

**MINUTES**  
**MISSOURI AIR CONSERVATION COMMISSION**  
**Elm Street Conference Center**  
**1730 East Elm Street – Lower Level**  
**Bennett Spring Conference Room**  
**Jefferson City, MO 65101**  
**May 25, 2017**  
**9:00 a.m.**

**Commissioners Present**

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

**Commissioners Absent**

Jack Baker, Member  
Mark Garnett, Member

**Staff Members Present**

Van Beydler, Public Information Coordinator, Soil and Water Conservation Program  
Darcy Bybee, Air Quality Planning Section Chief, Air Pollution Control Program (APCP)  
Kendall Hale, Permits Section Chief, APCP  
Steve Hall, Air Quality Analysis Section Chief, APCP  
Connie Kinney, Compliance/Enforcement Section, APCP  
Kyra Moore, Director, APCP  
Julia Katich Mudd, Assistant General Counsel, Department of Natural Resources  
Lisa Nahach, Public Information Specialist, APCP  
Richard Swartz, Compliance/Enforcement Section Chief, APCP  
Will Wetherell, Environmental Services Program  
Chris Wood, Compliance/Enforcement Section, APCP

**Others Present by Attendance Record**

Robert Brundage, Newman, Comley and Ruth, P.C.  
Dave Fraley, Diamond Sky Ventures  
Josh Gardner, Trinity Consultants  
Jennifer Hernandez, Attorney General's Office  
Chris Schreiber, Schreiber Engineering, LLC  
David Shanks, Boeing  
Roger Walker, Regulatory Environmental Group for Missouri

**A. Call to Order**

Chairman David Zimmermann called the May 25, 2017, meeting of the Missouri Air Conservation Commission to order. The following commissioners were present: Jack Jones, David Zimmermann, and Gary Pendergrass. \*Jack Jones participated by phone.

**B. Minutes from April 27, 2017, Meeting**

Since there was not a quorum present, the commissioners will vote on the April Meeting minutes at the July meeting.

**C. Reports - The following referenced reports are in the May 25, 2017, 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**

Mr. Richard Swartz said the Compliance/Enforcement Report begins on page 39 with the Concern Report. A total of 60 concerns were received from March 16, 2017 through April 15, 2017. The largest number of concerns revolved around open burning, followed by odor, and fugitive dust. During this time period 54 investigations were completed by regional office staff.

The Ongoing Negotiations Report can be found on page 57. There are 30 enforcement actions in the negotiation process at this time. That is four more than what was reported last month.

The Finalized Agreement Report is on page 59. For the time period of March 16, 2016 through April 15, 2017, the department finalized one agreement with TEVA Pharmaceuticals for a total penalty of \$2,000. The total amount of \$2,000 was suspended.

The Pending Referrals Report can be found on page 61. There are still six Active Referrals. This number is unchanged from last month.

The Compliance and Enforcement Section expects to bring a variance request for the City of Kennett at the July commission meeting.

Mr. Chris Wood accepted the Compliance Unit Chief position and starts today. In addition, interviews were held for the Environmental Specialist position in the Asbestos Unit. There were some excellent candidates and Mr. Swartz said he expected the position to be filled very soon.

**2) PERMIT REPORT**

Mr. Hale stated the Permit Report begins on page 63 of the briefing document with the Permit Applications Received Report. For the year, the Permit Section has received 230 construction and 132 operating permit projects. At this same

time in 2016, the Permit Section had only received 180 construction and 91 operating permit applications. Mr. Hale also gave the figures for 2014 and 2015.

The Permit Applications Completed report begins on page 71 of the briefing document. For the year, the Permit Section completed 222 construction and 197 operating permit projects. At this same time in 2016, the Permit Section had completed received 168 construction and 90 operating permit projects. Mr. Hale also gave the figures for 2014 and 2015.

The Open Permits Report is on page 83 of the briefing document. This report details the types of projects currently open in the Permit Section. There are currently 465 open permit projects. At this same time in 2016, the Permit Section had 612 open permit projects.

The Permit Section continues to work on the backlog of permit projects, including the older projects. The Permit Section is making good progress.

There are 15 operating permit projects, Part 70s and Intermediates, on public notice. One permit of note is Mallinckrodt in St. Louis, which went on public notice on May 12, 2017. The Prevention of Significant Deterioration (PSD) permit for Columbia Municipal Power Plant just came off of public notice. No comments or requests for a public hearing were received so the public hearing was canceled and the permit should be issued shortly. Draft permits that are on public notice can be found on the Air Pollution Control Program's website at <http://dnr.mo.gov/env/apcp/permit-public-notices.htm>. Public comments can also be submitted from this webpage.

The Permit Section recently held interviews for three vacant positions. Mr. Hale said he hoped the positions will soon be filled.

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

The slides from Ms. Darcy Bybee's presentation can be seen in Attachment A of these minutes or on the commission's website at <http://dnr.mo.gov/env/apcp/macc.htm>.

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

The Rule and SIP Agenda is found on page 85. There are no public hearing or adoption items for the commission meetings in May or July. The Planning Section is continuing work on several items to bring before the commission in the future.

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

The Rules in Progress Schedule is found on pages 87 – 88 of the briefing document. Ms. Bybee reviewed the schedules for 10 CSR 10-6.075, *Maximum Achievable Control Technology Regulations* (page 87, last row) and 10 CSR 10-6.080 *Emission Standards for Hazardous Air Pollutants*

(page 88, first row). The MACT and NESHAP rules were published in the *Missouri Register* on November 15, 2016 and were then presented at public hearing on January 31, 2017. The public comment period ended on February 7, 2017, and the commission adopted these rules at the March 30, 2017 meeting. Both rules are set to become effective on July 30, 2017.

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

The State Air Quality Plans Status Report can be found on pages 89 – 94 of the briefing document. The Air Quality Planning Section is in the process of reviewing the report to make it more streamlined, and focused on current standards and obligations.

Ozone and Sulfur Dioxide

Ms. Bybee reminded the commission that the air program updates the air quality monitoring data webpages on a weekly basis. The ozone and sulfur dioxide (SO<sub>2</sub>) monitoring data can be found at the following links:

-Ozone: [www.dnr.mo.gov/env/apcp/docs/ozonemonitordata.pdf](http://www.dnr.mo.gov/env/apcp/docs/ozonemonitordata.pdf)

-SO<sub>2</sub>: [www.dnr.mo.gov/env/apcp/docs/so2monitoringdata.pdf](http://www.dnr.mo.gov/env/apcp/docs/so2monitoringdata.pdf)

Air quality monitors have documented the first two exceedances of the 2015 ozone standard in the 2017 ozone season. The exceedances do not require special action of the program at this time. The ozone season started March 1st and will last until the end of October.

The SO<sub>2</sub> monitoring data is also updated weekly. The program has been focused on the Jackson and Jefferson County monitors as these are the two areas of the state that are nonattainment for the 2010 SO<sub>2</sub> standard. These areas of the state are either already demonstrating compliance or well on their way.

The Jefferson County area has “clean data,” or air quality data that demonstrates compliance with the standard, and that information has been submitted to EPA. That is one step towards EPA redesignating the Jefferson County area as attainment.

The Jackson County area appears to be following shortly behind the Jefferson County area. The program hopes to have “clean data” early in 2018, which means the Jackson County area will be progressing through the redesignation process as well.

An additional item of note regarding the 2010 SO<sub>2</sub> standard is with regard to a requirement of the Data Requirements Rule. The rule requires states to submit an “Ongoing Verification Report” to demonstrate those areas which were recently designated as attainment based on modeling data are continuing to attain the standard. The Scott County area, which was officially designated as unclassifiable/attainment based on modeling data

during the most recent round of designations, falls under this requirement. In compliance with the requirement, the program has prepared a report demonstrating that the area continues to attain the standard. This report reminds the reader that last year the program submitted an updated recommendation to EPA through the public process, through the commission to officially request that EPA redesignate this area to attainment based upon air quality modeling data of actual facility emissions. This report is posted for public inspection at: [www.dnr.mo.gov/env/apcp/stateplanrevisions.htm](http://www.dnr.mo.gov/env/apcp/stateplanrevisions.htm). An email listserv was sent out to approximately 1,100 people letting them know the report was posted for comment. The program must submit the report to EPA by July 1, 2017.

#### Evaluation of Existing Regulations

The federal register notice, "Evaluation of Existing Regulations," was published on April 13, 2017. The notice stated that all EPA regulations were available for comment. The comment period closed on May 15, 2017, and, at the time of the meeting, EPA had documented receipt of 167,663 submissions. (Note: as of July 10, 2017, EPA has documented receipt of 448,618 comments.) The federal register notice and comments received are available at: [www.regulations.gov/document?D=EPA-HQ-OA-2017-0190-0042](http://www.regulations.gov/document?D=EPA-HQ-OA-2017-0190-0042).

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

The slides from Ms. Kyra Moore's presentation are in Attachment B of these minutes or on the commission's website at <http://dnr.mo.gov/env/apcp/macc.htm>

##### a) **Permit Update**

The Permit Section is tracking the number of non-current permits. At the beginning of the year there were 98 Part 70 permits that were not current, in-house longer than 18 months. At the end of May that number is down to 84. For Intermediate permits that number was 71 at the beginning of the year and it is now down to 63. A lot of progress has been made on Basic operating permits, which started out with 47 and now it is down to 27.

Ms. Moore commended the Permit Section for all of their hard work. She also thanked the facilities for working with staff to review their draft operating permits in a timely manner.

#### **D. Public Hearing**

None.

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

None.

**F. New Business**

None.

**G. Unfinished Business**

None.

**H. Appeals and Variance Requests**

None.

**I. Open Session**

No one addressed the commission.

**J. Future Meeting Dates**

**July 27, 2017 – Thursday**

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

**August 31, 2017 – Thursday**

St. Louis Regional Office  
7545 South Lindbergh, Suite 220  
DESE Conference Room  
St. Louis, MO 63125

**September 28, 2017 – Thursday**

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

**October 26, 2017 – Thursday**

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

**December 7, 2017 – Thursday**  
Elm Street Conference Center  
1730 East Elm Street  
Lower Level  
Bennett Spring Conference Room  
Jefferson City, MO 65101

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

None.

**L. Meeting Adjournment**

Commissioner Pendergrass moved to adjourn the May 25, 2017, Missouri Air Conservation Commission meeting. Vice Chairman Jones seconded the motion, and all commissioners voted to adjourn the meeting.

Chairman Zimmermann adjourned the May 25, 2017, 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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David Zimmermann, Chairman  
Missouri Air Conservation Commission







## Air Quality Planning

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Darcy Bybee

Air Quality Planning Section Chief

Air Pollution Control Program

Missouri Air Conservation Commission Meeting

Jefferson City, MO

May 25, 2017



## Air Quality Planning Updates

- Rule and State Implementation Plan (SIP) agenda
- Rules in Progress Schedule
- State Air Quality Plans Status Report

## Rule and SIP Agenda

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Page 85

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## Rule and SIP Agenda

*Briefing Document, page 85*

**May 25, 2017 & July 27, 2017**

**Public Hearing:**

- None

**Actions to be voted on:**

- None

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## Rules in Progress Schedule

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Pages 87-88

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## Rules in Progress Schedule

*Briefing Document, pages 87-88*

- Page 87, last row, Page 88, 1<sup>st</sup> row:
  - 10 CSR 10-6.075
  - 10 CSR 10-6.080

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## Timeline: MACT & NESHAP Updates

Nov 15, 2016

- Missouri Register publication

Jan 31, 2017

- Public hearing

March 30, 2017

- Rule Adoption

May 5, 2017

- Secretary of State filings

July 30, 2017

- Rules effective

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## State Air Quality Plans Status Report

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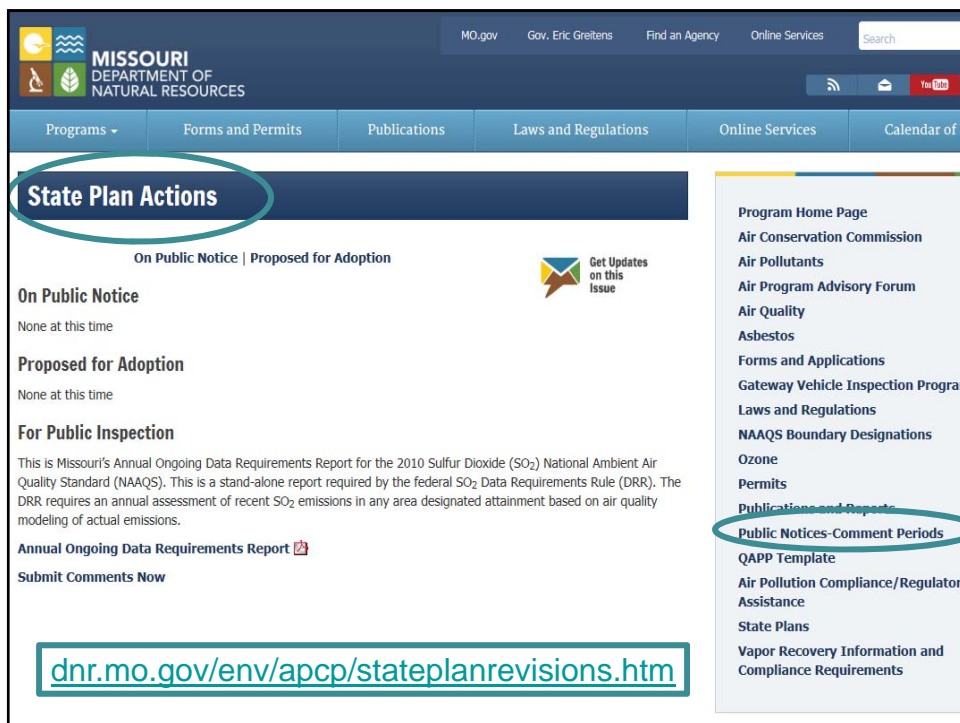
Pages 89-94

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## Updates:

- Ozone:
  - Monitoring Data:  
[dnr.mo.gov/env/apcp/docs/ozonemonitordata.pdf](http://dnr.mo.gov/env/apcp/docs/ozonemonitordata.pdf)
- Sulfur Dioxide:
  - Monitoring Data:  
[dnr.mo.gov/env/apcp/docs/so2monitoringdata.pdf](http://dnr.mo.gov/env/apcp/docs/so2monitoringdata.pdf)
  - “Ongoing Verification” Report :  
[dnr.mo.gov/env/apcp/stateplanrevisions.htm](http://dnr.mo.gov/env/apcp/stateplanrevisions.htm)

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The screenshot shows the Missouri Department of Natural Resources website. The navigation menu includes Programs, Forms and Permits, Publications, Laws and Regulations, Online Services, and Calendar of Events. The main content area is titled "State Plan Actions" and is circled in red. It features sections for "On Public Notice", "Proposed for Adoption", and "For Public Inspection". A "Get Updates on this Issue" button is visible. A sidebar on the right lists various program links, with "Public Notices-Comment Periods" circled in red. At the bottom, a URL is highlighted in a red box: [dnr.mo.gov/env/apcp/stateplanrevisions.htm](http://dnr.mo.gov/env/apcp/stateplanrevisions.htm).



Division of Environmental Quality Acting Director: Steve Feeler

Date: May 25, 2017

Nothing in this document may be used to implement any enforcement action or levy any penalty unless promulgated by rule under chapter 536 or authorized by statute.



# Director's Report

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Kyra L. Moore, Director  
Air Pollution Control Program

Missouri Air Conservation Commission Meeting  
May 25, 2017

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# Air Program Advisory Forum

- May 25, 2017 12:30 p.m.
- Discussion on:
  - Draft Basic Operating Permit Process
  - Draft Revisions to Construction Permit Application
  - Draft Revisions Part 70/Intermediate Operating Permits Application

<http://dnr.mo.gov/env/apcp/airadvisory/index.html>

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# Staffing

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## Department Staffing Update

- <http://dnr.mo.gov/shared/dnrpds.pdf>
- Department Director – Carol Comer
- Department Deputy Director – Dru Buntin
  - Communications Director – Connie Patterson
- Department General Counsel – Katie Jo Wheeler
  - Deputy General Counsel – Don Willoh
  - General Counsel's Office hiring 2 new attorneys
- Legislative Director – Rich Germinder



## Department Staffing Update – cont.

- <http://dnr.mo.gov/shared/dnrpds.pdf>
- **Division of Environmental Quality** – Steve Feeler, Acting Director
- **Division of Administrative Support** – Janet Mertens, Acting Director
- Missouri Geological Survey Division – Joe Gillman
- **Missouri State Parks** – David Kelly, Acting Director

## Program Staffing Update

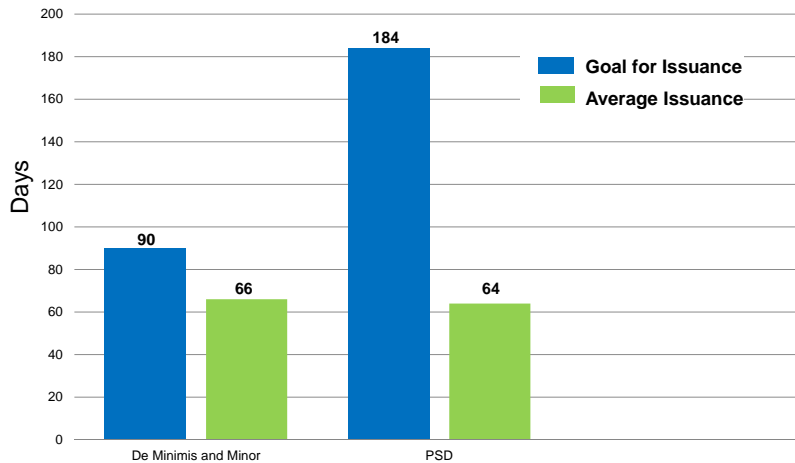
- 101 positions on organizational chart
- 14 vacancies
  - Actively filling 6

Interviews in Process for:

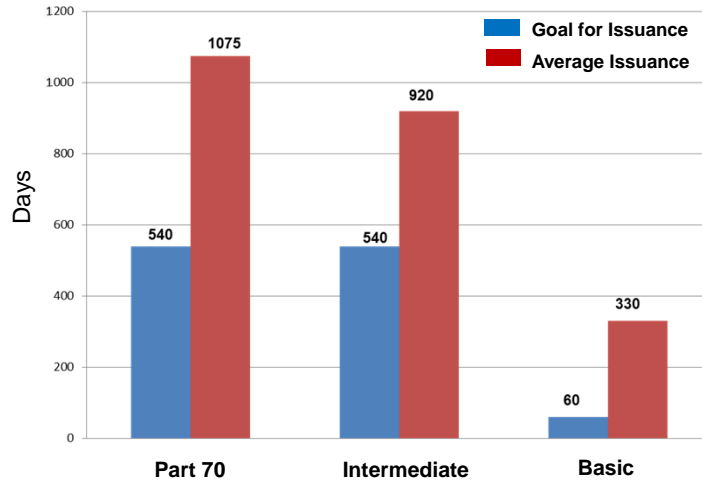
- **Fiscal Budget Section Chief**
- **Environmental Engineers** – 4 positions
- **Environmental Specialist** – Asbestos Unit

# Permit Backlog

# Air Construction Permit Issuance



## Title V Operating Permit Issuance



General updates




<http://dnr.mo.gov/survey.htm>

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## Know Your Regulators

- <http://dnr.mo.gov/>
- [contact@dnr.mo.gov](mailto:contact@dnr.mo.gov)
- (800) 361-4827
  - Air Pollution Control Program (573) 751-4817
  - Hazardous Waste Program (573) 751-3176
  - Solid Waste Management Program (573) 751-5401
  - Water Protection Program (573) 751-1300

## How To Stay Informed

- Twitter: <https://twitter.com/modnr>
- Broadcast List Serves: <http://dnr.mo.gov/broadcastlists.htm> 

## Air Organizations

### Executive Directors Retiring

- National Association of Clean Air Agencies  
– <http://www.4cleanair.org/>
- CenSARA – Central States Air Resource Association  
– <http://www.censara.org/>

Division of Environmental Quality Acting Director: Steven Feeler

Date: May 25, 2017

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