

**MINUTES**  
**MISSOURI AIR CONSERVATION COMMISSION**  
**St. Louis Regional Office**  
**7545 South Lindbergh, Suite 220**  
**DESE Conference Room**  
**St. Louis, MO 63125**  
**August 25, 2016**  
**9:00 a.m.**

**Commissioners Present**

Jack Baker, Member\*  
Mark Garnett, Member\*  
Jack Jones, Member  
Gary Pendergrass, Chairman  
David Zimmermann, Vice Chairman

**Staff Members Present**

Stacy Allen, Air Quality Planning Section, Air Pollution Control Program (APCP)  
Adel Alsharafi, Air Quality Planning Section, APCP  
Sam Alvino, Inspection and Maintenance (I/M) Section, APCP  
Darcy Bybee, Air Quality Planning Section Chief, APCP  
Deanna Distler, Director's Office, APCP  
David Gilmore, Director's Office, APCP  
Wayne Graf, Air Quality Planning Section, APCP  
Kendall Hale, Permits Section Chief, APCP  
Kyra Moore, Director, APCP  
Caroline Kargas, I/M Section, APCP  
Julia Katich Mudd, Assistant General Counsel, Department of Natural Resources  
Lisa Nahach, Public Information Specialist, APCP  
Neena Nallaballi, I/M Section, APCP  
David Offu, I/M Section, APCP  
Tom Sims, SLRO  
Patrick Stanley, I/M Section, APCP  
Seanmichael Stanley, Planning Section, APCP  
Richard Swartz, Compliance/Enforcement Section Chief, APCP  
Linda Wegrzyn, St. Louis Regional Office  
Emily Wilbur, Air Quality Planning Section, APCP  
Joe Winkelmann, I/M Section, APCP  
Shirley Wolverson, St. Louis Regional Office

**Others Present by Attendance Record**

Mike Alesandrini, AECOM  
Ken Anderson, Ameren  
Kimberly Bauman, Mississippi Lime  
Kris Donaghey, Boeing  
Sara Edgar, Sierra Club

Chad Fisher, Anheuser-Busch Inbev  
Dave Fraley, Diamond Sky Ventures  
David Grimes, Southeast Missouri Regional Planning Commission  
Jennifer Hernandez, Attorney General's Office  
Eli Horowitz, Sierra Club  
Lauren Kanallakan, Anheuser-Busch Inbev  
Kirk Krause, Environmental Compliance and Engineering  
Carol Lawrence, East-West Gateway Council of Governments  
Mary Grace Lewandowski, East-West Gateway Council of Governments  
Mike Liebert, Trinity Consultants  
Christine Montero, Sierra Club  
Patricia Schuba, Labadie Environmental Organization  
David Shanks, Boeing  
Meredith Spring, Civil and Environmental Consultants, Inc.  
Albert Stix, F&S Printing/Checker Bag Company  
Roger Walker, Regulatory Environmental Group for Missouri  
Michael Zlatic

**A. Call to Order**

Chairman Gary Pendergrass called the August 25, 2016, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present:

\*Jack Baker, Gary Pendergrass, Jack Jones, David Zimmermann and \*Mark Garnett.

\*Commissioners Jack Baker and Mark Garnett participated by phone.

**B. Minutes from July 28, 2016, Meeting**

Commissioner Mark Garnett moved to approve the July 28, 2016, minutes as written.

Vice Chairman David Zimmermann seconded the motion, and all commissioners voted to approve the July 28, 2016, minutes as written.

**C. Public Hearing**

Chairman Gary Pendergrass called the public hearing to order.

Ms. Stacy Allen presented the Area Boundary Recommendation for the 2015 Ozone Standard. Information on the proposed recommendation begins on page 77 of the briefing document.

Chairman Pendergrass closed the public hearing.

To obtain a copy of the public hearing transcript, please contact Ms. Kathy Porter by writing to Midwest 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. Seanmichael Stanley presented rule amendment 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants* for adoption. More information on the proposed rule amendment can be found on page 83 of the briefing document.

Vice Chairman Zimmermann moved to adopt rule amendment 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*. Commissioner Jack Jones seconded the motion. All of the commissioners voted to adopt 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants* as amended.

Mr. Seanmichael Stanley presented rule amendment 10 CSR 10-6.210, *Confidential Information* for adoption. More information on the proposed rule amendment can be found on page 91 of the briefing document.

Vice Chairman Zimmermann moved to adopt rule amendment 10 CSR 10-6.210, *Confidential Information*. Commissioner Garnett seconded the motion. All of the commissioners voted to adopt 10 CSR 10-6.210, *Confidential Information* as amended.

Ms. Stacy Allen presented Missouri State Implementation Plan (SIP) Revision – Redesignation Request and Maintenance Plan for the St. Louis (MO) 2008 Ozone Standard Nonattainment Area for adoption. More information on the SIP revision can be found on page 97 of the briefing document.

Vice Chairman Zimmermann moved to adopt Missouri State Implementation Plan (SIP) Revision – Redesignation Request and Maintenance Plan for the St. Louis (MO) 2008 Ozone Standard Nonattainment Area. Commissioner Baker seconded the motion. All of the commissioners voted to adopt Missouri State Implementation Plan (SIP) Revision – Redesignation Request and Maintenance Plan for the St. Louis (MO) 2008 Ozone Standard Nonattainment Area as revised.

**E. Appeals and Variance Requests**

F&S Printing Variance Extension Request

Mr. Richard Swartz presented a variance request for F&S Printing. Information regarding the variance request can be found beginning on page 103 of the August 25, 2016, briefing document.

Mr. Albert Stix, representing F&S Printing/Checker Bag Company, addressed the commission. His comments may be viewed on the Missouri Air Conservation Commission website at <http://dnr.mo.gov/env/apcp/macc.htm>.

Vice Chairman Zimmermann moved to grant a six-month variance to F&S Printing. Commissioner Garnett seconded the motion. All commissioners voted to grant a variance to F&S Printing for six months.

**F. New Business**

Vice Chairman David Zimmermann voted to hold nine commission meetings in 2017. Commissioner Mark Garnett seconded the motion, and all commissioners voted to hold nine commission meetings in 2017.

**G. Reports - The following referenced reports are in the August 25, 2016, 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**

Mr. Richard Swartz said the Compliance/Enforcement Report begins on page 31 with the Concern Report. There were a total of 49 concerns received from June 16, 2016, through July 15, 2016. During this time period 40 investigations were completed.

The Ongoing Negotiations Report can be found on pages 43 and 44. There are 36 enforcement actions in the negotiation process at this time.

The Finalized Agreement Report is on page 45. For the time period of June 16, 2016 through July 15, 2016, the department finalized 5 agreements with a total penalty of \$137,000. Of that amount, \$77,000 was paid to the school fund of the County in which the violation occurred, and the remaining \$60,000 was suspended. The majority of those penalties involved an enforcement case with Continental Cement.

The Pending Referrals Report can be found on page 47. At this time, there are 15 Active Referrals.

**2) PERMITS REPORT**

Mr. Hale stated the Permits Report begins on page 49 of the briefing document with the Permit Applications Received Report. A total of 46 construction and 14 operating permit projects were received in July. So far, a total of 481 permit projects have been received in 2016.

The Permit Applications Completed report begins on page 57 of the briefing document. A total of 50 construction and 8 operating permit projects were completed in July. So far, a total of 462 operating permit projects have been completed in 2016.

The Open Permits Report is on page 64 of the briefing document. This report details the types of projects currently open in the Permit Section.

There is one Prevention of Significant Deterioration permit currently on public notice for Continental Cement. The public notice period started on August 19, 2016, and a tentative hearing date is scheduled on September 20, 2016. However, if no requests to hold a public hearing are received by September 16, 2016, then

the public hearing will be canceled. Mississippi Lime and Greif Packaging have two operating permits that are also on public notice.

EPA has released some guidance on a few things. Mr. Hale briefly described the guidance topics which included Title 5 regulations, petitions, and permit modeling. For more information regarding his description of the EPA guidance, please see the August 25, 2016, video posted on the commission's website at <http://dnr.mo.gov/env/apcp/macc.htm>.

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

#### a) **Rules and State Implementation Plan (SIP) Agenda**

The Rules and SIP Agenda is found on pages 65 – 68. Ms. Bybee briefly mentioned the items already presented for public hearing (the Boundary Recommendation for the 2015 Ozone Standard) and those for adoption (10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*, 10 CSR 10-6.210, *Confidential Information*, and Missouri SIP Revision – Redesignation Request and Maintenance Plan for the St. Louis (Missouri) 2008 Ozone Standard Nonattainment Area). The Boundary Recommendation for the 2015 Ozone Standard will be presented to the commission for adoption at the September 29, 2016 meeting. The Proposed Area Boundary Recommendations for the 2010 Sulfur Dioxide Standard: December 2017 Designations will be presented to the commission at the October 27, 2016, public hearing in Springfield and then for adoption at the December 1, 2016, meeting.

#### b) **Rules In Progress Schedule**

The Rules In Progress Schedule is found on pages 69 - 70 of the briefing document. Both rules, 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants* (first line on page 69) and 10 CSR 10-6.210, *Confidential Information* (second to the last line, page 69) are on track to be effective at the end of 2016. Three new rows have been added to the schedule (bottom of page 70) to follow up on information presented at the July meeting regarding early work on these rule amendments. These rows include rules 10 CSR 10-6.161, *Commercial and Industrial Solid Waste Incinerators*, 10 CSR 10-6.060, *Construction Permits* and 10 CSR 10-5.330, *Control of Emissions From Industrial Surface Coating Operations*. These three rules are in the early stages and by this schedule would be brought before the commission in early 2017.

#### c) **State Air Quality Plans Status Report**

The State Air Quality Plans Status Report can be found on pages 71 – 76 of the briefing document. The shaded portions are the pieces that have been updated since the last meeting.

## Ozone

The commission has been presented with the 2015 and 2008 ozone information. Missouri is in the middle of the 2016 ozone monitoring season and it will last until the end of October. There have been some exceedances of the 2015 and 2008 standards. However, the program believes it is still on track to demonstrate attainment with the 2008 ozone standard. This information is preliminary and is not quality assured, at least for the 2016 season. More information will be presented to the commission as the season progresses. For up to date ozone monitoring data, please see: <http://dnr.mo.gov/env/apcp/docs/ozonemonitordata.pdf>.

## Cross State Air Pollution Rule

EPA proposed amendments to this rule last year. Missouri has been found to contribute to downwind air pollution so it was necessary to include Missouri in that rule. At the time of the proposed rule, EPA included a 30 percent reduction for Missouri of ozone season NOx from the previous Cross State Air Pollution Rule. There was a comment period and the program did submit comments. It is anticipated that EPA will finalize that rule within the next few months.

### **d) Periodic Rule Review**

The Department is in the middle of the Periodic Rule Review process. Ms. Bybee reminded the commission that this is the process where all of the Department of Natural Resources rules, and other specific state departments, are open for public comment. This process started on July 1, 2016, and will close on August 31, 2016. In the meantime, the program is reviewing its rules to comply with other pieces of the statute.

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

### **a) St. Louis Regional Office**

Ms. Moore welcomed the commission to the St. Louis Regional Office. Twelve Air Program staff work out of the SLRO, 11 in the Inspection Maintenance Section. She introduced air staff and SLRO staff present. The SLRO staff handle air inspections of stationery sources, vapor recovery (gasoline station inspections) and complaint investigations in the St. Louis area.

### **b) Ozone**

There have been 30 exceedances of the 70 parts per billion (ppb) standard this year. Based on available data, about a third of those would have been exceedances of the 75 ppb standard. Overall, the air quality is getting better and the ozone values are decreasing as the standard decreases. It is a moving target, but the ozone levels in St. Louis are coming down.

**c) Clean Power Plan**

As the commission is aware, the Clean Power Plan, the federal regulation proposed to reduce carbon dioxide emissions from power plants was stayed by the U.S. Supreme Court. The U.S. District Court of Appeals has a hearing scheduled for September 27, 2016. More information will be provided to the commission as it becomes available.

The Clean Energy Incentive Program (CEIP)

The CEIP, part the Clean Power Plan, is not affected by the stay. EPA is soliciting comments on the CEIP and the comment period ends on November 1, 2016.

**d) Air Program Advisory Forum**

Ms. Moore reminded the commission that the Air Program Advisory Forum is scheduled to meet September 29th at 1:00 p.m. This is the same day as the September commission meeting. Anyone who is interested is welcome to attend. General updates will be provided and the discussion regarding permit and asbestos fees from the last forum meeting will continue.

**H. Unfinished Business**

None.

**I. Open Session**

Ms. Patricia Schuba, representing the Labadie Environmental Organization, addressed the commission. Details of her comments can be viewed on the commission's website at <http://dnr.mo.gov/env/apcp/macc.htm>.

Mr. Eli Horowitz, representing the Sierra Club, addressed the commission. Details of his comments can be viewed on the commission's website at <http://dnr.mo.gov/env/apcp/macc.htm>.

Ms. Christine Montero, representing the Sierra Club, addressed the commission. Details of her comments can be viewed on the commission's website at <http://dnr.mo.gov/env/apcp/macc.htm>.

Mr. Mike Alesandrini, representing AECOM, addressed the commission. Details of his comments can be viewed on the commission's website at <http://dnr.mo.gov/env/apcp/macc.htm>.

**J. Future Meeting Dates**

**September 29, 2016 – Thursday**

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

**October 27, 2016 – Thursday**

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

**December 1, 2016 – Thursday**

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

**January 31, 2017 – Tuesday**

Location to be Determined

**March 30, 2017 – Thursday**

Location to be Determined

**April 27, 2017 – Thursday**

Location to be Determined

**May 25, 2017 – Thursday**

Location to be Determined

**July 27, 2017 – Thursday**

Location to be Determined

**August 31, 2017 – Thursday**

Location to be Determined

**September 28, 2017 – Thursday**

Location to be Determined

**October 26, 2017 – Thursday**

Location to be Determined

**December 7, 2017 – Thursday**

Location to be Determined

**K. Discussion of Pending Litigation and Legal Matters**

None.

**L. Missouri Air Conservation Commission**

Vice Chairman Zimmermann moved to adjourn the August 25, 2016, Missouri Air Conservation Commission meeting. Commissioner Jack Jones seconded the motion, and all commissioners voted to adjourn the meeting.

Chairman Pendergrass adjourned the August 25, 2016, Missouri Air Conservation Commission meeting.

Respectfully submitted,

*Signature On File*

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Kyra L. Moore, Director  
Air Pollution Control Program

Approved:

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Gary Pendergrass, Chairman  
Missouri Air Conservation Commission

