Sr. cases.

d) Pending Referrals Report

The Pending Referrals Report can be found on page 85. Two new cases have been added to this report: Cameron Concrete and Pallet Connection. Mr. Swartz provided details to the commission on both cases.

The Daniel Turner asbestos case does not appear on the Pending Referrals Report. The program has requested the Attorney General's Office only collect penalties for this case.

Vice Chairman Jones inquired as to the amount of the penalty in the Daniel Turner case.

Mr. Swartz replied that the penalty is in the amount of \$11,000 and it is also a joint case with the Solid Waste Program.

2) PERMIT REPORT

Mr. Kendall Hale stated the Permit Report begins on page 87 of the briefing document with the Permit Applications Received Report. For the months of January through August, the Permit Section received 319 Construction and 151 Operating Permit projects. The Permit Section has received a total of 470 permit projects for this year.

The Permit Applications Completed Report begins on page 95 of the briefing document. For the months of January through August, the Permit Section completed 315 Construction and 240 Operating Permit projects. The Permit Section has completed a total of 555 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 105 of the briefing document. This report details the types of projects currently open in the Permit Section. There are currently 139 Construction and 167 Operating permit projects open in the Permit Section.

There are currently 12 Operating Permit projects, Part 70s and Intermediates, 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 issued a Prevention of Significant Deterioration permit for Nucor Steel in Sedalia. No request for a public hearing was received. Comments were received from the company and from the Environmental Protection Agency (EPA).

There are currently seven vacancies in the Permit Section; four in the Operating Permits Unit and three in the Construction Permits Unit. The Permit Section is actively trying to fill those vacancies.

Chairman Pendergrass said he hoped the backlog of permits will continue to go down.

Mr. Hale replied that he hoped so, too. The Construction Permits Unit is currently about half-staffed.

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 107 and continues through page 119 of the briefing document. The corresponding information can be found in the Rules in Progress Schedule starting on pages 121 through 125 of the briefing document.

For the list of 17 rule amendments presented at public hearing see the slides in Attachment B. This information can be found on pages 107 through 112 in the Rule and SIP Agenda and the corresponding information can be found in the Rules in Progress Schedule on pages 121 through 122 of the briefing document.

Ms. Wilbur mentioned that this will be the last public hearing for the rules that are going through the Red Tape Reduction process.

For the list of 11 rule rescissions and seven rule amendments that were presented to the commission for adoption see the slides in Attachment B. Detailed information on the 11 rule rescissions and seven rule amendments can be found on pages 107 through 112 of the Rule and SIP Agenda. And the corresponding information can also be found on pages 124 and 125 of the Rules in Progress Schedule.

The Missouri SIP Revision Kansas City Power and Light – Lake Road (formerly St. Joseph Light and Power) Sulfur Dioxide Attainment Plan was also presented to the commission for adoption. See page 112 of the Rule and SIP Agenda for more information on this SIP. Corresponding information on the SIP can be found on page 130 of the State Plans Report.

The Redesignation Request for the Missouri Portion of the St. Louis Unclassifiable Area for the 2012 Annual Fine Particulate Matter Standard will be presented for public hearing at the October 25, 2018, commission meeting in Springfield. More information can be found in the Rule and SIP Agenda on pages 112 through 115 of the briefing document. Corresponding information on the redesignation request can be found on page 129 of the State Plans Report.

Sixteen rule amendments will also be presented to the commission for adoption at the October 25, 2018, meeting in Springfield. For a list of the amendments see Attachment B to these minutes.

No items are scheduled for public hearing at the November 29, 2018, commission meeting in Jefferson City. However, 17 rule amendments are scheduled to be presented for adoption at that meeting. Information on these amendments can be found on pages 115 through 118 on the Rule and SIP Agenda. The corresponding information can be found on pages 124 through 125 of the Rules in Progress Schedule. For a list of these amendments see Attachment B.

The Redesignation Request for the Missouri Portion of the St. Louis Unclassifiable Area for the 2012 Annual Fine Particulate Matter Standard is also scheduled to be presented for adoption at the November 29, 2018, commission meeting. More information on the redesignation request is in the Rule and SIP Agenda on page 119. Corresponding information can also be found in the State Plans Report on page 129.

Commissioner Boyer inquired if anyone had heard how the other departments are doing in compliance with the Red Tape Reduction process.

Ms. Bybee responded that she had not heard how other departments were doing, but the Department of Natural Resources is on track. The Department has met all of its Red Tape Reduction deadlines. There are over 200 actions that are moving forward department-wide.

b) State Plans Report

The State Plans Report begins on page 127 and continues through page 131 of the briefing document. Ms. Wilbur provided updates on the 1997 PM_{2.5} standard, the 2008 ozone standard, Regional Haze, and Infrastructure SIPs. See the slides in Attachment B for a brief description as well as links to more information, and a map of the current nonattainment areas.

c) Federal Register Notices

Ms. Wilbur provided an update to the Affordable Clean Energy rule, which is set to replace the Clean Power Plan. More information on her update can be viewed in Attachment B to these minutes, including links to more information and the date the public comment period will end.

4) DIRECTOR'S REPORT

a) Staffing

The program continues to be very thoughtful in filling vacancies and is actively trying to fill vacancies in the SIP Unit and also in the Permits Section.

Mr. Brian Adams, an air quality partner in the Springfield/Greene County area for many years, is retiring. His last day will be at the end of this month.

b) Ozone

The 2018 ozone season continues through the end of October. Last month it was reported that there were 56 preliminary exceedances of the 2015 ozone standard; this month there have been 58 exceedances. Primarily those exceedances have taken place in St. Louis, but there have been a number in Kansas City and out state. So far those exceedances are not triggering any particular measures under the 2008 or 2015 ozone standards. This information is posted weekly on the program's website at <https://dnr.mo.gov/env/apcp/airpollutants.htm>. Mr. Steve Hall and the rest of the Air Quality Analysis Section provide a lot of good information on this website.

c) Redesignations

As Ms. Wilbur mentioned, EPA has formally redesignated the St. Louis area to attainment of the 2008 ozone standard and the 1997 PM_{2.5} standard. Attainment of these standards is a great accomplishment and it represents an improvement in air quality and a lot of hard work done by the program and its partners. It also brings up questions such as, "What does it mean to be redesignated?" and "What does it mean for 'new' facilities in counties that are no longer nonattainment?" The redesignation does not have an immediate impact on rules that are currently in place. Those rules, like Chapter 5, still apply. It is definitely something to consider when reviewing which measures are still necessary in the area. The most direct day-to-day impacts are for facilities in that area with regard to construction permitting. For facilities in that area that is no longer nonattainment, they would not need to have a nonattainment new source review permit – they would need a regular Prevention of Significant Deterioration permit.

d) Volkswagen

The program held a Volkswagen Advisory Committee meeting on August 30, 2018, to discuss the beneficiary mitigation plan and next steps. It was a great meeting, well attended and with good discussion. The application period for the first round of school buses ended on September 14, 2018. The program received 67 applications for a total of 137 buses. This is approximately \$2.9 million in funds requested. The lottery drawing was held on Monday, September 24, 2018. The list of all winners will be posted on the Volkswagen webpage. The program has allocated \$1.474 million to spend this first year and then the rest of the applicants will roll into future rounds. There is approximately \$12 million to fund in this category. Within the school bus category, there is also specific funding for financially disadvantaged school districts. There are 29 identified throughout the state and the program plans to move to award funding this year and in future rounds.

There is much more to do this year and through October 2027. Some of the next steps are to open the next application period for the government trucks and the transit/shuttle buses; these are the other two categories that will be funded this year based upon appropriations. The program has also started the process of establishing the workgroup for electric vehicle infrastructure. There will be kickoff meeting on that soon.

Commissioner Boyer commended the program for pulling everything all together. It is a tremendous amount of work.

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. Seanmichael Stanley presented 10 CSR 10-2.205, *Control of Emissions From Aerospace Manufacture and Rework Facilities* for amendment. More information on the proposed rule amendment can be found on page 133 of the briefing document.

Mr. Seanmichael Stanley presented 10 CSR 10-5.295, *Control of Emissions From Aerospace Manufacture and Rework Facilities* for amendment. More information on the proposed rule amendment can be found on page 147 of the briefing document.

Mr. Seanmichael Stanley presented 10 CSR 10-5.330, *Control of Emissions From Industrial Surface Coating Operations* for amendment. More information on the proposed rule amendment can be found on page 161 of the briefing document.

Mr. Seanmichael Stanley presented 10 CSR 10-6.170, *Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin* for amendment. More information on the proposed rule amendment can be found on page 213 of the briefing document.

Mr. Seanmichael Stanley presented 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants* for amendment. More information on the proposed rule amendment can be found on page 217 of the briefing document.

Mr. Seanmichael Stanley presented 10 CSR 10-6.330, *Restriction of Emissions From Batch-Type Charcoal Kilns* for amendment. More information on the proposed rule amendment can be found on page 227 of the briefing document.

Mr. David Shanks presented comments in regards to 10 CSR 10-2.205 and 5.295, *Control of Emissions From Aerospace Manufacture and Rework Facilities*.

Mr. Robert Brundage presented comments in regards to 10 CSR 10-6.170, *Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin*.

Ms. Shelly Reimer presented 10 CSR 10-2.230, *Control of Emissions From Industrial Surface Coating Operations* for amendment. More information on the proposed rule amendment can be found on page 237 of the briefing document.

Ms. Shelly Reimer presented 10 CSR 10-6.060, *Construction Permits Required* for amendment. More information on the proposed rule amendment can be found on page 249 of the briefing document.

Mr. Roger Walker presented comments in regards to 10 CSR 10-6.060, *Construction Permits Required*.

Mr. Paul Myers presented 10 CSR 10-5.220, *Control of Petroleum Liquid Storage, Loading and Transfer* for amendment. More information on the proposed rule amendment can be found on page 321 of the briefing document.

Mr. Paul Myers presented 10 CSR 10-6.045, *Open Burning Requirements* for amendment. More information on the proposed rule amendment can be found on page 341 of the briefing document.

Mr. Paul Myers presented 10 CSR 10-6.062, *Construction Permits By Rule* for amendment. More information on the proposed rule amendment can be found on page 351 of the briefing document.

Mr. Robert Brundage presented a general comment applicable to all rulemakings about the use of the word "shall." He also commented on 10 CSR 10-6.045, *Open Burning Requirements*.

Ms. Leslie Holloway presented comments in regards to 10 CSR 10-6.045, *Open Burning Requirements*.

Ms. Kathrina Donegan presented a general comment applicable to all rulemakings about the use of the word “shall.” She also commented on 10 CSR 10-6.045, *Open Burning Requirements*.

Mr. Aaron Basham presented 10 CSR 10-6.065, *Operating Permits* for amendment. More information on the proposed rule amendment can be found on page 363 of the briefing document.

Mr. Aaron Basham presented 10 CSR 10-6.261, *Control of Sulfur Dioxide Emissions* for amendment. More information on the proposed rule amendment can be found on page 429 of the briefing document.

Mr. Aaron Basham presented 10 CSR 10-6.372, *Cross-State Air Pollution Rule Annual NOx Trading Allowance Allocations*, 10 CSR 10-6.374, *Cross-State Air Pollution Rule Ozone Season NOx Trading Allowance Allocations*, and 10 CSR 10-6.376, *Cross-State Air Pollution Rule Annual Sulfur Dioxide (SO₂) Trading Allowance Allocations* for amendment. More information on the proposed rule amendments can be found on pages 439, 455 and 471 of the briefing document.

Mr. Aaron Basham presented 10 CSR 10-6.390, *Control of NOx Emissions From Large Stationary Internal Combustion Engines* for amendment. More information on the proposed rule amendment can be found on page 487 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

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. Wayne Graf presented general comments and responses on all rulemakings recommended for adoption.

Ms. Shelly Reimer presented rule 10 CSR 10-2.215, *Control of Emissions From Solvent Cleanup Operations* for rescission. More information on the proposed rescission can be found on page 497 of the briefing document.

Commissioner Rosenbohm moved to rescind rule 10 CSR 10-2.215, *Control of Emissions From Solvent Cleanup Operations*. Commissioner Garnett seconded the motion. All commissioners voted to rescind rule 10 CSR 10-2.215, *Control of Emissions From Solvent Cleanup Operations* as proposed.

Ms. Shelly Reimer presented rule 10 CSR 10-5.370, *Control of Emissions From the Application of Deadeners and Adhesives* for rescission. More information on the proposed rescission can be found on page 501 of the briefing document.

Commissioner Rosenbohm moved to rescind rule 10 CSR 10-5.370, *Control of Emissions From the Application of Deadeners and Adhesives*. Commissioner Boyer seconded the motion. All commissioners voted to rescind rule 10 CSR 10-5.370, *Control of Emissions From the Application of Deadeners and Adhesives* as proposed.

Ms. Shelly Reimer presented rule 10 CSR 10-5.410, *Control of Emissions From Manufacture of Polystyrene Resin* for rescission. More information on the proposed rescission can be found on page 507 of the briefing document.

Commissioner Boyer moved to rescind rule 10 CSR 10-5.410, *Control of Emissions From Manufacture of Polystyrene Resin*. Commissioner Rosenbohm seconded the motion. All commissioners voted to rescind rule 10 CSR 10-5.410, *Control of Emissions From Manufacture of Polystyrene Resin* as proposed.

Ms. Shelly Reimer presented rule 10 CSR 10-5.440, *Control of Emissions From Bakery Ovens* for rescission. More information on the proposed rescission can be found on page 511 of the briefing document.

Commissioner Garnett moved to rescind rule 10 CSR 10-5.440, *Control of Emissions From Bakery Ovens*. Vice Chairman Jones seconded the motion. All commissioners voted to rescind rule 10 CSR 10-5.440, *Control of Emissions From Bakery Ovens* as proposed.

Ms. Shelly Reimer presented rule 10 CSR 10-5.455, *Control of Emissions From Industrial Solvent Cleaning Operations* for rescission. More information on the proposed rescission can be found on page 515 of the briefing document.

Commissioner Rosenbohm moved to rescind rule 10 CSR 10-5.455, *Control of Emissions From Industrial Solvent Cleaning Operations*. Commissioner Boyer seconded the motion. All commissioners voted to rescind rule 10 CSR 10-5.455, *Control of Emissions From Industrial Solvent Cleaning Operations* as proposed.

Mr. Seanmichael Stanley presented rule 10 CSR 10-2.390, *Kansas City Area Transportation Conformity Requirements* for rescission. More information on the proposed rescission can be found on page 521 of the briefing document.

Commissioner Boyer moved to rescind rule 10 CSR 10-2.390, *Kansas City Area Transportation Conformity Requirements*. Commissioner Rosenbohm seconded the motion. All commissioners voted to rescind rule 10 CSR 10-2.390, *Kansas City Area Transportation Conformity Requirements* as proposed.

Mr. Paul Myers presented rule 10 CSR 10-5.360, *Control of Emissions From Polyethylene Bag Sealing Operations* for rescission. More information on the proposed rescission can be found on page 525 of the briefing document.

Commissioner Garnett moved to rescind rule 10 CSR 10-5.360, *Control of Emissions From Polyethylene Bag Sealing Operations*. Commissioner Rosenbohm seconded the motion. All commissioners voted to rescind rule 10 CSR 10-5.360, *Control of Emissions From Polyethylene Bag Sealing Operations* as proposed.

Mr. Paul Myers presented rule 10 CSR 10-2.320, *Control of Emissions From Production of Pesticides and Herbicides* for amendment. More information on the proposed amendment can be found on page 529 of the briefing document.

Commissioner Rosenbohm moved to amend rule 10 CSR 10-2.320, *Control of Emissions From Production of Pesticides and Herbicides*. Commissioner Boyer seconded the motion. All commissioners voted to amend rule 10 CSR 10-2.320, *Control of Emissions From Production of Pesticides and Herbicides* as proposed.

Mr. Paul Myers presented rule 10 CSR 10-6.200, *Hospital, Medical, Infectious Waste Incinerators* for amendment. More information on the proposed amendment can be found on page 535 of the briefing document.

Commissioner Boyer moved to amend rule 10 CSR 10-6.200, *Hospital, Medical, Infectious Waste Incinerators*. Commissioner Garnett seconded the motion. All commissioners voted to amend rule 10 CSR 10-6.200, *Hospital, Medical, Infectious Waste Incinerators* as proposed.

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 rescission can be found on page 539 of the briefing document.

Commissioner Garnett moved to rescind rule 10 CSR 10-5.520, *Control of Volatile Organic Compound Emissions From Existing Major Sources*. Vice Chairman Jones seconded the motion. All commissioners voted to rescind rule 10 CSR 10-5.520, *Control of Volatile Organic Compound Emissions From Existing Major Sources* as proposed.

Mr. Aaron Basham presented rule 10 CSR 10-6.362, *Clean Air Interstate Rule Annual NOx Trading Program* for rescission. More information on the proposed rescission can be found on page 543 of the briefing document.

Commissioner Boyer moved to rescind rule 10 CSR 10-6.362, *Clean Air Interstate Rule Annual NOx Trading Program*. Vice Chairman Jones seconded the motion. All commissioners voted to rescind rule 10 CSR 10-6.362, *Clean Air Interstate Rule Annual NOx Trading Program* as proposed.

Mr. Aaron Basham presented rule 10 CSR 10-6.364, *Clean Air Interstate Rule Seasonal NOx Trading Program* for rescission. More information on the proposed rescission can be found on page 547 of the briefing document.

Commissioner Rosenbohm moved to rescind rule 10 CSR 10-6.364, *Clean Air Interstate Rule Seasonal NOx Trading Program*. Vice Chairman Jones seconded the motion. All

commissioners voted to rescind rule 10 CSR 10-6.364, *Clean Air Interstate Rule Seasonal NOx Trading Program* as proposed.

Mr. Aaron Basham presented rule 10 CSR 10-6.366, *Clean Air Interstate Rule SO₂ Trading Program* for rescission. More information on the proposed rescission can be found on page 551 of the briefing document.

Commissioner Garnett moved to rescind rule 10 CSR 10-6.366, *Clean Air Interstate Rule SO₂ Trading Program*. Commissioner Rosenbohm seconded the motion. All commissioners voted to rescind rule 10 CSR 10-6.366, *Clean Air Interstate Rule SO₂ Trading Program* as proposed.

Mr. Aaron Basham presented rule 10 CSR 10-2.340, *Control of Emissions From Lithographic Printing Installations* for amendment. More information on the proposed amendment can be found on page 555 of the briefing document.

Commissioner Boyer moved to amend rule 10 CSR 10-2.340, *Control of Emissions From Lithographic Printing Installations*. Commissioner Rosenbohm seconded the motion. All commissioners voted to amend rule 10 CSR 10-2.340, *Control of Emissions From Lithographic Printing Installations* as proposed.

Mr. Aaron Basham presented rule 10 CSR 10-5.570, *Control of Sulfur Emissions From Stationary Boilers* for amendment. More information on the proposed amendment can be found on page 561 of the briefing document.

Commissioner Boyer moved to amend rule 10 CSR 10-5.570, *Control of Sulfur Emissions From Stationary Boilers*. Vice Chairman Jones seconded the motion. All commissioners voted to amend rule 10 CSR 10-5.570, *Control of Sulfur Emissions From Stationary Boilers* as proposed.

Mr. Aaron Basham presented rule 10 CSR 10-6.030, *Sampling Methods for Air Pollution Sources* for amendment. More information on the proposed amendment can be found on page 569 of the briefing document.

Commissioner Garnett moved to amend rule 10 CSR 10-6.030, *Sampling Methods for Air Pollution Sources*. Vice Chairman Jones seconded the motion. All commissioners voted to amend rule 10 CSR 10-6.030, *Sampling Methods for Air Pollution Sources* as proposed.

Mr. Aaron Basham presented rule 10 CSR 10-6.040, *Reference Methods* for amendment. More information on the proposed amendment can be found on page 573 of the briefing document.

Vice Chairman Jones moved to amend rule 10 CSR 10-6.040, *Reference Methods*. Commissioner Boyer seconded the motion. All commissioners voted to amend rule 10 CSR 10-6.040, *Reference Methods* as proposed.

Mr. Aaron Basham presented rule 10 CSR 10-6.110, *Reporting Emission Data, Emission Fees, and Process Information* for amendment. More information on the proposed amendment can be found on page 577 of the briefing document.

Vice Chairman Jones moved to amend rule 10 CSR 10-6.110, *Reporting Emission Data, Emission Fees, and Process Information*. Commissioner Boyer seconded the motion. All commissioners voted to amend rule 10 CSR 10-6.110, *Reporting Emission Data, Emission Fees, and Process Information* as proposed.

Mr. Adel Alsharafi presented Missouri State Implementation Plan Revision – Kansas City Power and Light – Lake Road (formerly St. Joseph Light and Power) SO₂ Attainment Plan Revision. More information on the proposed revision can be found on page 585 of the briefing document.

Commissioner Rosenbohm moved to adopt Missouri State Implementation Plan – Kansas City Power and Light – Lake Road (formerly St. Joseph Light and Power) SO₂ Attainment Plan as revised. Commissioner Boyer seconded the motion. All commissioners voted to adopt Missouri State Implementation Plan Revision – Kansas City Power and Light – Lake Road (formerly St. Joseph Light and Power) SO₂ Attainment Plan as revised.

G. New Business

Commissioner Boyer presented a comment letter he drafted to the commission on the Affordable Clean Energy Rule. See Attachment C for a copy of the letter.

The video and his full comments 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.

He asked the commission to review the letter and then proposed the commission vote on the letter at the October 25, 2018, meeting in Springfield.

Chairman Pendergrass said it is a good plan to take a little time to review the letter and to take action at the next meeting.

Chairman Pendergrass asked if the Department will be presenting comments.

Ms. Bybee said the Department is currently reviewing the proposal for potential comments.

H. Unfinished Business

None.

I. Appeals and Variance Requests

None.

J. Open Comment Session

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

Ms. Shirley Wolverson addressed the commission. Her comments may be viewed at <https://dnr.mo.gov/videos/archive-meetings.htm>.

K. Future Meeting Dates

October 25, 2018 – Thursday

Southwest Regional Office
2040 West Woodland
East and West Conference Rooms
Springfield, MO 65807

November 29, 2018 – Thursday

Harry S Truman State Office Building
301 West High Street
Eighth Floor
Room 850
Jefferson City, MO 65101

Recommended 2019 MACC Meeting Dates

January 31, 2019 – Thursday
March 28, 2019 – Thursday
April 23, 2019 – Tuesday
May 30, 2019 – Thursday
July 25, 2019 – Thursday
August 29, 2019 – Thursday
September 26, 2019 – Thursday
October 31, 2019 – Thursday
December 3, 2019 – Tuesday

Vice Chairman Jones moved that the commission meet nine times in 2019. Commissioner Boyer seconded the motion. All commissioners approved to meet nine times in 2019.

L. Discussion of Pending Litigation and Legal Matters

None.

M. Meeting Adjournment

Commissioner Garnett moved to adjourn the September 27, 2018, Missouri Air Conservation Commission meeting. Vice Chairman Jones seconded the motion. All commissioners voted to adjourn the September 27, 2018, Missouri Air Conservation Commission meeting.

Chairman Pendergrass adjourned the September 27, 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



Compliance & Enforcement Report

Richard Swartz
Air Pollution Control Program



Concern Report (July 16-Sept 15)

- Concerns Received – 76
 - Odors – 26
 - Burning – 19
 - Asbestos – 8
 - Fugitive Particulate Matter – 10
 - Other – 13
- Investigations - 71



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
The Wooten Company	Scotsdale Apartments	7/2/2018	SWRO
Maximum Achievable Control Technology (MACT)			
Genevieve Bodnar	DOE RUN COMPANY - Buick	6/25/2015	SERO
Odor			
Carl Ehrlich	CE Grain Company LLC	11/27/2017	NERO
Open Burning			
John Brewner	John Brewner	7/24/2017	SWRO



Air Pollution Control Program
Finalized Agreements between July 16, 2018 and August 15, 2018

Responsible Party	Facility	Negotiation Initiated	Settled	Total Amount	Suspended Amount	Region
Construction Permit						
Mark Barnes	For Your Convenience (Prock Operati	11/3/2017	7/19/2018	4000	3000	SERO
Open Burning						
Glenn Craig Thurmon Sr.	Glenn Graig Thurmon Sr.	1/5/2017	8/15/2018	2000	2000	SERO



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??



Air Quality Planning

Emily Wilbur
Air Pollution Control Program
Planning Section Chief

Missouri Air Conservation Commission
Sept. 27, 2018
Jefferson City, Mo.



Rule and SIP Agenda

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Rules in Progress Schedule

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Sept. 27, 2018 Meeting

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Rule and SIP Agenda

Briefing document, page 107-112

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 121-122

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Rule and SIP Agenda

Briefing document, page 107-112

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

Rules In Progress
Schedule
page 121-122

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Rule and SIP Agenda

Briefing document, page 107-112

Sept. 27, 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

Rules In Progress
Schedule
page 124-125

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Rule and SIP Agenda

Briefing document, page 107-112

Sept. 27, 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

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Schedule
page 124-125

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Rule and SIP Agenda

Briefing document, page 112

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 130

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Oct. 25, 2018 Meeting

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Rule and SIP Agenda

Briefing document, page 112-115

Oct. 25, 2018, in Springfield, Mo.

Public Hearing:

- Redesignation Request for the Missouri Portion of the St. Louis Unclassifiable Area for the 2012 Annual Fine Particulate Matter (PM_{2.5}) Standard

State Plans Report
page 129

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Rule and SIP Agenda

Briefing document, page 112-115

Oct. 25, 2018, in Springfield, 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
Schedule
page 122-124

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Rule and SIP Agenda

Briefing document, page 112-115

Oct. 25, 2018, in Springfield, 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
Schedule
page 122-124

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Nov. 29, 2018 Meeting

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Rule and SIP Agenda

Briefing document, page 115

Nov. 29, 2018, in Jefferson City, Mo.

Public Hearing:

- None scheduled

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Rule and SIP Agenda

Briefing document, page 115-118

Nov. 29, 2018, in Jefferson City, Mo.

Actions to be voted on: (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

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Schedule
page 124-125

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Rule and SIP Agenda

Briefing document, page 115-118

Nov. 29, 2018, in Jefferson City, Mo.

Actions to be voted on: (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

Rules In Progress
Schedule
page 124-125

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Rule and SIP Agenda

Briefing document, page 119

Nov. 29, 2018, in Jefferson City, Mo.

Actions to be voted on:

- Redesignation Request for the Missouri Portion of the St. Louis Unclassifiable Area for the 2012 Annual Fine Particulate Matter (PM_{2.5}) Standard

State Plans Report
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State Plans Report

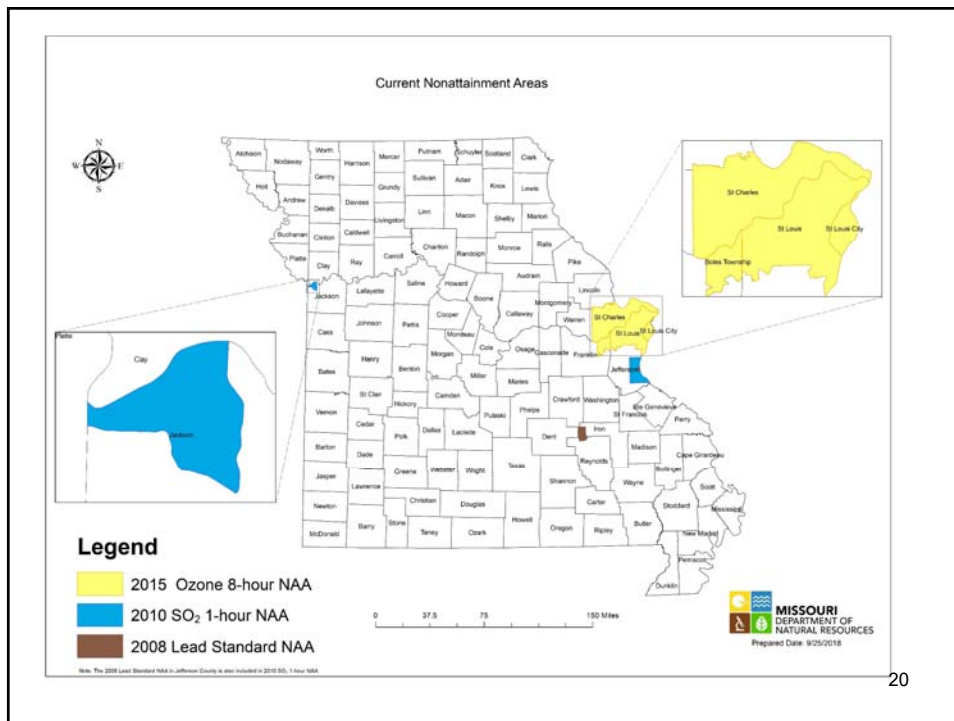
Updates

Pages 127-131

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Updates

- 1997 PM_{2.5} standard: EPA is redesignating the St. Louis (MO) area to attainment and approving the maintenance plan. This will become effective Oct. 2, 2018.
www.gpo.gov/fdsys/pkg/FR-2018-08-03/pdf/2018-16004.pdf
- 2008 ozone standard: EPA has redesignated the St. Louis (MO) area to attainment and approved the maintenance plan. This became effective Sept. 20, 2018
www.gpo.gov/fdsys/pkg/FR-2018-09-20/pdf/2018-20326.pdf



Updates (cont.)

- Regional Haze and Infrastructure SIPs:
 - EPA has converted Missouri's Regional Haze SIP from a limited approval/limited disapproval to a fully approved SIP.
 - The "CSAPR better than BART" FIP has been replaced with this fully approved Regional Haze SIP.
 - EPA has fully approved the prong 4 (visibility) element for four Infrastructure SIPs (2008 Ozone, 2010 NO₂, 2010 SO₂, and 2012 PM_{2.5}).

www.govinfo.gov/content/pkg/FR-2018-09-24/pdf/2018-20615.pdf

Federal Register Notices



Affordable Clean Energy (ACE) Rule

August 21, 2018: EPA proposed the ACE rule to replace the 2015 Clean Power Plan (CPP).

- This rule establishes emission guidelines for states to develop plans to address greenhouse gas (GHG) emissions from existing coal-fired power plants.
- Public comment period will end Oct. 31, 2018.

www.epa.gov/stationary-sources-air-pollution/proposal-affordable-clean-energy-ace-rule

www.gpo.gov/fdsys/pkg/FR-2018-08-31/pdf/2018-18755.pdf

www.gpo.gov/fdsys/pkg/FR-2018-09-10/pdf/2018-19505.pdf²³



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

PRELIMINARY DRAFT - DO NOT CITE OR QUOTE

Missouri Air Conservation Commission
Air Pollution Control Program
PO Box 176
Jefferson City, MO 65102

[EPA Address]

Re: Proposed Affordable Clean Energy (ACE) Rule

To whom it may concern:

Chapter 643 of the Revised Statutes of Missouri (RSMO) establishes the Missouri Air Conservation Commission (MACC) as the regulatory authority for air pollution emission sources. The MACC represents the State of Missouri in all matters pertaining to the control of air pollutants. The duties and broad powers of the MACC since its creation in 1965 have been well established and fully exercised.

The MACC respectfully submits the following comments related to the proposed ACE Rule published in the August 31 issue of the Federal Register.

The regulation of carbon dioxide (CO₂) emissions is, and has been, an issue of serious concern for the MACC, the electric utilities and the Missouri legislature. Missouri has ____ coal-fired electric generating units (EGUs), and 77% of Missouri's electric power generation in 2016, according to the Department of Energy, was produced by burning coal. Only three states have a greater reliance on coal-generated electricity.

In an effort to address the bold threat to coal-fired EGUs posed by the former Clean Power Plan (CPP), the control of CO₂ from coal-fired power plants was specifically addressed by the Missouri Legislature with the adoption of RSMO

643.640 which became law on August 28, 2014. This statute gives the MACC clear guidance on CO2 emission controls in three separate areas. They are:

1. The statute makes it very clear that the economic feasibility of CO2 control measures must be a major consideration. The MACC is to consider “the economic impacts of closing the existing affected source, including expected job losses if the existing affected source is unable to comply with the performance standard; and the customer impacts of applying the emission standard and compliance schedule to the existing affected source, including any disproportionate electric rate impacts on low-income populations.”
2. Coal-fired power plants with remaining useful life, and possibly outstanding debt, should not be forced to cease operation because of overly stringent CO2 controls.
3. Carbon dioxide emission control requirements must be based on a “unit-by-unit analysis” of individual plant sites. (This provision of the RSMO rejects going “outside the fence-line” to meet state-level emission reduction targets as required in the formerly proposed CPP rule.)

After review of the proposed ACE rule, we believe the proposal does satisfactorily address those three requirements set forth in RSMO 643.640.

Due to the inherent difficulty of removing CO2 from stack gases at combustion sources, we agree that heat rate improvement (HRI) measures are the best system of emission reduction (BSER) for existing coal-fired EGUs.

We feel the ACE rule’s allowance of flexibility for states to tailor control strategies to meet the state’s individual needs is an outstanding feature of this new rule. For too long EPA has failed to give states sufficient latitude to develop control plans suited to the individual needs of the state. EPA’s listing of “candidate

technologies” will provide needed technical assistance for state regulators charged with implementation of the new rule.

EPA, in the proposed ACE rule, also addresses another issue of major importance. Power plants making efficiency modifications can get caught up in a costly and time consuming New Source Review (NSR). EPA plans to make revisions to the NSR program that can lower this barrier to the implementation of efficiency projects at EGUs. This is a much needed “common-sense” modification to the federal regulations.

The MACC finds the proposed Affordable Clean Energy rule to be a reasonable approach to the regulation of carbon dioxide emissions from coal-fired power plants. We support the overall regulatory strategy of the Affordable Clean Energy rule, and believe it will allow Missouri’s electric utilities to provide a secure and cost-effective energy future for the citizens of Missouri.

Thank you for considering our comments.

The Missouri Air Conservation Commission

