



**Small Business Compliance Advisory Committee (SBCAC)  
Meeting Minutes September 23, 2008**

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

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

**DNR present:** Lucy Thompson, David Lamb, Jim Froelker, Judy Bowman via phone conference, Tiffany Campbell, Leanne Tippet Mosby, Lisa Miller, Earl Pabst, Paul Myers, Don Kotur

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

**I. Call to Order**

Meeting was called to order at 10:00 a.m.

**II. Minutes**

Minutes from the June 2008 meeting were approved.

**III. Legislative Update**

*David Lamb*

**Opacity Rule** – This rule restricts the emissions of visible air pollutants. Changes to this rule were adopted by the Missouri Air Conservation Commission (MACC) recently. The rule changes cleaned up definitions and incorporated the most recent test methods for measuring opacity. This rule will go into effect in three to four months.

**Emission Fee Rule** – Changes to the emission fee regulation was adopted by the MACC during the August 2008 meeting. The changes will have a positive impact for small business. Smaller sources are required to submit a full Emissions Inventory Questionnaire (EIQ) either on a three year or six year schedule. During the years a full EIQ is not required, the facilities submit a short form unless their emissions changed more than a defined amount. Previously the defined amount was 20%. The new rule changed the 20 percent requirement to a flat five ton allowance. For most facilities, this change will allow a larger fluctuation in emissions before a full EIQ is required. This change will be in effect during the next EIQ reporting season starting January 2009.

**Restriction of Emissions of Particulate Matter** – The changes to this regulation will benefit small businesses because exemptions are being added. This rule requires sources to do complicated calculations to determine how much particulate matter they emit per process. The facilities that are covered by the exemptions are not required to do the

calculations. Additional exemptions are being reviewed – for example, sources that are subject to a more stringent standard and those that have the uncontrolled potential to emit that is less than what the emission rate is that is in the rule. The Program filed this rule on September 9, 2008, it will come to public hearing December 4, 2008, adopted in February 2009, and become effective May 30, 2009.

**Construction Permit Rule** – An exemption for temporary grain storage operations is being added. In the past this has been handled on a case by case basis. During high yield years or possibly when natural disasters occur, additional grain storage may be required. As long as the building meets basic structural requirements, temporary storage units will be allowed. That rule is tentatively set to be filed on October 15, 2008. It went on the 60-day comment period for the draft rule. We did not receive any comments.

**Vehicle Inspection and Maintenance (I/M) Program** – The Highway Patrol, who has joint authority over the I/M rulemaking, has requested that we change the rule to clarify existing requirements. This will make it easier for compliance and enforcement. Since this is strictly for clarification there should be no additional cost or requirements for a small business. Additionally, a bill was passed that made some changes to the I/M program regarding vehicle licensing. This bill allows people to operate without their license during the time that they are trying to get their vehicle emission readiness monitors reset. This bill is being incorporated also.

**Open Burning** – The open burning regulation is being reviewed to determine if it would be feasible to allow open burning permits in nonattainment areas and to allow some flexibility when the material being proposed for burning cannot be handled safely in any other way. An example of a safety issue would be explosive waste that cannot be safely transported on the road to a landfill.

**Gasoline Vapor Recovery** - The Program is currently starting a workgroup to look at the Missouri gasoline vapor recovery environmental regulations. Gasoline vapor recovery at gas stations includes Stage I, where gas is loaded into tanks, and Stage II, where gas is pumped into vehicles. Currently, the Stage I regulations apply to St. Louis and Kansas City and Stage II regulation apply to St. Louis. New federal requirements will require Stage I for tanks with larger throughputs throughout Missouri. The Program is trying to tie the federal regulation to our existing rules so that the vapor recovery regulations are as consistent as possible throughout the state. The Program is looking at streamlining and clarifying the vapor recovery regulation. Missouri Petroleum and Convenience Store Association Executive Director has been participating in the meetings and should be speaking for most of the service stations and small businesses that may be involved. MFA Oil, Wallace Oil Company, and JD Street are also participating on the workgroup.

#### **IV. Presentations**

##### **A. Open Burning**

*Paul Myers*

The Program is amending Missouri's open burning regulation. The amendment is on the initial 60-day comment period, which is prior to actually filing the rule. This gives the public an opportunity to see the draft rule and what is being proposed prior to going through the formal process. Open burning applies to all businesses no matter what their size is. Most of the violations and complaints received concern small businesses because they are not aware of or don't understand the regulation.

In 2005 a workgroup was convened to look at the open burning regulations to see if they could be improved in some way. At that time we had four separate regulations, one each for the Kansas City area, Springfield area, St. Louis area, and the outstate area. The workgroup combined all of the regulations into a single new rule. This improved consistency and ease of understanding. Regional requirements are still reflected in the regulation.

After the regulation went into affect, some issues became obvious. One issue was that the St. Louis area could no longer open burn. One of the things that the Program is proposing to do is to allow the Director of the Air Program the flexibility to allow open burning if the meteorological conditions and air quality indicate it would not cause major problems to air quality.

Another issue is open burning of certain trade wastes. The regulation says you can not burn trade waste, with only very small exceptions. There are occasions where it would be dangerous to dispose of trade waste in any other way than open burning. (For example explosive contaminated waste.) The Program is proposing giving the Director the flexibility to allow open burning of trade waste when it is in the best interest of the public or when it can be shown that open burning is the safest and most feasible method of disposal.

Violations are generally complaint driven. Open burning regulations are an issue that "small businesses" can trip up on. To try to get the word out, a written Public Service Announcement is provided on our website. Ombudsmen go to local fire departments and to the Rural Electric Cooperatives annual meeting and handed out the brochure

The Committee suggests that a few well placed advertisements of some of our enforcement actions may be effective in letting people know that we do take action when someone violates. The PSA and advertising should be local and specific. These are issues the committee may want to discuss in the future.

## **B. Diesel Idle Reduction**

*Tiffany Campbell*

Two new rules, 10 CSR 10-2.385 for the Kansas City area and 10 CSR 10-5.385 for the St. Louis area, will be having a public hearing at the September MACC

meeting. They will be open for comments through October 2, 2008. These two rules reduce the amount of allowed diesel vehicle idling.

There are a number of air quality issues in the St. Louis non-attainment area and the Kansas City maintenance area including ozone and Particulate Matter (PM). Diesel exhaust is composed of NOx, VOC, CO, PM, Sulfur, Formaldehyde, and Benzene. The diesel idling regulation will help improve air quality as well as save money on fuel.

This regulation is based on an EPA model rule. EPA sat down with a large number of trucking companies, regulators, environmentalists in 2003-2004 to put together a workgroup to develop a model rule to improve consistency of idling rules nationwide.

This rule affects owners and operators of commercial, public, and institutional heavy duty diesel vehicles that are intended to operate on public streets and/ or highways. It also affects owners of locations that have these types of vehicle coming onto their property to load or unload. It limits the length of time allowed for idling except in certain specific instances.

This rule will not go into affect until on February 28, 2009, prior to the start of the ozone season. The public comment period goes until October 2, 2008. Please see a copy of the presentation for additional information.

Working Lunch during some of the following discussions.

## **V. Old Business**

### **A.. Asbestos**

*David Lamb*

Asbestos violations can hit small businesses. The most common violations are failure to do an asbestos inspection prior to demolition or renovation and failure to notify the Department prior to performing a demolition or asbestos abatement project. Our typical penalty for most asbestos violations, depending on the severity of the violation, start at \$2000. After negotiations, our settlements usually drop down to \$500 paid with the remaining penalty suspended.

The Program discussed the Committee's suggestions from the last meeting with the asbestos staff. A proposal was developed considering resources and budget. A Public Service Announcement (PSA) is being developed for asbestos. It was not finished in time to play it at this meeting. An audio PSA and a video PSA will be provided on the internet. Links will be sent to the committee when the PSAs are available.

The Program has an asbestos fact sheet and we are planning on sending it to as many people as we can. We will be sending the information to the Regional Offices and the Missouri Chambers of Commerce. The Program is also preparing a poster that we hope to put in hardware stores.

The Committee suggested outreach to communities that issue building permits; possibly tying asbestos notifications to building refurbishment permits on industrial facilities. Communities have been resistant in the past to this type of request because of perceived liability.

A proposed letter was passed out to the members. This letter, with a brochure, is being proposed to be sent to Missouri Chambers of Commerce. This mail out is per a previous meeting's request. The Committee requested that Robin Cole review the letter and work with Lucy Thompson on any changes deemed necessary.

Judy Bowman, Kansas City Ombudsman, offered to hand out the brochures and/or posters to the home improvement stores in her region.

#### **B. Paint Stripping/Surface Coating**

*Lucy Thompson*

The EPA handout on paint stripping and surface coating and a letter addressed to Missouri Chambers of Commerce from the Committee was handed out. Discussion was held on the memo. The Committee requested that Robin Cole review the letter and work with Lucy Thompson on any changes deemed necessary.

#### **C. Other Area Source Rules**

*Lucy Thompson*

Additional information on other new area source regulations was handed out. This included information on plating and polishing operations, metal fabrication and finishing source categories, and gasoline dispensing facilities.

The Program has a list of companies by NAICS that can be used for the informational mail out. The Committee recommended sending out letters similar to the letter being prepared for paint stripping and surface coating rule. They recommended these letters be sent in a piecemeal fashion rather than all at once. The Ombudsman present at the meeting indicated that they might be available to assist with this outreach by making personal stops to those businesses in their regions. This list of sources can be broken down by county to help with this effort.

#### **D. Intern Program for Pollution Prevention**

*Marie Steinwachs*

The University Extension / Missouri Environmental Assistance Center had five interns over the summer working at ABB, Boeing, and Cargill with two intern “circuit riders. The program was 10 weeks long.

At ABB the interns evaluated heat loss from the furnaces, did a light study, and looked at solid waste. Recycling and switching to reusable pallets, they saved \$30,000 and the energy savings will be significant.

At Cargill the project looked at heat recovery from the refrigeration system. It was recommended that they recaptured some of the heat to offset the use of natural gas to heat the sanitation water. That project will have a two year return on investment and save the company \$100,000 a year.

At Boeing the results are still coming in. The interns looked at boiler combustion efficiency and found some potential savings. A conservative estimate is around \$50,000 a year on one boiler. They also looked at lighting improvements that could be made in the plant.

Not all of the calculations are complete, but it looks like the companies can save \$180,000 from this summer’s program. In the upcoming year they are going to try and get seven interns in the field.

The University is considering putting the energy part of our Pollution Prevention course on line. They are trying to see if there is an audience for this in business and industry. If this course was on line it could be taken anywhere in the state for either college credit or for noncredit.

Marie S. and Lucy Thompson will draft a letter of support for the program from the committee. (Note: The next week an email from Marie indicated a letter was not required.)

## **VI. New Business**

### **A. Personnel Changes**

*Lucy Thompson*

Don Kotur was introduced to the Committee. Don is a new engineer in the St. Louis Regional Office working with the small business assistance staff.

It was also announced that Gus Ralston, an engineer from the Kansas City Regional Office, who had been providing small business assistance in that area, has retired.

### **B. Small Business Regulatory Fairness Board (SBRFB)**

*Lucy Thompson*

At the last meeting the Committee discussed combining meetings with the SBRFB. The Program looked into it. The SBRFB's meetings last all day. They have a formal meeting in the morning and in the afternoon they open it up to whomever wants to come in and bring up items or issues. The question was raised as to how the Committee would like to handle setting up a meeting with the SBRFB. The next SBRFB meeting will probably be in December.

The Committee delegated Lucy Thompson and Pam Cain to talk to Scott George, SBRFB, and get the details of their next meeting and then decide how it should be approached.

## **VII. Public Comment and Correspondence**

None

## **VIII. Other**

### **Update on Ombudsman Activities**

*Jim Froelker*

Since August 2005, when the Director developed the Ombudsman program, the Ombudsmen have visited almost 6,300 communities, businesses, or individuals in the state. About 24 percent of these visits resulted in a referral to a region or program. The Ombudsmen have hosted town hall meetings for the Director to visit one on one with local leaders and the public in all counties but four. Miller and Morgan County will have meetings October 3, 2008. We also included the Rural Electric Cooperative annual meetings this year. We have been helping dry cleaners get their forms in on time, making sure they are in compliance.

## **IX. Adjourn**

Meeting adjourned at 1:30 p.m.