

MISSOURI 2004 AIR PROGRAM REVIEW- TABLE OF CONTENTS

<u>CHAPTER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
I	EXECUTIVE SUMMARY	1
II	INTRODUCTION	9
III	PLANNING	13
IV	PERMITTING	26
V	COMPLIANCE and ENFORCEMENT	38
VI	ASBESTOS	46
VII	MONITORING	51

APPENDICES

The appendices are available upon request.

*Please contact Amy Algoe-Eakin,
Missouri Coordinator at
algoe-eakin.amy@epa.gov or
(913)551-7942*

Chapter I EXECUTIVE SUMMARY

Background

The Air and Toxics Division, Region VII conducted a review of the Missouri Department of Natural Resources (MDNR), Air Pollution Control Program during the week of June 7, 2004. This review included an evaluation of the MDNR's management of the following areas and activities:

- Ambient Air Modeling
- Emission Inventory
- Regulatory Development
- Work plan Development
- Grant Management
- Local Agency Oversight
- Staffing and Training
- Program Planning
- Vehicle Inspection & Maintenance Program
- Compliance and Enforcement
- Permitting
- Asbestos
- Air Toxics

Summary

The Executive Summary provides a brief narrative of the results of this review. This summary and the report are divided into five chapters: Planning, Permitting, Compliance and Enforcement, Asbestos and Monitoring. MDNR operations reviewed were generally satisfactory and showed improvement since the previous program review in 2000.

Planning

This section of the review covers regulatory development, grants and work plan management, staffing, regional and local agency coordination, emissions inventory, training and the small business assistance program.

Regulatory Development The Air Pollution Control Program has a well-documented rule making process for developing regulations. This process incorporates a rule making time line which highlights the critical path for rule development and helps ensure critical dates are not missed. The Rule Making Manual, which provides formal documentation for the rule making process, provides examples and templates to be used by the MDNR staff for all rules proposed and implemented from their inception to their subsequent enactment. The MDNR has enhanced this process to provide further consistency by developing word based macro's which generate standardized forms and letters during the rule making process. It is noteworthy that the Rule Making manual/process has been updated 17 times since its development in 1995 to reflect current process revisions/changes. The Air Pollution Control Program incorporates federal technical and administrative requirements into their rule making packages which apply to State Implementation Plan revisions, updates for New Source Performance Standards (NSPS)

delegations, National Emission Standards for Hazardous Air Pollutants (NESHAP) delegations, and Maximum Achievable Compliance Technology (MACT) delegations, Title V program revisions and 111(d) plans. State Implementation/rule package submittals to the EPA are of high quality and are generally submitted in a timely manner.

The rule process has state statutory and administrative time lines which must be met for a rule to be successfully adopted by the Missouri Air Conservation Commission (MACC). Generally, a rule requires a minimum of ten to twelve months to be enacted. Recently, this process has been revised to include time for a regulatory impact analysis. This analysis could add three months to the rule making process which would increase the time frame for rule enactment to fifteen months. This increase in time will make it critical for the MDNR to continue to perform advanced planning for rule makings to ensure they are submitted in a timely manner to the EPA.

As previously noted, during the 2000 review, this section consisted of 12 full time positions. A reorganization occurred since the last review, reducing the number of full time positions in this Section to 10, a loss of two positions. This section currently has one vacancy. Based on the projected increase in rule-making activities it is important that staffing levels are maintained in this Unit. We recommend the MDNR review the staffing levels of the unit to ensure they are adequate to accommodate the projected increases in rule making activities related to impending CAA deadlines.

Grants and Work Plan Management During the review we examined the process used by the MDNR to negotiate work plans and incorporate State and EPA air environmental priorities. We also looked at the adequacy of the staffing levels for the Operations Section of the Air Pollution Control Program and how the financial management of the program was being accomplished. The MDNR and EPA staff work together to identify mutual air environmental goals. These goals are incorporated into the Performance Partnership Agreement which is signed by both the MDNR and the EPA and is effective for three years.

The Finance and Human Resource Unit tracks federal funding and accounts for charges to Title V and Federal grant accounts and provides support to the Operations Section. This Unit which assures the financial requirements of the program are satisfied, is an integral component of the Air Pollution Control Program, and appears to be operating well.

In-Kind Costs- The only area of concern noted during the review involves tracking of in-kind expenses. The Clean Air Act, Section 103, PM2.5 grants awarded to the State by the EPA, support the PM2.5 ambient air monitoring network in Missouri. These grants are one of the few programs which award in-kind costs in lieu of actual cash for certain activities under the grant. Currently, in-kind expenses constitute thirty percent of the costs contained in the FY 04 PM2.5 grant agreement (\$302,849 in-kind, \$681,672 federal funds). Based on our review, there were three areas of concern:

- MDNR may not be invoiced for all services rendered by the laboratory;
- EPA is not provided with sufficient information by the laboratory and the State to ensure that services rendered are consistent with those requested by the State; and
- Documentation is insufficient to determine whether the charges made by the laboratory to the in-kind reserve fund are commensurate with the services rendered by the laboratory.

Without controls in place to track the actual costs for in-kind usage, it is not possible to account for the exact amount of benefit the MDNR is obtaining from these reserved funds. Further, there may be an opportunity to convert these in-kind funds back into actual federal funds for the MDNR PM2.5 program in the event there is documentation to show that the State did not actually receive the full benefit provided through the federal grant.

As required by federal regulation, it is recommended that the Air Pollution Control Program track the actual usage of the in-kind dollars for each grant and report these funds in the Financial Status Report submitted to EPA.

Staffing- It is noted that since the past review in 2000, the Air Pollution Control Program has undergone a reorganization. This reorganization moved the Inspection and Maintenance (I/M) function to the St. Louis Air Quality and Mobile Coordinator Section and added the Finance and Human Resources and Data Processing Units to the Section. A review of the current staffing levels for the Operations Section disclosed a net loss of six positions when factoring in the above-referenced reorganization (2000 staffing level was 35 FTEs versus 2004 staffing level of 29 FTEs).

As noted in the previous Regulatory Development Section, it is crucial that staffing levels are maintained in the Operations Section due to the projected increases in workload associated with the NO_x SIP Call, Interstate Air Transport and St. Louis attainment plans. We recommend the MDNR review the adequacy of the current staffing level and provide additional resources as needed.

Additionally, due to the elimination of general revenue funds with the 2004 budget action, additional funding may be needed for the Air Pollution Control program. Using the 2003 Reported Expenditures for the Program and projecting expenditures remain on level with 2003, the potential exists for a shortfall of funds to cover expenses in 2004 in the amount of \$348,507 (\$112,774 - \$461,281). It is recommended the MDNR review the Air Pollution Control Program's funding level to ensure it is sufficient to cover 2004 expenses.

Regional and Local Agency Coordination The Air Pollution Control Program negotiates annual work plans with the regional and local Agency offices and routinely conducts evaluations of their performance. The local air agencies are: Springfield-Greene County Air Pollution Control Authority; Kansas City Air Pollution Program; St. Louis County Department of Health, Air Pollution Control Section; and St. Louis City, Department of Health, Division of Air Pollution Control. The State and Local agreements cover emissions inventory, air quality monitoring, Hazardous Air Pollutants (HAPS), Ordinance/Code/Rule/Plan Development, Enforcement and Compliance, Permits, Asbestos, and General Administration. These local

agencies support the mission of the Air Pollution Control Program by being the primary contact of the Missouri Air Program with the public, and by conducting inspections and responding to citizen complaints. The Regional field offices support the Air Pollution Control Program in a similar manner.

The MDNR is responsible for oversight activities of the local agencies for air quality issues. Federal regulation, 40 CFR 31.40, Monitoring and reporting program performance, requires grantees to monitor grant and sub grant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved.

Our review of the oversight of the local air agencies by the MDNR disclosed that although a performance report was issued to each local agency which contained recommendations for improvement, there was no documentation available to determine whether the recommendations were actually implemented by the local air agency. An important part of a review activity is ensuring that corrective actions have been implemented. It is recommended, that MDNR continue to follow-up on open recommendations until they are resolved. Upon resolution a closure letter should be sent to the air local stating that all recommendations have been implemented and the audit is closed.

Emissions Inventory EPA Region 7 has reviewed the MDNR emissions inventory unit. The primary components of inventory development were examined and include planning and management, documentation and data entry, QA/QC activities, data reporting, and training. These individual components support the implementation of the Consolidated Emissions Reporting Rule (CERR) (40 CFR part 51.1) which required the statewide reporting of eligible sources for the 2002 emission inventory year. The examination of the inventory process and adherence to the CERR is being conducted due to the important role emissions inventories play in SIP planning processes and national rule makings.

Training The Air Pollution Control Program includes in its staff budget an amount for individual staff training each year. Each staff member has a training plan in his/her performance appraisal planning document. Training funded with Federal grant dollars is reported to the EPA in the annual work plan report. It is noted, that even with tightened budget constraints, critical training needs are still being met within the program. In addition, the Air Pollution Control Program provides training for its regional and local agency staff and makes presentations at EPA training activities when requested.

Small Business Assistance Program In the State of Missouri, the Small Business Assistance Program function is performed in the Environmental Assistance Office (EAO) of the Missouri Department of Natural Resources (MDNR). The EAO is a non-regulatory service of MDNR and provides information, assistance, and training to business owners, property owners, local governments, and the general public. The EAO has staff located in the St. Louis, Kansas City, and Jefferson City areas. Duties of EAO staff include, but are not limited to, on-site visits to assist facility staff in understanding and completing required documents; answering questions and providing information via telephone and Internet; presenting training workshops and seminars, and writing technical bulletins and articles for various publications.

The Compliance Advisory Panel (CAP) is known as the Small Business Compliance Advisory Committee (SBCAC). The SBCAC consists of seven members, two that are appointed by the Governor, one each by the majority and minority leaders of the House and Senate, and one to be appointed by the Director of the MDNR. Committee members serve four-year terms. The SBCAC meets approximately six times a year. The SBCAC roster was included as an attachment to the review and indicates there are two CAP vacancies.

While the Ombudsman's position itself has remained vacant for several years, it is noted that funding is provided to support one MDNR employee who performs the ombudsman's duties as a collateral activity to their assigned position. While it is apparent outreach activities to small businesses are being provided, we continue to recommend the Ombudsman position be filled to provide further emphasis on this program. It is also recommended the SBCAC membership be increased to seven in compliance with Section 507 of the Clean Air Act. Two additional SBCAC members should be appointed at the state's earliest convenience.

Vehicle Inspection & Maintenance (I/M) Program Overall, MDNR appears to be doing a good job at administering the I/M program in the St. Louis Metro area. The Remote Sensing Devices executing the clean screening appear to be operating smoothly, as well as the test lane analyzers. It is also reassuring to note the transition to full OBD II testing in January of 2005 should not be a problem on a technical basis. The program has performed extensive outreach efforts focused on the general public and the repair industry. It also appears communication within the program operations has improved. Lastly, the enforcement system appears to be well established between MDNR and the Department of Revenue (DOR).

Permitting

This section of the review covers permitting and modeling activities. During FY2004, EPA Region 7 performed a comprehensive evaluation of Missouri's air permitting program. This evaluation is based on reviews of major source (PSD) pre-construction permits and Title V operating permits throughout the year, and on reviews of approximately eighty non-major pre-construction permitting project files during an on-site visit to MDNR's offices during June 2004. During the on-site visit, the Title V fee program was evaluated as well.

EPA finds that, in general, the department implements a comprehensive and effective permitting program that, in several areas, serves as a good model for others to follow. Some of the exemplary elements of the department's permitting program include:

- Comprehensive pre-construction permit review summaries;
- Air quality and HAP impact analyses;
- Comprehensive communication documentation;
- Improved mass-balance recordkeeping forms;
- Comprehensive Title V permit Statements of Basis and responses to comments;
- Pre-construction permit terms and conditions sufficient to ensure that minor sources remain minor;
- Availability of permit application forms on-line.

During the review, several opportunities for improvement were discovered. These include:

- Reduction of unnecessary incorporation by reference language in pre-construction permits;
- Establishment of stricter criteria for approval of waiver allowing construction to begin prior to issuance of pre-construction permit;
- Establishment of thirty day public comment period for non-major pre-construction permits;
- Issuance as soon as possible of remaining initial Title V operating permits;
- Revision of standard language used in minor operating permit correspondence.

Additional detail on each of the above, as well as additional improvement opportunities, are provided in this report. We recommend that the five issues described above be addressed during the next two years, and that the remaining opportunities for improvement be implemented as time and resources available.

Over the past several years, MDNR and EPA have collaborated on a number of successful efforts related to the air permitting program, and the level of cooperation has been excellent. Significant challenges are on the horizon for FY05 and beyond. These include timely issuance of pre-construction permits and re-issuance of Title V operating permits that include Compliance Assurance Monitoring (CAM) plans and MACT standards promulgated since initial permit issuance. In addition, priority activities for the near future include major source NSR reform rule making; resolution of discrepancies in increment baseline dates; reevaluation of the techniques used to determine increment consumption; resolution of complex PM10 inventory issues; and predicted NAAQS exceedances in the Ste. Genevieve area. Longer term priorities include resolution of national permit issues such as periodic evaluation of minor source increment consumption, and development of procedures to identify and address environmental justice concerns, where applicable.

Modeling The modeling program staff is very experienced and competent in running traditional air dispersion models. The air dispersion modeling activities at the MDNR are being done in a very professional manner and the modeling staff should be commended. The modeling staff participates in modeling for construction permitting when requested by the permit section for cases where the SCREEN3 model and/or nomogram indicate more refined modeling is necessary. It is recommend that a background value be added when doing screening modeling, and that increment analysis be considered when performing modeling for minor sources as well as PSD sources. The establishment of baseline dates/areas and the tracking of increment consumption in Class I and Class II areas will require a long-term dedication by Region VII and APCP.

Compliance and Enforcement

This portion of the review covers the Compliance and Enforcement, Air Toxics, and Data Management.

Missouri volunteered to be one of the Region 7 pilot states to participate in testing the State Enforcement Review Framework (Framework) drafted by EPA and States. Upon completion of these pilots at the end of January 2005, the following issues will be evaluated: the implementation process; federal and state resource implications of the assessment; and how results from the assessments will be used to recognize and reward states' performance, or work with states to improve areas of concern.

Overall, the Missouri Air Enforcement Program is committed to initiate and complete enforcement actions or refer cases to the Missouri Attorney General's Office or EPA as appropriate. However, during the review four areas of concern were noted:

- State files were incomplete and the inspection reports varied in quality;
- Regional office and local agency inspections were not well documented in the state files;
- Local agency inspections resulted in a comparatively low significant violator rate.
- MDNR does not have an enforcement response policy or a penalty policy.

It is recommended that copies of all inspection reports be placed in each facility file, that inspection reports be standardized to include additional detail regarding specific permitting requirements for the facility, that MDNR provide more oversight over the local agencies and that MDNR develop an enforcement response policy and a penalty policy.

Air Toxics- MDNR implements the Air Toxics Program in the State of Missouri. The federal delegation of the federal rules occurs upon adoption of the rule by MDNR. The Air Toxics Regulations are published in 40 CFR Parts 61 and 63. (Part 63 of the CFR is commonly referred to as the Maximum Availability Control Technology (MACT)).

Missouri incorporates the requirements of the MACT regulations in the sources' operating permit, either Title V, or Intermediate Operating Permit. The sources' compliance with the MACT regulations is primarily determined during an inspection. The Air Program reviews the inspection reports and in most cases follows up areas of noncompliance with an enforcement action. Of the 51 files requested by EPA, only 31 were provided by MDNR. Most of the unavailable files were for sources located in the local agencies' jurisdictions. The inspection reports for those sources are maintained at the local agencies' offices, and copies are not routinely provided to MDNR by the local agencies. Because of this, EPA was unable to effectively evaluate the performance of the local agencies.

The adequacy and quality of the inspection reports varied widely. While some reports contained a detailed report of the compliance requirements of the MACT for the affected unit, others did not, merely listing the MACT by name. In some cases information in the state's regional offices' inspection reports was inconsistent with that at MDNR's main office in Jefferson City.

Overall, the department is implementing an adequate program, tracking which sources that are subject to the various MACT standards and performing compliance inspections at those facilities. Recommendations for improvement include

- Standardizing inspection reports to ensure that they contain sufficient detail to determine applicability and compliance with each MACT requirement.
- Providing more oversight of the local agencies and request copies of all local agency inspection reports.

Data Management AFS, Air Facility System, is the national information database for State-EPA communications of compliance determinations and agency compliance activity at major stationary sources of air pollution. MDNR updates AFS directly and maintains the minimum data requirements except for pollutant specific compliance status information. The compliance status data is present in the MDNR database, however, MDNR does not update AFS with compliance status information after initial entry. It is recommended the MDNR begin updating compliance status codes immediately on receipt of current information.

Asbestos

The Air Pollution Control Program (APCP) of MDNR implements a fully-delegated Asbestos NESHAP program pursuant to 40 CFR Part 61, Subpart M. The program is responsible for notifications, inspections, enforcement case development, outreach, and data management. The APCP staff demonstrate proficient knowledge of the NESHAP regulations, and exercise good judgement in prioritizing inspections and developing enforcement actions. The enforcement case files are well organized, but not all files contain adequate documentation to support the action being taken. EPA recommends that MDNR develop a specific written penalty policy for asbestos violations. Moreover, the rationale for calculating penalties should be included in the enforcement case files.

Monitoring

An evaluation of the monitoring network was not completed during this on-site review.

Chapter II INTRODUCTION

TABLE OF CONTENTS

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A	Purpose	10
B	Process	10
C	Procedure	11

Chapter II INTRODUCTION

A. Purpose

Many governmental and non-governmental entities are responsible for ensuring environmental protection throughout the nation. The majority of environmental programs are carried out through the shared responsibility of the Environmental Protection Agency (EPA) and its non-Federal partners.

In Region 7, EPA has delegated a large portion of its authority to manage environmental programs to the States. After delegation, EPA maintains responsibility for delegated programs and continues to be accountable for oversight of these programs. EPA is responsible for ensuring the programs are accomplishing national environmental goals; for ensuring compliance with Federal statutes and regulations; for ensuring that enforcement of environmental laws, regulations and standards is fair and equitable; and for providing advice and expertise to its delegated partners to solve complex environmental problems.

In delegated programs, the goal of oversight is to ensure that the national environmental goals expressed in the EPA Strategic Plan are accomplished and to strengthen the relationship between EPA and its partners. Effective oversight helps to ensure adequate environmental protection through continued development of national air pollution control standards and the use of enforcement action against polluters as necessary to reinforce the action and authority of EPA and its partners. Oversight also helps to enhance a partner's capabilities to administer sound environmental protection programs through increased communication and a combination of support and evaluation activities. Finally, Federal oversight seeks to describe and analyze the status of national and regional environmental quality, through continued collection and distribution of information from governmental agencies and other major sources. EPA is fully committed to the success of its partners' environmental programs. A clear expectation for program performance is a crucial factor in achieving an effective partnership.

The methods used to oversee delegated programs must change over time to respond to new environmental problems and challenges. EPA is committed to revising and improving the methods utilized to oversee delegated programs so this process continues to be one of continuous improvement.

B. Process

In 1984, EPA issued the "Policy on Oversight of Delegated Environmental Programs" which is the foundation for structuring a program review. Beginning with this policy, EPA, Region 7 staff developed the Program Review Protocol document which provides the basis for conducting program reviews in the Air, RCRA and Toxics Division of Region 7.

The protocol establishes a minimum frequency for conducting program reviews within the division, defines the scope of full and partial reviews within each program area, and provides a guide for determining which type of review is appropriate. The protocol also provides a way to document the rationale for determining whether or not any program review effort is required. In addition, the protocol includes summary of the regulatory requirements for the major programs within the ARTD, a discussion of oversight requirements, and requirements for both grant closeout and performance reviews.

The ARTD staff subsequently issued a second document, *Operating Principles for Conducting Program Reviews*. This is primarily an internal planning document which lays out the process for providing consistent internal procedures for Program reviews.

Finally, EPA staff developed the Program Review Criteria Notebook, which was used as the basis for the Missouri Air Program review. This notebook contains the criteria and checklists for each of the program areas, i.e., modeling, monitoring, permitting, enforcement, etc, being reviewed. This notebook was provided to all of Region 7's state partners in January 2000.

As stated in the Program Review Protocol, it is Region 7's goal to conduct a program review of each state once every four years. The MDNR's last review was conducted in 2000. This review is the second review for the MDNR following this protocol.

C. Procedure

After coordination with the MDNR the dates of June 7-10 were selected as the time frame for the on-site review. On April 16, 2004, a letter announcing the review was sent to the MDNR along with various review checklists contained in the Program Review Criteria Notebook. MDNR was requested to provide a written response to each checklist by May 14, 2004. In addition, immediately prior to the review, the EPA provided the MDNR with a list of files which would be reviewed during the on-site evaluation.

The on-site evaluation began with an entrance conference attended by the EPA review team and members of the MDNR staff (See Appendix - Attendees List). During this meeting, the logistics for the review were discussed, MDNR staff to be interviewed were identified, and the MDNR was provided the opportunity to ask questions or express any concerns they had pertaining to the review. At the close of the entrance conference, a preliminary time was set for the exit conference to be held on June 10.

EPA staff were on-site for three full days. At the conclusion of the review, EPA staff provided a verbal summary of the results of the evaluation to the MDNR Air Division Director, Program Managers and staff. A brief discussion was held concerning noted strengths of the program and areas of concern. The MDNR furnished additional information as necessary for clarification during the exit conference and also provided final closing remarks (see Appendix - Attendees List).

EPA staff received the full cooperation and assistance of the Air Pollution Control Program staff throughout the on-site visit. Supervisors and individual staff members were available, as needed, to answer questions or provide clarification regarding any issues which arose during the evaluation. At both the entrance and exit conferences the Air Pollution Control Program staff stated their goal was to provide the highest level of environmental protection to the citizens of Missouri, and that any recommendations that EPA might have as a result of the program review would be welcomed.

Chapter III PLANNING

TABLE OF CONTENTS

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A	Introduction	14
B	Regulatory Development	15
C	Grants and Work Plan Management	17
D	Regional and Local Agency Coordination	20
E	Training	21
F	Emission Inventory	22
G	Small Business Assistance Program	22
H	Inspection and Maintenance Program	23
I	Areas for Improvement	24

Chapter III PLANNING

A. Introduction

The areas of review in this chapter include:

- Regulatory Development
- Grants and Work Plan Management
- Regional Office and Local Agency Coordination
- Training
- Emission Inventory
- Small Business Assistance Program
- Inspection and Maintenance Program

During the on-site evaluation, EPA review personnel conducted informal interviews of MDNR staff and analyzed a variety of files and documentation pertaining to the above-referenced program areas. Based on the review of this information, EPA arrived at the commendations and recommendations contained in this report.

The Missouri Department of Natural Resources contains five Divisions which operate under the Office of the Director. These divisions are: Water Protection and Soil Conservation, State Parks, Geological Survey and Resource Assessment; Air and Land Protection and Administrative Support. The Air Pollution Control Program is organized under the Air and Land Protection Division (formerly the Division of Environmental Quality). The Air and Land Protection Division was reorganized since the previous review in 2000. The Division currently consists of five sections under the office of the Air Pollution Control Program director. These sections are: St. Louis Air Quality & Mobile Coordinator; Operations, Permits, Enforcement and Air Quality Analysis.

The Operations Section is assigned twenty-nine positions; three clerical, eleven in the Financial and Human Resources Unit, five in the Data Processing Unit, and ten in the Rules and SIP Unit. At the time of this review, there were three vacancies, one in the Financial and Human Resources Unit, one clerical, and one position in the Rules and SIP Unit. The Operations Section has undergone a reorganization since the last review in 2000. The Inspection/Maintenance (I/M) function was moved to the St. Louis Air Quality and Mobile Coordinator Unit. A personnel/organization chart is shown in the Appendix.

In addition to the MDNR Air Pollution Control Program offices located in Jefferson City, Missouri, there are six regional MDNR offices, geographically dispersed throughout the state, and four local air agencies which support air quality efforts. The regional offices are responsible for responding to citizen complaints for their geographical area, and conducting inspections of air emission sources. The four local air agencies are located in St. Louis City, St. Louis County, Kansas City and Springfield-Green County, and are responsible for air quality issues in their jurisdiction.

The MDNR negotiates funding activities with the air local agencies and enters into a State and Local Agreement. The local agencies promulgate their own specific air quality rules which supplement the State rules which are applicable for their area. The local agencies are also responsible for emissions inventory data, air quality monitoring data, ordinance/code/Rule/Plan Development, Hazardous Air Pollutants (HAPS) implementation, enforcement and compliance activities, permit issuance, general administration and reporting to the MDNR. The MDNR is responsible for oversight activities of both the regional and local agencies for air quality issues.

The Missouri Air Conservation Commission (MACC), is the authority within the State, which adopts air pollution rules. This Commission consists of seven members, who are appointed by the Governor with the advice and consent of the Missouri Senate. Each member's term is for four years and they may be reappointed for additional terms. The MACC has the authority to adopt, promulgate, amend and repeal air quality rules and regulations for the State. The MACC conducts public hearings and takes testimony on proposed rule makings. Final rule making is completed when the rule is adopted or rejected by the MACC during their planned public meetings.

The MACC publishes a list of their planned meeting dates at the beginning of each calendar year. The scheduled dates, locations and times for these meetings may be accessed on the internet by visiting the MDNR website located at <http://www.dnr.state.mo.us/alpd/apcp/maccagen.htm>. An agenda is also available for each meeting on this website and may be accessed approximately one week prior to the scheduled meeting date. There are ten hearings scheduled for 2004. A list of the current MACC members is included in the Appendix.

B. Regulatory Development

The MDNR Air Pollution Control Program, Rules and State Implementation Plan (SIP) Unit, is responsible for the State's initial rule development, draft rule proposals and finalization and all follow-up on rule making actions. The unit is also responsible for rule and SIP submittals to the EPA. Federal regulation 40 CFR Part 51 contains the requirements which must be met prior to submittal and/or revisions of state implementation plans to the EPA.

The MDNR developed and uses a Rule Making Manual to ensure conformity and consistency in rule making actions taken by the MDNR. This manual contains form letters, templates, flowcharts, checklists, and references and is continually updated to reflect changes to the rule making process. The manual also includes sample rule packages and information on rule presentations to the MACC. All rules are presented to the MACC during the public hearing and final action.

The Air Pollution Control Program staff is responsible for supporting the MACC. This support includes providing briefings at the MACC meetings in order to keep the MACC Commissioners informed of high priority projects. MDNR staff also respond to individual Commission member's requests for information, are responsible for providing

planning reports, meeting agendas, meeting minute information and other special requests for information which are to be included in the monthly MACC briefing document. The briefing document contains the minutes from the previous MACC meeting, monthly reports prepared by the Permits, Enforcement, Air Quality Analysis, and Operations Sections, documents for any rule making actions which may be on before the Commission that month (either a public hearing on a draft rule or a vote for rule adoption), and other new business. This document generally is fairly lengthy and is provided to the MACC and the public approximately ten days prior to each MACC meeting.

The rule making process is well documented and appears to be functioning very well. The Rules and SIP Unit ensures time lines are adhered to in the critical path for rule development. The Rule Making Manual provides examples and templates to be used by the MDNR staff for all rules proposed and implemented from their inception to their subsequent enactment. The MDNR has enhanced this process to provide further consistency by developing word based macro's which generate standardized forms and letters during the rule making process. It is noteworthy that the Rule Making manual/process has been updated 17 times since its development in 1995 to reflect current process revisions/changes. The MDNR incorporates the federal technical and administrative requirements which apply to the program in the development of the following rule actions: State Implementation Plan revisions, updates for New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Maximum Achievable Compliance Technology (MACT) delegations, Title V program revisions and 111(d) plans. State Implementation/rule package submittals to the EPA are of high quality and are generally submitted in a timely manner.

Areas of Concern Two areas of concern were noted in the Regulatory/Rule Making area. These two areas are: the increase in the time required for rule making and the staffing level of the Unit.

Time Required for Rule making The rule process has state statutory and administrative time lines which must be met for a rule to be successfully adopted by the Missouri Air Conservation Commission (MACC). Generally, a rule requires about twelve months to be enacted. With the passage of House Bill 980, this time frame has increased to allow time for a regulatory impact analysis to be performed prior to development of air quality rules. This additional step could add another three months to the rule making process and result in lengthening the time frame for rule enactment to fifteen months. Due to the projected increases in rule making activities resulting from the NO_x SIP Call, 2007 attainment SIP submittals, and the Clean Air Interstate Rule, it is anticipated that rule making activities will continue to increase. This increase in the process time line will make it critical for the MDNR to continue to look at rule makings on a prospective basis to ensure they are enacted in a timely manner.

Staffing Levels As previously noted, during the 2000 review, this section consisted of 12 full time positions. A reorganization occurred since the last review, reducing the number of full time positions in this Section to 10, a loss of two positions. This section currently has one vacancy. Based on the projected increase in rule-making activities it is

important that staffing levels are closely monitored in this Unit. We recommend the MDNR review the staffing levels of the unit to ensure they are adequate to accommodate the projected increases in rule making activities.

C. Grant and Work Plan Management

The scope of this program review did not include a financial review of the federal funds received in support of the Air Pollution Control Program. However, the Air Pollution Control Program's Financial and Human Resources Unit Chief was interviewed to gain an understanding of the process used to account for Clean Air Act, Section 105 grant funds, time keeping requirements, and the types of financial reports which are routinely provided to program managers.

The MDNR receives Clean Air Act, Section 105 funds through a Performance Partnership grant with the EPA Region 7. Performance partnership grant is a single grant which combines funding from more than one environmental program and is authorized in the Omnibus Consolidated Rescissions and Appropriations Act of 1996, Public Law 104-134.

Air Pollution Control funds, which are received from the EPA, are assigned unique budget codes by the MDNR. These unique codes allow the MDNR to charge and track expenses incurred for eligible grant related activities against their respective grant funds. Financial reports are routinely prepared comparing approved budgeted amounts versus actual incurred costs. Employees are required to complete a time sheet for each pay period. These time sheets contain information concerning the activities accomplished by each employee for the pay period and permit the distribution of their work to the appropriate funding source.

A portion of the program's funds comes from Title V fees, which cannot be used to support Section 105 grant funded activities. The Title V fees are used to fund the operating permit program activities. The Financial and Human Resources Unit tracks total revenue and expenses of the Title V fee account and reports annually to the MACC on the status of these funds. In FY 2003, the total available revenue was \$14,334,342 from seven sources including General Revenue funds. The general revenue funds were eliminated with the 2004 budget actions. A breakdown of funding and expenses for FY-2003 is shown below.

Sources of Revenue for FY-2003		
Category	Amount	Percent of Budget
General Revenue	\$	3
Federal Grant	\$	19
Asbestos Fees	\$	2
Emission Fees	\$	59
Permit Fees	\$	3
I/M Fees	\$	12
Earned Interest	\$349,741	2
	\$	100

Categories of Expenditures FY-2003		
Category	Amount	Percent of Budget
Salaries	\$	41
Fringe Benefits	\$	13
Operating Expenses	\$	14
Grants to Local Air Agencies	\$	21
Refunds	\$	>1
Dept. Overhead	\$	11
	\$14,221,568	100

Based on these charts, the balance of funds remaining to support air pollution control activities is \$112,774 for 2003. A further comparison between the expenditures in 2000 versus the expenditures reported in 2003, disclosed a 10 percent reduction in operating costs of the department. This decrease was offset by an increase in the following categories: salaries (1 percent); fringe benefits (4 percent); grants to local air agencies (3 percent) and department overhead (2 percent).

Due to the elimination of general revenue funds with the 2004 budget action additional funding may be needed to support the Air Pollution Control program. Using the 2003 Expenditures above and assuming expenditures remain on level with 2003 in 2004, the potential exists for a shortfall of funds to cover expenses in 2004 in the amount of \$348,507 (\$112,774 - \$461,281). It is recommended the MDNR review the Air Pollution Control Program's funding level to ensure it is sufficient to cover 2004 and future expenses.

In-Kind Costs The only area of concern noted during the review involves tracking of in-kind expenses. The Clean Air Act, Section 103, PM2.5 grants awarded to the State by the EPA, support the PM2.5 ambient air monitoring network in Missouri. These grants are one of the few programs in which EPA awards in-kind costs in lieu of actual cash for certain activities under the grant. These funds are reserved by the EPA to pay for filter acquisition, filter acceptance testing, the PM2.5 performance evaluation program, and chemical speciation (laboratory analysis) costs incurred by the program. Costs for these services for the MDNR are charged against the in-kind reserve.

In-kind costs are a substantial part of the federal funds awarded for the PM2.5 monitoring network. Currently, award of in-kind costs constitute thirty percent of the federal funds awarded in the FY 04 PM2.5 grant agreement (\$302,849 in-kind, \$681,672 federal funds). Based on our review, there are three areas of concern:

- MDNR may not be invoiced for all services rendered by the laboratory;
- EPA is not provided with sufficient information by the laboratory and the State to ensure that services rendered are consistent with those requested by the State; and
- There is no way to confirm that the charges made by the laboratory to the in-kind reserve fund (which EPA manages) are commensurate with the services rendered by the laboratory.

Without controls in place to track the actual costs for in-kind usage, it is not possible to account for the exact amount of benefit the MDNR is obtaining from these reserve funds. Further, there may be an opportunity to convert these in-kind funds back into actual federal funds for the MDNR PM2.5 program in the event there is documentation to show that the State did not actually request or receive the full benefit provided through the federal grant.

It is recommended that the Air Pollution Control Program track the actual usage of the in-kind dollars for each grant and report these funds on the Financial Status Report required at the expiration of the funding period.

Work plans The EPA negotiates a two year work plan with the MDNR for the Performance Partnership Grant. This negotiated work plan reflects shared environmental goals and objectives for the programs contained in the grant agreement. The State has three planning documents which define their environmental goals and objectives.

In the first, broad goals for state government are set out by the Governor as part of his “Managing for Results” strategic planning objectives. Missouri’s Managing for Results initiative is a management tool to help keep government focused on results and to drive meaningful improvements for citizens. The Managing for Results effort encourages strategic planning and innovation and recognizes the need for agencies to work together on high priority results. Clean Air is the third priority goal in this document and is linked to making Missouri a safe, healthy place to live and work.

The MDNR planning objectives are published in the “Integrated Strategic Plan” which may be accessed via the MDNR internet site at <http://www.mri.missouri.gov/sp/splandpt.html>. This document identifies the vision, mission, and values of the MDNR and further refines the environmental goals of the state by specifying outcome measures, objectives, objective measures, and strategies for each environmental media. For the air media the FY-2003 document contains objectives, measures and strategies for air quality, pristine air, and emissions of carbon dioxide and criteria pollutants from energy use.

The third document, the Air and Land Protection Division’s “Fiscal Year 2004 Needs Assessment,” contains detailed budget and staffing projections, and includes a detailed work plan analysis of air pollution control activities planned for the fiscal year. This document supports the MDNR’s budget and staffing request with the Missouri legislature.

Discussions with the MDNR Air program staff and a review of the State’s three planning documents indicate that EPA’s goals contained in the Office of Air and Radiations, National Program and Grant Guidance, and EPA Region 7 air priorities, are included in the MDNR planning documents. These goals and priorities are then incorporated into the work plan which is submitted to the EPA for the Clean Air Act, Section 105 grant funding. The MDNR provides a semi-annual and annual report on its work plan accomplishments. A copy of the FY04 Semi-Annual Report is included in the Appendix.

In summary, the MDNR has an effective process for establishing its own environmental goals and priorities, communicates effectively to establish joint priorities with EPA, and reflects these priorities in its air program work plan with EPA.

D. Regional and Local Agency Coordination

There are four independent local air agencies which are located in St. Louis City, St. Louis County, Kansas City and Springfield-Green County. The local agencies are responsible for air quality issues in their jurisdiction. The MDNR enters into a State and Local agreement with each Agency. This agreement contains specific work plan commitments for emissions inventory, air quality monitoring, ordinance/code/Rule/Plan Development, enforcement and compliance activities, permits, general administration and specifies reporting time frames. Funding for these agreements is provided by the MDNR from a portion of the State’s federal grant allocation from the Clean Air Act, Section 105

program. The local agencies promulgate their own specific air quality rules which supplement the State rules which are applicable for their area. In accordance with 40 CFR 31.40, Monitoring and reporting program performance, the MDNR is responsible for oversight activities of the local agencies for air quality issues and ensuring work plan commitments are met.

The Air Pollution Control program staff conducts audits of the local air agencies according to a planned review schedule. Areas reviewed include air quality monitoring, emission inventory, asbestos, enforcement, operating and new source review permitting and general administration. A report is issued to the local air agency at the conclusion of the audit which contains a discussion of each area reviewed, the condition which existed at the time of review, and commendations and recommendations, where appropriate.

Our review of the oversight of the local air agencies by the MDNR disclosed that although a performance report was issued which contained recommendations for improvement, there was no documentation available to determine whether the recommendations were actually implemented by the local air agency. An important part of a review activity is ensuring that corrective actions have been implemented. It is recommended, the MDNR continue to follow-up on open recommendations until they are resolved. Upon resolution a closure letter should be sent to the air local stating that all recommendations have been implemented and the audit is closed.

E. Training

The Air Pollution Control Program has an annual training budget for its employees. Allocation of this budget to individual training needs is based on need (i.e., a new employee may need more training than a more experienced one, etc.). All employees have an annual training plan which lists training for the upcoming year. Each employee's performance appraisal planning document also has a training element identified as an annual requirement.

Training is obtained on-site through the Air Pollution Training Institute satellite downlink. These broadcasts are also taped for viewing at a later date by new employees or by staff who were not able to be present at the time of the original broadcast. Off-site training is also provided within the confines of the individual training allowance.

The MDNR staff fully participates in training offered by the Region 7 air program, at the State/Local Directors semi-annual meetings, and the semi-annual permits workshops. Staff also attend training/conferences on monitoring, modeling, and emission inventory activities as time and budget allow.

The MDNR is to be commended on continuing to support training needs at a time when State budgets have been reduced.

F. Emission Inventory

EPA Region 7 has reviewed the MDNR emissions inventory unit. The primary components of inventory development were examined and include planning and management, documentation and data entry, QA/QC activities, data reporting, and training. These individual components support the implementation of the Consolidated Emissions Reporting Rule (CERR) (40 CFR part 51.1) which required the statewide reporting of eligible sources for the 2002 emission inventory year. A review of the inventory process and adherence to the CERR was performed due to the important role emissions inventories play in SIP planning processes and national rule makings.

Area Source Documentation. All of the area source methodologies are well documented. Example calculations are included with each source type as well as the references for the activity data making this source sector reproducible.

Emission Inventory Questionnaires. The implementation of this process has many benefits. Financially, the total EIQ mail out cost was reduced 43% from 2002 to 2003, and data entry errors were reduced. The extra time savings gained can be used to ensure proper implementation and documentation of the Quality Assurance Project Plan.

Extensible Markup Language (XML) Pilot. The progression towards the use of (XML) in the emissions inventory has many benefits. EPA is also exploring the use of this format in order to speed up the inventory process. This early approach taken by MDNR will help make the transition easier.

Training. MDNR staff are well trained in emissions inventory development. The annual International Emissions Inventory Conference is one of a very few opportunities for training, and MDNR is well represented at these sessions. Also, appropriate staff members have attended MOBILE6 training and are familiar with the fundamental emissions models, including NONROAD.

G. Small Business Assistance Program

The Missouri Small Business Assistance Program review was conducted via e-mail by Byron Shaw, MDNR, and Heather Hamilton, EPA Region 7.

The Federal Register Notice to finalize the State Implementation Plan for the Small Business Assistance Program (SBAP) was effective in 1994. In the State of Missouri, this program is entitled the Environmental Assistance Office (EAO) of the Missouri Department of Natural Resources (MDNR). The EAO is a non-regulatory service of MDNR and provides information, assistance, and training to business owners, property owners, local governments, and the general public. The EAO has staff located in the St. Louis, Kansas City, and Jefferson City areas.

Duties of EAO staff include, but are not limited to, on-site visits to assist facility staff in understanding and completing required documents; answering questions and

providing information via telephone and Internet; presenting training workshops and seminars, and writing technical bulletins and articles for various publications.

The Compliance Advisory Panel (CAP) is known as the Small Business Compliance Advisory Committee (SBCAC). The SBCAC consists of seven members, two that are appointed by the Governor, one each by the majority and minority leaders of the House and Senate, and one to be appointed by the Director of the MDNR. Committee members serve four-year terms. The SBCAC meets approximately six times a year.

While the Ombudsman's position itself has remained vacant for several years, it is noted that the MDNR provides funding to support one employee. This MDNR employee performs the ombudsman's duties as a collateral activity to their assigned position. While it is apparent outreach activities to small businesses are being provided, we continue to recommend the Ombudsman position be filled to provide further emphasis on this program. It is also recommended the SBCAC membership be increased to seven in compliance with Section 507 of the Clean Air Act. Two additional SBCAC members should be appointed at the state's earliest convenience. The MDNR responses to the Small Business Assistance Program questionnaire are contained in the Appendix for this Chapter.

H. Inspection and Maintenance (I/M) Program

The review of the St. Louis Inspection and Maintenance Program covered ten areas: waivers, exemptions & extensions, remote sensing, enforcement, communications/outreach, analyzers, control charts, idle test, OBD II, and 8-hr standards plans.

Overall, MDNR appears to be doing a good job at administering the I/M program in the St. Louis Metro area. The Remote Sensing Devices executing the clean screening appear to be operating smoothly, as well as the test lane analyzers. It is also reassuring to note the transition to full OBD II testing in January of 2005 should not be a problem on a technical basis. The program's outreach has been extensively aimed at the public, through various channels, and the repair industry, through the Gateway Air Report. It also appears that communication within the program operations has improved. Lastly, the enforcement system appears to be well established between MDNR and the Department of Revenue (DOR).

Despite the overall satisfactory performance of the program there are some suggestions for improvement to the program. There is a need and an opportunity for better coordination with the DOR on the enforcement side of the program. The wide use of the DOR's Emissions Verification System (DEVS) has great potential to improve data quality. There is also a need to promptly address automobile dealers that are selling vehicles without providing the proper information about the compliance status of the car with regard to emission systems and testing procedures.

Currently, violators of the registration-denial system are identified by law enforcement officers; however, many vehicle owners in violation may not be identified

through this effort. Additional internal control may be necessary to improve the process to ensure the I/M program compliance assurance requirements are being met.

As a way of analyzing compliance, the Missouri SIP refers to conducting parking lot surveys, however, there are other analyzing techniques available. It is important for the MDNR to develop a specific plan to meet this enforcement requirement. We recommend the MDNR continue to explore alternative methods to analyze the compliance of vehicles within the St. Louis I/M program area.

The Quality Assurance Facility (QAF) has been a part of the I/M program (on paper) since its inception; however, this facility has never been built. The MDNR is currently exploring ways of obtaining the benefits of a QAF without actually building one. If a decision is made to abandon the construction of a QAF, a SIP revision would be required.

It is recommended the MDNR invest in statistical analysis to search for anomalies in the I/M program data with the goal of catching possible problem areas before they become major problems.

I. **Areas for Improvement**

Planning and Management:

Scheduling of inventory preparation - Inventory data for 2002 did not contain PM2.5 emissions as required by the CERR. This data was also needed for PM2.5/Regional Haze planning purposes being conducted by the Regional Planning Organization (RPO). Those states that did not request PM2.5 emissions data on their 2002 EIQs, were required to convert their PM-10 data to PM2.5 using EPA's conversion program. Complications with the computer software with the Missouri Emission Information System (MOEIS) output are believed to be responsible for the failure to submit the data on time. Although it is impossible to foresee problems with software, the proper time should have been allowed to address issues with this conversion process as well as all other inventory activities in order to meet the deadline with a margin of safety. This particular issue with PM2.5 conversion will not need to be addressed when future EIQ forms contain the field for PM2.5. Therefore, no corrective action is recommended beyond completion of the conversion and submittal of the data for the 2002 emissions year.

Documentation and Data Entry:

Missing stack parameters - Portions of the 1999 National Emissions Inventory for point sources were reviewed to see if the proper stack information was included. Although the 1999 stack information was not required for this year under the CERR, the 2002 inventory is not yet available, and states were to have made their best effort in 1999 to send in this data. Several stack parameters were found missing. Although it is not unusual to have some minor processes without this

information, the complete absence of these parameters on large-scale processes should be corrected for the 2002 inventory, as this data is needed for proper characterization. This investigation also revealed the need for EPA to review its own QA process, because EPA's software should have automatically applied default values to missing stack parameters from the state. The recommended corrective action is to ensure the required data elements are included in the 2002 inventory upon the next review cycle.

QA/QC

Adherence to Quality Assurance Project Plan - Appendix G. lists the "Area Source Categories Inventoried Statewide for the Periodic Emission Inventory (PEI)". However, many of these sources are not currently being calculated. The recommended corrective action is to update the QAPP to properly reflect the sources being calculated prior to the next inventory submittal.

QA/QC. By taking the time to compare emissions summaries of 2002 data to 1999 the department improves its chances of catching mistakes. This also allows for the documentation of emissions trends in the inventory by distinguishing actual emissions changes from fluctuations that are a result of new inventory methods or models.

Completion of QA/QC software corrections - Many orphaned and widowed records were submitted with the 2002 point source table. If the proper time is allowed for the use of this tool there should be limited problems with the relationships in the tables upon submittal. The recommended corrective action is to ensure completion of the QA/QC corrections prior to the submission of the next inventory submittal.

Chapter IV PERMITTING

TABLE OF CONTENTS

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A	Introduction and Background	27
B	Summary of Findings	27
C	Commendations	28
D	Opportunities and Recommendation for Improvement	30
E	Fee Review Summary	33
F	Modeling	34

Chapter IV PERMITTING

A. Introduction and Background

The primary focus of the on-site review included: (1) synthetic minor permitting; (2) New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) determinations; (3) establishment of enforceable permit conditions; and (4) generation, accounting, and use of Title V fees; and (5) the interaction between the Title V and New Source Review (NSR) programs. Because the Title V permits and the major source pre-construction permits are submitted to EPA throughout the year for review and comment, no major source files were reviewed during the on-site visit.

The review team included the following Region 7 staff from the Air Permitting and Compliance (APCO) Branch: Kevin Barthol, Harriett Jones, Jon Knodel, and Dan Rodriguez. A total of twenty-seven source files containing nearly eighty permit projects were reviewed. Most of the projects reviewed were permitted in either 2001, 2002, 2003, or early 2004, and represent only a small fraction of the 900 plus projects approved during this time frame. During the review, the team also discussed a number of the projects with permit staff and had a general permitting conversation with the permit managers. Overall, EPA finds that the department runs a very competent permitting program, continuing the trend observed during the last program review in 2000.

The major findings, including both commendations and opportunities for improvement, are described in Section II. A summary of the Title V fee review can be found in Section III. The list of permits reviewed and the specific details of each review are included in the appendices, as are the detailed Title V and New Source Review program questionnaires completed by MDNR. Approximately three-quarters of the permit files reviewed were randomly selected. The remaining files were selected based on source type or because it appeared the source had a significant number of discrete projects over a short period of time. Since the majority of permit files were randomly selected, our findings should generally be representative of the MDNR air permitting program as a whole.

Because of the regions' national commitment to evaluate all major source pre-construction permits prior to issuance, the team chose not to evaluate the Prevention of Significant Deterioration of Air Quality (PSD) program during the on-site program review. The team also chose not to concentrate on specific Title V permits since the region receives all draft and proposed permits and has an opportunity to comment on these permits in real time. Instead, the review team focused on the interaction between NSR permits and Title V to assure that pre-construction permit terms were properly being incorporated into Title V permits.

B. Summary of Findings

Overall, the department continues to run a very comprehensive and effective permitting program. The department is fortunate to have several staff with many years of

experience and knowledge in the air program. In fact, by our estimate, there is just over 160 years of air permitting experience among the 25 permitting staff and managers in the three groups that comprise the permitting program. As we have found in other permitting programs, this institutional knowledge is essential to the operation of an effective program. Further, much of the program's success is attributed to these individuals working together as a single, centralized organization. As was evident from our interviews and file review, the staff are knowledgeable about the air program and generally make conservative decisions. Screening modeling for minor sources and toxics reviews are indicative of the program's desire to protect public health. As during any review, we found both strengths and areas for improvement in the program. These are described in more detail below. On balance, though, the program is on the right track and is a good model for others to follow.

We encourage the reader not to over-emphasize or compare the relative number of strengths or weaknesses, or the relative length of text summarized in this section. Overall strengths in the program heavily outweigh any weaknesses. By necessity, the "opportunities for improvement" require a more comprehensive review and write-up. The recommendations for improvement are generally listed in priority order from those of most concern to those of least concern. The first three recommendations listed under Construction Permits, and the two recommendations listed under Operating Permits, should be considered the highest priority items.

C. Commendations

Permit Review Summaries The pre-construction permit "review summaries" are very informative of both past and present project activity. Overall, these fact sheets provide a very detailed explanation of the project under review, anticipated emissions from the project and source as a whole, and any associated impacts analyses. The "history of projects" is an essential tool for understanding the pace of source expansion and whether new emission units have been properly permitted. We understand that fact sheets are a time consuming process, but the approach helps to provide a clear basis for the current activity at a plant and leaves a historical trail for future permit writers. We encourage the department to continue this practice.

Impact Analyses Despite pressure to quickly issue permits or provide permit exemptions for smaller sources, the department appears to conduct a number of rigorous air quality-impact and HAP-impact analyses, on a project-by-project basis. In many cases, these analyses either led to further refined modeling or other options such as raising stack heights to eliminate adverse concentrations. It is encouraging to see that the minor source program generally has a strong public protection component.

Permit Tracking System The air program's internal permit tracking system (PATS) appears to be quite comprehensive and provides the department with an invaluable tool to track individual projects and the resources dedicated to the permitting program. The construction permit numbering scheme was very helpful for targeting groupings of permits to determine if closely spaced projects should have been combined as part of a larger project or not.

Communication Documentation We found many telephone conversation records and e-mails between the permit review staff and sources and their consultants throughout the files. This is a good indication that staff are conducting comprehensive reviews and are not necessarily taking the information in permit applications at face value. We also noted many instances where staff reviewed, challenged, and corrected emissions estimates made by sources and consultants. This is a healthy process to assure that applicants use the most recent, or best documented, information.

Improved Permit Quality We noted that the permit review summaries generally documented applicability of NSPS, NESHAP, or MACT standards. This was a significant improvement from the prior permit program review. The number of “as built” projects appeared to drop off substantially from the last permit review. Since that time, the department has added permit forms and instructions to its website, has created an administrative pre-review section, and has undertaken numerous efforts with industry and the air quality forum to improve permitting program, all of which serve to better educate those who make use of the air permitting program.

Mass-Balance Forms The mass-balance-based record keeping forms included with cap-based emission limits provide a good basis for documenting source emissions in a single report. Based on our previous review, the methodology for making the calculations was often unclear. This time, we noted that the department now includes the exact methodology, in terms of a mass balance equation or detailed instructions, to make clear how the emissions must be calculated.

Permit Conditions to Keep Minors Minor A number of permits with emissions close to the PSD major stationary source threshold contained safeguards noting that any relaxation of limits beyond the major source threshold would trigger PSD review. With the ability for certain source categories to rapidly expand and a general industry desire to avoid PSD review, we recommend continuation of these types of forward-looking conditions to minimize any surprises later on.

Emission Factors As noted during the last program review, the department continues to place a heavy reliance on AP-42 factors for determining permit applicability and compliance with long term 12-month rolling emission limits. Unlike the last review, though, we noted that the department appears to be requiring more stack testing to verify actual emissions and to establish site-specific emission factors used to verify on-going compliance. Where there is uncertainty in the process, either because emissions are projected to be near a permit applicability threshold (*e.g.*, PSD) or because the quality of an emission factor may be poor, we continue to encourage the department to overcome this uncertainty through site-specific emission factor development

Ethanol plant permits The majority of the serious errors noted in minor source permits issued to ethanol plants during the last review appeared to be corrected this time around. For the projects reviewed, the department properly evaluated PSD applicability at the 100 ton per year threshold, included fugitive emissions, clearly documented NSPS

applicability, required refined modeling where concentrations were close to the air quality standards, and acknowledged the need for VOC controls on dryers.

D. Opportunities and Recommendations for Improvement

Incorporation by Reference The “incorporation by reference” concept found in permits does not appear to be a practical solution to assure that projects are built as intended. In addition to standard permit language that requires a source to “adhere to the specifications and conditions listed in the application, the permit, and the project review”, the department recently began to incorporate documents like the permit application, AP-42, and other broad reference documents as part of the permit. The department believes that this catchall language is necessary to assure that a source builds the project exactly as reviewed. However, we noted several instances where “key” aspects of the application -- those that would limit potential to emit or are otherwise required to ensure compliance -- were not included in the permit. For example, several permits involved modeling to verify that haul road emissions would not exceed the PM10 NAAQS. The calculation to determine emissions from haul roads is highly dependent on the number of vehicle miles traveled, among other critical factors. Yet, these factors were not included in the permit. Instead, only generic work practices to assure a certain level of control were established. Without the appropriate restriction on road use, the source could exceed the assumptions used in the modeling and could in fact contribute to a NAAQS problem. Does the application limit VMT in this example? Would an inspector research the files and scour through the permit application for an underlying limitation not otherwise described in the permit? Do inspectors even have access to permit applications? Do Title V permit writers take the time to identify these underlying assumptions and conditions in the Title V permit as applicable requirements? As a practical matter, probably not. Therefore, we recommend that any assumptions used to limit potential to emit or otherwise limit source operations be explicitly included in the permit. We think it is a good practice to list the “documents relied upon” during the review but this serves a vastly different function than “incorporation by reference”. In addition, reference documents such as AP-42 should not be incorporated by reference. It is more appropriate to identify certain information in such references that was relied upon in drafting the permit.

Pre-Construction Permit Waivers Since our last program review, MDNR is now implementing new SIP-approved rules for issuance of pre-construction waivers for unconditioned non-major sources (“true” minors). We noted the following: (1) 21 of the 79 projects reviewed, or approximately 25%, involved a pre-construction waiver request; (2) once sources received a pre-construction waiver, they had a tendency to ask for waivers on subsequent projects; and (3) at least one source received a pre-construction waiver while in violation of an air program requirement. The widespread use of the waiver which allows a facility to begin construction before they have received a pre-construction permit is contrary to the basic intent of the minor source *pre-construction* review program and appears to reward poor planning. Given the limited but random selection of files during our review, it is difficult to say with certainty that the waiver system is being widely abused. Nevertheless, we encourage the department to enhance its tracking of pre-construction waivers in PATS, consider additional safeguards to ensure that the waiver is

used only when absolutely necessary, such as when needed to avoid a hardship, and to enhance the prerequisites for obtaining waiver to assure that a source is first in compliance with all air pollution control obligations.

Public Participation for Minor Construction Permits The current SIP rules are deficient in that they do not require that minor source pre-construction permits be made available for public comment prior to issuance, as required by 40 CFR § 51.161. The SIP should be corrected in this regard, and the department should begin the practice of making minor source permits subject to the public participation requirements.

Intermediate Operating Permits The department issues Intermediate Operating Permits to sources that voluntarily accept limits that will prevent them from being subject to the Title V major source regulations. The standard practice is to send a form letter to the source upon receipt of the intermediate permit application. This letter requires the facility to begin immediately complying with the application as if it constitutes the permit. However, the actual permit (which will consist of the application) cannot be issued until after the public notice period. The form letter used is somewhat confusing in that it contains language that makes it appear that it constitutes the permit. For example, “Please note the expiration date on the notification. You must submit your renewal notification six months prior to the expiration date. This notification (application is the operating permit until, and unless, you are notified otherwise.” In addition, a stamp typically used on all the applications indicates the date received and a date of expiration --- five years later. We believe that it is important to clarify to the facility that until the Intermediate Permit is issued, a potentially synthetic minor operating source remains subject to all the requirements to which a major Title V source is subject, including the submission of a timely Part 70 application. The stamp should be revised to eliminate the expiration date and the content of the form letter should be revised for clarity.

Project Aggregation Unlike the prior review in 2000, it was not evident this time, except in one permit file, that the department is questioning multiple, sequential projects that occur over a short amount of time. We encourage the department to remain vigilant in this area to assure that “related” projects undergo the proper level of stationary new source review. For future permit projects, it would be worthwhile to create a paper trail either in the “Review Summary” or a memorandum to the file detailing why the current project is or is not part of a prior permitting action occurring within the past 12 months. Despite not seeing much evidence of multi-project evaluations, as a practical matter none of the projects we reviewed would have triggered major new source review if considered as a single project. Nevertheless, unless there is a uniform practice in place to look at this question, it can easily be overlooked.

AP-42 Emission Factors As noted during last program review, the department continues to place a heavy reliance on AP-42 factors for determining permit applicability and compliance with permit emission limitations. While we commend the department for requiring more site-specific emission factor development, we also encourage the department to better defend the use of emission factors where other data are not available. For instance, the permit record rarely reflects the uncertainty in the quality of emission

factors. If a factor is rated poorly but is used to narrowly exempt a source from a more substantive permitting requirement, then this would be an area for improvement. We encourage the department to factor these uncertainties into their permitting decisions and explain why the use of each AP-42 factor is the proper choice for that particular source. If a reasonable justification (for example, that the factor is highly rated and creates ample margin of safety in the applicability or compliance calculation) can not be made, that may be an area where the record could benefit from collection of on-site information.

Permits Data Tracking When evaluating the list of permits to determine which files to review, we were somewhat surprised to see so few Section 6 permits (*i.e.*, synthetic minor pre-construction permits). Based on conversation with the department, this may be more a data tracking issue than an applicability issue since the PATS system defaults to Section 5 permits unless changed. We'd encourage the department to either eliminate the default setting altogether or have staff more carefully select the proper permit type when tracking the project.

Rolling Averages All permits with an emissions cap limitation specified a compliance verification period of 12 months, rolled monthly. The "rolling" aspect is generally acceptable, but of the permits reviewed 1) none indicated that the department required the source to justify the need for such a long term emission cap, 2) none had a clear verification or reporting mechanism for determining compliance during the initial 12-month period, and 3) all imposed a "monthly" record keeping and verification of compliance contrary to EPA policy of "daily" record keeping. We recommend that the department document the need for a rolling 12-month period in the permit fact sheet. If a long-term period is justified, based on a highly variable day to day or seasonal emissions fluctuation, then the permit should also include a special condition for the first 12-month period which states, for example, "that any exceedance of the cap during the initial 12 month period constitutes a violation which must be immediately reported to the department." If emissions are not variable, though, then the permit should impose shorter averaging periods.

Conclusion

We recommend that the department undertake an effort over the next two years to focus on the five highest priority "opportunities for improvement". As appropriate, the department may re-prioritize the list to concentrate on those areas most critical to the continuing success of the permitting programs. In addition, we recommend that the department review and evaluate the specific findings for Altec Industries and take any corrective action that may be necessary.

Despite the many successes and excellent level of cooperation our agencies have had over the past several years, the upcoming year will present a number of additional challenges for the MDNR and EPA air permitting programs. In addition to the seemingly never-ending workload of permits and associated policy issues, we have to find time to complete the major source NSR reform rule making, resolve discrepancies in increment baseline dates, reevaluate the techniques used to determine increment consumption, and

resolve complicated PM10 inventories issues and predicted NAAQS exceedances in the Ste. Genevieve area. In addition, it isn't too early to begin thinking about how best to resolve other national permit issues such as periodic evaluation of minor source increment consumption, shortcomings in the opportunity for public input on minor source permitting actions, and development of procedures to evaluate environmental justice opportunities when appropriate. We look forward to working with MDNR in a productive way to resolve these challenges.

E. Fee Review Summary

The purpose of the Title V Fee Review was to assure that the MDNR was collecting adequate fees and accounting for the direct and indirect costs associated with Title V and Non-Title V activities according to the applicable regulations which are specified at 40 CFR § 70.9.

The EPA initiated the Title V Fee review by submitting a set of questions to the MDNR, concerning the Title V fee revenue, expenditures, and the accounting system. The MDNR, AIR Pollution Control Program (APCP) provided a detail response to the questions prior to the Title V fee review. In order to clarify some of the initial responses, some follow up questions were given to the MDNR to answer during the on-site review. The APCP chose to combine the initial responses and the follow up questions into one combined response (Appendix D)

The APCP uses an Emission Inventory Questionnaire (EIQ) form to calculate and collect an annual emission fee from all regulated sources. The permitted sources pay an annual emission fee per ton of regulated air pollutant emitted according to RSMo. § 643.079. The annual emission fee is set by the MO Air Conservation Commission. The current fee is \$35.00, however, for calendar year 2003, the fee was reduced by \$1.00 to reflect credit for fees collected for the 2002 calendar year emissions. The EIQs are tracked by the source identification number using the Missouri Emission Inventory System (MOEIS).

The emission fees collected from the Title V and Non-Title V sources are also entered into MOEIS. The MOEIS system tracks the Title V and Non-Title V fee receipts, these revenues are deposited with the state treasurer's office and entered into the state's accounting system. The fees are deposited into one fee account but distinguished between Title V and Non-Title V facility receipts by using different revenue source codes. All expenditures paid from the fee account are designated Title V or Non-Title V expenditures and identified by a Title V or Non-Title V project code in the state accounting system.

The MDNR staff tracks their time through the use of electronic time sheets that use program codes to differentiate between Title V and Non-Title V activities. To further designate staff time, the ACP has drafted a Cost Allocation Guidance document that allocates staff time based upon an analysis of activities that are reviewed and updated monthly. The MDNR Air Program has a total of 81 FTEs. Currently, Title V dollars fund 78 FTEs.

The reporting of Title V revenues is reviewed on a monthly basis in order to make any needed adjustments during the year. By tracking the revenues and expenditures, along with projections for the coming year, the MDNR adjusts the per ton yearly fee in order to meet its funding needs.

The overall finding is that the MDNR has implemented the Title V Fee program well. The program is very well documented, organized, and there is excellent communication within and across the program. The MDNR seems to be collecting sufficient fees, and accounting for the direct and indirect costs associated with administering the Title V program in conjunction with the Non-Title V activities.

F. **Modeling**

The review of the air dispersion modeling activities of the Air Pollution Control Program (APCP), Missouri Department of Natural Resources (MDNR), involved meetings with Calvin Ku, PhD. (Chief, Modeling Section), Jeffrey D. Bennett P.E. (Air Quality Modeling Unit Chief), and Dawn Froning (Environmental Specialist). The APCP modeling activities include review of Prevention of Significant Deterioration (PSD) permit applications, State Implementation Plans (SIP), regional modeling, and construction/operating permits when requested by the Permit Section. The review of the MDNR modeling activities confirmed that the modelers are very knowledgeable in air dispersion modeling and follow EPA modeling guidelines (40 CFR, Part 51, Appendix W, *Guideline on Air Quality Models*).

A limited review of the modeling associated with construction/operating permits was done at the APCP office and a review of Prevention of Significant Deterioration (PSD) applications was accomplished in the Region VII office. PSD permit applications and draft PSD permits are routinely submitted to Region VII. The Air Planning and Development Branch (APDB) is notified of these by the Air Permitting and Compliance Branch (APCO) when they arrive. However, usually any potential modeling issues have already been discussed between APCP and APDB before draft permits are submitted.

Pre-application meetings, working with the consultant/company before and during development of an application, and final evaluation of the modeling are done by the staff in a modeling evaluation. Pre-application meetings are not always done because most of the companies/consultants are familiar with what the MDNR requires. Frequently a company/consultant will contact the modelers to confirm what model and/or what meteorological data are appropriate for their permit application. Often site visits are made to assist in the evaluations. When necessary, the staff does additional modeling to enhance the modeling submitted in an application.

An area that continues to need improvement is the modeling associated with the construction and/or operating permits. Screening modeling for construction/operating permits is usually done by permit engineers. This is not unique to the APCP. The screening involves the use of a nomogram that was prepared by the modeling staff, or the

use of the SCREEN3 model. Recently the critical number when using the nomogram for PM₁₀ as been reduced because the permit staff considers the nomogram as being too “conservative”. Also, the nomogram does not contain a background concentration. We recommend that a background value be included in the nomogram, or added to the nomogram value, and that the critical 24-hour value for PM₁₀ remain at the 24-hour National Ambient Air Quality Standards (NAAQS) limit of 150 micrograms per cubic meter (mg/m³). A background value should be added to any SCREEN3 concentration.

The fact that the modeling staff rarely see the screening modeling done by the permit engineers could be problematic. Frequently the permits that were reviewed had PM₁₀ limits close to the 24-hour NAAQS limit of 150 mg/m³. Our concern is that the SCREEN3 model does not always predict higher concentrations than a refined model, *i.e.*, a refined model may predict concentrations greater than the NAAQS. Refined analyses, with possible updates, should be used when submitted by a company (ECAP).

Non-ambient air that is designated as company property may not be properly defined, e.g., Northeast Missouri Grain Processors, Macon, MO. The placement of receptors on a company’s property line, instead of at its fence line, in the evaluation of construction/operating permits is not correct. (“Ambient air means that portion of the atmosphere, external to buildings, to which the general public has access.” 40 CFR Part 50.1, (e)).

The APCP should remain vigilant to the possibility of air quality violations resulting when other nearby sources are modeled along with the source seeking a permit. Frequently the data for the nearby facilities are not appropriately located and the data do not include building information or fence lines. These possible violations must be further investigated.

While concentrations from these minor source permit emission limits may meet the NAAQS, they frequently allow the short-term increment standard of 30 mg/m³ for PM₁₀ to be exceeded. Although increments are usually not considered until a PSD permit application is submitted, increments are consumed and may prevent a future PSD application from being approved unless the existing sources that have construction/operating permits reduce their emissions. Increments must be tracked in evaluating these minor sources as well as any PSD source.

The baseline dates for most of the criteria pollutants were established when Region VII had PSD responsibilities. These were established for each of the Air Quality Control Regions (AQCR) in Missouri (40 CFR 52.1320-1323). However, the APCP has been establishing later baselines for much smaller areas. This is in accordance with the Missouri Code of Regulations (CRS) that allows the smallest area to be one section or one square mile (10 CRS 10-6.020, (B) 1-4) . Increment tracking has not been done in accordance with 10 CRS 10-6.060, (G) Appendix G, Increment Tracking. The conflict between the minor source dates and AQCRs established by Region VII and the APCP must be resolved soon. The resolution will require considerable effort as all minor and major permits must be reviewed to determine the increments.

The new dispersion models that have become, or soon will become available, (e.g., CALPUFF/CALMET, AERMOD) require additional data beyond that required by the Industrial Source Complex Short-Term (ISCST3) model. CALPUFF, one of the new models, will allow better evaluation of dispersion in complex wind situations and long-range transport. AERMOD, which is a steady state model like ISCST3, requires more precise land use and meteorological data. On-site representative meteorological data will be required for complex wind situations, (e.g., the Holcim area). Land use and terrain elevations will have to be better defined. The use of computerized meteorological models, (e.g., MM5) may be required. Companies/consultants will need additional time to obtain the necessary data.

The references in 10 CRS 10-6.060, (F) Appendix F Air Quality Models to EPA's modeling guideline should be changed from *Guideline on Air Quality Models* (Revised, July 1986) (EPA 450/2-78-027R) and Supplement A (July 1987) to *Guideline on Air Quality Models* 40 CFR, Part 51, Appendix W.

Training for the new air dispersion models, (e.g., AERMOD, CALPUFF/CALMET) recently proposed, or included in EPA's *Guideline on Air Quality Models*, 40 CFR, Part 51, Appendix W, will be required. Training for regional models, (e.g., CMAQ) will also be necessary. The training must include emission inventory, (e.g., SMOKE) and meteorological, (e.g., MM5) models as well as the air dispersion models.

Regional Modeling

The MDNR has made significant progress in the last several years in modernizing its regional modeling capability in preparation for SIP efforts under 8-hour ozone, PM2.5, and regional haze programs. The EPA Region VII regional modeling program has worked closely with the MDNR to provide assistance with hardware specifications and meteorological modeling training and anticipates this collaborative relationship to continue. Given the challenge that lies ahead for the implementation of all three previously mentioned programs, we encourage the MDNR to continue exploring opportunities to augment both its computer infrastructure and training of regional modeling personnel.

The MDNR continues to provide a leadership role in the modeling efforts of the Central Regional Planning Organization (CENRAP) for regional haze activities. Since its inception, the MDNR has continued to provide substantial staff time and in-kind resources for CENRAP regional haze modeling projects. In examining the requirements under 40 CFR 51.300 (regional haze), it must be noted that Missouri has not completed periodic updates to the long-range strategy requirements pursuant to 40 CFR 51.306(c). Specifically, 40 CFR 51.306(c) requires that each state enumerated in 40 CFR 51.300(b)(2) submit periodic reviews to their long-range strategy, no less than every three years, until the first plan submission required under 40 CFR 51.308(b).

The original Missouri-Kansas Ozone Study (MOKAN) was terminated in 2001 with less than satisfactory model performance. In 2002, the regional modeling programs from

Kansas and USEPA Region VII revisited the study, seeking to make the recommended improvements and take advantage of advances in modeling technology to improve the performance statistics of the original study. In the intervening two years, significant resources have been dedicated by each organization and great gains have been made in model performance. While there are no current regulatory requirements for ozone modeling for Kansas City, it would be highly beneficial for the MDNR to reexamine its contribution to the MOKAN effort.

SUMMARY:

The air dispersion modeling activities at the MDNR are being done in a very professional manner and the modeling staff should be commended. The establishment of baseline dates/areas and the tracking of increment consumption in Class I and Class II areas will require a long-term dedication by Region VII and APCP.

Chapter V COMPLIANCE and ENFORCEMENT

TABLE OF CONTENTS

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A	Introduction	39
B	Methodology of Review	39
C	Overview of Missouri Enforcement Program	40
D	Data Management	44
E	Conclusion	45

CHAPTER V COMPLIANCE and ENFORCEMENT

A. Introduction

Missouri volunteered to be one of the Region 7 pilot states to participate in testing the State Enforcement Review Framework (Framework) drafted by EPA and States. The Framework is based upon compliance and enforcement policies and guidance that have been in place for many years. Upon completion of these pilots at the end of January 2005, EPA will

- evaluate the Framework; the implementation process;
- federal and state resources implications of the assessment;
- and how results from the assessments will be used to recognize and reward states' performance or work with states to improve areas of concern.

The essential (required) elements for evaluating state performance, as identified in the Framework include:

1. Inspections/coverage of the regulated universe
2. Documentation of inspection findings
3. Timely and accurate completion of inspection reports
4. Timely reporting of violations
5. Inclusion of injunctive relief and return to compliance
6. Timely initiation of enforcement actions
7. Economic benefit calculations
8. Collection of appropriate economic benefit and gravity portion of a penalty
9. Meeting PPA/PPG/SEA agreements and commitments
10. Timely data requirements
11. Accurate data requirements
12. Complete data requirements

Since Region 7 had an existing State Review Protocol in place, prior to the initiation of this Framework pilot, Region 7 compared the "proposed" Framework with its existing questionnaires to ensure that all essential information was being gathered during the scheduled review. The only information not available at the time of the on-site review, was information generated by the data matrices discussed in the Framework. EPA and the state agreed that this information will be shared and discussed when it is received by headquarters.

Information gathered during this review, and supplemented by the review of the data matrices, will be provided to EPA's headquarters as part of this pilot project.

B: Methodology of Review

Prior to meeting with the State, several elements were developed to assist in the review. An Evaluation of State/Local Air Quality Compliance and Enforcement Activities

questionnaire was provided to MDNR two months prior to the review. This questionnaire is found in the Appendix for this Section. A list of source files to be reviewed was sent to MDNR approximately two weeks prior to the review to allow the State time to gather the file information at one central location. A total of 84 files were reviewed. The sites were randomly selected from the areas of jurisdiction of each of the five Regional Offices (ROs) within the State, as well as each of the four Local Agencies (LAs). Ten source files were reviewed per RO/LA. The sources selected were mainly facilities that were classified as major sources which were subject to significant Clean Air Act requirements such as NSPS, NESHAP, MACT, or PSD.

The AFS database was used to pull retrievals to assist in the selection of sources for file review, as well as to provide full compliance evaluations and enforcement activities for each facility.

The focus of the review primarily covered the time period starting with calendar year 2002 through the date of the review. To assist with the file review, a checklist was developed by the EPA. This checklist was completed by the review team for each file reviewed. A copy of the checklist is included in Appendix V-AP3.

C. Overview of Missouri Enforcement Program

The Missouri Compliance/Enforcement Program consists of the central office Enforcement/Compliance Section and five Regional Offices (ROs) located throughout the state. All legal support is provided by the Attorney General's Office (AGO). The RO staff is comprised of multi-media inspectors, while the Compliance/Enforcement Section consists of enforcement officers and stack test observers. The ROs are located organizationally within the Water Division. There are currently two vacancies in the Compliance/Enforcement Section at APCP. When fully staffed, the number of allocated positions appear to be adequate.

The MDNR inspects most Title V sources and all intermediate sources (synthetic minor sources) each year. Facilities with Basic Operating Permits (a Basic State permit is where potential emissions are greater than the *de minimis* level, but less than 100 tons per year of any non-HAP pollutant) are inspected once every four years. The Regional office inspects the sources and submits the inspection report to the Air Program along with any Notice of Excess Emissions (NOEE). The State identifies a list of sources to be inspected by the local agencies. The local agencies refer enforcement cases to the MDNR with the exception of Kansas City, which proceeds with its own enforcement actions.

All MDNR complaints are taken by the Regional Offices (ROs). Any complaints received by the Compliance/Enforcement Section are forwarded to the Regional Offices. The Regional Offices attempt to promptly follow-up on all complaints received. After investigation of the complaint, the inspector sends a follow-up letter to the complainant which details any findings.

All MDNR inspections are performed by the ROs. All inspection reports are forwarded to the MDNR Compliance/Enforcement Section Chief, who reviews the enforcement cases and forwards them on for distribution within the Compliance/Enforcement Section. The enforcement officers then proceed with case development with input solicited from the inspectors who discovered the violations.

The Air Program, when appropriate, issues a Notice of Violation (NOV) to sources that have not returned promptly to compliance. When deemed pertinent, the Air Program initiates an enforcement action.

Since there are no interim enforcement actions, once an NOV is issued, the enforcement case proceeds directly to settlement negotiations and a settlement agreement. Penalties are determined based on gravity of the violation and experience. All enforcement actions, including routine settlement agreements, must be drafted by the Attorney General's Office. If a settlement cannot be reached, an enforcement case is referred to the AGO, which can significantly delay the conclusion of the case.

Initial notifications and compliance notifications related to MACT requirements are received by the Air Pollution Control Program staff. These notifications are then entered into a data system. The MDNR sends copies of these documents to the regional offices. The MDNR receives the initial notification reports, tracks and observes the performance tests, and tracks the compliance status. The MDNR also incorporates the MACT standard in the operating permits, tracks the semiannual and annual compliance status reports, schedules inspections, reviews inspection reports, and takes enforcement actions.

Discussion and Findings. One noteworthy aspect of Missouri's Air Enforcement Program is that all inspection reports and potential violation issues are directed through the Enforcement Chief. This practice provides consistency for all enforcement actions. NOV's are issued quickly, frequently at the time of the inspection, which eliminates any delay in the enforcement process. When an RO issues an NOV or NOEE, a letter usually accompanies the notice with an explanation of the violation. This practice helps facilities address the violations in an expeditious manner. Violations which are discovered by the RO are forwarded to the Compliance/Enforcement Section Chief who then solicits input from the inspector to determine the extent of the violation. In addition, the Title V Annual Compliance Certifications are also utilized as an enforcement tool by MDNR. It is clear from our file review that the Certifications are reviewed by MDNR enforcement staff, and appropriate enforcement actions are taken.

During this on-site evaluation th region reviewed numerous inspection reports. Our review disclosed that specific permit requirements for each facility were not included in the inspection reports. Without this information it is not possible to determine whether the inspector has verified all of the permitting and compliance requirements for the facility. In addition, we found that the quality of the inspections varied from inspector to inspector. Some inspectors included hand-written notes in the "Comment" section of the report documenting the permitting and compliance requirements for the facility and potential violations, while others did not. This lack of information can greatly reduce the quality

and effectiveness of Missouri's Air Enforcement Program. One suggestion that was made during the debriefing following the review, was for the air program to standardize the inspection format for all inspectors to ensure consistency.

Although we reviewed numerous enforcement actions, the MDNR program does not have a formal enforcement response policy (ERP) that establishes specific time-frames for the completion of formal enforcement activities or a formal penalty policy. The purpose of such documentation would be to show that, in Missouri penalties are assessed in a fair and consistent manner;

- that penalties are appropriate for the gravity of the violation committed;
- that economic incentives for noncompliance with the air requirements are eliminated;
- that penalties are sufficient to deter persons from committing air violations;
- and that compliance is expeditiously achieved and maintained.

Under the Framework, this is considered one of the essential elements that apply to all enforcement and compliance assurance programs. It was recommended that the air program develop guidelines for enforcement responses and a framework for a penalty policy.

MDNR has centralized their filing system to a single location, which dramatically improves the ease and capability of retrieving files. The files reviewed were well organized and appeared to have up-to-date information and contained notes, e-mails, and follow-up letters to the facility demonstrating the conclusion of the cases.

However, one concern noted, was the absence of inspection reports in the files. The inspection reports are contained in a separate file location. This practice poses a vulnerability under the Missouri Sunshine Law which requires the MDNR to provide complete records upon citizen request. Another concern is that an enforcement officer must have all the appropriate information, including the inspection report, before proceeding with an enforcement action. It is recommended that the inspection reports (or a copy) be placed in the individual enforcement files.

Another concern regarding the files is the lack of information for facilities located in the jurisdictional area of the Local Agencies. Unless the local agency forwarded an enforcement action to MDNR for followup, there were no inspection reports, Notices of Violation, or any other documentation regarding facilities in local jurisdiction in the files. Since MDNR has an oversight responsibility for the local agencies, it is our recommendation the MDNR include in their state/local agreements a requirement that the Local Agencies forward a copy of all inspection reports and NOV's for inclusion in the state files. It was not possible for the review team to determine the quality of the local agency enforcement actions during this review due to the lack of documentation of these actions in the state files.

EPA is especially concerned about the effectiveness of air enforcement carried out in the Local Agencies since non-attainment areas, major populations and a large portion of major sources are all located within the Local Agencies' jurisdiction. EPA would expect to find the same violation per inspection rate in the local jurisdictions as found in MDNR's inspections. However, during this review, no enforcement actions in local jurisdictions were discovered or reviewed. EPA's overall concern is not only the quality of compliance and enforcement actions taken by Local Agencies, but MDNR's oversight of these programs.

Missouri utilizes several in-house data management systems, as well as the national Air Facility System (AFS) to track compliance data. This data is tracked in the state data tracking systems very well. Most of the enforcement actions in the files reviewed were entered into the AFS system. It was noted that none of the Title V Annual Compliance Certifications had been entered into AFS for 2004. These compliance certifications were contained in the file and had been entered into the state tracking system. It is our understanding that MDNR plans to complete a "batch" entry of all of the Certifications into the AFS system in the near future.

Air Toxics. Overall, the department is implementing an adequate air toxics program, tracking which sources are subject to the various MACT standards and performing compliance inspections at those facilities.

Of the 51 files requested by EPA, only 31 were provided by MDNR. Most of the unavailable files were for sources located within the local agencies' jurisdictions. Copies of inspection reports for the local agencies (as noted above) are not routinely sent to the MDNR thus were not available for review during this evaluation.

The inspection reports which were reviewed were evaluated based on the following criteria :

- Does the report identify the MACT affected unit and the applicable requirement?
- Did the inspector determine compliance with the applicable MACT?
- Was sufficient information recorded in the report to determine document compliance/noncompliance?

Our review found the adequacy and quality of the inspection reports varied widely. While some reports contained a detailed list of the compliance requirements of the MACT for the affected unit, others merely referenced the applicable MACT. The latter inspection reports did not contain information sufficiently detailed to determine compliance with the specific requirements nor were operating parameters evaluated for compliance (*e.g.*, Boeing Company, 10/3/03 inspection report). In some cases, information in the regional offices' inspection reports was inconsistent with that in the MDNR's files in Jefferson City. In other cases, applicable MACTs were not identified (*e.g.*, Eagle-Picher Technologies, 6/27/03 inspection report).

The appendices includes the following: the state responses to the program questionnaire; a listing of the source files which were reviewed; and a checklist.

Given the complexity of the air toxics program, we have some concern regarding the implementation MACTs, particularly in the local jurisdictions.

D. Data Management

The Air Facility System (AFS), is the national information database for State-EPA communications of compliance determinations and agency compliance activity at major stationary sources of air pollution. All states and regions must report and track certain core information pertaining to air facilities.

Accurate characterization of air facilities is a critical requirement for the air program for a variety of reasons including the establishment of an inspection baseline (Compliance Monitoring Strategy), the tracking of High Priority Violators, as well as workload projections. In addition, since core information from the national database is made available to the public, every effort should be made to ensure that the information is accurate.

In an April 24, 1998, memorandum from Frederick F. Stiehl, Director, Enforcement Planning, Targeting and Data Division, EPA identifies the minimum data reporting (MDR) requirements for stationary sources covered under Title V Operating Permits and Maximum Achievable Control Technology (MACT) rules.

Missouri (MDNR) uses their in-houses database to track facility compliance information. MDNR receives compliance data information directly from the Missouri local and regional agencies.

MDNR updates AFS directly. MDNR does maintain the minimum data requirements except for the pollutant specific compliance status information. The compliance status data is present in the MDNR database, however, MDNR does not update AFS with compliance status information after initial entry. MDNR uses the compliance evaluation results code and the settlement agreement to define compliance status for the plant level in their database. MDNR maintains that they have not agreed to maintain this data in AFS. Currently, EPA - Region 7 maintains the HPV data, for all Region 7 States.

The review also included Facility Registry System (FRS) data quality corrections. MDNR has made a commitment to correct AFS compliance data quality issues in FRS. A conference call was held with Maryane Tremaine (EPA - Region 7 data steward) to discuss areas of concern in the data and what appropriate reports in FRS to be used to identified FRS data quality problems.

The region recommends that MDNR update compliance status codes immediately upon receipt of current information. Accurate compliance status information is important in monitoring air facility information and is particularly critical since this information is made available to the public via the internet.

E. Conclusion

Overall, the Missouri Compliance/Enforcement Program is working quite well in many areas. Our review disclosed several areas of concern:

- The state files were incomplete
The inspection reports were usually not found in the compliance files, rather they were located in a separate office within the Air Program. It is recommended that a copy all inspection reports be placed in the appropriate enforcement files.
- Local Agencies files lacked enforcement documentation
It is recommended the Local Agencies provide a copy of all inspection reports and NOV's to the MDNR.
- Inspection forms were of poor quality and incomplete
The existing inspection forms do not contain most of the information needed to determine the compliance status of a facility. It is recommended the MDNR improve and enhance the inspection report forms to include greater detail of specific permitting and compliance requirements for each source. In addition, the inspection reports should be evaluated for the regional offices and the local agencies to ensure there is sufficient information to determine the source's compliance status and compliance with the MACT standard.
- Quality of inspection reports was variable
There was a wide variation in the quality of the inspection reports in the files, particularly in the manner in which compliance with the MACT was documented. In some files, detailed compliance with each parameter required by the MACT was documented; in others, the inspection report included only a statement that the source was in compliance, without even listing the MACT as an applicable requirement. It is recommended that all inspection reports should contain information sufficient to determine applicability and compliance with each MACT requirement
- Penalty policy The MDNR do not have a formal penalty policy. It is recommended the MDNR develop a penalty policy to ensure consistency in penalties.

Chapter VI ASBESTOS

TABLE OF CONTENTS

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A	Introduction	47
B	Program Operations	47
C	Data Management	48
D	File Review	49
E	Summary	50

Chapter VI ASBESTOS

A. Introduction

The Air Pollution Control Program (APCP) of MDNR implements a fully-delegated Asbestos NESHAP program pursuant to 40 CFR Part 61, Subpart M. The program is responsible for notifications, inspections, enforcement case development, outreach, and data management.

B. Program Operation

Non-notifiers - MDNR identifies non-notifiers in several ways. The most frequent method occurs when someone lodges a complaint with the Air Pollution Control Program (APCP). Field investigators from the appropriate MDNR Regional Office or local program are dispatched to the site and conduct a field interview and investigation. The APCP receives about twenty complaints per month, and endeavors to ensure that all complaints are investigated. Non-notifiers are also identified through field observations made during other inspection activity, and from the review of newspaper articles, bid announcements, and newscasts related to demolition and renovation projects.

The APCP encourages “courtesy” notifications for projects below the NESHAP thresholds. These “courtesy” notifications help to ensure that facilities, subject to an annual notification, remain in compliance. Also, circumvention of the NESHAP requirements can be avoided, i.e., the practice of dividing a large project into numerous smaller projects for the purpose of avoiding the regulatory threshold.

Enforcement Response Policy. The APCP does not have a set penalty policy. Missouri Rule 10 CSR 10-6.230 does include a gravity-based penalty assessment matrix which applies generally to any enforcement actions pursued by the APCP. EPA recommends that the APCP develop a specific written asbestos demolition/renovation penalty policy. Such a policy would benefit the regulated community and would minimize any perception that penalties are established arbitrarily. Also, the rationale for calculating penalties should be included in the enforcement case files.

MDNR does not have a written policy governing the issuance of timely and appropriate enforcement actions. However, APCP management, as well as the Missouri Air Conservation Commission, does keep track of staff progress on case review and enforcement.

Civil Penalty Authority. Authority to assess civil penalties is contained in the Revised Statutes of Missouri (RSMo), Section 643.151, “Violations, Penalties, Notice – Civil Action – Offer of Settlement, Method – Disclosure of Confidential Information, Penalty.” The maximum penalty assessment “... cannot exceed \$10,000 for each violation per day for each day, or part thereof, the violation continues to occur.”

Other Enforcement Remedies. In accord with 10 CSR 10-6.230, conference, conciliation and persuasion (CC&P) is a process (either written, verbal, or a combination of both) used

continuously by the APCP staff toward alleged violators to resolve the alleged violation and develop a compliance plan. Other enforcement remedies utilized during CC&P include (1) suspension of all (or part of) a proposed penalty amount, (2) site remediation by the alleged violator, (3) requiring the alleged violator to attend specific training in order to obtain state asbestos certification and, (4) in the case of improper burial of ACM, obtaining a deed restriction that becomes an attachment to the property deed MDNR licenses asbestos abatement contractors and individuals that inspect, design or work on asbestos abatement projects. MDNR has the authority to revoke, suspend, or deny these licenses to individuals or companies that violate the department's asbestos requirements.

NESHAP Category I nonfriable floor covering. The APCP agrees with EPA policy with regard to the removal of Category I nonfriable floor covering. If the material is in good condition and proper care is taken during the removal process, the removal is not considered a regulated project. Nevertheless, the APCP encourages the removal of asbestos-containing flooring materials prior to demolition, because, all too often, flooring materials are rendered friable by virtue of the demolition methods.

Policy Determinations. The APCP utilizes the Applicability Determination Index on EPA's OECA Homepage available on the Internet. The APCP also issues asbestos policy determinations and maintains a record of these determinations.

Lambert Airport Expansion. A major issue facing the APCP asbestos program is the ongoing airport expansion project at Lambert Field in St. Louis. The St. Louis County Department of Health (STLCDH) had been allowing a practice known as "wet demolition" to raze commercial and residential structures without complying with the asbestos NESHAP. EPA and the St. Louis Airport Authority (SLAA) entered into an Administrative Order on Consent (AOC) effective May 1, 2003, which essentially allowed the wet demolition method, but with some additional work practice requirements. Recently, however, EPA, SLAA and STLCDH have agreed that no further wet demolition under the AOC will occur until issues regarding the method have been resolved. Successful completion of the airport expansion demolition effort will require the continued close coordination of EPA, MDNR, SLAA, and STLCDH.

C. Data Management

Case tracking. NESHAP inspection reports are sent to the APCP central office from the regional office that performed the inspection. Once an inspection report arrives at the central office, the information from the report is entered into the appropriate databases. The inspection report is then filed in the project notification file. In the event that there were violations noted during the inspection, then an NOV would have also been issued by the inspector. When an NOV is issued, a separate enforcement file is created. Copies of any inspection reports for the site relevant to the violations are placed in the enforcement file as documentation to support the enforcement action.

Data system. Currently, the APCP uses several databases to track asbestos activities. The main database for tracking asbestos abatement projects, asbestos workers, and contractors is a

Paradox system. Demolition Project and Asbestos Training Provider Accreditation information is currently being maintained in an Access database. With the demise of EPA's Asbestos Contractor Tracking System (ACTS) contractor support, the APCP no longer plans to implement ACTS. The APCP will most likely move forward with an Access system for tracking all of the information currently maintained. This new system will be customized to meet the APCP's unique needs and will be made available to MDNR's regional offices in a read-only format, as all data entry is done at the central office. Local agencies currently maintain their own tracking systems that meet the individual needs of their respective programs. Given the current status of ACTS, MDNR will likely not require local agencies to change from their current tracking systems. If provided with the necessary information, the MDNR information technology staff would evaluate the feasibility of making the state's system compatible with the National Asbestos Registry System (NARS).

The APCP maintains NESHAP notifications and inspection information in hard copy for two years. After that time, the files are microfilmed where they are maintained for an additional 28 years. Enforcement case files are maintained at the APCP office for 10 years, and are then transferred in hard copy to the Missouri State Record Center for an additional 20 years.

D. File Review

The APCP asbestos NESHAP files are organized in three different series, i.e., asbestos project, asbestos enforcement, and post-notification. The asbestos enforcement files contain cross-references to other APCP asbestos information systems, e.g., Owner, Operator, Demolition Project, and Asbestos Abatement Project. Generally, the files were well maintained and conveniently organized.

Although not a NESHAP provision, MDNR requires an asbestos project owner/operator to submit a post-notification form at the conclusion of an abatement project. The post-notification process helps to ensure that the project is properly completed before the APCP closes the project file. The post-notification files also contain air monitoring results (if performed at the project), and asbestos-containing waste shipment records.

The asbestos enforcement files contained documentation to support the action which had been taken, e.g., inspection reports, telephone conversation records, sample analysis results, chain of custody forms, event chronologies, notices of violation, newspaper articles, and administrative penalty actions. However, in numerous instances, the files lacked adequate documentation to fully support the department's enforcement actions. For example, several files lacked inspection reports, chain of custody forms, and determinations of threshold quantities. EPA recommends that the APCP ensure that enforcement case files contain adequate documentation. It would appear that the regional office staff vary in their level of knowledge and attention to detail in regard to asbestos field investigation and followup. EPA recommends that the APCP provide appropriate training for the regional office field investigators.

The reviewer noticed that considerable staff effort is expended in enforcing MDNR's asbestos certification program which pertains to workers, inspectors, supervisors, air sampling

professionals, management planners, and project designers. While this activity is beyond the scope of our asbestos NESHAP review, EPA nonetheless commends MDNR for its effort. The state's certification program helps to ensure a properly trained and qualified work force and goes a long way toward minimizing the potential for asbestos exposure.

EPA would like to recognize the efforts of Mr. Paul Jeffery, an inspector at the MDNR Northeast Regional Office. In conducting the file review, Mr. Jeffery's efforts to document violations and recommend appropriate enforcement actions were apparent in numerous instances.

E. Summary

The APCP staff demonstrate proficient knowledge of the NESHAP regulations, and exercise good judgement in prioritizing inspections and developing enforcement actions. The enforcement case files are well organized, but not all files contain adequate documentation to support the action being taken. Based on our review, it is recommended:

- MDNR develop a specific written penalty policy for asbestos violations. Moreover, the rationale for calculating penalties should be included in the enforcement case files.
- Develop a written asbestos demolition/renovation penalty policy.
- Include rationale for calculating penalties in enforcement case files.
- Ensure adequate enforcement case file documentation to fully support enforcement actions, and any challenges which might result.

Chapter VII MONITORING

TABLE OF CONTENTS

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A	Ozone Photometer Assessment: April 2004	52
B	Ozone Monitoring Network On-Site Assessment	52
C	AIRS Data Submission Assessment	54
D	State Monitoring System Assessment	54
E	State Quality Assurance Document	54

Chapter VII MONITORING

An evaluation of the monitoring network was not completed during this on-site review.

The Missouri Department of Natural Resources (MDNR) either directly operates, or is responsible for operation of the ambient air monitoring network described in Appendix A of this section. This network is jointly operated by MDNR, County monitoring agencies, City monitoring agencies, and private companies. Quality Assurance oversight and assessment of the network and resultant data are performed jointly by MDNR's Air Quality Assurance Unit and EPA Region VII's Environmental Services Division.

In 2004 there were several different EPA and MDNR assessments performed to evaluate the adequacy and accuracy of monitoring data reported by MDNR's ambient air monitoring program. EPA Region VII performed the following instrumental assessments:

Ozone Photometer Assessments; April,2004

Ozone photometer transfer standards were certified in the EPA Regional Laboratory using our standard reference photometer for the following Missouri State and Local Agencies; MDNR Environmental Services Program (4 units), City of Springfield Air Pollution Control (1 unit), St. Louis County Department of Community Health & Medical Care (1 unit), and St. Louis City Air Pollution Control (2 units). All transfer standards were certified to be within tolerance limits for use in calibrating State and Local agency ozone monitoring networks.

Ozone Monitoring Network On-Site Assessments

The Kansas City area ozone monitoring network was assessed with the following results:

<u>AIRS ID</u>	<u>SITE LOCATION</u>	<u>DATE</u>	<u>RESULTS</u>
290470003	Watkins Mill (Primary)	3/24/04	Excellent
		09/28/04	Excellent
	Watkins Mill (Secondary)	03/24/04	Satisfactory
290470005	Liberty (Primary)	09/28/04	Excellent
		03/24/04	Excellent
	Liberty (Secondary)	09/28/04	Excellent
290470006	Rocky Creek (Primary)	03/24/04	Excellent
		09/28/04	Excellent

<u>AIRS ID</u>	<u>SITE LOCATION</u>	<u>DATE</u>	<u>RESULTS</u>
	Rocky Creek (Secondary)	03/24/04	Excellent
		09/28/04	Excellent
290370003	Richards Gebaur South (Primary)	03/30/04	Excellent
		09/16/04	Excellent
	Richards Gebaur South (Secondary)	03/25/04	Excellent
		09/16/04	Excellent
291650023	KCI (Primary)	03/25/04	Excellent
		09/27/04	Excellent
	KCI (Secondary)	03/25/04	Excellent
		09/27/04	Excellent
291650023	Trimble (Primary)	03/25/04	Excellent
	Trimble (Secondary)	03/25/04	Excellent

In addition, the St. Louis area ozone monitoring network was assessed with the following results:

<u>AIRS ID</u>	<u>SITE LOCATION</u>	<u>DATE</u>	<u>RESULTS</u>
295100086	Margaretta (Primary)	06/16/04	Excellent
	Margaretta (Secondary)	6/16/04	Excellent
295100072	Clark & Tucker (Primary)	6/16/04	Excellent
	Clark & Tucker (Secondary)	06/16/04	Excellent
290831004	Orchard Farm (Primary)	6/15/04	Excellent
	Orchard Farm (Secondary)	6/15/04	Excellent
290990012	Arnold (Primary)	6/15/04	Excellent
	Arnold (Secondary)	06/15/04	Excellent
291831002	West Alton (Primary)	06/15/04	Excellent
	West Alton (Secondary)	6/15/04	Excellent
291890006	Queeny Park (Primary)	6/17/04	Excellent
	Queeny Park (Secondary)	6/17/04	Excellent
291893001	Ladue (Primary)	6/17/04	Excellent
	Ladue (Secondary)	06/17/04	Excellent
291895001	Ferguson (Primary)	06/17/04	Excellent
	Ferguson (Secondary)	06/17/04	Excellent
291897003	Breckenridge (Primary)	6/17/04	Excellent
	Breckenridge (Secondary)	6/17/04	Excellent
291890004	Sunset Hills (Primary)	06/17/04	Excellent
	Sunset Hills (Secondary)	6/17/04	Excellent

All ambient air monitoring sites visited were assessed for compliance with monitoring objectives and for compliance with monitor siting requirements. All monitoring locations were found to be in compliance with monitor siting criteria.

AIRS Data Submission Assessment:

Examination of the 2004 ambient air monitoring data that have been submitted to the Aerometric Information Retrieval System indicates that all monitoring sites are reporting data in a timely and complete manner. Examination of the Precision and Accuracy data submitted to AIRS indicates that all sites are properly assessed for data precision and accuracy by the local area monitoring agency.

State Monitoring System Assessments:

In 2004 MDNR's Air Pollution Control Program and Environmental Services Program performed a technical system audit on the ambient air monitoring program operated by Doe Run Corporation near their Herculaneum smelter. The audit was thorough and well documented with complete assessment of air pollution monitoring activities, procedural review, monitor site evaluation, laboratory assessment and document review. The results of this audit were generally favorable with several opportunities for improvement identified by the State agency. A follow-up assessment to verify corrective action is planned for early 2005.

State Quality Assurance Documentation:

Per the EPA approved Missouri State Quality Management Plan, individual quality assurance project plans are written and approved at the State level for environmental data collection activities. As part of the State quality management plan maintenance, MDNR completely revised their Standard Operating Procedures manual. This revised procedural manual was reviewed and approved by EPA Region VII.

Based on these assessment activities, the Missouri Department of Natural Resources' Air Monitoring Program is operating in a satisfactory manner.

APPENDICES

Chapter II

II-AP1	EPA On-Site Review Letter
II-AP2	Entrance Conference Attendance List
II-AP3	Exist Conference Attendance List

Chapter III

III-AP1	Personnel/Organization Chart
III-AP2	Regional Offices Map
III-AP3	Missouri Air Conservation Commission (MACC) Members List
III-AP4	Small Business Assistance Program Questionnaire and Responses

Chapter IV

IV-AP1	List of Minor Source Pre-Construction Permit Files Reviewed During On-Site Visit
IV-AP2	Notes on Individual Files Reviewed During On-Site Visit
IV-AP3	Permits Reviewed - Modeling
IV-AP4	New Source Review (NSR) Program Review Questionnaire and Responses
IV-AP5	Title V Program Review Questionnaire and Responses
IV-AP6	Title V Statement of Basis Example
IV-AP7	Title V Fee Questionnaire and Responses
IV-AP8	MDNR Intermediate Permit Letter

Chapter V

V-AP1	File Review List
V-AP2	Missouri File Review Checklist
V-AP3	Compliance/Enforcement Questionnaire and Responses

Chapter VI

VI-AP1	MDNR Monitoring Information
---------------	------------------------------------

Chapter VII

VII-AP1	U.S. EPA Region 7's Response to MDNR's Program Review Comments
----------------	---