



**MINUTES**  
**MISSOURI AIR CONSERVATION COMMISSION**  
**Elm Street Conference Center**  
**Lower Level**  
**Bennett Springs Conference Room**  
**1730 E. Elm Street**  
**Jefferson City, MO 65101**  
**December 3, 2008**  
**1:00 p.m.**

**Staff Members Present**

Steve Boone, Ombudsman, Field Services Division (FSD)  
Joe Engeln, Department of Natural Resources  
Steve Feeler, Compliance and Enforcement Section Chief, APCP  
David Gilmore, Commission Secretary, APCP  
Jim Kavanaugh, Director, APCP  
David Lamb, Operations Section Chief, APCP  
Leanne Tippett Mosby, Deputy Division Director, Division of Environmental Quality  
Paul Myers, Operations Section, APCP  
Brian Newby, Compliance and Enforcement Section, APCP  
Missy Seeligman, Program Secretary, APCP

**Others Present by Attendance Record**

Joe Bindbeutel, Attorney General's Office (AGO)  
Robert Brundage; Newman, Comley and Ruth P.C.  
John Bryan, The Poultry Foundation  
Rolf Christen, Citizens Legal Environmental Action Network (CLEAN)  
Stacy Denison, Renewable Environmental Solutions  
Tim Duggan, AGO  
Dan Engemann, Missouri Department of Agriculture  
James Lanzafame, Buick Resource Recycling Facility  
Maxine Lipeles, Washington University Environmental Law Clinic  
Don Nikodim, Missouri Pork Association  
Terry Spence, CLEAN  
Roger Walker, Regulatory Environmental Group for Missouri

**Call to Order**

Chairman Mark Fohey called the Dec. 3, 2008, Missouri Air Conservation Commission Deliberation on Odor Recommendation meeting to order. All The following commissioners were present: Mark Fohey, Gary Pendergrass, Jack Baker, Richard Rocha, Kevin Rosenbohm, Mark Garnett and Ron Boyer.

## Review and Discussion of Odor Proposals

Chairman Fohey read the odor proposals on page 239 of the December 4, 2009, briefing document and the commission agreed to keep those items unchanged.

Mr. Steve Boone said he examined the department's Northeast Regional Office records for the previous 12 months and noted the following percentage of complaints for Concentrated Animal Feeding Operations (CAFOs): 53% were related to Class IA CAFOs, 3% were related to Class IBs and 40% were related to Class ICs and 4% were related to Class II CAFOs.

Chairman Fohey read the odor regulation recommendations on page 240 through 244 of the December 4, 2008, briefing document. The commission agreed to the following:

1. Retain the regulatory dilution to threshold of 7:1 for all industry and Class IA CAFOs and that the property boundary should remain the point of determining compliance.
2. Retain all other exemptions currently in the rule.
3. Eliminate the language for the need to establish a non-punitive dilution-to-threshold that will trigger a requirement for a comprehensive odor source identification and work plan based on the Best Available Control Technology, or BACT, process.
4. Develop a better definition of "modification" that will specifically address odors and that will trigger an odor control plan requirement for existing sources.
5. Develop an "exit strategy" or a mechanism that will allow facilities that trigger the additional odor source identification requirement and work plan an opportunity to prove that the additional plan is no longer necessary based on changes made at their facility.
6. Establish requirements for new CAFO facilities to develop an odor plan as part of the operation. Facilities currently operating are not required to develop an odor control plan until such time that they violate the provisions of any odor regulation or are required to by the director.

It was also suggested that time frames be added to the rule text to ensure odor control plans are submitted six months before they expire or 30 days prior to a modification.

The commission also directed staff to clean up the language (possibly combining numbers 4, 5 and 6).

7. Continue using Water Protection Program classifications for determining odor rule applicability to CAFOs. It was suggested that department staff either use the number

of animals in the current classifications in the rule or make reference to the existing statute that defines the classifications.

8. Establish the Nasal Ranger as the standard equipment for odor monitoring.

Staff have already purchased and distributed Nasal Rangers to the regional offices and have set up protocols for taking odor readings.

9. Eliminate the requirement for laboratory analysis of samples for regulated CAFOs unless the regulated CAFOs sign an agreement to pay for laboratory analysis. The facility must request such an agreement and it shall be established in advance of any odor investigation by the department.

Drop the requirement for owners of Class IA CAFOs to pay for laboratory olfactometry when an odor violation has been confirmed by the sample.

10. Update and clarify provisions related to requirements for IA CAFO odor control plans.

The commission directed staff to incorporate their recommended language changes above into one draft rule for the entire state. If the commission approves of the changes they would then direct staff to begin the formal rulemaking process.

Vice-Chairman Pendergrass requested the department continue to take readings at other dilution ratios when investigating odor complaints.

At the commission's request, Ms. Leanne Tippet Mosby gave an update on the surveys regarding Renewable Environmental Solutions.

Ms. Mosby also noted that Mr. Don Wright, the gentleman that performed the Phase I odor investigation of the Carthage Bottoms area, expressed an interest in doing some additional pro bono work in that area.

Ms. Mosby also provided a brief update on the status of the odor response team in the Carthage bottoms area, at the request of Vice-Chairman Pendergrass.