

**BOARD BILL NUMBER 208 INTRODUCED BY ALDERMAN BRET NARAYAN/ALDERWOMAN MEGAN GREEN/ALDERWOMAN CHRISTINE INGRASSIA/ALDERWOMAN ANNIE RICE/ALDERWOMAN SARAH MARTIN/ALDERWOMAN CARA SPENCER/ALDERWOMAN SHARON TYUS ALDERWOMAN HEATHER NAVARRO/ALDERWOMAN PAM BOYD/ALDERMAN JOE VACCARO/ALDERWOMAN LISA MIDDLEBROOK/ALDERMAN LARRY ARNOWITZ/ALDERWOMAN SHAMEEM CLARK-HUBBARD/ALDERMAN DAN GUENTHER**

1 An ordinance amending Sections Ten, Twelve, Twenty-Five, and Twenty-Seven of  
2 Ordinance No. 68657 and codified in the City Code and Revised Codes as Title 11, Chapter 34,  
3 Sections .090, .110, .240, .250. concerning the Commission of Health's Authority, Asbestos,  
4 Performance-based fee schedules related to asbestos and demolition air pollution, and Penalties;  
5 and containing a severability and effected date clause.

6 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

7 **SECTION ONE.** Section Ten of Ordinance No. 68657 and codified in the City Code and  
8 Revised Codes as 11.34.090, is hereby amended to be and read as follows:

9 11.34.090 - Authority of Commissioner of Health.

10 The Commissioner of Health and or his or her designee within the City of St. Louis  
11 Department of Health operating as delegated agents of the State of Missouri, Department of  
12 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under  
13 authority contained within the Air Conservation Law and granted by the Missouri Air  
14 Conservation Commission and conditions contained within the state/local agreement, may enforce  
15 any provision of State Air Conservation Law so delegated, or specific rules contained within  
16 Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, approve construction  
17 and alteration plans as well as occupancy and demolition applications.

18 The Building Commissioner shall not issue a permit for the demolition, construction,  
19 reconstruction, alteration, or occupancy of any building, structure, or business, unless the  
20 Commissioner of Health and or his or her designee within the City of St. Louis Department of

1 Health has actually approved in writing, reviewed applications to which this chapter might apply,  
2 and has given approval in writing. No permit shall issue until the prerequisites for asbestos  
3 abatement procedures and practices are met and certified under penalty of perjury, including but  
4 not limited to necessary current certifications and licenses, and posted for five (5) days with the  
5 Commission of Health in a manner prominently accessible and searchable on the Commissioner  
6 of Health's website.

7 **SECTION TWO.** Section Twelve of Ordinance No. 68657 and codified in the City Code and  
8 Revised Codes as 11.34.110, is hereby amended to be and read as follows:

9 11.34.110 - Asbestos.

10 A. Asbestos Definitions. For purposes of this section the following words and definitions shall  
11 apply.

12 1. Adequately wet. Sufficiently mix or penetrate with liquid to prevent the release of  
13 particles. If visible emissions are observed coming from asbestos-containing material, then  
14 that material has not been adequately wetted. However, the absence of visible emissions is  
15 not sufficient evidence of being adequately wet.

16 2. Air Pollution Control (APC). Air pollution control.

17 3. Air sampling professional. An individual with a current certificate of successful  
18 completion of the NIOSH course #582 "Sampling and Evaluating Airborne Asbestos  
19 Dust" or a course equivalent in length and content together with one of the following;

20 a. a Bachelor's Degree in the life, environmental or physical sciences or in  
21 engineering and written verification of 520 hours on-site experience in general  
22 indoor air pollution sampling; or

1           b.       written verification of 2080 hours on-site experience in air sampling for  
2           asbestos on abatement projects under the supervision of a licensed Air Sampling  
3           Professional.

4           Further, an air sampling professional must be responsible to conduct all air sampling or be  
5           the responsible supervisor for air sampling technicians doing the sampling. When conducting the  
6           sampling the air sampling professional is responsible to ensure all samples may be analyzed by  
7           Phase Contrast Microscopy (PCM). The air sampling professional is responsible to ensure the  
8           following:

9                   1) Area sampling shall be conducted using collection media and  
10                  procedures in accordance with NIOSH method 7400. The following  
11                  schedule shall be utilized for air sampling during the project in addition to  
12                  any OSHA compliance monitoring required to be conducted by the  
13                  contractor:

14                           A) Background air samples shall be collected and analyzed  
15                           prior to the start of project activities in order to determine  
16                           background airborne fiber concentrations. Samples shall be taken  
17                           both inside and outside of the work area to establish existing levels.

18                           B) The following schedule of samples shall be required on a  
19                           daily basis once abatement activities begin. The size of the  
20                           abatement activity will have impact on the number of samples  
21                           necessary to monitor the contractor's activities. The following are  
22                           required minimums:

- 1 i) Two area samples inside the work area;
- 2 ii) One personal sample inside the work area;
- 3 iii) Two area samples outside the work area in
- 4 uncontaminated areas of the building, including one at the
- 5 entrance to the worker decontamination enclosure; and,
- 6 iv) One area sample at each discharge from negative
- 7 pressure ventilation equipment to the outside of the building.

8 C) Air monitoring results shall be documented and retained on-site.

9 No-one employed by an owner or operator of a demolition or renovation activity, or person,  
10 partnership, or corporation performing or project managing the demolition, construction,  
11 reconstruction, alteration, or occupancy on or at the site, or by or with a person, partnership, or  
12 corporation that shares a same, in whole or in party, ownership or control group will be considered  
13 an air sampling professional.

14 4. Air sampling technician. An individual who has been trained by an air sampling  
15 professional to do air monitoring and holds current certifications and licenses to do the  
16 same. That individual conducts air monitoring of an asbestos abatement project before,  
17 during and after the project has been completed. Before being considered an air sampling  
18 technician in the City of St. Louis the individual must have evidence of working under an  
19 air sampling professional in the field for at least forty (40) hours and have successfully  
20 completed a NIOSH 582e course. No-one employed by an owner or operator of a  
21 demolition or renovation activity, or person, partnership, or corporation performing or  
22 project managing the demolition, construction, reconstruction, alteration, or occupancy on

1 or at the site, or by or with a person, partnership, or corporation that shares a same, in whole  
2 or in party, ownership or control group will be considered an air sampling technician. Each  
3 air sampling technician shall be assigned to be supervised by only one air sampling  
4 professional at a time for any given project.

5 5. Asbestos. The asbestiform varieties of chrysotile, crocidolite, amosite,  
6 anthophyllite, tremolite and actinolite.

7 6. Asbestos abatement. The encapsulation, enclosure, exposure, or removal of  
8 asbestos-containing materials, in or from a building, or air contaminant source; or  
9 preparation of friable asbestos-containing material prior to demolition.

10 7. Asbestos abatement contractor. Any person, registered with the Missouri  
11 Department of Natural Resources (MODNR), who by agreement, contractual or otherwise,  
12 conducts asbestos abatement projects at a location other than his/her own place of business.  
13 To be considered an asbestos abatement contractor the person actually conducting asbestos  
14 abatement at a location other than his/her own place of business must have current  
15 applicable certifications and licenses including OSHA 10, Asbestos Hazard Emergency  
16 Response Act (AHERA), and, if near a school, Asbestos School Hazard Emergency  
17 Reauthorization Act (ASHERA).

18 To ensure the asbestos abatement contractor is a true neutral third-party dedicated to the  
19 public's interest, no one employed by an owner or operator of a demolition or renovation activity,  
20 or person, partnership, or corporation performing or project managing the demolition,  
21 construction, reconstruction, alteration, or occupancy on or at the site, or by or with a person,

1 partnership, or corporation that shares a same, in whole or in party, ownership or control group  
2 will be considered an asbestos abatement contractor.

3 8. Asbestos abatement project. An activity undertaken to encapsulate, enclose, or  
4 remove 10 square ft and/or 16 linear ft or more of friable asbestos containing materials  
5 from buildings and other air contaminant sources containing 10 square ft and/or 16 linear  
6 ft or more.

7 9. Asbestos abatement supervisor. An individual, certified by MODNR, who directs,  
8 controls or supervises others in asbestos abatement projects.

9 To ensure the asbestos abatement supervisor is a true neutral third-party dedicated to the  
10 public's interest, no one employed by an owner or operator of a demolition or renovation activity,  
11 or person, partnership, or corporation performing or project managing the demolition,  
12 construction, reconstruction, alteration, or occupancy on or at the site, or by or with a person,  
13 partnership, or corporation that shares a same, in whole or in party, ownership or control group  
14 will be considered an asbestos abatement supervisor.

15 10. Asbestos-containing material (ACM). Any material or product which contains more  
16 than one percent (1%) asbestos, by weight.

17 11. Asbestos project. An activity undertaken to remove or encapsulate 160 square ft  
18 and/or 260 linear ft or more of friable asbestos containing materials or demolition of any  
19 structure or building or a part of it containing the previously mentioned quantities of  
20 asbestos-containing materials.

21 12. Asbestos removal project. An asbestos abatement project consisting of activities that  
22 involve, and are required, to take out friable asbestos-containing materials from any

1 facility. This definition includes, but is not limited to, activities associated with the cleanup  
2 of loose friable asbestos-containing debris or refuse, or both, from floors and other  
3 surfaces.

4 13. Building. Any structure excluding single-family, owner-occupied dwellings, and  
5 vacant public or privately owned residential structures of four (4) dwelling units or less  
6 being demolished for the sole purpose of public health, safety or welfare. Excluded  
7 structures must be geographically dispersed, demolished pursuant to a public safety  
8 determination, and must pose a threat to public safety.

9 14. Category I non-friable asbestos-containing material (ACM). Asbestos-containing  
10 packing, gaskets, resilient floor covering, and asphalt roofing products containing more  
11 than 1% asbestos by weight.

12 15. Category II non-friable ACM. Any material, excluding Category I non-friable  
13 ACM, containing more than 1% asbestos by weight, that when dry, cannot be crumbled,  
14 pulverized, or reduced to powder by hand pressure.

15 16. Commercial or public project. The demolition of one or more houses as part of an  
16 urban renewal project, a highway construction project, or a project to develop a shopping  
17 mall, industrial facility, or other private development.

18 17. Containment. The area where an asbestos abatement project is conducted. The area  
19 must be enclosed either by a glove bag or plastic sheeting barriers.

20 18. Demolition. The wrecking, razing, burning or removing of any load-supporting  
21 structural member or portion of a structure together with any related handling operation.

1           19.     Emergency asbestos abatement project. An asbestos abatement project that must be  
2           undertaken immediately to prevent imminent severe human exposure or to restore essential  
3           facility operation.

4           20.     Facility. Any institutional, commercial, public, industrial, or residential structure,  
5           installation, or building (including any structure, installation, or building containing  
6           condominiums or individual dwelling units operated as a residential cooperative, but  
7           excluding individual residential buildings having four or fewer dwelling units that do not  
8           meet the requirement of an installation and are not part of a commercial or public project);  
9           any ship; and any active or inactive waste disposal site. For purposes of this definition, any  
10          building, structure, or installation that contains a loft used as a dwelling is not considered  
11          a residential structure, installation, or building. Any structure, installation or building that  
12          was previously subject to this Section is not excluded, regardless of its current use or  
13          function.

14          21.     Friable ACM. Any material containing more than 1% asbestos by weight, that when  
15          dry can be crumbled, pulverized, or reduced to powder by hand pressure.

16          22.     Glove bag. A manufactured or fabricated device, typically constructed of six (6)  
17          mil transparent polyethylene or polyvinyl chloride plastic. This device consists of two (2)  
18          inward projecting long sleeves, an internal tool pouch and an attached, labeled receptacle  
19          for asbestos waste. The bags are specially designed to contain sections of pipe for the  
20          purpose of removing a short length of damaged asbestos containing material without  
21          releasing fibers into the air.



1           23.     Installation. Any building or structure or multiple (more than one) buildings or  
2           structures at a single demolition or renovation site under the control of the same owner or  
3           operator (or owner or operator under common control) that is demolished or renovated  
4           within a 12-month period.

5           24.     Inspector. An individual, under AHERA, who collects and assimilates information  
6           used to determine whether asbestos-containing material is present in a building or other air  
7           contaminant sources. All inspectors must maintain current AHERA licenses and  
8           certifications to perform inspection tasks. No-one employed by an owner or operator of a  
9           demolition or renovation activity, or person, partnership, or corporation performing or  
10          project managing the demolition, construction, reconstruction, alteration, or occupancy on  
11          or at the site, or by or with a person, partnership, or corporation that shares a same, in whole  
12          or in party, ownership or control group will be considered inspector.

13          25.     Leak-tight. Solids or liquids cannot escape or spill out. It also means dust-tight.

14          26.     Non-friable ACM. Any material containing more than 1% asbestos that when dry,  
15          cannot be crumpled, pulverized, or reduced to powder by hand pressure.

16          27.     Owner or operator of a demolition or renovation activity. Any person, who owns,  
17          leases, operates, controls, or supervises a facility being demolished or renovated, or any  
18          person who owns, leases, operates, controls, or supervises a demolition or renovation  
19          operation, or both.

20          28.     Regulated asbestos-containing material (RACM). (a) Friable asbestos containing  
21          material; (b) category I non-friable ACM that has become friable; (c) category I non-friable  
22          ACM that will be or has been subjected to sanding, grinding, cutting, or abrading; or (d)

1 Category II non-friable ACM that has a high probability of becoming or has become  
2 crumbled, pulverized, or reduced to powder by the forces expected to act on the material  
3 in the course of demolition or renovation operations regulated by this rule.

4 29. Site. A site is generally expected to be a city block regardless of size of the asbestos  
5 abatement project, asbestos project, asbestos removal project, building, and/or facility.

6 B. Application. This rule shall apply to:

7 1. All persons that authorize, design, conduct and work in **asbestos projects**, asbestos  
8 abatement projects, and asbestos removal projects;

9 2. All persons that monitor air-borne asbestos or dispose of asbestos waste as a result  
10 of asbestos abatement projects;

11 3. All persons who inspect buildings to determine the presence or absence of ACM;

12 4. All owners or operators of a demolition or renovation activity; and

13 5. Business entities that qualify for exemption status are not subject to the notification  
14 requirements for asbestos abatement projects of a size less than 160 square feet, 260 linear  
15 feet, or 35 cubic feet. These business entities are exempt from post-notification  
16 requirements, but shall keep records of waste disposal for department inspection.

17 C. Asbestos Abatement Procedures and Practices.

18 1. All asbestos abatement contractors prior to engaging in asbestos abatement projects  
19 and asbestos removal projects shall:

20 a. Use only those individuals that have been certified or trained in accordance  
21 with sections 643.225 to 643.250 of the Revised Statutes of Missouri; and

1           b.       Ensure that those individual’s certifications and trainings are current and on  
2 record with the Commission of Health in a manner prominently accessible and  
3 searchable on the Commissioner of Health’s website; and

4           c.       Comply with asbestos, NESHAP, and AHERA rules in (Code of Federal  
5 Regulations) 29 CFR 1926.1101, 40 CFR Part 61, and 40 CFR Part 763; the  
6 standards for worker protection promulgated by the United States Occupational  
7 Safety and Health Administration (OSHA) in 29 CFR 1910.1001, 1910.1200, and  
8 1926.58; the provisions of section 643.225 to 643.250, RSMO (as amended); the  
9 ordinance of the City; rules and regulations and orders of the Commissioner of  
10 Health and or his or her designee within the City of St. Louis Department of Health  
11 by and for the implementation of this chapter.

12       2.       At each asbestos abatement project and asbestos removal project site, the person  
13 shall provide the following information for inspection by APC which shall be current and  
14 on record with the Commission of Health in a manner prominently accessible and  
15 searchable on the Commissioner of Health’s website; and:

16           a.       Proof of current departmental registration;

17           b.       Proof of current departmental occupational certification for those  
18 individuals on the project;

19           c.       Most recent available air sampling results;

20           d.       Current photo identification for all applicable individuals engaged in the  
21 project; and

1 e. Proof of passage of the training course for the air sampling technicians and  
2 photo identifications for air sampling technicians.

3 D. Notification Requirements.

4 1a. Any person undertaking a demolition project shall submit a notification to APC for  
5 review at least ten (10) working days prior to the start of the project.

6 1b. Any person undertaking an asbestos abatement project or asbestos removal project  
7 shall submit a notification to APC for review at least ten (10) working days prior to the  
8 start of the project. Business entities with state-approved exemption status are exempt from  
9 notification except for those projects for which notification is required by the EPA's  
10 National Emission Standard for Hazardous Air Pollutants (NESHAP). APC may only  
11 waive the ten (10) working day review period upon request for good cause which will not  
12 be freely granted. To apply for this waiver, the person shall complete the appropriate  
13 sections of the notification form provided by APC and publicly file the request. The person  
14 who applies for the ten (10) working day waiver must obtain written approval from APC  
15 before the project can begin.

16 2. The person shall submit the notification form provided by APC.

17 3. If an amendment to the abatement project notification is necessary, the person shall  
18 notify APC immediately in writing. APC must receive the full written amendment within  
19 five (5) working days following the initial written notification.

20 4. Asbestos abatement project notifications shall state actual dates and times of the  
21 project, the on-site asbestos abatement supervisor and a description of work practices. If  
22 the person must revise the dates and times of the project, the person shall notify our office

1 in writing at least twenty-four (24) hours in advance of the and then immediately follow-  
2 up with a written amendment stating the change. APC must receive the written amendment  
3 within two (2) working days of the written notification.

4 5. An inspector shall thoroughly inspect the facility or part of the facility where the  
5 demolition or renovation operation will occur for the presence of asbestos, including  
6 Category I and Category II non-friable ACM. This includes garages and add-on structures.

7 6. A representative number of samples must be taken of all suspect ACM before an  
8 inspector can report "no ACM present." All sampling should be done in accordance with  
9 AHERA requirements and be marked on a facility diagram for the purpose of duplicating  
10 the sample testing if necessary.

11 At a minimum there shall be 3 samples taken for every facility 1000 square feet or under;  
12 5 samples for every facility between 1000 and 5000 square feet; and, 7 samples for every facility  
13 5000 square feet and above. The number of samples per square feet may be increased at the APC's  
14 direction in the APC's sole discretion.

15 If the facility contains no RACM or the facility contains RACM, but in an amount less than  
16 10 square feet and/or 16 linear feet, a demolition/renovation notification form must be submitted  
17 to APC with the Building Division demolition application twenty working days prior to  
18 demolition. APC will only approve the demolition after verification and approval of its findings in  
19 writing and certified under penalty of perjury.

20 7. A complete inspection report, including samples and results, must be submitted to  
21 APC.

1 a. If the inspection determines that there are amounts of RACM in excess of  
2 10 square feet and/or 16 linear feet, but less than 160 square feet, 260 linear feet,  
3 and/or 35 cubic feet, an asbestos abatement contractor must submit a notification  
4 to APC ten (10) working days prior to the date asbestos abatement activity is  
5 scheduled to begin.

6 b. If the inspection determines that there are amounts of RACM equal to or in  
7 excess of 160 square feet, 260 linear feet, and/or 35 cubic feet, an asbestos  
8 abatement contractor must submit a notification to APC, along with the applicable  
9 notification fee, ten (10) working days prior to the date asbestos abatement activity  
10 is scheduled to begin.

11 c. Work practices and procedures must be fully described, including but not  
12 limited to the methods of removal and containment.

13 d. Asbestos abatement contractors shall not begin any asbestos abatement  
14 activity without an approval letter from APC. When notification is approved, the  
15 asbestos abatement contractor must remove all RACM from the facility in  
16 accordance with the notification and asbestos rules and regulations.

17 e. If the structure will be demolished following asbestos abatement, a  
18 completion letter or post-notification must be submitted to APC prior to receiving  
19 a demolition sign-off from APC. (A completion letter is not a post-notification). A  
20 post-notification must still be submitted within 60 days of project completion.

21 8. If the facilities meet the definition of an installation and/or a commercial or public  
22 project, notifications may be submitted in groups by city block when the structures

1 combined contain RACM equal to or in excess of 160 square feet, 260 linear feet, and/or  
2 35 cubic feet. Any single structure that has RACM equal to or in excess of 160 square feet,  
3 260 linear feet and/or 35 cubic feet shall be notified separately.

4 9. Only a certified asbestos inspector can deem a structure unsafe to enter. If it is  
5 unsafe to make an inspection prior to demolition, and the facility's regulated asbestos  
6 content cannot be determined, the presence of asbestos must be assumed unless sampling  
7 proves to be negative. If the asbestos abatement contractor wants to segregate ACM from  
8 general debris, an inspector must be on site until the structure has been made safe enough  
9 to conduct a thorough inspection. An asbestos abatement supervisor must be on site during  
10 the demolition and proof of hire must be submitted with the demolition notification.

11 10. If the facility is being demolished under an order of a state or local government  
12 agency, issued because the facility is structurally unsound and in danger of imminent  
13 collapse, a notification shall be submitted to APC as early as possible before, but not later  
14 than the day demolition has begun. The name, title, and authority of the state or local  
15 government representative who has ordered the demolition, the date that the order was  
16 issued, and the date on which the demolition was ordered to begin shall be attached to the  
17 notification. APC will sign-off on the demolition notification when all notification  
18 requirements have been satisfied. An inspector must be on site during the demolition to  
19 observe for suspect materials that were not accessible in collapsed or unsafe buildings. An  
20 asbestos abatement supervisor must be on site at all times and proof of hire must be  
21 submitted with notification. Destructive sampling should be conducted in areas such as  
22 pipe chases. All interior spaces should be inspected.

1           11.     The notifications listed above apply to the project as a whole and must be  
2           reviewed and re-noticed at least every twelve (12) months.

3     E.     Emergency Project. Any person undertaking an emergency asbestos abatement project shall  
4     notify APC by telephone and must receive approval of emergency status. The person must notify  
5     APC within twelve (12) hours of the onset of the emergency. Business entities with state-approved  
6     exemption status are exempt from emergency notification for state-approved projects that are part  
7     of a NESHAP planned renovation annual notification. If the emergency occurs after normal  
8     working hours or weekend, the person shall contact APC on the following work day. The notice  
9     shall provide:

- 10           1.     A description of the nature and scope of the emergency;
- 11           2.     A description of the measures immediately used to mitigate the emergency; and
- 12           3.     A schedule for removal. Following the emergency notice, the person shall provide  
13           APC a notification on the form provided by APC and the person shall submit it within three  
14           (3) of the onset of the emergency. The amendment requirements for notification found in  
15           subsection (D)(3) and (4) of this section are applicable to emergency projects.

16     F.     Procedures for Asbestos Emission Control. Each owner or operator of a demolition or  
17     renovation that contains regulated asbestos in excess of 10 square feet and/or 16 linear feet shall  
18     comply with the following procedures:

- 19           1.     Remove all RACM from a facility being demolished or renovated before any  
20           activity begins that would break up, dislodge, or similarly disturb the material or preclude  
21           access to the material for subsequent removal. RACM does not have to be removed before  
22           demolition if:



- 1 a. It is Category I non-friable ACM that is not in poor condition and is not  
2 friable.
- 3 b. It is a facility component that is encased in concrete or other similarly hard  
4 material and is adequately wet whenever exposed during demolition.
- 5 c. It is not accessible for testing and was, therefore, not discovered until after  
6 demolition began and, as a result of the demolition, the material cannot be safely  
7 removed. If not removed for safety reasons, the exposed RACM and any asbestos-  
8 contaminated debris must be treated as asbestos-containing waste material and  
9 remain adequately wet at all times until disposed of.
- 10 d. It is Category II non-friable asbestos containing material and the probability  
11 is low that the materials will become crumbled, pulverized, or reduced to powder  
12 during demolition.
- 13 2. When a facility component that contains, is covered with, or is coated with RACM  
14 is being taken out of the facility as a unit or in sections:
- 15 a. Adequately wet all RACM exposed during cutting or disjoining operations.  
16 b. Carefully lower each unit or section to the floor and to ground level, not  
17 dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.
- 18 3. When RACM is stripped from a facility component while it remains in place in the  
19 facility, adequately wet the RACM during the stripping operation.
- 20 a. In renovation operations, wetting is not required if a local exhaust  
21 ventilation and collection system is used, a glove-bag system is used, or a leak-tight  
22 wrapping system is used.

- 1           4.     After a facility component covered with, coated with, or containing RACM has  
2           been taken out of the facility as a unit or in sections, it shall be contained in leak-tight  
3           wrapping.
- 4           5.     For large facility components such as reactor vessels, large tanks, and steam  
5           generators, the RACM is not required to be stripped if the following requirements are met:
- 6           a.     The component is removed, transported, stored, disposed of, or reused  
7           without disturbing or damaging the RACM;
- 8           b.     The component is encased in a leak-tight wrapping; and
- 9           c.     The leak tight wrapping is labeled during all loading and unloading  
10          operations and during storage.
- 11          6.     For all RACM, including material that has been removed or stripped:
- 12          a.     Adequately wet the material and ensure that it remains wet until collected  
13          and contained or treated in preparation for disposal.
- 14          b.     Carefully lower the material to the ground and floor, not dropping,  
15          throwing, sliding, or otherwise damaging or disturbing the material.
- 16          c.     Transport the material to the ground via leak-tight chutes or containers if it  
17          has been removed or stripped more than 50 feet above ground level and was not  
18          removed as units or in sections.
- 19          7.     Third party continuous monitoring is required during removal of all ACM  
20          regardless of whether the building is occupied, including demolition projects. Such third-  
21          party monitor may not be a person, partnership, or corporation that shares a same, in whole  
22          or in party, ownership or control group with the party performing or project managing the

1 construction, alteration, or renovation activity. Final air clearance is required after each  
2 phase of ACM removal before the project's next phase can begin.

3 8. The person who conducts the demolition of unsafe buildings or parts of buildings  
4 containing asbestos may proceed with the demolition until it is safe for the asbestos  
5 abatement contractor to take representative samples of debris. It must be assumed that the  
6 debris contains regulated asbestos unless it can be proven through sampling that the debris  
7 or parts of the debris have asbestos content of 1% by weight or less. If parts of the debris  
8 contain 1% or less, and other parts contain greater than 1%, and the various debris can be  
9 safely separated, then only those area of debris which contain greater than 1% regulated  
10 asbestos must be specially handled. The following procedures on those portions of the  
11 buildings that pose imminent danger to public health or safety, or both, may be used:

12 a. The person shall ensure that the debris is wet at all times and stays wet until  
13 disposed. The person shall ensure that the project activities generate no visible  
14 emissions.

15 b. The person shall ensure that on site at all times during the demolition is an  
16 individual who is trained in asbestos removal techniques and who is certified as an  
17 asbestos abatement supervisor.

18 9. For emergency demolitions being conducted under an order of a state or local  
19 government agency:

20 a. Adequately wet the portion of the facility that contains RACM during the  
21 wrecking operation.

1           b.       In all such cases where there is uncertainty as to the regulated asbestos in  
2           the facility, it should be assumed that it contains regulated asbestos until such time  
3           that representative samples can be taken of the debris to ascertain if greater than  
4           1% regulated asbestos content is present.

5           c.       An asbestos abatement supervisor must be on site at all times.

6   G.   Post Notification.

7           1.   Any person undertaking an asbestos abatement project or asbestos removal project  
8           that requires notification according to subsection (D) of this section shall, on the APC  
9           provided form, notify APC within thirty (30) days of the completion of the project. This  
10          notice shall include a receipt, signed and dated under penalty of perjury for the asbestos  
11          waste generated by the project issued by the landfill named on the notification. This notice  
12          shall include any final clearance air monitoring results. The air sampling technician  
13          performing the analysis shall sign and date all reports of analysis under penalty of perjury.  
14          Such receipts and reports shall be kept on record with the Commission of Health in a  
15          manner prominently accessible and searchable on the Commissioner of Health's website.

16          2.   Business entities that qualify for exemption status are exempt from post-notification  
17          requirement, but shall keep records of waste disposal for department inspection.

18   **SECTION THREE.** Section Twenty-Five of Ordinance No. 68657 and codified in the City  
19   Code and Revised Codes as 11.34.240, is hereby amended to be and read as follows:

20   11.34.240 - Performance-based fee schedule.

21   A.   Authorization. The Commissioner of Health and or his or her designee within the City of  
22   St. Louis Department of Health operating as delegated agents of the State of Missouri, Department

1 of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under  
2 authority contained within the Air Conservation Law and granted by the Missouri Air  
3 Conservation Commission and conditions contained within the state/local agreement, may enforce  
4 any provision of State Air Conservation Law so delegated, or specific rules contained within  
5 Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, agreed is hereby  
6 authorized to collect the following fees based on the costs incurred to provide the services of air  
7 pollution control. Said fees are the maximum allowable under this chapter. Said fees shall be  
8 calculated in whole or in part and based on the yearly contractual amount by the federal and or  
9 state funding authority. All references to actual emissions are based upon emissions reported in an  
10 annual emissions inventory questionnaire (EIQ) when received by the Missouri Department of  
11 Natural Resources for the facility's previous calendar year of operations. For a new facility, the  
12 Commissioner shall determine the potential to emit in lieu of the actual EIQ emissions for any  
13 construction project occurring within the first year of operations to use for this fee schedule. Any  
14 facility not required to submit an EIQ by 10 CSR 10-6.110 may be considered a de minimis source  
15 for the purposes of this section.

16 B. Definitions. For the purposes of this section, the following definitions apply:

- 17 1. A "subject source" is any source subject to the provisions of Section 11.34.200 not  
18 otherwise classified below.
- 19 2. An "EIQ source" is any source required to file an EIQ per 10 CSR 10-6.110 Submission  
20 of Emission Data, Emission Fees and Process Information.
- 21 3. A "de minimis source" is a source with actual emissions of regulated pollutants less than  
22 the levels listed in Table 1 of 10 CSR 10-6.020(3)(A).

- 1 4. A "minor source" means any source with actual emissions greater than a de minimis  
2 source but less than 100 tons per year of criteria pollutants, 10 tons per year of a single  
3 hazardous air pollutant (HAP) and 25 tons per year of all HAP combined.
- 4 5. A "major source" is any source with emissions greater than a minor source.
- 5 6. A "special project" is a construction or modification project at a major source where:
- 6 a. The project will increase the installation's potential to emit one or more  
7 pollutants that contribute to atmospheric levels of pollution for which the St. Louis  
8 Metropolitan Area is classified as non-attainment at rates above the insignificance  
9 levels listed in 10 CSR 10-6.061 Construction Permit Exemptions section  
10 (3)(A)3.A. Table 1;
- 11 b. The project will construct or modify equipment that is subject to 10 CSR 10-  
12 6.070 New Source Performance Regulations (NSPS);
- 13 c. The project will construct or modify equipment that is subject to 10 CSR 10-  
14 6.075 Maximum Achievable Control Technology Regulations (MACT);
- 15 d. The project will construct or modify equipment that is subject to 10 CSR 10-  
16 6.080 Emission Standards for Hazardous Air Pollutants; or
- 17 e. The project is subject to 10 CSR 10-6.060 Section (7), (8) or (9).
- 18 7. An "emissions unit" is any activity, equipment, process or part of an installation that  
19 emits or has the potential to emit any regulated air pollutant or any pollutant listed under  
20 section 112(b) of the Clean Air Act.
- 21 8. An "insignificant source" is any emission point with actual emissions below reporting  
22 thresholds for the Emission Inventory Questionnaire.

1           9. An "emission point" is an emissions unit or group of emissions units that will be used  
2 to determine the compliance inspection fee.

3           a. For installations required to submit an Emission Inventory Questionnaire,  
4 emissions units may be grouped and considered a single emission point for the  
5 purposes of determining inspection fees if the group of emissions units, source  
6 activities or equipment are reported as a single emission point on the installation's  
7 Emission Inventory Questionnaire (i.e. all emissions are reported in aggregate) and  
8 one or more of the following applies:

9           i. The emissions units are connected to a single stack or air pollution  
10 control device;

11          ii. The emissions units are sources that are similar in nature and all are  
12 contained within, and vented within, a single building (such as groups of  
13 process tanks, grinders, flour mills, etc.);

14          iii. The emissions units are fugitive emission sources that are similar in  
15 nature and exposed to the ambient air (such as groups of material storage  
16 piles, haul roads, liquid storage tanks, etc.).

17          b. For installations not required to submit an Emission Inventory Questionnaire,  
18 emissions units may be grouped as described in the list above.

19          c. Emissions units that are listed as "emission units without limitations" on an  
20 installation's Intermediate or Part 70 Operating Permit and are considered  
21 insignificant sources shall not be included when determining the number of  
22 emission points for the purposes of determining inspection fees.

1 C. Fees Nonrefundable. All fees described in this section are nonrefundable. Even if the project  
2 is cancelled by the facility, it is determined that a permit is not required, or if a permit is denied or  
3 issued with undesirable conditions the fees will not be refunded.

4 D. Fee Descriptions.

5 1. Asbestos Fees:

6 a. Asbestos Abatement Project Notification Fees. Fees for notification of "asbestos  
7 projects" as defined in Section 11.34.1109(A).

8 Fee: \$640 per notification of asbestos projects with 160—1,000 square feet or  
9 260—1,500 linear feet.

10 Fee: \$960 per notification of asbestos projects with 1,001—5,000 square feet or  
11 1,501—5,500 linear feet.

12 Fee: \$1,280 per notification of asbestos projects with >5,000 square feet or 5,500  
13 linear feet.

14 b. Asbestos Abatement Project Inspection Fee. A fee for inspection of an "asbestos  
15 abatement project" as defined in Section 11.34.1109(A).

16 Fee: \$200 per inspection. Regardless of the number of inspections made, the  
17 commissioner of Health and or his or her designee within the City of St. Louis  
18 Department of Health operating as delegated agents of the State of Missouri,  
19 Department of Natural Resources, Division of Environmental Quality, Air  
20 Pollution Control Program, under authority contained within the Air Conservation  
21 Law and granted by the Missouri Air Conservation Commission and conditions  
22 contained within the state/local agreement, may enforce any provision of State



1 Air Conservation Law so delegated, or specific rules contained within Chapters 5  
2 and 6 of Division 10 of Title 10 of the Code of State Regulations, may only charge  
3 for up to 3 individual, separate inspections of the same "asbestos abatement  
4 project."

5 At a minimum there must be three (3) inspections during a project's first month and  
6 one (1) inspection each month thereafter. The number of inspections may be  
7 increased to any number the ASP determines is necessary at the ASP's sole  
8 discretion.

9 2. Vapor Recovery Fees:

10 a. Stage II Construction Permit Notifications.

11 Fee: \$1,965 per facility, per notification covered by 10 CSR 10-5.220, as  
12 amended

13 b. Stage II Operating Permit Notifications.

14 Fee: \$300 per emission point (per nozzle and tank) per notification covered  
15 by 10 CSR 10-5.220, as amended.

16 c. Vapor Recovery Notice of Violation (NOV) Fee.

17 Fee: \$300 shall be assessed on each hose, line, pump, equipment and device  
18 that is found to be in substandard condition and emitting pollutants.

19 3. Compliance Inspection Fees:

20 a. Fees for inspection of facilities subject to 10 CSR 10-6.060 or 10 CSR 10-6.065  
21 shall be as follows:

22 De minimis source inspection fee: \$345

1 Minor source inspection fee: \$3,415

2 Major source inspection fee: \$10,245

3 Dry cleaner inspection fee: \$70 per dry cleaning machine

4 The fees listed as "per emission point" for each facility shall apply to at least one (1)  
5 emission point and no more than thirty (30) emission points for each compliance  
6 inspection. No installation shall be required to pay the emission point fee for greater  
7 than thirty (30) emission points for a single compliance inspection.

8 b. NOV Inspection Fee.

9 Fee: \$450 for each NOV inspection.

10 4. Permit and Source Registration Filing and Processing Fees:

11 a. Abrasive Blasting Source Registration Permit Fee.

12 Fee: \$300 for each exterior abrasive blasting job site subject to Section  
13 11.34.190(A)(3).

14 b. Construction Permit Filing Fees. The fee that shall accompany an application  
15 for authority to construct for projects subject to 10 CSR 10-6.060 shall be as follows:

16 De minimis source: \$1,965

17 Minor source: \$4,500

18 Major Source: \$6,550

19 Major source (special project): \$16,380

20 If a process is to be installed or altered which has a number of emission points, a  
21 separate filing fee shall be paid for each emission point. The Commissioner will

1 make the final decision when separate permit filing fees are necessary, on a case-by-  
2 case basis.

3 c. Construction Permit Amendment Fees.

4 Requests to amend final construction permits issued in accordance with 10 CSR 10-  
5 6.060, as amended:

6 i. If the changes result in increased emissions, air quality impact or increment  
7 consumption, the fee shall be equivalent to the appropriate construction permit  
8 filing fee (subsection (D)(4)b. above) for the equipment that will undergo  
9 modification or a change in the method of operation.

10 ii. If the changes do not result in increased emissions, air quality impact, or  
11 increment consumption, an administrative processing fee of \$1,000 must be  
12 submitted with the request.

13 d. Source Registration Permit Filing Fees. The fee that shall accompany an application  
14 for a source registration permit for projects subject to Section 11.34.190 but not subject to  
15 10 CSR 10-6.060 shall be as follows:

16 Subject source fee: \$300

17 EIQ source fee: \$800

18 If a process is to be installed or altered which has a number of emission points, a separate  
19 fee shall be paid for each emission point. The Commissioner of Health and or his or her  
20 designee within the City of St. Louis Department of Health operating as delegated agents  
21 of the State of Missouri, Department of Natural Resources, Division of Environmental  
22 Quality, Air Pollution Control Program, under authority contained within the Air

1 Conservation Law and granted by the Missouri Air Conservation Commission and  
2 conditions contained within the state/local agreement, may enforce any provision of State  
3 Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of  
4 Division 10 of Title 10 of the Code of State Regulations, will make the final decision when  
5 separate permit filing fees are necessary, on a case-by-case basis.

6 e. Source Registration Permit Amendment Fees. Fees for requests to amend a final  
7 source registration permit issued under Section 11.34.190:

8 i. If the changes result in increased emissions, air quality impact or increment  
9 consumption, the fee shall be equivalent to the appropriate source registration permit  
10 filing fee (subsection (D)(4)d. above) for the equipment that will undergo modification  
11 or a change in the method of operation.

12 ii. If the changes do not result in increased emissions, air quality impact, or increment  
13 consumption, an administrative processing fee of \$150 must be submitted with the  
14 request.

15 f. Permit Penalty Fees. Any individual or company that has commenced construction of  
16 or begun operation of any device, emission unit, or source operation, prior to payment of  
17 the normal fee as stated in this section shall pay a penalty fee as follows:

18 Subject source: \$300

19 EIQ source: \$800

20 Commencing construction or operation of any source equipment prior to payment of  
21 actual fees and receipt of a final permit could be a violation of applicable laws and  
22 subject to enforcement action including civil and/or criminal penalties.

1 5. Source Test Oversight Fees:

2 a. Filing fee: \$800 per emission point tested.

3 For each source test proposal, an initial, nonrefundable filing fee must accompany the  
4 source test proposal. For source tests scheduled for two or more emission points with one  
5 test proposal, a separate filing fee shall be paid for each emission point tested.

6 b. Review fee: \$500 per test method performed during the test.

7 Upon submission of the source test report for review, an additional review fee must be  
8 submitted.

9 6. Visible Opacity Certification:

10 a. Visible Opacity Certification (Original).

11 Fee: \$750

12 Includes EPA Test Method 9 instructional class time and opacity observation field training.  
13 Government employees are exempt from this fee. This is a nonrefundable fee and is  
14 charged regardless of whether the student passes or fails certification criteria.

15 b. Visible Opacity Re-Certification.

16 Fee: \$250

17 No instructional class time is included or required. Only opacity observation field training  
18 is included. Government employees are exempt from this fee. This is a nonrefundable fee  
19 and is charged regardless of whether the student passes or fails re-certification criteria.

20 7. Administrative Fines and Fees:

21 a. Administrative Citation Fines. For an administrative citation imposed as a result of  
22 the recipient of a notice of violation (NOV) not abating the violation, as described in

1 Section 11.34.220:

2 1. First Violation: The administrative citation fine amount for a first violation under  
3 the provisions of this chapter shall be \$100.00 for each day the violation exists.

4 2. Repeat Violations: The administrative citation fine for repeat violations  
5 of the same chapter provision and/or state regulation by the same person at  
6 the same property within twenty-four (24) months from the date of the first  
7 administrative citation shall be \$200.00 for each day the violation exists,  
8 plus additional fines calculated according to the following criteria:

9 A) For each stop work order: \$400 plus \$400 per work day  
10 during which such order is in effect and during which the  
11 condition(s) upon which the order is based remains uncorrected.

12 B) For each violation which may cause or result in harm or  
13 injury to the health or safety of the agents or employees of the person  
14 present at the work site (e.g., improper protective equipment or a  
15 contaminated clean room): \$500 multiplied by the number of such  
16 agents or employees present at the work site at any time on the date  
17 of the violation.

18 C) For each violation which may cause or result in harm or  
19 injury to the health or safety of the building owners, users, or  
20 occupants of the building (e.g., a tear in a polyethylene barrier  
21 between a work area and an occupied area): \$500 multiplied by the

1                    number of persons present at the work site or in the building at any  
2                    time on the date of violation.

3                    D)        For each violation which may cause or result in  
4                    contamination with asbestos fibers of any part of the building other  
5                    than the work site (e.g., a tear in a polyethylene barrier): \$5,000.

6                    3. For a third violation within twenty-four (24) months of the second violation the  
7                    City of St. Louis Department of Health and any other applicable City Department  
8                    shall not allow the violator to perform work related to asbestos for a period of three  
9                    (3) years within the City's boundary.

10                   4. Notwithstanding any other provision of this Part, the Department may at any  
11                   time, upon a finding of five or more violations during the same inspection that may  
12                   cause or result in harm or injury to the health and safety of persons, assess a fine  
13                   and/or penalty pursuant to subsections (2) through (4) of this Section.

14                   b.    Application for Variance and Request for Administrative Hearing petition.

15                   Variance fee: \$200

16                   Administrative hearing fee: \$250

17                   Record request pursuant to Chapter 610 R.S.MO

18                   Fee retrieval as allowable under Chapter 610 R.S.MO

19                   Fee: as allowable under Chapter 610 R.S.MO per page copied

20                   c.    Late Payment Fees. All fees incurred based on the provisions of this chapter must be  
21                   submitted to the Commissioner of Health and or his or her designee within the City of St.

22                   Louis Department of Health operating as delegated agents of the State of Missouri,

1 Department of Natural Resources, Division of Environmental Quality, Air Pollution  
2 Control Program, under authority contained within the Air Conservation Law and granted  
3 by the Missouri Air Conservation Commission and conditions contained within the  
4 state/local agreement, may enforce any provision of State Air Conservation Law so  
5 delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10  
6 of the Code of State Regulations, agreed on or before the due date specified on the  
7 invoice. Any person, company, installation, or other organization that fails to submit  
8 payment in full by the due date shall be subject to the following late fees in addition to  
9 the initial fee:

10 Fee:

11 5% of original fee if 30—60 days late.

12 10% of original fee if 61—90 days late.

13 20% of original fee if more than 90 days late.

14 The expenses incurred in the processing of any type of permit which requires public notice  
15 or participation for approval, or the request for a public hearing by a facility under the  
16 jurisdiction of the Commissioner of Health and or his or her designee within the City of St.  
17 Louis Department of Health operating as delegated agents of the State of Missouri,  
18 Department of Natural Resources, Division of Environmental Quality, Air Pollution  
19 Control Program, under authority contained within the Air Conservation Law and granted  
20 by the Missouri Air Conservation Commission and conditions contained within the  
21 state/local agreement, may enforce any provision of State Air Conservation Law so  
22 delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of



1 the Code of State Regulations, will be the responsibility of the applicant. All billings  
2 received by the Commissioner of Health and or his or her designee within the City of St.  
3 Louis Department of Health operating as delegated agents of the State of Missouri,  
4 Department of Natural Resources, Division of Environmental Quality, Air Pollution  
5 Control Program, under authority contained within the Air Conservation Law and granted  
6 by the Missouri Air Conservation Commission and conditions contained within the  
7 state/local agreement, may enforce any provision of State Air Conservation Law so  
8 delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of  
9 the Code of State Regulations, agreed for all such expenses will be forwarded to the  
10 applicant for payment. Final permit issuance is dependent upon the applicant's payment in  
11 full of all expenses incurred.

12 (Ord. No. 68657, § 25, 6-2-2010)

13 **SECTION FOUR.** Section Twenty-Seven of Ordinance No. 68657 and codified in the City Code  
14 and Revised Codes as 11.34.250, is hereby amended to be and read as follows:

15 11.34.250 - Penalty.

16 Every person convicted of a violation of any section of this chapter shall be punished by a fine  
17 of not less than five-hundred (\$500.00) dollars or by imprisonment for not more than ninety (90)  
18 days, or by both such fine and imprisonment. Each day that any violation shall continue, it shall  
19 constitute a separate offense.

20 (Ord. No. 68657, § 27, 6-2-2010)

21 **SECTION FOUR.** Severability Clause. The provisions of this ordinance shall be severable. In  
22 the event that any provision of this ordinance is found by a court of competent jurisdiction to be

1 unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the  
2 valid provisions of this ordinance are so essentially and inseparably connected with, and so  
3 dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would  
4 have enacted the valid provisions without the void ones or unless the Court finds that the valid  
5 provisions, standing alone, are incomplete and incapable of being executed in accordance with  
6 the legislative intent.

7 **SECTION FIVE.** Effective Date. The provisions of this ordinance shall become effective  
8 sixty (60) days after its approval by the mayor or sixty (60) days after its adoption over the veto of  
9 the mayor. Said provisions shall apply to all Requests for Proposals or bids issued, and contracts  
10 awarded pursuant thereto, on or after said sixty-day period.