EAST-WEST GATEWAY
Council of Governments

Creating Solutions Across Jurisdictional Boundaries

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AGENDA
INTER AGENCY CONSULTATION
GROUP Monday, July 26, 2021
2:00 pm – 3:00 pm
Virtual Meeting

DUE TO COVID-19 OUTBREAK, EAST-WEST GATEWAY'S OFFICES ARE CURRENTLY CLOSED TO THE PUBLIC AND WILL BE UNTIL FURTHER NOTICE

You can listen/talk and/or view the meeting via:
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1. **Call to Order**
   - Carol Lawrence, East-West Gateway Council of Governments

2. **Update on Status of HB 661**
   - Carol Lawrence, East-West Gateway Council of Governments

3. **Reclassification of Jefferson and Monroe Counties and Conformity Determination Requirements**
   - Carol Lawrence, East-West Gateway Council of Governments

4. **Modeling Approach for Regional Emissions Analysis**
   - Lubna Shoaib, East-West Gateway Council of Governments

5. **Conformity Determination Schedule**
   - East-West Gateway Council of Governments

6. **Other Business**

7. **Adjournment**

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MINUTES
AIR QUALITY ADVISORY COMMITTEE
Tuesday, June 29, 2021
10:00 am – 11:00 am
VIRTUAL MEETING - GoToMeeting

Members Present:
Carol Lawrence, Chair – East-West Gateway Council of Governments
Betsy Tracy – Federal Highway Administration Illinois
Mark Leath – Missouri Department of Natural Resources
Mallory Box – Citizens for Modern Transit
Mary Foshage – City of St. Louis
Chris Schmidt – Illinois Department of Transportation
Rory Davis – Illinois Environmental Protection Agency
Mike Henderson – Missouri Department of Transportation

Others Present:
Francisco Cortalezzi – Missouri Department of Natural Resources
Kevin Jemison – Illinois Department of Transportation
Michael Hutcheson – Ameren
Jed Wolkins – EPA Region 7
Stephen Hall – Missouri Department of Natural Resources
Brad Frost – Illinois Environmental Protection Agency
Aaron Cadman – St. Louis County
Stephanie Muentnich – Volkert, Inc.
Amanda Schomaker – Madison County Transit
Roger Walker – REGFORM
Stacy Allen - Ameren
Rita Buechter – Hastings Engineering

Staff:
Mary Grace Lewandowski Jim Wild Jennifer Vuitel Aaron Young Rachael Pawlak
Maureen McCarthy

1. Call to Order

- Carol Lawrence, Chair, East-West Gateway Council of Governments

The meeting of the Air Quality Advisory Committee (AQAC) was called to order by Chair Carol Lawrence, East-West Gateway Council of Governments (EWG). The minutes of the May 25, 2021 AQAC meeting were approved as circulated.

2. Illinois VW Beneficiary Mitigation Plan Update

- Brad Frost, Illinois Environmental Protection Agency

Illinois EPA has set up a program called Driving a Cleaner Illinois which encompasses all of the different vehicle funding opportunities like DERA, CMAQ, and VW. There is an open notice of funding opportunity for electric school buses (and charging equipment, if needed) in the Chicago and Metro East areas and the application deadline is August 9, 2021. Funds will come from the ns, if needed) VW settlement. Information about this funding opportunity can be found on the Driving a Cleaner Illinois website. There is a list serve that anyone can sign up for to receive notice of when funding rounds open.

Illinois EPA is revising their Volkswagen Beneficiary Mitigation Plan. The public comment period for the revisions closed last week. The revisions focus on the goals of the BMP and the project categories to be funded. The plan's priority areas, Chicago non-attainment area and the Metro East non-attainment area, will remain the same. There are now four goals: reduce NO_x emissions in the areas where the affected VW vehicles were registered while taking into consideration the non-attainment ozone areas and environmental justice areas; decarbonize the Illinois transportation sector; align funding with state priorities to establish a reliable charging station network to support the transition to an electrified transportation sector; and support public transportation needs of Illinois residents, including school children. With these new goals the project categories and funding percentages awarded to those categories have changed. Fifteen percent will be awarded to the light duty EV supply equipment category, forty-five percent will go towards all electric public transit projects category, and thirty-eight percent will go towards the all-electric school buses category. The remaining two percent of the funding will go to administrative expenses. Once any needed changes resulting from the public comment period are made, the plan will be finalized and submitted to the VW Trust administrator.

3. 2020 Emissions Trends and Analysis

- Stephen Hall, Missouri Department of Natural Resources

The Clean Air Markets Division (CMAD) is a national database for power plants to report continuous emissions for the Cross-State Air Pollution Rule (CSAPR) programs: Acid Rain, Ozone Season NO_x, and $PM_{2.5}$. Only certain electricity generating units report to the database. It doesn't include mobile or non-point source information. The quarterly NO_x and SO2 emissions data is available thirty days after the end of the last quarter.

The total Missouri CAMD NO_x trends for 2020 showed that the emissions in first and second quarters were lower than in the third and fourth quarters. The NO_x trends in the first and second quarters in the St. Louis region in 2020 were unusually low when compared to the five previous years. By the third and fourth quarters of 2020 the NO_x emissions in the St. Louis region were higher and more comparable to past years.

The annual emissions inventory is due by May 1st for those point sources who are reporting their emissions data to the Missouri Electronic Inventory System. Right now, the 2020 NO_x emissions data is preliminary, due to the need for quality assurance. The 2020 data for NO_x emissions from point sources in Missouri shows a slightly higher level than in 2019, but is within the range of what has been observed over the last several years.

NO_2 observational analysis in St. Louis is partly done by utilizing the near-roadway ambient air-monitoring network. These NO_2 monitors are placed near roadways with particularly high traffic counts. There are two in the St. Louis area. Beginning with March 23, 2020 through May 4, 2020, with extended observation into July, MoDNR looked at the hourly NO_2 concentrations gathered at the near-roadway monitor near I-70 at Earth City and then compared them to the concentrations from the same period in 2019. The purpose of this comparison was to analyze the effects of COVID-19 and the stay at home orders from March 23 through May 4, 2020. The data shows that in March and May of 2020 the NO_2 levels were lower than in 2019, but in June and July of 2020 the concentrations rose and more closely resembled the data from 2019. MoDNR also examined the data from the automated traffic counters operated by the Missouri Department of Transportation (MoDOT) in that I-70 area during the same time period. There was a noticeable decrease in traffic during the stay at home order which began in March 2020, but then steadily increased in the following months. The same analysis was done in Kansas City, MO and the data was similar to what was recorded in St. Louis. The daily large truck traffic on I-70 in Kansas City was also tracked and it was found that there was a slight decrease in their numbers during the stay at home order.

Ozone is formed as the result of conducive conditions: the presence of precursor pollutants NO_x and Volatile Organic Compounds (VOC); relatively high ambient temperatures; stable and low surface wind speed; relatively high solar radiation with sparse cloud cover; and relative humidity close to or below 50 percent during the peak diurnal 8-hour period. Multiple days of these conditions often leads to ozone episode 'build-up'. The federal Exceptional Events rule 40 CFR 50.14 allows for excluding monitored exceedances from NAAQS comparison for certain implementation purposes (determine attainment based on monitor data). MoDNR and a consultant conducted an ozone exceptional event feasibility study to identify potential candidate events (occurring outside the area) which could have impacted the St. Louis area ozone exceedances in 2018 - 2020. There are several conditions the exceptional events had to meet: the events had to have regulatory significance, meaning the EPA could use the event data as a basis of designations; the events require technical demonstration, or a clear and causal connection to an ozone exceedance; and there must be a public notice of the demonstration. The final demonstration is subject to EPA approval. Part of the process to identify exceptional events is to review historical ozone trends. If there is a monitor concentration above the 99th percentile that is in the range where can look for potential exceptional event emissions contributions to ozone formation. Wild fires are potential exceptional events that contribute to ozone concentrations. Using EPA's AirNow Tech website tool that tracks smoke from large fires using satellite data and ground monitoring data it can be determined if a wildfire is an exceptional event. Results of this feasibility study show that the weight of evidence analysis indicate that some exceedances

may be influenced by exceptional events. However, if those candidate dates do not meet the regulatory significance criteria that would change an attainment status that event may not be chosen as a demonstration. Events in 2020 may impact future design value periods in 2021 and 2022. For example, MoDNR flagged West Alton monitor data on June 18, 2020 and August 25, 2020 for potential exceptional event consideration in future years. Data will continue to be monitored for future candidate exceptional events. MoDNR's next steps include reviewing factors related to 2021 ozone exceedances and to evaluate the photochemical assessment monitoring station (PAMS) data. If you have questions or would like additional information you can contact Stephen Hall at Stephen.hall@dnr.mo.gov or call him at 573-526-1985.

4. Update Activities of the States

- Rory Davis, Illinois Environmental Protection Agency

Last month the aerospace coating rule was adopted in Illinois and is waiting for SIP approval by the USEPA. Illinois EPA is waiting for the results of an exceptional events demonstration for the Chicago non-attainment area.

- Mark Leath, Missouri Department of Natural Resources

On June 14 there was a Federal Register notice published a final rule from EPA that revises the initial attainment designation in Jefferson and Monroe Counties. These counties were originally designated as in attainment for the 2015 ozone standard. This rule making adds them to the St. Louis non-attainment area starting on July 14, 2021. This does have an impact on the marginal ozone non-attainment area SIP that was taken to public hearing on May 27th, 2021 at the Missouri Air Conservation Commission meeting. EPA commented on the SIP and asked that Jefferson County be added to the plan as a result of its redesignation. Currently MoDNR is working on their response to the comments on that SIP and will propose it for adoption in August. There is a public stakeholder meeting planned for July to discuss the addition of Jefferson County to the SIP.

The Vehicle Inspection Maintenance Rule for the St. Louis area, 10CSR-10-5.381, is in the initial stages of development. The regulatory impact report and draft rule makings are currently out on a 60-day public comment period that closes on July 7, 2021. This rule making is intended to clarify and make corrections to the rule and remove Franklin and Jefferson Counties from having to be subject to the rule (no longer in the Gateway Vehicle Inspection Program).

MoDNR has finalized the updates to the Missouri Volkswagen Beneficiary Mitigation Plan (BMP) and is sending it to Wilmington Trust. The guidelines for how the awards are selected for the different project categories are being updated to follow along with the updates to the BMP. The updates to the guidelines are open to public comment, ending on June 30. Recently there was an opening ceremony in Kingdom City for the first electric vehicle charging station that was partially funded with the VW Trust funds.

There is an Air Conservation Commission meeting on July 29.

5. Other Business

OneSTL is having their monthly Sustainability Lab today, June 29, starting at 3:30 on Zoom. The discussion will be about the most current concepts around Net Zero such as emissions reduction, offsets and removal, and the opportunities in all aspects of OneSTL's regional work. Phil Valko, the Assistant Vice Chancellor for Sustainability at Washington University, will be giving the presentation. The June meeting will be a precursor to the July Sustainability Lab which will be focusing on Net Zero from the perspective of OneSTL's Energy and Emissions working group. The working group will be discussing their regional greenhouse gas emissions inventory they are putting together as well as their next steps for lowering the regional greenhouse gas emissions. The meeting access information and more can be found at OneSTL.org.

6. Adjournment

The next meeting will be August 24, 2021. There being no other business, the meeting was adjourned.

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Michael L. Parson

GOVERNOR
STATE OF MISSOURI

July 9, 2021

TO THE SECRETARY OF STATE
OF THE STATE OF MISSOURI
101st GENERAL ASSEMBLY
FIRST REGULAR SESSION

Herewith I return to you Senate Substitute 2 for House Bill 661, entitled:

AN ACT

To repeal sections 21.795, 142.869, 300.010, 301.010, 301.062, 301.131, 301.147, 301.192, 301.280, 301.558, 302.010, 302.755, 303.020, 303.025, 303.041, 304.001, 304.050, 304.153, 304.180, 304.240, 307.025, 307.128, 307.180, 307.188, 307.193, 307.350, 307.380, 365.020, 385.220, 385.320, 407.300, 407.526, 407.536, 407.556, 407.560, 407.815, 407.1025, 570.030, 578.120, 643.310, and 643.315, RSMo, and to enact in lieu thereof fifty-six new sections relating to transportation, with penalty provisions, and a delayed effective date for a certain section.

I disapprove of Senate Substitute 2 for House Bill 661. My reasons for disapproval are as follows:

While I recognize and applaud the General Assembly in their effort to improve the laws governing transportation, I cannot approve this bill as presented to me.

Section 21.795 would allow the Joint Committee on Transportation to regulate towing rates, investigate towing complaints, and regulate how law enforcement agencies determine towing rotations for commercial vehicles. This proposal is legally problematic for several reasons. First, this section over-regulates rates and practices in an open market that are already legally addressed under the Missouri Merchandising Practices Act and state tort law. RSMo. ch. 407; ch. 537. Second, the Committee's potential to prevent towing companies from doing business would create separation of powers and attainder problems beyond the constitutional authority granted to the General Assembly. MO. CONST. art. II, § 1; art. III, §§ 36–53. Third, this section is void for vagueness because it does not establish sufficient due process protections for towing companies. MO. CONST. art. I, § 10. As a practical matter, the Committee cannot legally function as this proposal suggests.

Section 227.101 would require the Missouri Department of Transportation to publish the Department's cost estimate for any construction, maintenance, or repair work on the state highway systems at the time of the bidding on a contract for the work first closes. The Department of Transportation currently publishes its cost estimates and completion dates online pursuant to federal regulation in 23 CFR 450.218. This bill, however, would require publication of engineer's estimates, which are strictly confidential. Publishing engineer's estimates may result in fixed prices substantially above the prices currently paid by the state, and result in bid rigging and bidder collusion. This outcome endangers not only our state revenue, but also the future of our infrastructure as a whole. This provision creates adverse consequences for the taxpayers of Missouri.

Section 643.010 would exclude Franklin, Jefferson, and St. Charles counties from mandated motor vehicle emission inspections performed to comply with the federal Clean Air Act. By exempting such noncompliant counties, Missouri would violate the federal Clean Air Act and would lose significant funding for certain highway projects and grants in the St. Louis area in the amount of $52 million annually. Further, the Missouri Department of Natural Resources has already submitted a plan to the Environmental Protection Agency requesting approval to remove the vehicle inspection program from Franklin and Jefferson Counties. At this time, the plan is still being reviewed. The Department is continuing to review options to scale back the requirements of the vehicle inspection program to reduce the burden on citizens while avoiding detrimental impacts to transportation funding. My administration has repeatedly expressed its support of Missouri's transportation infrastructure and related funding. House Bill 661 undermines those efforts and the state's ability to provide reliable transportation infrastructure into the future.

There are many provisions contained within this bill of which I approve. Fortunately, many of those provisions also appear in Senate Bill 176 and House Bill 271, which I have signed, as well as other legislation I support. I hope to work with the General Assembly next session to continue addressing transportation issues facing the state without jeopardizing the state's highway funds.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute 2 for House Bill 661 without my approval.

Respectfully Submitted,

Michael L. Parson
Governor

Non-Attainment Area
2015 Ozone Standard

St. Louis Metropolitan Area

July 2021

LEGEND

- Non-Attainment Area August 2018
- Classified as Non-Attainment July 2021
- County Boundary
- Interstate Highway
- Major Road
- River / Lake

Sources: East-West Gateway Council of Governments

EAST-WEST GATEWAY
Council of Governments

Schedule for Conformity Determination for FY 2022-2025 TIP	
November 6, 2020	EWG releases STP-S and CMAQ applications
January 27, 2021	IACG meeting. Date Conformity Determination began
March 30	IACG Meeting
April 2	Partner programs due (MoDOT, IDOT, Metro, MCT)
April 14	Transportation TIP Group to send list of new local STP-S and CMAQ projects to Transportation Systems Analysis Group, as well as new MoDOT, Metro, MCTD, IDOT and non-federally funded local projects for modeling (April 16 at latest)
May 25	IACG meeting
June-July	Internal discussions on approach to/timing for Conformity – taking into consideration MO HB 661 & reclassification of Jefferson & Monroe Counties
June 24	List of new projects with AQ classifications sent to IACG for consensus (deadline July 9)
June 29	IACG meeting
June – September 8	Transportation Systems Analysis group prepares inputs for travel demand and emissions models, conducts model runs and performs post-processing (need minimum of five to six weeks to complete)
July 26	IACG meeting
August 24	IACG Meeting
August 30	Appendix A to Jason and Appendices BCD to Lubna
September 8	Appendices back from Jason and Lubna
September 8	Preview Draft in some form provided to IACG
September 9/10	Draft Conformity Determination pdf ready to be posted and included in September EAC/Board packet
Sept 10 – Oct 11	Comment period for Draft Conformity Determination and Draft FY 2022 – 2025 Transportation Improvement Program (details to be determined)
Sept 21/Sept 29	Draft Conformity Determination and Draft FY 2022 - 2025 TIP presented to EWG EAC & Board of Directors
October 12	Presented for Approval Conformity Determination pdf ready to be included in October EAC/Board packet
Oct 18	Presented for Approval Conformity Determination document sent to FHWA MO
Oct 26	IACG Meeting
Oct 19/Oct 27	Conformity Determination and FY 2022 – 2025 TIP presented to EWG EAC & Board of Directors for approval
October 28	Board Approved Conformity Determination pdf ready for transmittal to MoDOT

MoDOT sends Conformity Determination to FHWA/FTA who then send it to EPA for review. EPA typically can use a maximum of two weeks (nine days) to complete review and send concurrence letter to FHWA/FTA. (Have maximum of 30 days.)