



Small Business Compliance Advisory Committee (SBCAC)

Meeting Minutes February 3, 2009

Meeting was held at: 1659 East Elm St.,
Jefferson City, MO 65101

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

DNR present: Lucy Thompson, Carlton Flowers, Tiffany Campbell, and Kelly Bowers

I. Call to Order

Meeting was called to order at 12:00 p.m.

II. Minutes

Minutes from the December 2008 meeting were approved.

III. Update of Legislation, Regulations, and Activities

A. Departmental Changes

Lucy Thompson

1. The Department of Natural Resources' new director, Mark Templeton, will be starting on March 1. The change in director should not affect the Small Business Compliance Advisory Committee even though the department may undergo some changes. The Small Business Compliance Advisory Committee would like to invite him to a committee meeting. Lucy Thompson will work with the Directors office to invite Director Templeton to a SBCAC meeting.

Mr. Templeton will bring a wealth of energy and ideas to the agency. A native of Olivette, Mo., Mr. Templeton developed environmental and sustainability strategies during his tenure with McKinsey & Company, a global management consultancy headquartered in New York. From 2001 to 2005, Mr. Templeton worked with clients to explore new, "green" markets for products and services and develop next-generation jobs in the environmental and energy sectors. While at McKinsey, Mr. Templeton advised major organizations in the public, private and non-profit sectors, including the United Nations Development Programme's Commission on the Private Sector and Development. In 2005, Mr. Templeton left

McKinsey to become associate dean and chief operating office of Yale Law School, his alma mater.

As associate dean and chief operating officer at Yale Law, Mr. Templeton manages more than 200 administrative personnel and an annual budget of \$105 million. Among other duties, Mr. Templeton is responsible for approving departmental budgets, monitoring accounts and negotiating with other academic and administrative units.

Prior to joining McKinsey, Mr. Templeton was special assistant and senior adviser to the Assistant Secretary of State for Democracy, Human Rights and Labor and an adviser to the U.S. Delegation to the U.N. Commission on Human Rights. He worked as office director of the Human Rights Documentation Center in Bangkok, Thailand, from 1999 to 2000 and as a research associate with the South Asia Human Rights Documentation Center in New Delhi in 1997.

Mr. Templeton, 39, earned his bachelor's degree, magna cum laude, from Harvard College in 1994 and his juris doctorate from Yale Law in 1999. He graduated from Horton Watkins High School.

2. The Departmental Ombudsman Program has been put on hold and the Ombudsmen positions are now all vacant. At this time, it is not known if these positions will be refilled.

B. Regulations Updated

Lucy Thompson

1. 10 CSR 10-2.385 and 10 CSR 10-5.385 Control of Heavy Duty Diesel Vehicle Idling Emissions (Idle Reduction Rules)

The new Diesel and Vehicle Idle Reduction Rule was discussed. This regulation will require any vehicle with a 10,000 lb Gross Vehicle Weight Rating (GVWR) to limit its idling to less than five (5) minutes in any sixty (60) minute period unless it meets one of the exemptions included in the rule. Some of the various exceptions were discussed.

The final idling regulations were published in the Code of State Regulations on January 29, 2009. These regulations will go into effect on February 28, 2009 in the following areas:

Kansas City: Clay, Platte and Jackson

St. Louis: City of St. Louis, and the counties of St. Louis, St.

Charles, Jefferson and Franklin

2. 10 CSR 10-6.061 Construction Permit Exemptions

This proposed rule amendment will add an exemption from construction permits for the construction of temporary grain storage structures that

occur as a result of exceptional events (e.g. natural disasters or abundant harvests exceeding available storage capacity) provided they meet the construction requirements in the rule.

This rule was also presented for adoption earlier today (02/03/09) at the Missouri Air Conservation Commission (MACC) meeting and is expected to be effective May 30, 2009.

This rule should be a benefit to grain storage operations and those in need of grain storage.

3. Clarifications and exemptions were added to 10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes (Process Weight Rule) and 10 CSR 10-5.381 On-Board Diagnostics Motor Vehicle Emissions Inspection. (I/M Rule)

4. 2008 8-Hour Ozone Standard Boundary Recommendation
Tiffany Campbell

Based on the 2005-07 monitoring data, six distinct areas in Missouri violate the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS): Kansas City (Missouri/Kansas), St. Louis (Missouri/Illinois), Ste. Genevieve, Southeast Missouri, Springfield, and El Dorado Springs. The proposed boundaries for 8-hour ozone nonattainment areas in Missouri include the following counties:

Kansas City:	Cass, Clay, Clinton, Jackson, Platte
St. Louis:	Franklin, Jefferson, Lincoln, St. Charles, St. Louis, City of St. Louis
Ste. Genevieve:	Ste. Genevieve
Southeast Missouri:	Perry
**Springfield:	Christian, Greene, Stone, Taney
**El Dorado Springs:	Cedar (rural transport)

St. Francois County and Cape Girardeau County are recommended for designation as unclassifiable. The final recommendation lists the two counties whose monitors have design values showing attainment of the standard being designated as attainment. The remaining counties in the state of Missouri are recommended for designation as attainment/unclassifiable.

The above counties were designated nonattainment based on affirmative answers to one or both of the two basic designation questions: (1) Does the representative ozone monitoring data for each county indicate a violation of the ozone standard? and (2) Do the emissions within this county contribute to a downwind monitored violation?

This recommendation has been developed through in-depth technical evaluations of the available information related to the EPA guidance along with a series of stakeholder meetings and input. The information presented as part of the recommendation was collected from many different sources including data from individual industrial facilities within Missouri. All the data and the rationale for answering the two questions were presented in a document provided to the MACC (the Technical Support Document (TSD) for this recommendation). The input provided by stakeholders from all the different areas was considered during the development of the recommendation. The department believes this document is a fair and accurate assessment of the information and incorporates many stakeholder comments and contributions. However, this document does not reflect a consensus reached by all stakeholders that participated in the formal meetings for each area.

**It is important to note that based on the current 2006-08 monitoring data, the counties within the El Dorado Springs and Springfield areas would be designated attainment/unclassifiable for the 2008 ozone NAAQS. Therefore, Springfield/Southwest Missouri area has two recommendation scenarios: one based on the 2005-07 monitoring data that demonstrates a violation of the standard as documented above and the other based on the 2006-08 monitoring data that shows attainment of the standard for the entire area. These two distinct scenarios are presented for completeness.

Springfield has been working on a Clean Air Action Plan and Cape Girardeau has also chosen to look at voluntary measures to try to reduce their emissions. Both areas are looking at what voluntary measures were implemented in Kansas City to get ideas

5. 10 CSR 10-6.045 Open Burning Restrictions – Rules under Development
Lucy Thompson

The department is proposing revisions to the open burning regulations. One revision being proposed would allow open burning in a nonattainment area so long as the burning would not be detrimental to air quality standards. Another proposed change to the rule would allow open burning of certain trade waste when it is in the best interest of the general public or is the safest and most feasible method of disposal. Examples would be explosive trade waste that cannot be safely transported off site or trade waste that results from natural disasters such as floods and tornadoes.

The amendment may allow small businesses to open burn certain trade wastes when it can be shown that open burning is in the best interest of the general public or is the safest and most feasible method of disposal. In nonattainment areas, the amendment may allow small businesses to more

easily obtain open burning permits when conditions are such that the burning will not have a detrimental affect on air quality.

The amendment was filed December 29, 2008 with the Secretary of State. It is scheduled to go to public hearing on March 26, 2009. If adopted the rule becomes effective August 30, 2009.

The committee agrees the open burning restrictions need to be more open. The current restrictions are not feasible for a small company.

C. New Business

The 2009 SBCAC officer election was held verbally. The results to keep the Board Officers as they are currently were unanimous. T. Robin Cole III will continue as Chairman and Gale Holsman will continue as vice-chairman.

D. Old Business

1. Asbestos and Paint Stripper/Surface Coating Outreach
Chamber of Commerce letters went out for Asbestos and Paint Stripping/Surface Coating. The poster for asbestos will be mailed to the Chambers of Commerce. The Department is still working on the Asbestos Public Service Announcement (PSA). The pictures are being changed.

Carlton Flowers is in contact with JCTV to run the PSA. Also looking into Columbia, Springfield, Kansas City and St Louis. The Committee requests a map of coverage for each station to monitor progress.

Closing Comments

SBCAC would like to meet in different areas across the state. Kelly Bowers will set up a regional plan for upcoming meetings. Kelly Bowers will also organize a contact list for Committee members

Final adjournment at 1:10 p.m.

Note: Prior to and after the SBCAC meeting, the Committee attended the Small Business Regulatory Fairness Board meeting.