



Small Business Compliance Advisory Committee

Meeting Minutes December 10, 2008

Meeting was held at: 1730 East Elm St.,
Jefferson City, MO 65102

Members present: Pam Cain, Gale Holsman, Robin Cole III, and Randy Potterfield

DNR present: Lucy Thompson, David Lamb, Jim Froelker, Carlton Flowers,
Tiffany Campbell, Katy Holmer, Lisa Miller, Kelly Bowers, Jeff
Bennett

Guest present: Debbie Wurst, City of St. Louis APC,

I. Call to Order

Meeting was called to order at 10:20 a.m., once a quorum was present.

II. Minutes

Minutes from the September 2008 meeting were approved. The Committee then discussed how to handle the posting of draft minutes from their meetings. It was decided that draft minutes would be emailed to the Committee approximately 10 days after the meeting. The Committee members would then be given two days to respond with any changes needed to the minutes before the draft minutes would be posted to the department web site.

III. Presentations

A. New Lead Standard *Katy Holmer*

Ms. Holmer stated that on October 16, 2008, the U.S. Environmental Protection Agency (EPA) announced a substantially strengthened lead standard. The revised standard is 10 times stricter than the old standard. While this issue is not expected to impact many small businesses, it is a major air quality issue in the state.

The new standard is based on considerable scientific evidence about lead and health, which has dramatically expanded since EPA issued the initial standard in 1978. Evidence from health studies shows that adverse effects occur at much lower levels of lead in blood than previously thought. The focus of the new standard is to be protective of young children who are most susceptible to the effects of lead exposure.

Herculaneum in Jefferson County is currently the state's only nonattainment area under the old lead standard. This area contains a primary lead smelter and will clearly have difficulty meeting the new standard. In addition, the department anticipates other facilities in the state will likely be affected by the new standard and additional locations in Missouri will be designated as nonattainment. EPA's new rule requires additional monitors near facilities with greater than 1 ton per year of lead emissions and in metropolitan areas greater than 500,000 population. Based on these provisions, 14 additional monitors may have to be added at 12 additional monitoring sites at a variety of facilities. Airports with a high volume of piston-engine aircraft traffic may require monitors, as well. A monitor will need to be added in the Kansas City Metropolitan Statistical Area, but St. Louis already contains a monitor population provision. The state will need to submit a plan for source area monitors by July 2009 and the monitors will need to be in place by January 2010. Plans for urban area monitors will need to be submitted by July 2010 and in operation by January 2011.

The department will complete the first monitoring plan by July, and is required to make designation recommendations by October 2009. EPA will make final designations no later than January 2012. States are required to submit State Implementation Plans outlining how they will reduce pollution to meet the standards by June 2013. States are required to meet the standards no later than January 2017.

The committee requested additional information on the amount of lead emissions at small airports.

B. 2008 Proposed Ozone Designations

Tiffany Campbell

See attached presentation

C. Area Sources

Lucy Thompson

See attached presentation

IV. Legislative Update

David Lamb

Mr. Lamb gave the Committee an update on the following rule actions and department activities that have the potential to affect small businesses:

10 CSR 10-2.385 and 10 CSR 10-5.385 Control of Heavy Duty Diesel Vehicle Idling Emissions

These two rules were adopted by the Missouri Air Conservation Commission (MACC) at their October 30, 2008 meeting.

The Committee was reminded that these rules were initiated to address ozone in Kansas City and ozone and particulate matter in St. Louis and that the rules will limit idling of heavy duty vehicles to no more than 30 minutes in any 60 minute period while waiting to load or unload freight and to 5 minutes in any 60 minute period at any other time unless it meets one of the exemptions in the rule.

The rules, which were based on EPA's model rule, were adopted by the MACC with some significant changes from the original proposal. The rules, as adopted, no longer have requirements for freight load/unload locations. Also the gross vehicle weight of trucks subject to the rule was raised from 8,500 pounds to 10,000 pounds.

With the MACC's adoption of these rules, they will become effective on February 28, 2008, which will allow them to be in effect prior to next year's ozone season.

10 CSR 10-5.381 On-Board Diagnostics Motor Vehicle Emissions Inspection.

This rule amendment to the Inspection and Maintenance Program for the St. Louis ozone nonattainment area was mainly administrative in nature and should not result in any new costs for the automobile repair industry.

The purpose of the rule amendment was to make the current requirements of the rule easier to understand by the facilities covered by the rule. The amendment will also make enforcement easier for the department and the Highway Patrol. Most of the changes being proposed for the rule were at the request of the Highway Patrol who jointly enforces the program with the department.

This rule was presented at public hearing on December 4, 2008 and will be presented to the MACC for adoption on February 3, 2009.

10 CSR 10-6.400 Restriction of Emission of Particulate Matter from Industrial Processes (Process Weight Rule)

The proposed rulemaking properly references the recently-moved construction permit exemptions and adds exemptions to the process weight rule. The proposed exemptions include: sources permitted by rule, coating operations, units subject to a federally enforceable requirement, and units that have an uncontrolled potential to emit less than the allowable emissions. The proposed rulemaking will benefit small businesses by streamlining the rule. This will benefit any small businesses that have coating operations, which are exempt in the proposed rule amendment.

This rule was presented at public hearing on December 4, 2008 and will be presented to the MACC for adoption on February 3, 2009.

10 CSR 10-6.061 (Amendment) Construction Permit Exemptions

This rule proposes to add an exemption from air construction permit requirements for the construction of temporary storage structures for purposes of grain storage as a result of abundant harvest or exceptional events provided they meet the construction requirements included in the rule.

This rule was presented at public hearing on December 4, 2008 and will be presented to the MACC for adoption on February 3, 2009.

10 CSR 10-6.045 Open Burning Restrictions

This rule was discussed in detail at the previous meeting, but an update was provided to remind that Committee that the rule is mainly being revised to allow the department to address issuing open burning permits in nonattainment areas and when open burning is the safest and most feasible method of disposal. That rulemaking is moving forward and the department expects to have the proposed rule filed in January, which will likely put it on schedule for a March public hearing and April MACC adoption.

Vapor Recovery Workgroup

An update was provided on the vapor recovery workgroup. It was discussed that the workgroup held its fourth of six planned meeting on November 13, 2008.

Work Group consensus items thus far are to create a new, easy to read, state wide rule that combines the Kansas City and St. Louis regulations; codifies existing policies; addresses above ground storage tanks; and exempts from stage II requirements facilities that fuel 100 percent ORVR fleets.

The group still has several other topics to discuss that will need to be addressed in the final two meetings.

State Clean Diesel Grants

Mr. Lamb explained a grant project that the department would be undertaking to help reduce diesel emissions in the states three largest metropolitan areas: St. Louis, Kansas City, and Springfield. He indicated the project is a cost share project that would allow public or private fleets in these areas to apply for funding to purchase and install emission control equipment, idle reduction equipment, or Smartway equipment on diesel vehicles or equipment. He noted the RFP's have been posted for all three metropolitan areas with a deadline for applications of December 31, 2008. The grant project will allow reimbursement up to 40% of a eligible project, with the applicant responsible for the remaining 60% of the costs.

More information and links to the RFP's in each area are posted on the department's website <http://www.dnr.mo.gov/env/apcp/cleandieselprogram.htm>.

V New Business

None

VI. Old Business

A. Asbestos Public Service Announcement Draft *Lucy Thompson*

The Air Pollution Control Program is working on a Public Service Announcement about Asbestos that will be available online at a later date. A draft version of the video Public Service announcement was shown and discussed. The Committee recommended that regulated structures be further defined in the PSA and that for a deterrent more emphasis should be put on cleanup cost for improper removals as opposed to fines and penalties. They also asked that a shorter PSA be developed that would be more attractive for television stations to run.

A copy of the asbestos poster that was developed was shown to the Committee. They all agreed the posters were ready for distribution.

The Committee also reviewed a copy of the asbestos letter that was drafted to go out to all of the Chambers of Commerce in the state to help promote compliance with the asbestos regulations and gave their approval to sending the letter.

B. Paint Stripper/Surface Coating

The Committee reviewed a copy of the letter that was drafted to go out to all of the Chambers of Commerce in the state to promote awareness of new federal requirements for paint stripping and surface coating operations. The Committee gave their approval to sending the letter.

C. Small Business Regulatory Fairness Board

The Committee discussed trying to set up their next meeting in conjunction with the Small Business Regulatory Fairness Board (SBRFB). The next SBRFB meeting is scheduled for February. If possible, the Committee would like to have their next meeting scheduled for then.

VII Public Comment and correspondence

None

VIII Other

The Committee made a request that the new Department Director when announced be invited to attend one of their future meetings.

IX. Adjourn

Meeting adjourned at 2:00 p.m.

DRAFT