

SUMMARY

BOARD BILL NUMBER 208 CS

PRIMARY SPONSOR: ALDERMAN BRET NARAYAN

FEBRUARY 7, 2020

This bill is intended to update the City's Environmental and Demolition ordinances to protect the health and welfare of those engaged in commercial demolition work within the City of St. Louis's limits as well as the public health of those who live and work near demolition sites and protect the citizenry from dangerous airborne contaminants. The bill also updates fees and penalties to achieve its goal.

**BOARD BILL NUMBER 208 COMMITTEE SUBSTITUTE 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/ALDERMAN JESSE TODD/ALDERWOMAN BETH
MURPHY/ALDERWOMAN CAROL HOWARD/ALDERMAN JOHN COATAR**

1 An ordinance amending Sections Four, Eleven, Eighteen, and Twenty of Ordinance No. 70607
2 concerning the Commission of Health’s Authority, Asbestos, Performance-based fee schedules
3 related to asbestos and demolition air pollution, and Penalties; making technical changes for clarity
4 and readability; and, containing a severability and effected date clause.

5

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

7

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16 SECTION ONE: Adoption.

17 The following Ordinance is hereby repealed: Ordinance 68657, approved June 2, 2010; and in lieu

18 thereof the following Ordinance is hereby adopted.

19

20 SECTION TWO: Name

1 This Ordinance shall be known and may be cited as the Air Pollution Control Ordinance, an
2 Ordinance for regulation and control of air pollution within the City of St. Louis.

3

4 SECTION THREE: Policy Statement.

5 It is hereby declared to be the public policy of the City of St. Louis, for the Department of Health,
6 Air Pollution Control Program, to preserve, protect and improve the air resources of this City, so
7 as to promote health, safety, and welfare; prevent injury to human health, plant and animal life,
8 and property; foster the comfort and convenience of its inhabitants and, to the greatest degree
9 practicable, facilitate the enjoyment of the attractions of the City by residents and visitors.

10

11 SECTION FOUR:

12 **Statement of Delegated Authority.**

13 **Be it hereby known that the Commissioner of Health has authority to act in the following**
14 **manner:**

15 **A. As identified in the Sections of this Ordinance, which is designated by the term, The**
16 **Commissioner of Health and or his or her designee within the City of St. Louis**
17 **Department of Health.”**

18 **B. In addition to the requirements contained within the Sections of this Ordinance be it**
19 **hereby known that:**

20 **The Commissioner of Health and or his or her designee operating as delegated agents of**
21 **the State of Missouri, Department of Natural Resources, Division of Environmental**

1 **Quality, Air Pollution Control Program, under authority contained within the Air**
2 **Conservation Law and granted by the Missouri Air Conservation Commission and**
3 **conditions contained within the state/local agreement, may enforce any provision of State**
4 **Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6**
5 **of Division 10 of Title 10 of the Code of State Regulations, which is designated by the**
6 **term, “The Commissioner of Health and or his or her designee operating as Delegated**
7 **Agents of the State of Missouri” and approve construction and alteration plans as well**
8 **as occupancy and demolition applications.**

9 **C. In addition to the requirements contained within the Sections of this Ordinance be it**
10 **hereby known that:**

11 **The Building Commissioner shall not issue a permit for the demolition, construction,**
12 **reconstruction, alteration, or occupancy of any building, structure, or business, unless the**
13 **Commissioner of Health and or his or her designee within the City of St. Louis Department**
14 **of Health has actually approved in writing, reviewed applications to which this chapter might**
15 **apply, and has given approval in writing. No permit shall issue until the prerequisites for**
16 **asbestos abatement procedures and practices are met and certified under penalty of perjury,**
17 **including but not limited to necessary current certifications and licenses, and posted for five**
18 **(5) days with the Commission of Health in a manner prominently accessible and searchable**
19 **on the Commissioner of Health’s website.**

1 SECTION FIVE: Continuation of Existing Actions.

2 The repeal of any Ordinance or portion thereof by this Ordinance shall not affect or impair any act
3 done, or right vested or accrued, or any proceeding suit or prosecution, had or commenced in any
4 cause before such repeal takes effect; but every such act done, or right vested, or accrued, or
5 proceeding suit or prosecution had or commenced shall remain in full force and effect to all intents
6 and purposes, as if such ordinance or part thereof so repealed had remained in force. No offense
7 committed and no liability, penalty, or forfeiture, either civilly, or criminally incurred prior to the
8 time when any such ordinance, or part thereof shall be repealed or altered by this Ordinance, shall
9 be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses,
10 liabilities, penalties, or forfeitures shall be instituted and proceeded within all respects as if such
11 prior Ordinances or part thereof had not been repealed or altered.

12

13 SECTION SIX: Definitions.

14 This Section defines key words and expressions used in this Ordinance. The following definitions
15 are in addition to those contained in State Rule 10 CSR 10-6.020, as amended.

16 1. Abandon- shall mean the cessation of the use of the equipment, machines, devices, articles,
17 contrivances or facility for a period in excess of one year. If this definition runs contrary
18 to State Rule 10 CSR 10-6.060, as amended, on permitting decisions affected by that rule,
19 the State Rule will take preference.

20 2. Adjoining- contiguous, lying next to, or in contact with.

- 1 3. Air Pollution Abatement Operation- Any operation which has as its essential purpose a
2 significant reduction in the emission of air contaminants or the effect of such emission.
- 3 4. Ash- The incombustible solid matter in coal, wood, oil, refuse or other fuel.
- 4 6. BTU- British Thermal Unit(s).
- 5 7. CFR- Code of Federal Regulations.
- 6 8. CSR- Code of State Regulations.
- 7 9. The Commissioner of Health and or his or her designee operating as Delegated Agents of
8 the State of Missouri- The Commissioner of Health and or his or her designee within the
9 City of St. Louis Department of Health operating as Delegated Agents of the State of
10 Missouri, Department of Natural Resources, Division of Environmental Quality, Air
11 Pollution Control Program, under authority contained within the Air Conservation Law
12 and granted by the Missouri Air Conservation Commission and conditions contained
13 within the State/Local Agreement, may enforce any provision of State Air Conservation
14 Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of
15 Title 10 of the Code of State Regulations.
- 16 10. The Commissioner of Health and or his or her designee within the City of St. Louis
17 Department of Health- The Commissioner of Health and or his or her designee within the
18 City of St. Louis Department of Health operating under provisions of the City Charter, the
19 Sections of this Ordinance, and any Ordinance of St. Louis City applying to this Ordinance.
- 20 11. Inadequate Dispersion- Shall pertain to the visible plume from any exhaust stack, duct,
21 vent, impinging upon adjoining property in such a manner that it directly affects or has the

1 potential as determined by the Commissioner of Health and or his or her designee operating
2 as Delegated Agents of the State of Missouri, to adversely affect the health or well being
3 of individuals on adjoining property.

4 12. Open Burning- The burning of any matter in such manner that the products of combustion
5 resulting from the burning are emitted directly into the ambient air without passing through
6 an approved stack, duct, vent or chimney.

7 13. Performance Based Cost- The total direct and indirect resources allocated to provide
8 services within the Commissioner's Office.

9 14. Plume- A sensory detectable column or band of smoke and/or odors.

10 15. Premises- Land, improvements, or the ambient air above such land or improvements.

11 16. Reasonable Time- A period of time to be determined by the Commissioner of Health and
12 or his or her designee operating as Delegated Agents of the State of Missouri, after
13 reviewing all pertinent information, which does not cause undue harm to any concerned
14 persons constrained by said time frame.

15 17. Refuse- Any combustible waste material containing carbon in a free or combined state,
16 other than liquids or gases.

17 18. Salvage Operation- Any business, trade, industry or other activity conducted in whole or
18 in part for the purpose of salvaging or reclaiming any product or material including but not
19 limited to metals or chemicals.

20 19. Sensory Detectable- The level at which an air contaminant can be perceived by the sense
21 of sight or smell.

1 20. Significant Number- This shall be a number determined by the Commissioner of Health
2 and or his or her designee operating as Delegated Agents of the State of Missouri, based
3 on a case by case basis of those individuals affected by an alleged violating facility, and
4 taking into consideration such facts as geography, population density, location, and any
5 other relevant data.

6 21. St. Louis Air Quality Control Region- The geographical area composed of St. Louis, St.
7 Charles, Jefferson and Franklin Counties and the City of St. Louis in Missouri, and St.
8 Clair, Madison, and Monroe Counties in Illinois including any counties added herein by
9 Federal and or State government.

10 22. Uncombined Water - The visible condensed water which is not bound, physically or
11 chemically, to any air contaminant.

12 Vegetation- Any representative of the plant kingdom including but not limited to trees,
13 shrubs, grasses, or vegetables, and any anatomical part of these plants including but not
14 limited to leaves, stems, roots, flowers or fruits.

15 SECTION SEVEN: Powers and Duties.

16 In addition to any other powers vested in the Commissioner by law, the Commissioner of Health
17 and or his or her designee within the City of St. Louis Department of Health operating as Delegated
18 Agents of the State of Missouri, Department of Natural Resources, Division of Environmental
19 Quality, Air Pollution Control Program, under authority contained within the Air Conservation
20 Law and granted by the Missouri Air Conservation Commission and conditions contained within
21 the State/Local Agreement, may enforce any provision of State Air Conservation Law so

1 delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the
2 Code of State Regulations, shall have power to:

3 A. Exercise general supervision over the Air Pollution Control Program, and have charge of
4 the enforcement of all ordinances or regulations pertaining to air pollution control and air
5 quality maintenance and initiate prosecutions for the violations thereof.

6 B. Investigate complaints of air pollution and air quality maintenance, and make inspections
7 and observations of air pollution conditions within the City.

8 C. Hold hearings related to any aspects of, or matters in the administration of this Ordinance.

9 D. Issue such orders as may be necessary to implement the purposes of this Ordinance,
10 including but not limited to orders of abatement, stop work orders, and sealing orders. If
11 deemed necessary, can order the facility to set up monitoring and testing at specific
12 locations and enforce the same by all appropriate administrative and judicial proceedings.

13 E. Secure necessary scientific, technical, administrative, and operational supplies, materials,
14 equipment and/or services, by contract or otherwise.

15 F. Prepare and develop a comprehensive plan or plans for the prevention, abatement, and
16 control of air pollution.

17 G. Encourage voluntary cooperation by persons or affected groups to achieve the purposes
18 of this Ordinance.

19 H. Encourage and conduct studies, investigations and research, relating to air pollution and
20 its prevention, abatement, and control.

- 1 I. Collect and disseminate information and conduct educational and training programs
2 relating to air pollution.
- 3 J. Advise, consult, and cooperate with other local governmental units, agencies of the state,
4 industries, interstate or regional agencies, and the federal government, and with interested
5 persons and groups.
- 6 K. Appoint such engineers, specialists, technicians, inspectors, stenographers, clerks, and
7 other employees that shall be necessary to perform the duties of the Commissioner of
8 Health and or his or her designee operating as Delegated Agents of the State of Missouri.
9 Such appointments shall be made in accordance with the provisions of the Charter and
10 Ordinances of the City.
- 11 L. Accept, receive, and administer grants or other funds or gifts from public and private
12 agencies.
- 13 M. Designate testing methods when a particular method is not specified by this Ordinance
14 from among standards of widely recognized methods, including but not limited to methods
15 of the ASTM, ASME, United States Environmental Protection Agency, and any
16 recognized professional publications.
- 17 N. Take all possible action to secure a high standard of air quality throughout the entire St.
18 Louis Metropolitan area which action may include promotion of the passage and
19 enforcement of air pollution control laws in other political subdivisions.
- 20 O. Whenever the Commissioner of Health and or his or her designee operating as Delegated
21 Agents of the State of Missouri, may find that sufficient progress is not being made toward

1 abatement or control of a significant source or sources of air pollution located within that
2 portion of the Air Quality Control Region, with the approval of the Director of Health and
3 the Mayor, the Commissioner of Health and or his or her designee operating as Delegated
4 Agents of the State of Missouri, shall institute efforts to persuade the Governor of the
5 State of Missouri, or the Missouri Air Conservation Commission, to register a formal
6 complaint with the appropriate federal agency as provided by the laws of the United
7 States.

8 P. Have a duty with the approval of the Mayor, to initiate or intervene in proceedings before
9 the Missouri Air Conservation Commission, in order to attain standards of air pollution
10 control throughout the Missouri portion of the Air Quality Control Region, which shall be
11 as comprehensive and as restrictive as those created by this Ordinance.

12 Q. Unless specifically prohibited by law, the Commissioner of Health and or his or her
13 designee operating as Delegated Agents of the State of Missouri, may designate
14 department representatives to carry out any or all of these powers and duties.

15 The Department of Health is encouraged and authorized to carry out these powers and duties of
16 the ordinance set forth herein

17
18 SECTION EIGHT: Variances.

19 A. Any person or organization who owns or is in control of any plant, building, structure,
20 process, or equipment may submit a petition to the Commissioner of Health and or his
21 or her designee operating as Delegated Agents of the State of Missouri, for a variance

1 from this Ordinance governing the quality, nature, duration or extent of discharges of
2 air pollutants. The petition shall be accompanied by a fee of fifty (\$50) dollars and
3 shall include the following information:

- 4 1. The name, address, and telephone number of the petitioner, or other person
5 authorized to receive service of notices;
- 6 2. The type of business or activity involved in the application and the street address at
7 which it is conducted;
- 8 3. A complete comprehensive description of the article, machine, equipment or other
9 contrivance, or process involved in the application and the emissions occurring
10 therefrom;
- 11 4. A petition signed by the petitioner or by some person on the petitioner's behalf, and
12 where the person signing is not the petitioner, it shall set forth his authority to sign;
- 13 5. The Section, rule or order from which a variance is sought;
- 14 6. The facts showing why compliance with the Section, rule or order is unreasonable;
- 15 7. For what period of time the variance is sought and why;
- 16 8. The damage or harm resulting or which would result to petitioner from compliance
17 with such Section, rule or order;
- 18 9. The requirements which petitioner can meet and the date when petitioner can
19 comply with such requirements including the emissions which will result;
- 20 10. The advantages and disadvantages to the residents of the City resulting from
21 requiring compliance or resulting from granting a variance;

1 11. Whether operations under such variance, if granted, would constitute a nuisance as
2 defined in Section Twelve of this Ordinance;

3 12. Whether any case involving the same identical equipment or process is pending in
4 any court, civil or criminal;

5 13. Whether the subject equipment or process is covered by a permit issued by the
6 Commissioner and or his or her designee; and

7 14. Such other information and data required by rule or regulation of the Commissioner
8 of Health and or his or her designee enacted in conformity with the terms,
9 conditions, and limitations of this Ordinance.

10 B. The Commissioner of Health and or his or her designee operating as Delegated Agents
11 of the State of Missouri, shall promptly investigate such petition.

12 C. The Commissioner of Health and or his or her designee operating as Delegated Agents
13 of the State of Missouri, may grant such variance if he/she finds that:

14 1. The emission occurring or proposed to occur, does not constitute a hazard to public
15 health or safety; and

16 2. Compliance with the terms and limitations of this Ordinance from which variance
17 is sought would result in an arbitrary and unreasonable taking of property, or in the
18 practical closing and eliminating of any lawful business, occupation or activity, in
19 either case without sufficient corresponding benefit or advantage to the people.

1 D. No variance shall be granted pursuant to this Section except after public hearing on due
2 notice and until the Commissioner has considered the relative interests of the applicant,
3 other owners of property likely to be affected by the discharges, and the general public.

4 1. Notification will be given to the Missouri Department of Natural Resources Air
5 Pollution Control as required by RSMO 643.140 - of any variance granted by the
6 Commissioner of Health and or his or her designee within the City of St. Louis
7 Department of Health will include copies of all relevant materials. The Missouri
8 Air Pollution Control has thirty (30) days from receipt of said notice to approve or
9 disapprove of the variance or take other action as granted by the Missouri Air
10 Conservation Law. In no case will the variance take effect without the approval of
11 the Missouri Air Pollution Control.

12 2. No violation of City Ordinance or State Regulation will be allowed to continue
13 during an appeal from the requirements of that Ordinance or Regulation.

14 E. Variances may be granted for such period of time and under such terms and conditions
15 as shall be specified by the Commissioner of Health and or his or her designee operating
16 as Delegated Agents of the State of Missouri. Variances may be reviewed by the
17 Commissioner of Health and or his or her designee operating as Delegated Agents of
18 the State of Missouri, upon application made at least sixty (60) days prior to the
19 expiration of the term. Renewal application shall be considered in the same manner as
20 the initial petition for variance was considered by the Commissioner of Health and or
21 his or her designee operating as Delegated Agents of the State of Missouri.

1 F. A variance or renewal thereof shall not be a vested right of the applicant or holder
2 thereof.

3 G. Such a variance may require gradual decrease of the emission during the variance period
4 and the making of periodic reports of the improvement program and on compliance
5 with the terms and conditions attached to the variance, and such a variance may be
6 revoked or modified for failure to comply with the terms and conditions attached
7 thereto, or with any improvement program, or for failure to make a periodic report, if
8 such is required.

9

10 SECTION NINE:

11 The Commissioner of Health and or his or her designee operating as Delegated Agents of the State
12 of Missouri, approve Construction and Alteration Plans as well as occupancy and demolition
13 applications.

14

15 The Building Commissioner shall not issue a permit for the demolition, construction,
16 reconstruction, alteration, or occupancy of any building, structure, or business, unless the
17 Commissioner of Health and or his or her designee within the City of St. Louis Department of
18 Health has been given opportunity to review applications to which this Ordinance might apply,
19 and has given approval.

20

21 SECTION TEN: Source-Specific Emergency Procedures.

1 Notwithstanding the provisions of this Ordinance, or any other provisions of law to the contrary,
2 and without necessity of prior administrative procedures or hearings, or at any time during such
3 proceedings, if the Commissioner of Health and or his or her designee operating as Delegated
4 Agents of the State of Missouri, after investigation, is of the opinion that any person is discharging
5 or causing to be discharged into the atmosphere any air contaminant, and if the Commissioner of
6 Health and or his or her designee operating as Delegated Agents of the State of Missouri,
7 determines that the discharge under the atmospheric conditions then prevailing, creates a
8 hazardous emergency which requires immediate action to prevent serious damage to the public
9 health, safety or welfare, and that it therefore appears to be prejudicial to the interests of the people
10 of the City to delay action, the Commissioner of Health and or his or her designee operating as
11 Delegated Agents of the State of Missouri, with the written approval of the Mayor, shall order the
12 person responsible for the emission, in writing, to discontinue immediately the discharge of the
13 contaminants into the atmosphere, whereupon the person shall immediately discontinue the
14 discharge.

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16 In the event that there is a failure to comply with the Commissioner of Health and or his or her
17 designee operating as Delegated Agents of the State of Missouri, order, then all affected
18 departments of the City government shall take immediate action necessary to protect and preserve
19 the health, safety and welfare of the public. The City Counselor shall be empowered to
20 immediately seek in the Circuit Court or U. S. District Court equitable relief to immediately halt
21 the further emission of the air contaminants.

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SECTION ELEVEN:

Asbestos.

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

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

2. Air Pollution Control (APC). Air pollution control of the City of St. Louis Department of Health.

3. Air sampling professional. An individual certified in accordance with 10 CSR 10-6.250 to do air monitoring together with a current certificate of successful completion of the NIOSH course #582 "Sampling and Evaluating Airborne Asbestos Dust" or a course equivalent in length and content together with one of the following;

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

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

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

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

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

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

21 i) Two area samples inside the work area;

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

9 **C) Air monitoring results shall be documented and retained on-**
10 **site.**

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

16 **4. Air sampling technician. An individual who has been trained by an air sampling**
17 **professional to do air monitoring and holds current certifications and licenses to do**
18 **the same. That individual conducts air monitoring of an asbestos abatement project**
19 **before, during and after the project has been completed. Before being considered an**
20 **air sampling technician in the City of St. Louis the individual must have evidence of**
21 **working under an air sampling professional in the field for at least forty (40) hours**

1 and have successfully completed a NIOSH 582e course. No-one employed by an owner
2 or operator of a demolition or renovation activity, or person, partnership, or
3 corporation performing or project managing the demolition, construction,
4 reconstruction, alteration, or occupancy on or at the site, or by or with a person,
5 partnership, or corporation that shares a same, in whole or in party, ownership or
6 control group will be considered an air sampling technician. Each air sampling
7 technician shall be assigned to be supervised by only one air sampling professional at
8 a time for any given project.

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

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

14 7. Asbestos abatement contactor. Any person, registered with the Missouri
15 Department of Natural Resources (MODNR), who by agreement, contractual or
16 otherwise, conducts asbestos abatement projects at a location other than his/her own
17 place of business. To be considered an asbestos abatement contractor the contractor
18 must participate in a registered apprenticeship program under 20 CFR Part 29 and
19 29 USC Section 50 that yearly graduates registered apprentices and teaches practices
20 and safety techniques used in asbestos abatement. Further, to be considered an
21 asbestos abatement contractor the person(s) actually conducting asbestos abatement

1 at a location other than his/her own place of business must have current applicable
2 certifications and licenses including OSHA 10, Asbestos Hazard Emergency Response
3 Act (AHERA), and, if near a school, Asbestos School Hazard Emergency
4 Reauthorization Act (ASHERA).

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

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

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

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

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

3 10. Asbestos-containing material (ACM). Any material or product which contains
4 more than one percent (1%) asbestos, by weight in accordance with 40 CFR 61.141.

5 11. Asbestos project. An activity undertaken to remove or encapsulate 160 square
6 ft and/or 260 linear ft, or 35 cubic ft or more of friable asbestos containing materials
7 or demolition of any structure or building or a part of it containing the previously
8 mentioned quantities of asbestos-containing materials.

9 12. Asbestos removal project. An asbestos abatement project consisting of activities
10 that involve, and are required, to take out friable asbestos-containing materials from
11 any facility. This definition includes, but is not limited to, activities associated with
12 the cleanup of loose friable asbestos-containing debris or refuse, or both, from floors
13 and other surfaces.

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

19 14. Category I non-friable asbestos-containing material (ACM). Asbestos-
20 containing packing, gaskets, resilient floor covering, and asphalt roofing products
21 containing more than 1% asbestos by weight in accordance with 40 CFR 61.141.

1 **15. Category II non-friable ACM. Any material, excluding Category I non-friable**
2 **ACM, containing more than 1% asbestos by weight in accordance with 40 CFR**
3 **61.141, that when dry, cannot be crumbled, pulverized, or reduced to powder by hand**
4 **pressure.**

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

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

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

13 **19. Emergency asbestos abatement project. An asbestos abatement project that**
14 **must be undertaken immediately to prevent imminent severe human exposure or to**
15 **restore essential facility operation.**

16 **20. Facility. Any institutional, commercial, public, industrial, or residential**
17 **structure, installation, or building (including any structure, installation, or building**
18 **containing condominiums or individual dwelling units operated as a residential**
19 **cooperative, but excluding individual residential buildings having four or fewer**
20 **dwelling units that do not meet the requirement of an installation and are not part of**
21 **a commercial or public project); any ship; and any active or inactive waste disposal**

1 site. For purposes of this definition, any building, structure, or installation that
2 contains a loft used as a dwelling is not considered a residential structure, installation,
3 or building. Any structure, installation or building that was previously subject to this
4 Section is not excluded, regardless of its current use or function.

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

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

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

17 **24. Inspector.** An individual, under AHERA, who collects and assimilates
18 information used to determine whether asbestos-containing material is present in a
19 building or other air contaminant sources. All inspectors must maintain current
20 AHERA licenses and certifications to perform inspection tasks. No-one employed by
21 an owner or operator of a demolition or renovation activity, or person, partnership,

1 or corporation performing or project managing the demolition, construction,
2 reconstruction, alteration, or occupancy on or at the site, or by or with a person,
3 partnership, or corporation that shares a same, in whole or in party, ownership or
4 control group will be considered inspector.

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

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

8 **27. Owner or operator of a demolition or renovation activity. Any person, who**
9 **owns, leases, operates, controls, or supervises a facility being demolished or**
10 **renovated, or any person who owns, leases, operates, controls, or supervises a**
11 **demolition or renovation operation, or both.**

12 **28. Regulated asbestos-containing material (RACM). (a) Friable asbestos**
13 **containing material; (b) category I non-friable ACM that has become friable; (c)**
14 **category I non-friable ACM that will be or has been subjected to sanding, grinding,**
15 **cutting, or abrading; or (d) Category II non-friable ACM that has a high probability**
16 **of becoming or has become crumbled, pulverized, or reduced to powder by the forces**
17 **expected to act on the material in the course of demolition or renovation operations**
18 **regulated by this rule.**

19 **29. Renovation. Altering a facility or one or more facility components in any**
20 **way, including the stripping or removal of RACM from a facility component.**

21 **Operations in which load-supporting structural members are wrecked or taken out**

1 are demolitions.

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

5 **31. Structure.** Any built element, including single-family, owner-occupied
6 dwellings, and vacant public or privately owned residential structures of four (4) or
7 fewer dwelling units.

8 **B. Application.** This rule shall apply to:

9 1. All persons that authorize, design, conduct and work in asbestos projects,
10 asbestos abatement projects, and asbestos removal projects;

11 2. All persons that monitor airborne asbestos or dispose of asbestos waste as a
12 result of asbestos abatement projects;

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

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

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

20 **C. Asbestos Abatement Procedures and Practices.**

1 **1. All asbestos abatement contractors prior to engaging in asbestos abatement**
2 **projects and asbestos removal projects shall:**

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

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

8 **c. Comply with asbestos, NESHAP, and AHERA rules in (Code of Federal**
9 **Regulations) 29 CFR 1926.1101, 40 CFR Part 61, and 40 CFR Part 763; the**
10 **standards for worker protection promulgated by the United States**
11 **Occupational Safety and Health Administration (OSHA) in 29 CFR**
12 **1910.1001, 1910.1200, and 1926.58; the provisions of section 643.225 to**
13 **643.250, RSMO (as amended); the ordinance of the City; rules and regulations**
14 **and orders of the Commissioner of Health and or his or her designee within**
15 **the City of St. Louis Department of Health by and for the implementation of**
16 **this chapter.**

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

21 **a. Proof of current MODNR registration;**

- b. **Proof of current MODNR occupational certification for those individuals on the project;**
- c. **Most recent available air sampling results;**
- d. **Current photo identification for all applicable individuals engaged in the project; and**
- e. **Proof of passage of the training course for the air sampling technicians and photo identifications for air sampling technicians.**

D. Notification Requirements.

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

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

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

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

4 **4. Asbestos abatement project notifications shall state actual dates and times of**
5 **the project, the on-site asbestos abatement supervisor and a description of work**
6 **practices. If the person must revise the dates and times of the project, the person shall**
7 **notify the Department in writing at least twenty-four (24) hours in advance of the and**
8 **then immediately follow-up with a written amendment stating the change. APC must**
9 **receive the written amendment within two (2) working days of the written**
10 **notification.**

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

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

19 **At a minimum there shall be 3 samples taken for every facility 1000 square feet or**
20 **under; 5 samples for every facility between 1000 and 5000 square feet; and, 7 samples for**

1 every facility 5000 square feet and above. The number of samples per square feet may be
2 increased at the APC's direction in the APC's sole discretion.

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

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

10 a. If the inspection determines that there are amounts of RACM in excess of
11 10 square feet and/or 16 linear feet, but less than 160 square feet, 260 linear
12 feet, and/or 35 cubic feet, an asbestos abatement contractor must submit a
13 notification to APC ten (10) working days prior to the date asbestos abatement
14 activity is scheduled to begin.

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

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

1 **d. Asbestos abatement contractors shall not begin any asbestos abatement**
2 **activity without an approval letter from APC. When notification is approved,**
3 **the asbestos abatement contractor must remove all RACM from the facility in**
4 **accordance with the notification and asbestos rules and regulations.**

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

10 **8. If the facilities meet the definition of an installation and/or a commercial or**
11 **public project, notifications may be submitted in groups by city block when the**
12 **structures combined contain RACM equal to or in excess of 160 square feet, 260 linear**
13 **feet, and/or 35 cubic feet. Any single structure that has RACM equal to or in excess**
14 **of 160 square feet, 260 linear feet and/or 35 cubic feet shall be notified separately.**

15 **9. Only a certified asbestos inspector can deem a structure unsafe to enter. If it is**
16 **unsafe to make an inspection prior to demolition, and the facility's regulated asbestos**
17 **content cannot be determined, the presence of asbestos must be assumed unless**
18 **sampling proves to be negative. If the asbestos abatement contractor wants to**
19 **segregate ACM from general debris, an inspector must be on site until the structure**
20 **has been made safe enough to conduct a thorough inspection. An asbestos abatement**

1 supervisor must be on site during the demolition and proof of hire must be submitted
2 with the demolition notification.

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

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

18 E. Emergency Project. Any person undertaking an emergency asbestos abatement project
19 shall notify APC by telephone and must receive approval of emergency status. The person
20 must notify APC within twelve (12) hours of the onset of the emergency. Business entities
21 with state-approved exemption status are exempt from emergency notification for state-

1 approved projects that are part of a NESHAP planned renovation annual notification. If the
2 emergency occurs after normal working hours or weekend, the person shall contact APC on
3 the following work day. The notice shall provide:

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

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

- 14 1. Remove all RACM from a facility being demolished or renovated before any
15 activity begins that would break up, dislodge, or similarly disturb the material or
16 preclude access to the material for subsequent removal. RACM does not have to be
17 removed before demolition if:
 - 18 a. It is Category I non-friable ACM that is not in poor condition and is not
19 friable.
 - 20 b. It is a facility component that is encased in concrete or other similarly
21 hard material and is adequately wet whenever exposed during demolition.

1 c. It is not accessible for testing and was, therefore, not discovered until
2 after demolition began and, as a result of the demolition, the material cannot
3 be safely removed. If not removed for safety reasons, the exposed RACM and
4 any asbestos-contaminated debris must be treated as asbestos-containing
5 waste material and remain adequately wet at all times until disposed of.

6 d. It is Category II non-friable asbestos containing material and the
7 probability is low that the materials will become crumbled, pulverized, or
8 reduced to powder during demolition.

9 2. When a facility component that contains, is covered with, or is coated with
10 RACM is being taken out of the facility as a unit or in sections:

11 a. Adequately wet all RACM exposed during cutting or disjoining
12 operations.

13 b. Carefully lower each unit or section to the floor and to ground level,
14 not dropping, throwing, sliding, or otherwise damaging or disturbing the
15 RACM.

16 3. When RACM is stripped from a facility component while it remains in place in
17 the facility, adequately wet the RACM during the stripping operation.

18 a. In renovation operations, wetting is not required if a local exhaust
19 ventilation and collection system is used, a glove-bag system is used, or a leak-
20 tight 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**
6 **are met:**

7 **a. The component is removed, transported, stored, disposed of, or reused**
8 **without disturbing or damaging the RACM;**

9 **b. The component is encased in a leak-tight wrapping; and**

10 **c. The leak tight wrapping is labeled during all loading and unloading**
11 **operations and during storage.**

12 **6. For all RACM, including material that has been removed or stripped:**

13 **a. Adequately wet the material and ensure that it remains wet until collected**
14 **and contained or treated in preparation for disposal.**

15 **b. Carefully lower the material to the ground and floor, not dropping,**
16 **throwing, sliding, or otherwise damaging or disturbing the material.**

17 **c. Transport the material to the ground via leak-tight chutes or containers if**
18 **it has been removed or stripped more than 50 feet above ground level and was**
19 **not removed as units or in sections.**

20 **7. Third party continuous monitoring is required during removal of all ACM**
21 **regardless of whether the building is occupied, including demolition projects. Such**

1 **third-party monitor may not be a person, partnership, or corporation that shares a**
2 **same, in whole or in part, ownership or control group with the party performing or**
3 **project managing the construction, alteration, or renovation activity. Final air**
4 **clearance is required after each phase of ACM removal before the project's next**
5 **phase can begin.**

6 **8. The person who conducts the demolition of unsafe buildings or parts of**
7 **buildings containing asbestos may proceed with the demolition until it is safe for the**
8 **asbestos abatement contractor to take representative samples of debris. It must be**
9 **assumed that the debris contains regulated asbestos unless it can be proven through**
10 **sampling that the debris or parts of the debris have asbestos content of 1% by weight**
11 **or less. If parts of the debris contain 1% or less, and other parts contain greater than**
12 **1%, and the various debris can be safely separated, then only those area of debris**
13 **which contain greater than 1% regulated asbestos must be specially handled. The**
14 **following procedures on those portions of the buildings that pose imminent danger to**
15 **public health or safety, or both, may be used:**

16 **a. The person shall ensure that the debris is wet at all times and stays wet until**
17 **disposed. The person shall ensure that the project activities generate no visible**
18 **emissions.**

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

1 **9. For emergency demolitions being conducted under an order of a state or local**
2 **government agency:**

3 **a. Adequately wet the portion of the facility that contains RACM during the**
4 **wrecking operation.**

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

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

10 **G. Post Notification.**

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

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

4
5 SECTION TWELVE: Air Pollution Nuisance Prohibited.

6 The emission or escape into the ambient (outside) air within the City from any source or sources
7 whatsoever of smoke, ashes, dust, soot, cinders, dirt, grime, acids, fumes, gases, vapors, odors, or
8 any other substances or elements in such amounts as are detrimental to, or endanger the health,
9 comfort, safety, welfare, property, or the normal conduct of business shall constitute a public
10 nuisance, and it is considered unlawful for any person to cause, permit, or maintain any such public
11 nuisance. The Commissioner of Health and or his or her designee operating as Delegated Agents
12 of the State of Missouri, may give additional consideration to the presence of emissions that cause
13 severe annoyance or discomfort, or are offensive and objectionable to a significant number of
14 citizens as determined by the Commissioner of Health and or his or her designee within the City
15 of St. Louis Department of Health.

16
17 SECTION THIRTEEN: Motor Vehicle Idling Prohibited.

18 A. No person shall cause or permit the engine of a motor vehicle to operate in idle for
19 longer than five (5) minutes in any hour while parking, standing or stopped as defined
20 by St. Louis City Revised Code Title 17, Vehicles and Traffic. When ambient

1 temperatures are below thirty-two (32) degrees Fahrenheit, a motor vehicle may not
2 operate in idle for longer than ten (10) minutes in any hour.

3 B. Exceptions

- 4 1. Emergency vehicles.
- 5 2. Vehicles transporting disabled or special needs persons.
- 6 3. Vehicles that provide power for auxiliary purposes.
- 7 4. When operators of a motor vehicle are forced to remain motionless because of
8 traffic or adverse weather conditions affecting the safe operation of the vehicle.
- 9 5. Vehicles that are being repaired or undergoing diagnostics tests.
- 10 6. Vehicles engaged in the delivery of goods, wares, or merchandise.

11 C. Enforcement

12 Section Thirteen, Subsection A of this ordinance and Ordinance 68137 shall be
13 enforced by a police officer or any law enforcement officer who is authorized to enforce
14 traffic laws as a non-moving violation.

15 D. Penalty for violation

16 Any person who violates the provisions in Section Thirteen, Subsection A of this
17 ordinance and Section Two, Subsection D of Ordinance 68137 shall be subject to a fine
18 as established by Section Four of Ordinance 68137.

19

20 SECTION FOURTEEN: Open Burning Restrictions.

21 A. No person shall cause, suffer, allow or permit the open burning of refuse.

- 1 B. No person shall conduct, cause or permit the conduct of a salvage operation by open
2 burning.
- 3 C. No person shall conduct, cause or permit the disposal of trade waste by open burning.
- 4 D. No person shall cause or permit the open burning of leaves, trees or the byproducts
5 therefrom, grass, or other vegetation.
- 6 E. It shall be prima-facie evidence that the person who owns or controls property on which
7 open burning occurs, has caused or permitted said open burning.
- 8 F. The following activities are exemptions to Subsections A-E of this Section of this
9 Ordinance.
- 10 1. A fire set by or under the supervision of a public officer to prevent or abate a fire
11 hazard.
- 12 2. A fire set for the purpose of instructing persons in fire fighting techniques, as long
13 as the requirements of Article 3, of the BOCA National Fire Code for Open Burning
14 are adhered to.
- 15 3. Instructing persons in the proper method for determining the opacity of emissions.
- 16 4. The operation of equipment for the control of insects.
- 17 5. The preparation of food for residential, organizational, institutional, or commercial
18 use.
- 19 6. Recreational fires and fires in proper containers for occupational warmth using only
20 untreated wood, charcoal, propane or natural gas as fuel.
- 21 7. Public fireworks displays as permitted by the local authority.

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SECTION FIFTEEN: Right of Inspection, Disclosure, and Submittal of Requested Information.

A. In the performance of their duties, the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health may enter any premises where they have reason to believe that air contaminants have been or are being emitted, or equipment operations, or processes exist or are being constructed, which they have reason to believe are or will be an air contaminant source, or which are required to be registered as sources of air pollution, or for any facility for which a permit is required.

No person shall refuse entry or access to the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, nor shall any person obstruct, hamper, or interfere with any such inspection.

Should the above right of entry be denied, then the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, may present the evidence to the City Counselor and request that the Counselor prosecute said action in Municipal Court or present evidence to the Circuit Attorney for prosecution in Circuit Court. Anytime entry is sought using a search warrant the Commissioner of Health and or his or her designee operating as Delegated Agents of the State of Missouri, may involve the aid of the Police Department to gain entry to make such inspection as authorized herein.

1 B. Any person responsible for the emission of air contaminants within the City of St. Louis
2 shall when requested by the Commissioner of Health and or his or her designee operating
3 as Delegated Agents of the State of Missouri, supply this office with any requested
4 information in an easily understandable format or on the forms supplied, in any manner or
5 format specifically requested by the Commissioner of Health and or his or her designee
6 operating as Delegated Agents of the State of Missouri.

7
8 SECTION SIXTEEN: Cooperation of Local Governmental Agencies Required.

9 The assistance and cooperation of the St. Louis Metropolitan Police Department, the Division of
10 Fire and Fire Prevention, the Building Division and all other Municipal Officials shall be available
11 to the Commissioner of Health and or his or her designee within the City of St. Louis Department
12 of Health as required in the performance of their duties.

13
14 SECTION SEVENTEEN: Enforcement.

15 Whenever the Commissioner of Health and or his or her designee operating as Delegated Agents
16 of the State of Missouri, determines that any of the terms or conditions of this Ordinance have
17 been or are being violated, the Commissioner of Health and or his or her designee operating as
18 Delegated Agents of the State of Missouri, may cause to be instituted any or all of the following
19 enforcement actions.

20 1. Any time that the Commissioner of Health and or his or her designee operating as Delegated
21 Agents of the State of Missouri, becomes aware that any of the provisions of this Ordinance have

1 been or are being violated, the Commissioner of Health and or his or her designee operating as
2 Delegated Agents of the State of Missouri, may cause to be issued a "Notice of Violation" to the
3 person responsible for the violation. This notice may be personally served by a representative of
4 the Commissioner of Health and or his or her designee operating as Delegated Agents of the State
5 of Missouri, sent by registered or certified mail to the last known address of the responsible person.
6 This notice shall cite the section of the permit, Section of City Ordinance, or Section of State or
7 Federal Regulation violated, the date and time the violation occurred, and a brief description of
8 the violation. It shall require that the responsible person abate the violation by a date specified in
9 the notice. Within 14 calendar days of the date of abatement specified in the notice, the
10 Commissioner of Health and or his or her designee within the City of St. Louis Department of
11 Health shall re-inspect the premise and/or file to determine compliance with the permit, regulation,
12 or Ordinance, of which this is a part. This re-inspection shall be known as a "NOV Inspection."
13 If no abatement date is specified in the NOV, the responsible person who has received the NOV
14 shall be exempt from the "NOV Inspection" process. If the NOV is not complied with, the
15 Commissioner of Health and or his or her designee operating as Delegated Agents of the State of
16 Missouri, shall have the authority to issue an administrative citation to any person responsible for
17 the violation.

18 1. Administrative Citation Fine

- 19 a. The administrative citation fine amount for a first violation shall be
20 established under the provisions of Ordinance 69821.

- 1 b. The administrative citation fine for repeat violations of the same Ordinance
2 provision and/or state regulation by the same person at the same property
3 within twelve (12) months from the date of the first administrative citation
4 shall be established under the provisions of Ordinance 69821.
- 5 c. Any administrative citation fine which is not paid on or before its due date
6 shall be liable for the payment of any applicable late payment charges set
7 forth in the schedule of late payment filing fees.
- 8 d. The fine shall be paid to the city within thirty (30) days from the date of
9 the administrative citation.
- 10 e. Any administrative citation fine paid pursuant to Subsection 2 of this
11 Section shall be refunded if it is determined, after a hearing, that the person
12 charged in the administrative citation was not responsible for the violation
13 or that there was no violation as charged in the administrative citation.
- 14 2. In the event the responsible person fails to abate the violation by the date
15 specified, the Commissioner of Health and or his or her designee operating as
16 Delegated Agents of the State of Missouri, may take other enforcement actions
17 as specified within this Section, citing the same date and time of violation in
18 these other actions that were set forth in the "Notice of Violation."
- 19 3. In the event the Commissioner of Health and or his or her designee operating
20 as Delegated Agents of the State of Missouri, determines that:

- 1 a. The person is taking all reasonable means available to him to comply with
 - 2 the time limitations and that such compliance is not possible;
 - 3 b. The delay is caused by conditions beyond the jurisdiction and control of
 - 4 such person; and
 - 5 c. The imposition of the time limitation will cause an undue hardship, then
 - 6 the Commissioner of Health and or his or her designee may grant such
 - 7 additional extensions of time as determined to be necessary and reasonable
 - 8 to achieve compliance.
- 9 A. In the event that it becomes necessary and is legally proper, the City Counselor is
- 10 hereby empowered to institute proceedings in the Circuit Court in the name of the City
- 11 in order to enforce the terms and conditions of this Ordinance.

12

13 SECTION EIGHTEEN:

14 **Performance-based fee schedule.**

15 **A. Authorization. The Commissioner of Health and or his or her designee operating as**

16 **delegated agents of the State of Missouri, is hereby authorized to collect the following fees**

17 **based on the costs incurred to provide the services of air pollution control. Said fees are the**

18 **maximum allowable under due process.**

19 **B. Fees Nonrefundable. All fees described in this section are nonrefundable. Even if the**

20 **project is cancelled by the facility, it is determined that a permit is not required, or if a permit**

21 **is denied or issued with undesirable conditions the fees will not be refunded.**

1 **C. Fee Descriptions.**

2 **1. Asbestos Fees:**

3 **a. Asbestos Abatement Project and/or Demolition Notification Fees. Fees for**
4 **notification as defined.**

5 **Fee: \$640 per notification of asbestos projects and/or demolition with 160—**
6 **1,000 square feet or 260—1,500 linear feet.**

7 **Fee: \$960 per notification of asbestos projects and/or demolition with 1,001—**
8 **5,000 square feet or 1,501—5,500 linear feet.**

9 **Fee: \$1,280 per notification of asbestos projects and/or demolition with**
10 **>5,000 square feet or 5,500 linear feet.**

11 **b. Asbestos Abatement Project Inspection Fee. A fee for inspection of an**
12 **asbestos abatement project and/or demolition as defined.**

13 **Fee: \$200 per inspection. Regardless of the number of inspections made, the**
14 **commissioner of Health and or his or her designee operating as delegated**
15 **agents of the State of Missouri, separate inspections of the same asbestos**
16 **abatement project and/or demolition.**

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

20 **2. Vapor Recovery Fees:**

21 **a. Stage II Construction Permit Notifications.**

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

3 **b. Stage II Operating Permit Notifications.**

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

6 **c. Vapor Recovery Notice of Violation (NOV) Fee.**

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

10 **3. Compliance Inspection Fees:**

11 **a. Fees for inspection of facilities subject to 10 CSR 10-6.060 or 10 CSR 10-**
12 **6.065 shall be as follows:**

13 **De minimis source inspection fee: \$345**

14 **Minor source inspection fee: \$3,415**

15 **Major source inspection fee: \$10,245**

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

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

1 **b. NOV Inspection Fee.**

2 **Fee: \$450 for each NOV inspection.**

3 **4. Permit and Source Registration Filing and Processing Fees:**

4 **a. Abrasive Blasting Source Registration Permit Fee.**

5 **Fee: \$300 for each exterior abrasive blasting job site subject to Section**
6 **11.34.190(A)(3).**

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

10 **De minimis source: \$1,965**

11 **Minor source: \$4,500**

12 **Major Source: \$6,550**

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

14 **If a process is to be installed or altered which has a number of emission points,**
15 **a separate filing fee shall be paid for each emission point. The Commissioner**
16 **will make the final decision when separate permit filing fees are necessary, on a**
17 **case-by-case basis.**

18 **c. Construction Permit Amendment Fees.**

19 **Requests to amend final construction permits issued in accordance with 10 CSR**
20 **10-6.060, as amended:**

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

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

9 d. **Source Registration Permit Filing Fees.** The fee that shall accompany an
10 application for a source registration permit for projects subject to Section
11 11.34.190 but not subject to 10 CSR 10-6.060 shall be as follows:

12 **Subject source fee: \$300**

13 **EIQ source fee: \$800**

14 If a process is to be installed or altered which has a number of emission points, a
15 separate fee shall be paid for each emission point. The Commissioner of Health and
16 or his or her designee within the City of St. Louis Department of Health operating as
17 delegated agents of the State of Missouri, Department of Natural Resources, Division
18 of Environmental Quality, Air Pollution Control Program, under authority contained
19 within the Air Conservation Law and granted by the Missouri Air Conservation
20 Commission and conditions contained within the state/local agreement, may enforce
21 any provision of State Air Conservation Law so delegated, or specific rules contained

1 within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations,
2 will make the final decision when separate permit filing fees are necessary, on a case-
3 by-case basis.

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

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

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

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

18 **Subject source: \$300**

19 **EIQ source: \$800**

20 **Commencing construction or operation of any source equipment prior to**
21 **payment of actual fees and receipt of a final permit could be a violation of**

1 applicable laws and subject to enforcement action including civil and/or
2 criminal penalties.

3 **5. Source Test Oversight Fees:**

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

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

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

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

12 **6. Visible Opacity Certification:**

13 a. **Visible Opacity Certification (Original).**

14 **Fee: \$750**

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

19 b. **Visible Opacity Re-Certification.**

20 **Fee: \$250**

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

5 **7. Administrative Fines and Fees:**

6 **a. Administrative Citation Fines. For an administrative citation imposed as**
7 **a result of the recipient of a notice of violation (NOV) not abating the violation,**
8 **as described in Section 11.34.220:**

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

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

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

20 **B) For each violation which may cause or result in harm or**
21 **injury to the health or safety of the agents or employees of the**

1 person present at the work site (e.g., improper protective
2 equipment or a contaminated clean room): \$500 multiplied by
3 the number of such agents or employees present at the work site
4 at any time on the date of the violation.

5 C) For each violation which may cause or result in harm or
6 injury to the health or safety of the building owners, users, or
7 occupants of the building (e.g., a tear in a polyethylene barrier
8 between a work area and an occupied area): \$500 multiplied by
9 the number of persons present at the work site or in the building
10 at any time on the date of violation.

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

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

20 4. Notwithstanding any other provision of this Part, the Department may
21 at any time, upon a finding of five or more violations during the same

1 inspection that may cause or result in harm or injury to the health and
2 safety of persons, assess a fine and/or penalty pursuant to subsections (2)
3 through (4) of this Section.

4 **b. Application for Variance and Request for Administrative Hearing**
5 **petition.**

6 **Variance fee: \$200**

7 **Administrative hearing fee: \$250**

8 **Record request pursuant to Chapter 610 R.S.MO**

9 **Fee retrieval as allowable under Chapter 610 R.S.MO**

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

11 **c. Late Payment Fees. All fees incurred based on the provisions of this**
12 **chapter must be submitted to the Commissioner of Health and or his or her**
13 **designee within the City of St. Louis Department of Health operating as**
14 **delegated agents of the State of Missouri, Department of Natural Resources,**
15 **Division of Environmental Quality, Air Pollution Control Program, under**
16 **authority contained within the Air Conservation Law and granted by the**
17 **Missouri Air Conservation Commission and conditions contained within the**
18 **state/local agreement, may enforce any provision of State Air Conservation**
19 **Law so delegated, or specific rules contained within Chapters 5 and 6 of**
20 **Division 10 of Title 10 of the Code of State Regulations, agreed on or before**
21 **the due date specified on the invoice. Any person, company, installation, or**

1 **other organization that fails to submit payment in full by the due date shall be**
2 **subject to the following late fees in addition to the initial fee:**

3 **Fee:**

4 **5% of original fee if 30—60 days late.**

5 **10% of original fee if 61—90 days late.**

6 **20% of original fee if more than 90 days late.**

7 **The expenses incurred in the processing of any type of permit which requires public**
8 **notice or participation for approval, or the request for a public hearing by a facility under**
9 **the jurisdiction of the Commissioner of Health and or his or her designee operating as**
10 **delegated agents of the State of Missouri, to enforce any provision of State Air Conservation**
11 **Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title**
12 **10 of the Code of State Regulations, will be the responsibility of the applicant. All billings**
13 **received by the Commissioner of Health and or his or her designee within the City of St.**
14 **Louis Department of Health operating as delegated agents of the State of Missouri, will be**
15 **forwarded to the applicant for payment. Final permit issuance is dependent upon the**
16 **applicant's payment in full of all expenses incurred.**

17
18 **SECTION NINETEEN: Severability.**

19 **The Sections of this Ordinance shall be severable. In the event any Section of this Ordinance is**
20 **found by a Court of competent jurisdiction to be unconstitutional, the remaining Sections of this**
21 **Ordinance are valid unless the Court finds the valid Sections of this Ordinance are so essentially**

1 and inseparably connected with and so dependent upon the void Section that it cannot presume
2 that the Aldermen would have enacted the valid Sections without the void ones; or unless the Court
3 finds that the valid Sections, standing alone, are incomplete and are incapable of being executed
4 in accordance with the legislative intent.

5
6 SECTION TWENTY: Penalty Clause.

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

11
12 SECTION TWENTY-ONE: Emergency Clause.

13 The passage of this Ordinance being deemed necessary for the immediate preservation of the
14 public health, safety and welfare is hereby declared to be an emergency measure and shall become
15 effective immediately upon its passage and approval by the Mayor.

16
17 SECTION TWENTY-TWO: Special Fund There is hereby established a Special Fund to be
18 known as the Environmental Health Air Pollution Control Fund. The Comptroller is hereby
19 authorized to set up and maintain said Fund in which all funds received pursuant to this ordinance
20 shall be deposited and said funds shall be kept separate and apart from all other funds. Said funds

1 are hereby appropriated to establish Air Pollution Control staff, equipment, and supplies for the
2 enforcement of this ordinance.

3
4 **SECTION TWENTY-THREE. Severability Clause. The provisions of this ordinance shall**
5 **be severable. In the event that any provision of this ordinance is found by a court of**
6 **competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance**
7 **are valid unless the court finds the valid provisions of this ordinance are so essentially and**
8 **inseparably connected with, and so dependent upon, the void provision that it cannot be**
9 **presumed that the Board of Aldermen would have enacted the valid provisions without the**
10 **void ones or unless the Court finds that the valid provisions, standing alone, are incomplete**
11 **and incapable of being executed in accordance with the legislative intent.**

12
13 **SECTION TWENTY-FOUR. Effective Date. Emergency Clause.**
14 **The passage of this Ordinance being deemed necessary for the immediate preservation of**
15 **the public health, safety and welfare is hereby declared to be an emergency measure and**
16 **shall become effective immediately upon its passage and approval by the Mayor.**

17

ORDINANCE #68657
Board Bill No. 44
Committee Substitute

An Ordinance for regulation and control of Air Pollution within the City of St. Louis: repealing Ordinance 65442, approved March 18, 2002; and Ordinance 65645 approved October 15, 2002, pertaining to the regulation and control of air pollution and enacting in lieu thereof a new ordinance pertaining to the same subject matter, and containing a severability clause, a penalty clause and an emergency clause.

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

SECTION ONE: Adoption.

The following Ordinances are hereby repealed: Ordinance No. 65442, approved March 18, 2002; and Ordinance 65645 approved October 15, 2002; and in lieu thereof the following Ordinance is hereby adopted.

SECTION TWO: Name

This Ordinance shall be known and may be cited as the Air Pollution Control Ordinance, an Ordinance for regulation and control of air pollution within the City of St. Louis.

SECTION THREE: Policy Statement.

It is hereby declared to be the public policy of the City of St. Louis, for the Department of Health, Air Pollution Control Program, to preserve, protect and improve the air resources of this City, so as to promote health, safety, and welfare; prevent injury to human

health, plant and animal life, and property; foster the comfort and convenience of its inhabitants and, to the greatest degree practicable, facilitate the enjoyment of the attractions of the City by residents and visitors.

SECTION FOUR: Statement of Delegated Authority.

In addition to the requirements contained within the Sections of this Ordinance be it hereby known that:

The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations.

SECTION FIVE: Continuation of Existing Actions.

The repeal of any Ordinance or portion thereof by this Ordinance shall not affect or impair any act done, or right vested or accrued, or any proceeding suit or prosecution, had or commenced in any cause before such repeal takes effect; but every such act done, or right vested, or accrued, or proceeding suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes, as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty, or forfeiture, either civilly, or criminally incurred prior to the time when any such ordinance, or part thereof shall be repealed or altered by this Ordinance, shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded within all respects as if such prior Ordinances or part thereof had not been repealed or altered.

SECTION SIX: Definitions.

This Section defines key words and expressions used in this Ordinance. The following definitions are in addition to those contained in State Rule 10 CSR 10-6.020, as amended.

1. Abandon- shall mean the cessation of the use of the equipment, machines, devices, articles, contrivances or facility for a period in excess of one year. If this definition runs contrary to State Rule 10 CSR 10-6.060, as amended, on permitting decisions affected by that rule, the State Rule will take preference.
2. Adjoining- contiguous, lying next to, or in contact with.
3. Adsorption system- A device containing adsorbent material such as: activated carbon, molecular sieves, activated alumina, silica gel; an inlet and outlet for exhaust gases; and a system to regenerate the saturated adsorbent. The adsorption system must provide for the proper disposal or reuse of all VOC adsorbed.
4. Air Pollution Abatement Operation- Any operation which has as its essential purpose a significant reduction in the emission of air contaminants or the effect of such emission.
5. Ash- The incombustible solid matter in coal, wood, oil, refuse or other fuel.
6. BTU- British Thermal Unit(s).
7. CFR- Code of Federal Regulations.
8. CSR- Code of State Regulations.
9. Charge Port- Any opening into any vessel or enclosure through which material is charged into a source operation.
10. Charge Rate- The weight of material introduced into a source operation per hour.
11. Charging Operation- The process of introducing materials into a source operation. The material charged can be solid, liquid, or gas or any combination thereof.

Commissioner- The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations.

12. Construction Project - The installation or modification of an "Emissions Unit" as defined in 10 CSR 10-6.020, as amended at any facility within the City of St. Louis.
13. Criteria Pollutants- Those pollutants for which National Ambient Air Quality Standards exist.
14. Directly Impinges- As used in this Ordinance shall pertain to an emission directly impacting on adjoining structures not owned or controlled by the source of the emission.
15. Dry Basis- The method of reporting coal analysis with moisture eliminated and remaining constituents to be calculated to total one hundred (100%) percent.
16. Elevated Terrain- Terrain which exceeds the elevation of the Good Engineering Practice Stack Height.
17. Facility- All source operations including activities that result in fugitive emissions, that belong to the same industrial grouping (that have the same two (2)-digit code as described in the Standard Industrial Classification Manual, 1987), and any marine vessels while docked at the facility, located on one (1) or more contiguous or adjacent properties and under the control of the same person (or persons under common control).
18. Fly Ash- Particles of ash carried by the products of combustion.

Inadequate Dispersion- Shall pertain to the visible plume from any exhaust stack, duct, vent, impinging upon adjoining property in such a manner that it directly affects or has the potential as determined by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, to adversely affect the health or well being of individuals on adjoining property.

19. Industrial Process- An independent method or grouping of equipment used for manufacturing a product or products.
20. Like-Kind Replacement- Replacement of equipment with equipment of the same rating or capacity that does not result in an increase of emissions. This definition only applies to the City of St. Louis Ordinances.
21. Open Burning- The burning of any matter in such manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an approved stack, duct, vent or chimney.
22. Performance Based Cost- The total direct and indirect resources allocated to provide services within the Commissioner's Office.
23. Plume- A sensory detectable column or band of smoke and/or odors.
24. Premises- Land, improvements, or the ambient air above such land or improvements.
25. Reasonable Means- The rational application of emission control technology or methods of operation to reduce otherwise uncontrolled pollutant emissions to the ambient air.

Reasonable Time- A period of time to be determined by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted

by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations after reviewing all pertinent information, which does not cause undue harm to any concerned persons constrained by said time frame.

26. Refuse- Any combustible waste material containing carbon in a free or combined state, other than liquids or gases.
27. Salvage Operation- Any business, trade, industry or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material including but not limited to metals or chemicals.
28. Sensory Detectable- The level at which an air contaminant can be perceived by the sense of sight or smell.

Significant Number- This shall be a number determined by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, based on a case by case basis of those individuals affected by an alleged violating facility, and taking into consideration such facts as geography, population density, location, and any other relevant data.

29. Soil Vapor Extraction (Vacuum Extraction)-An in situ remedial technology that reduces concentrations of volatile constituents in petroleum products absorbed into the soil. In this technology, a vacuum is applied through wells near the source of contamination in the soil.
30. St. Louis Air Quality Control Region- The geographical area composed of St. Louis, St. Charles, Jefferson and Franklin Counties and the City of St. Louis in Missouri, and St. Clair, Madison, and Monroe Counties in Illinois including any counties added herein by Federal and or State government.
31. Trade Waste- Solid, liquid, or gaseous material resulting from construction or the prosecution of any business, trade or industry, or any demolition operation including but not limited to wood, plastics, cartons, grease, oil, chemicals and cinders.
32. Uncombined Water - The visible condensed water which is not bound, physically or chemically, to any air contaminant.
33. Vegetation- Any representative of the plant kingdom including but not limited to trees, shrubs, grasses, or vegetables, and any anatomical part of these plants including but not limited to leaves, stems, roots, flowers or fruits.
34. Vent-Stack-Chimney-Duct- An enclosure containing one or more passageways connected to a source operation or an air pollution abatement operation, for the purpose of removing air contaminants to the ambient air.

SECTION SEVEN: Powers and Duties.

In addition to any other powers vested in the Commissioner by law The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, shall have power to:

- A. Exercise general supervision over the Air Pollution Control Program, and have charge of the enforcement of all ordinances or regulations pertaining to air pollution control and air quality maintenance and initiate prosecutions for the violations thereof.
- B. Investigate complaints of air pollution and air quality maintenance, and make inspections and observations of

air pollution conditions within the City.

- C. Hold hearings related to any aspects of, or matters in the administration of this Ordinance.
- D. Issue such orders as may be necessary to implement the purposes of this Ordinance, including but not limited to orders of abatement, stop work orders, and sealing orders. If deemed necessary, can order the facility to set up monitoring and testing at specific locations and enforce the same by all appropriate administrative and judicial proceedings.
- E. Secure necessary scientific, technical, administrative, and operational supplies, materials, equipment and/or services, by contract or otherwise.
- F. Prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution.
- G. Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this Ordinance.
- H. Encourage and conduct studies, investigations and research, relating to air pollution and its prevention, abatement, and control.
- I. Collect and disseminate information and conduct educational and training programs relating to air pollution.
- J. Advise, consult, and cooperate with other local governmental units, agencies of the state, industries, interstate or regional agencies, and the federal government, and with interested persons and groups.

Appoint such engineers, specialists, technicians, inspectors, stenographers, clerks, and other employees that shall be necessary to perform the duties of The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations.

- K. Such appointments shall be made in accordance with the provisions of the Charter and Ordinances of the City.
- L. Accept, receive, and administer grants or other funds or gifts from public and private agencies.
- M. Designate testing methods when a particular method is not specified by this Ordinance from among standards of widely recognized methods, including but not limited to methods of the ASTM, ASME, United States Environmental Protection Agency, and any recognized professional publications.
- N. Take all possible action to secure a high standard of air quality throughout the entire St. Louis Metropolitan area which action may include promotion of the passage and enforcement of air pollution control laws in other political subdivisions.

Whenever The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may find that sufficient progress is not being made toward abatement or control of a significant source or sources of air pollution located within that portion of the Air Quality Control Region, with the approval of the Director of Health and the Mayor, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, shall institute efforts to persuade the Governor of the State of Missouri, or the Missouri Air Conservation Commission, to register a formal complaint with the appropriate federal agency as provided by the laws of the United States.

- O. Have a duty with the approval of the Mayor, to initiate or intervene in proceedings before the Missouri Air Conservation Commission, in order to attain standards of air pollution control throughout the Missouri portion of the Air Quality Control Region, which shall be as comprehensive and as restrictive as those created by this Ordinance.

Unless specifically prohibited by law, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may designate department representatives to carry out any or all of these powers and duties.

- P. The Department of Health is encouraged and authorized to carry out these powers and duties of the ordinance set forth herein with the County of St. Louis

SECTION EIGHT: Administrative Hearings.

- A. Any recipient of a notice of violation (NOV) may contest that there was a violation of the code or that he or she is the responsible party by completing a Request for Administrative Hearing petition and returning it to the Department of Health, Air Pollution Control Division, along with a non-refundable filing fee established by Section Twenty-Five of this Ordinance, within thirty (30) days from the date of violation.
- B.
 1. A Request for Administrative Hearing petition may be obtained from the Department of Health, Air Pollution Control.
 2. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) working days prior to the date of the hearing.
 3. If the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health or the submits an additional written report concerning the violation to the hearing officer for consideration at the hearing, then a copy of the this report shall also be served on the person requesting the hearing at least five (5) working days prior to the date of the hearing.

1. The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, shall act as the hearing officer for the administrative hearing.

2. The administrative hearing shall be set for a date that is not less than fifteen (15) calendar days and not more than ninety (90) calendar days from the date that the request for hearing is filed in accordance with the provisions of this ordinance.

- 3. At the hearing, the party contesting the violation shall be given the opportunity to testify and to present evidence concerning the violation.
- 4. The failure of any recipient of a violation to appear at the administrative hearing shall constitute failure to exhaust their administrative remedies.
- 5. The notice of violation and related documentation in the proper form, or a copy thereof, shall be prima facie evidence of the violation. The Air Pollution Control representative who issued the notice of violation need not be present.
- 6. The hearing officer may continue the hearing and request additional information from the Air Pollution Control representative or the recipient of the violation prior to issuing a written decision.
- C.
 1. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall

issue a written decision to uphold or cancel the violation and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final.

2. If the hearing officer determines that the violation should be upheld, the hearing officer shall set forth in the decision a payment schedule for the fine.
 3. If the hearing officer determines that the violation should be canceled and the fine was deposited with the city, then the city shall promptly refund the amount of the deposited fine.
 4. The recipient of the violation shall be served with a copy of the hearing officer's written decision.
- E. Any final decision or disposition of a violation by a hearing officer shall constitute a final determination for purposes of judicial review, subject to review under chapter 536, RSMo. After expiration of the judicial review period under chapter 536, RSMo, unless stayed by a court of competent jurisdiction, the administrative tribunal's decisions, findings, rules, and orders may be enforced in the same manner as judgment entered by a court of competent jurisdiction. Upon being recorded in the manner required by state law or the Uniform Commercial Code, a lien may be imposed on the real or personal property of any defendant entering a plea of nolo contendere, pleading guilty to, or found guilty of a violation in the amount of any debt due the city under this section and enforced in the same manner as a judgment lien under a judgment of a court of competent jurisdiction.

SECTION NINE: Variances.

A. Any person or organization who owns or is in control of any plant, building, structure, process, or equipment may submit a petition to The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, for a variance from this Ordinance governing the quality, nature, duration or extent of discharges of air pollutants. The petition shall be accompanied by a fee of two-hundred (\$200) dollars and shall include the following information:

1. The name, address, and telephone number of the petitioner, or other person authorized to receive service of notices;
2. The type of business or activity involved in the application and the street address at which it is conducted;
3. A complete comprehensive description of the article, machine, equipment or other contrivance, or process involved in the application and the emissions occurring therefrom;
4. A petition signed by the petitioner or by some person on the petitioner's behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign;
5. The Section, rule or order from which a variance is sought;
6. The facts showing why compliance with the Section, rule or order is unreasonable;
7. For what period of time the variance is sought and why;
8. The damage or harm resulting or which would result to petitioner from compliance with such Section, rule or order;
9. The requirements which petitioner can meet and the date when petitioner can comply with such requirements including the emissions which will result;
10. The advantages and disadvantages to the residents of the city resulting from requiring compliance or resulting from granting a variance;

11. Whether operations under such variance, if granted, would constitute a nuisance as defined in Section Thirteen of this Ordinance;
12. Whether any case involving the same identical equipment or process is pending in any court, civil or criminal;
13. Whether the subject equipment or process is covered by a permit issued by the Commissioner and or his or her designee; and
14. Such other information and data required by rule or regulation of the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health enacted in conformity with the terms, conditions, and limitations of this Ordinance.

B. The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, shall promptly investigate such petition.

C. The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may grant such variance if he/she finds that:

1. The emission occurring or proposed to occur, does not constitute a hazard to public health or safety; and
2. Compliance with the terms and limitations of this Ordinance from which variance is sought would result in an arbitrary and unreasonable taking of property, or in the practical closing and eliminating of any lawful business, occupation or activity, in either case without sufficient corresponding benefit or advantage to the people.

D. No variance shall be granted pursuant to this Section except after public hearing on due notice and until the Commissioner has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

1. Notification will be given to the Missouri Department of Natural Resources Air Pollution Control as required by RSMO 643.140 - of any variance granted by the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health will include copies of all relevant materials. The Missouri Air Pollution Control has thirty (30) days from receipt of said notice to approve or disapprove of the variance or take other action as granted by the Missouri Air Conservation Law. In no case will the variance take effect without the approval of the Missouri Air Pollution Control.
2. No violation of City Ordinance or State Regulation will be allowed to continue during an appeal from the requirements of that Ordinance or Regulation.

E. Variances may be granted for such period of time and under such terms and conditions as shall be specified by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations.

Variances may be reviewed by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air

Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, upon application made at least sixty (60) days prior to the expiration of the term. Renewal application shall be considered in the same manner as the initial petition for variance was considered by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations.

F. A variance or renewal thereof shall not be a vested right of the applicant or holder thereof.

G. Such a variance may require gradual decrease of the emission during the variance period and the making of periodic reports of the improvement program and on compliance with the terms and conditions attached to the variance, and such a variance may be revoked or modified for failure to comply with the terms and conditions attached thereto, or with any improvement program, or for failure to make a periodic report, if such is required.

SECTION TEN: The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, approve Construction and Alteration Plans as well as occupancy and demolition applications.

The Building Commissioner shall not issue a permit for the demolition, construction, reconstruction, alteration, or occupancy of any building, structure, or business, unless the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health has been given opportunity to review applications to which this Ordinance might apply, and has given approval.

SECTION ELEVEN: Source-Specific Emergency Procedures.

Notwithstanding the provisions of this Ordinance, or any other provisions of law to the contrary, and without necessity of prior administrative procedures or hearings, or at any time during such proceedings, if The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, after investigation, is of the opinion that any person is discharging or causing to be discharged into the atmosphere any air contaminant, and if The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, determines that the discharge under the atmospheric conditions then prevailing, creates a hazardous emergency which requires immediate action to prevent serious damage to the public health, safety or welfare, and that it therefore appears to be prejudicial to the interests of the people of the City to delay action, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, with the written approval of the Mayor, shall order the person responsible for the emission, in writing, to discontinue immediately the discharge of the contaminants into the atmosphere, whereupon the person shall immediately discontinue the discharge.

In the event that there is a failure to comply with The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code

of State Regulations, order, then all affected departments of the City government shall take immediate action necessary to protect and preserve the health, safety and welfare of the public. The City Counselor shall be empowered to immediately seek in the Circuit Court or U. S District Court equitable relief to immediately halt the further emission of the air contaminants.

SECTION TWELVE: Asbestos:

- A. Asbestos Definitions - For purposes of this SECTION the following words and definitions shall apply.
1. Adequately wet - Sufficiently mix or penetrate with liquid to prevent the release of particles. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.
 2. Air Pollution Control (APC) – Air Pollution Control
 3. Air sampling technician – An individual who has been trained by an air sampling professional to do air monitoring. That individual conducts air monitoring of an asbestos abatement project before, during and after the project has been completed.
 4. Asbestos – The asbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite and actinolite.
 5. Asbestos abatement – The encapsulation, enclosure or removal of asbestos-containing materials, in or from a building, or air contaminant source; or preparation of friable asbestos-containing material prior to demolition.
 6. Asbestos abatement contractor – Any person, registered with the Missouri Department of Natural Resources (MODNR), who by agreement, contractual or otherwise, conducts asbestos abatement projects at a location other than his/her own place of business.
 7. Asbestos abatement project - An activity undertaken to encapsulate, enclose, or remove 10 square ft and/or 16 linear ft or more of friable asbestos containing materials from buildings and other air contaminant sources containing 10 square ft and/or 16 linear ft or more.
 8. Asbestos abatement supervisor – An individual, certified by MODNR, who directs, controls or supervises others in asbestos abatement projects.
 9. Asbestos-containing material (ACM) – Any material or product which contains more than one percent (1%) asbestos, by weight.
 10. Asbestos project - An activity undertaken to remove or encapsulate 160 square ft and/or 260 linear ft or more of friable asbestos containing materials or demolition of any structure or building or a part of it containing the previously mentioned quantities of asbestos-containing materials.
 11. Asbestos removal project – An asbestos abatement project consisting of activities that involve, and are required, to take out friable asbestos-containing materials from any facility. This definition includes, but is not limited to, activities associated with the cleanup of loose friable asbestos-containing debris or refuse, or both, from floors and other surfaces.
 12. Building – Any structure excluding single-family, owner-occupied dwellings, and vacant public or privately owned residential structures of four (4) dwelling units or less being demolished for the sole purpose of public health, safety or welfare. Excluded structures must be geographically dispersed, demolished pursuant to a public safety determination, and must pose a threat to public safety.
 13. Category I non-friable asbestos-containing material (ACM) - Asbestos-containing packing, gaskets, resilient floor covering, and asphalt roofing products containing more than 1% asbestos by weight.

14. Category II non-friable ACM - Any material, excluding Category I non-friable ACM, containing more than 1% asbestos by weight, that when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.
15. Commercial or public project - The demolition of one or more houses as part of an urban renewal project, a highway construction project, or a project to develop a shopping mall, industrial facility, or other private development.
16. Containment – The area where an asbestos abatement project is conducted. The area must be enclosed either by a glove bag or plastic sheeting barriers.
17. Demolition - The wrecking, razing, burning or removing of any load-supporting structural member or portion of a structure together with any related handling operation.
18. Emergency asbestos abatement project – An asbestos abatement project that must be undertaken immediately to prevent imminent severe human exposure or to restore essential facility operation.
19. Facility - Any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding individual residential buildings having four or fewer dwelling units that do not meet the requirement of an installation and are not part of a commercial or public project); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this Section is not excluded, regardless of its current use or function.
20. Friable ACM - Any material containing more than 1% asbestos by weight, that when dry can be crumbled, pulverized, or reduced to powder by hand pressure.
21. Glove Bag – A manufactured or fabricated device, typically constructed of six (6) mil transparent polyethylene or polyvinyl chloride plastic. This device consists of two (2) inward projecting long sleeves, an internal tool pouch and an attached, labeled receptacle for asbestos waste. The bags are especially designed to contain sections of pipe for the purpose of removing a short length of damaged asbestos containing material without releasing fibers into the air.
22. Installation - Any building or structure or multiple (more than one) buildings or structures at a single demolition or renovation site under the control of the same owner or operator (or owner or operator under common control) that is demolished or renovated within a 12-month period.
23. Inspector – An individual, under AHERA, who collects and assimilates information used to determine whether asbestos-containing material is present in a building or other air contaminant sources.
24. Leak-tight - Solids or liquids cannot escape or spill out. It also means dust-tight.
25. Non-friable ACM - Any material containing more than 1% asbestos that when dry, cannot be crumpled, pulverized, or reduced to powder by hand pressure.
26. Owner or operator of a demolition or renovation activity - Any person, who owns, leases, operates, controls, or supervises the a facility being demolished or renovated, or any person who owns, leases, operates, controls, or supervises the a demolition or renovation operation, or both.
27. Regulated asbestos-containing material (RACM) - (a) friable asbestos containing material; (b) category I non-friable ACM that has become friable; © category I non-friable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading; or (d) Category II non-friable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this rule.

28. Site - A site is generally expected to be a city block.
- B. Application - This Rule shall apply to:
1. All persons that authorize, design, conduct and work in asbestos abatement projects and asbestos removal projects;
 2. All persons that monitor air-borne asbestos or dispose of asbestos waste as a result of asbestos abatement projects;
 3. All persons who inspect buildings to determine the presence or absence of ACM;
 4. All owners or operators of a demolition or renovation activity; and
 5. Business entities that qualify for exemption status are not subject to the notification requirements for asbestos abatement projects of a size less than 160 square feet, 260 linear feet, or 35 cubic feet. These business entities are exempt from post-notification requirements, but shall keep records of waste disposal for department inspection.
- C. Asbestos Abatement Procedures and Practices
1. All asbestos abatement contractors prior to engaging in asbestos abatement projects and asbestos removal projects shall:
 - a. Use only those individuals that have been certified or trained in accordance with sections 643.225 to 643.250 of the Revised Statutes of Missouri, and
 - b. Comply with Asbestos, NESHAP, and AHERA rules in (Code of Federal Regulations) 29 CFR 1926.1101, 40 CFR Part 61, and 40 CFR Part 763; the standards for worker protection promulgated by the United States Occupational Safety and Health Administration (OSHA) in 29 CFR 1910.1001, 1910.1200, and 1926.58; the provisions of section 643.225 to 643.250, RSMO (as amended); the Ordinance of the City; rules and regulations and orders of the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health by and for the implementation of this Ordinance.
 2. At each asbestos abatement project and asbestos removal project site, the person shall provide the following information for inspection by APC:
 - a. Proof of current departmental registration;
 - b. Proof of current departmental occupational certification for those individuals on the project;
 - c. Most recent available air sampling results;
 - d. Current photo identification for all applicable individuals engaged in the project; and
 - e. Proof of passage of the training course for the air sampling technicians and photo identifications for air sampling technicians.
- D. Notification Requirements
- 1a. Any person undertaking a demolition project shall submit a notification to APC for review at least ten (10) working days prior to the start of the project.
 - 1b. Any person undertaking an asbestos abatement project or asbestos removal project shall submit a notification to APC for review at least ten (10) working days prior to the start of the project. Business entities with state-approved exemption status are exempt from notification except for those projects

for which notification is required by the EPA's National Emission Standard for Hazardous Air Pollutants (NESHAP). APC may waive the ten (10) working day review period upon request for good cause. To apply for this waiver, the person shall complete the appropriate sections of the notification form provided by APC. The person who applies for the ten (10) working day waiver must obtain approval from APC before the project can begin.

2. The person shall submit the notification form provided by APC.
3. If an amendment to the abatement project notification is necessary, the person shall notify APC immediately by telephone or fax. APC must receive the written amendment within five (5) working days following the verbal or fax agreement.
4. Asbestos abatement project notifications shall state actual dates and times of the project, the on-site asbestos abatement supervisor and a description of work practices. If the person must revise the dates and times of the project, the person shall notify our office at least twenty-four (24) hours in advance of the change by telephone or fax and then immediately follow-up with a written amendment stating the change. APC must receive the written amendment within five (5) working days of the phone or fax message.
5. An inspector shall thoroughly inspect the facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II non-friable ACM. This includes garages and add-on structures.
6. A representative number of samples must be taken of all suspect ACM before you an inspector can report state "no ACM present". All sampling should be done in accordance with AHERA requirements. If the facility contains no RACM or the facility contains RACM, but in an amount less than 10 square feet and/or 16 linear feet, a demolition/renovation notification form must be submitted to APC with the Building Division demolition application ten working days prior to demolition. APC will approve the demolition after verification.
7. A complete inspection report, including samples and results, must be submitted to APC.
 - a. If the inspection determines that there are amounts of RACM in excess of 10 square feet and/or 16 linear feet, but less than 160 square feet, 260 linear feet, and/or 35 cubic feet, an asbestos abatement contractor must submit a notification to APC ten (10) working days prior to the date asbestos abatement activity is scheduled to begin.
 - b. If the inspection determines that there are amounts of RACM equal to or in excess of 160 square feet, 260 linear feet, and/or 35 cubic feet, an asbestos abatement contractor must submit a notification to APC, along with the applicable notification fee, ten (10) working days prior to the date asbestos abatement activity is scheduled to begin.
 - c. Work practices and procedures must be fully described, including but not limited to the methods of removal and containment.
 - d. Asbestos abatement contractors shall not begin any asbestos abatement activity without an approval letter from APC. When notification is approved, the asbestos abatement contractor must remove all RACM from the facility in accordance with the notification and asbestos rules and regulations.
 - e. If the structure will be demolished following asbestos abatement, a completion letter or post-notification must be submitted to APC prior to receiving a demolition sign-off from APC. (A COMPLETION LETTER IS NOT A POST-NOTIFICATION). A post-notification must still be submitted within 60 days of project completion.
8. If the facilities meet the definition of an installation and/or a commercial or public project, notifications may be submitted in groups by city block when the structures combined contain RACM

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

9. Only a certified asbestos inspector can deem a structure unsafe to enter. If it is unsafe to make an inspection prior to demolition, and the facility's regulated asbestos content cannot be determined, the presence of asbestos must be assumed unless sampling proves to be negative. If the asbestos abatement contractor wants to segregate ACM from general debris, an inspector must be on site until the structure has been made safe enough to conduct a thorough inspection. An asbestos abatement supervisor must be on site during the demolition and proof of hire must be submitted with the demolition notification.
10. If the facility is being demolished under an order of a state or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse, submit a notification shall be submitted to APC as early as possible before, but not later than the following work day after demolition has begun. The name, title, and authority of the state or local government representative who has ordered the demolition, the date that the order was issued, and the date on which the demolition was ordered to begin shall be attached to the notification. APC will sign-off on the demolition notification when all notification requirements have been satisfied. An inspector must be on site during the demolition to observe for suspect materials that were not accessible in collapsed or unsafe buildings. An asbestos abatement supervisor must be on site at all times and proof of hire must be submitted with notification. Destructive sampling should be conducted in areas such as pipe chases. All interior spaces should be inspected.

E. Emergency Project

Any person undertaking an emergency asbestos abatement project shall notify APC by telephone and must receive approval of emergency status. The person must notify APC within twenty-four (24) hours of the onset of the emergency. Business entities with state-approved exemption status are exempt from emergency notification for state-approved projects that are part of a NESHAPS planned renovation annual notification. If the emergency occurs after normal working hours or weekend, the person shall contact APC on the following work day. The notice shall provide:

1. A description of the nature and scope of the emergency;
2. A description of the measures immediately used to mitigate the emergency; and
3. A schedule for removal. Following the emergency notice, the person shall provide APC a notification on the form provided by APC and the person shall submit it within seven (7) days of the onset of the emergency. The amendment requirements for notification found in subsection D, 3 and 4 of this section are applicable to emergency projects.

F. Procedures for Asbestos Emission Control

Each owner or operator of a demolition or renovation that contains regulated asbestos in excess of 10 square feet and/or 16 linear feet shall comply with the following procedures:

1. Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal. RACM does not have to be removed before demolition if:
 - a. It is Category I non-friable ACM that is not in poor condition and is not friable.
 - b. It is a facility component that is encased in concrete or other similarly hard material and is adequately wet whenever exposed during demolition.
 - c. It is not accessible for testing and was, therefore, not discovered until after demolition began

- and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be treated as asbestos-containing waste material and remain adequately wet at all times until disposed of.
- d. It is Category II non-friable asbestos containing material and the probability is low that the materials will become crumbled, pulverized, or reduced to powder during demolition.
2. When a facility component that contains, is covered with, or is coated with RACM is being taken out of the facility as a unit or in sections:
 - a. Adequately wet all RACM exposed during cutting or disjoining operations.
 - b. Carefully lower each unit or section to the floor and to ground level, not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.
 3. When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation.
 - a. In renovation operations, wetting is not required if a local exhaust ventilation and collection system is used, a glove-bag system is used, or a leak-tight wrapping system is used.
 4. After a facility component covered with, coated with, or containing RACM has been taken out of the facility as a unit or in sections, it shall be contained in leak-tight wrapping.
 5. For large facility components such as reactor vessels, large tanks, and steam generators, the RACM is not required to be stripped if the following requirements are met:
 - a. The component is removed, transported, stored, disposed of, or reused without disturbing or damaging the RACM;
 - b. The component is encased in a leak-tight wrapping; and
 - c. The leak tight wrapping is labeled during all loading and unloading operations and during storage.
 6. For all RACM, including material that has been removed or stripped:
 - a. Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal.
 - b. Carefully lower the material to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material.
 - c. Transport the material to the ground via leak-tight chutes or containers if it has been removed or stripped more than 50 feet above ground level and was not removed as units or in sections.
 7. Third party continuous monitoring is required during removal of all ACM if the building is occupied. (Monitoring is not required for demolitions). Final air clearance is required after ACM removal if the building is occupied or will be occupied at a later date. (Final air clearance is not required for demolitions).
 8. The person who conducts the demolition of unsafe buildings or parts of buildings containing asbestos may proceed with the demolition until it is safe for the asbestos abatement contractor to take representative samples of debris. It must be assumed that the debris contains regulated asbestos unless it can be proven through sampling that the debris or parts of the debris have asbestos content of 1%

by weight or less. If parts of the debris contain 1% or less, and other parts contain greater than 1%, and the various debris can be safely separated, then only those area of debris which contain greater than 1% regulated asbestos must be specially handled. The following procedures on those portions of the buildings that pose imminent danger to public health or safety, or both, may be used:

- a. The person shall ensure that the debris is wet at all times and stays wet until disposed. The person shall ensure that the project activities generate no visible emissions.
 - b. The person shall ensure that on site at all times during the demolition is an individual who is trained in asbestos removal techniques and who is certified as an asbestos abatement supervisor.
9. For emergency demolitions being conducted under an order of a state or local government agency:
- a. Adequately wet the portion of the facility that contains RACM during the wrecking operation.
 - b. In all such cases where there is uncertainty as to the regulated asbestos in the facility, it should be assumed that it contains regulated asbestos until such time that representative samples can be taken of the debris to ascertain if greater than 1% regulated asbestos content is present.
 - c. An asbestos abatement supervisor must be on site at all times.

G. Post Notification

1. Any person undertaking an asbestos abatement project or asbestos removal project that requires notification according to subsection D of this section shall, on the APC provided form, notify APC within sixty (60) days of the completion of the project. This notice shall include a signed and dated receipt for the asbestos waste generated by the project issued by the landfill named on the notification. This notice shall include any final clearance air monitoring results. The air sampling technician performing the analysis shall sign and date all reports of analysis.
2. Business entities that qualify for exemption status are exempt from post-notification requirement, but shall keep records of waste disposal for department inspection.

SECTION THIRTEEN: Air Pollution Nuisance Prohibited.

The emission or escape into the ambient (outside) air within the City from any source or sources whatsoever of smoke, ashes, dust, soot, cinders, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or elements in such amounts as are detrimental to, or endanger the health, comfort, safety, welfare, property, or the normal conduct of business shall constitute a public nuisance, and it is considered unlawful for any person to cause, permit, or maintain any such public nuisance. The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may give additional consideration to the presence of emissions that cause severe annoyance or discomfort, or are offensive and objectionable to a significant number of citizens as determined by the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health.

SECTION FOURTEEN: Motor Vehicle Idling Prohibited.

- A. No person shall cause or permit the engine of a motor vehicle to operate in idle for longer than five (5) minutes in any hour while parking, standing or stopped as defined by St. Louis City Revised Code Title 17, Vehicles and Traffic. When ambient temperatures are below thirty-two (32) degrees Fahrenheit, a motor vehicle may not operate in idle for longer than ten (10) minutes in any hour.

B. Exceptions

1. Emergency vehicles.
2. Vehicles transporting disabled or special needs persons.
3. Vehicles that provide power for auxiliary purposes.
4. When operators of a motor vehicle are forced to remain motionless because of traffic or adverse weather conditions affecting the safe operation of the vehicle.
5. Vehicles that are being repaired or undergoing diagnostics tests.
6. Vehicles engaged in the delivery of goods, wares, or merchandise.

C. Enforcement

Section Fourteen, Subsection A of this ordinance and Ordinance 68137 shall be enforced by a police officer or any law enforcement officer who is authorized to enforce traffic laws as a non-moving violation.

D. Penalty for violation

Any person who violates the provisions in Section Fourteen, Subsection A of this ordinance and Section Two, Subsection D of Ordinance 68137 shall be subject to a fine as established by Section Four of Ordinance 68137.

SECTION FIFTEEN: Restrictions of Emission of Visible Air Contaminants.

- A. Test Method - Visible Emissions shall be determined in accordance with 40 CFR, Part 60, Appendix A - Reference Methods, "Method 9 - Visual Determination of the Opacity of Emissions from Stationary Sources." Any facility required to use this test method to demonstrate compliance shall utilize a Qualified Observer of Visible Opacity (QOVO) certified according to the requirements in 40 CFR Part 60 Appendix A. The QOVO may be an employee of the facility or a contractor/consultant. Alternatively, a facility may use a continuous emissions monitoring system (CEMS) to demonstrate compliance with opacity limits if approved by the Commissioner and required by air pollution control regulations or permits. The CEMS must be operated and tested for accuracy in accordance with good engineering practices and any regulatory or permit requirements.
- B. Restrictions Applicable to All Facilities.
- C. No person shall discharge into the atmosphere from any source of emission whatsoever any air contaminant greater than 20% visible opacity as determined by Test Method described in subsection A, for a period in excess of six (6) minutes in any consecutive sixty (60) minute period.
- D. Any emissions from portable, stationary, or motor vehicle sources in excess of 40% opacity, regardless of length of time, are considered excessive emissions.
- E. Exceptions to Subsection B of this Section of this Ordinance.
 1. Visible emissions from a fire set by or under the supervision of a public officer to prevent or abate a fire hazard.
 2. Visible emissions from a fire set for the purpose of instructing persons in fire fighting techniques, as long as the requirements of Article 3, of the BOCA National Fire Code for Open Burning are adhered to.
 3. Visible emissions (smoke) generated for the purpose of instructing persons in the proper method for determining the opacity of those emissions.

4. Visible emissions (smoke) emitted by equipment being operated for the control of insects.
5. Visible emissions from residential, organizational, institutional, or commercially operated food preparation is exempt from the opacity requirements of this Section and may only be addressed for enforcement as a nuisance under Section 13.
6. Visible emissions from recreational fires, and fires in proper containers for occupational warmth using only untreated wood, charcoal, propane or natural gas as fuel, will be exempt from complying with the opacity limitations of this Section as long as the requirements of The Fire Code, as amended, are adhered to.
7. Special Case Exceptions allowing visible emissions in excess of those allowed in this Section may be granted by the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health upon written request, given the determination that the emissions will not substantially affect the ambient air quality and are in the best interest of public health or welfare.
8. Public fireworks displays as permitted by the local authority.
9. When the presence of uncombined water is the only cause for an emission exceeding the requirements of this Section.
10. The start-up of internal combustion engines.
11. Natural gas fired boilers rated less than 10MMBtu/hr or subject to 10CSR10-6.070 New Source Performance Standards.
12. Internal combustion engines used for electric generator sets, used only for emergency services, provided that the maximum annual operating hours shall not exceed five hundred (500) hours. Emergency generators are exempt only if their sole function is to provide back-up power when electric power from the local utility is interrupted. This exemption only applies if the emergency generators are operated only during emergency situations and for short periods of time to perform maintenance and operational readiness testing.

SECTION SIXTEEN: Open Burning Restrictions.

- A. No person shall cause, suffer, allow or permit the open burning of refuse.
- B. No person shall conduct, cause or permit the conduct of a salvage operation by open burning.
- C. No person shall conduct, cause or permit the disposal of trade waste by open burning.
- D. No person shall cause or permit the open burning of leaves, trees or the byproducts therefrom, grass, or other vegetation.
- E. It shall be prima-facie evidence that the person who owns or controls property on which open burning occurs, has caused or permitted said open burning.

SECTION SEVENTEEN: Incinerators.

- A. A. Definitions specific to this Section.

Definitions for key words used in this Subsection may be found in Section Six of this Ordinance and State Rule 10 CSR 10-6.020, as amended. Additional definitions specific to this section are as follows.

1. Ambient Air: All space outside of buildings, stacks or exterior ducts.
2. Batch Incinerator: Is an incinerator designed that neither waste charging nor ash removal can occur during combustion.

Best Available Control Technology (BACT): An emission limitation, including a visible emissions limit, based on the maximum degree of reduction for each pollutant which would be emitted from any proposed installation or major modification which the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such installation or major modification through application of production processes or available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of the pollutant. In no event shall application of best available control technology result in emission of any pollutant which would exceed the emissions allowed by any applicable emission control regulation, including new source performance standards established in 40 CFR Part 60 and National Emissions Standards for Hazardous Pollutants established in 40 CFR Part 61. The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, determines that technological or economic limitations on the application of measurement methodology to a particular source operation would make the imposition of an emission limitation infeasible, a design, equipment, work practice, or operational standard, or combination thereof, may be prescribed instead to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

3. Combustion Chamber: The discrete equipment, chamber or space of an incinerator in which the products of pyrolysis are combusted in the presence of excess air so that carbon is burned to carbon dioxide. Combustion chamber does not include breaching or stacks of the incinerator.
4. Human or Animal Crematory: An apparatus of multi-chamber design for the sole purpose of cremating human or animal remains.
5. Incinerator: Any article, machine, equipment, contrivance, structure or part of a structure used to burn refuse or to process refuse material by burning other than by open burning.
6. Maximum Refuse Burning Capacity: Is the sum of the Refuse Burning Capacities of all the incinerator units at the facility subject to this Subsection.
7. Multiple Chamber Incinerator: Any incinerator consisting of three or more refractory-lined combustion furnaces in series, physically separated by refractory walls, interconnected by passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned, the refractories have a pyrometric cone equivalent of 31, tested according to the method described in the ASTM Method C-24-56, or other method approved by the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health.
8. PPMV: Is the abbreviation for parts per million by volume (dry) corrected to seven (7%) percent oxygen.
9. Refuse Burning Capacity: Is the manufacturer's or designer's refuse heat input rate in British Thermal Units (BTUs) per hour.
10. Secondary Combustion Chamber: Means the discrete equipment component chamber or space, in which the products of pyrolysis are combusted in the presence of excess air, so that essentially all carbon is combusted and emitted as carbon dioxide. This component does not include breaches or stacks.
11. Smoke: Small gas-borne particles resulting from combustion, consisting of carbon, ash and other material.

B. NSPS and State Regulations

1. Any incinerator governed under State Rule 10 CSR 10-6.070 New Source Performance Regulations, as amended, shall be required to meet the regulatory standards contained therein, in addition to meeting

standards within this Section. Where standards may conflict, the most restrictive standard shall be utilized.

- 2. Any incinerator governed specifically under a State Rule, contained in 10 CSR 10 Chapters 5 and 6, as amended, shall be required to meet the regulatory standards contained therein, in addition to meeting standards within this Section. Where standards may conflict, the most restrictive standard shall be utilized.

C. Emission restrictions

- 1. General provisions

Design requirements - No incinerator shall be used for the burning of refuse unless such incinerator is a multiple chamber incinerator. The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health may approve any alteration or modification to an existing incinerator if such be found by the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, to be equally effective for the purpose of air pollution control as would result from the operation of a multiple chamber incinerator. All new incinerators shall be multiple chamber incinerators, provided that The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may approve any other kind of incinerator if found in advance of construction or installation that such other kind of incinerator is equally effective for purposes of air pollution control as an approved multiple chamber incinerator. Exception: Human or animal crematories, or surface coating burn-off ovens, are not subject to the Design Requirements provided the owner or operator submits test results showing compliance with the Particulate Limitations set forth in this Section.

Burning Capacity - The burning capacity of individual incinerators shall be the manufacturer’s or designer’s refuse heat input rate (British Thermal Units (BTUs) per hour) or such other rate as may be determined by the in The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, in accordance with good engineering practice. In case of conflict, the findings of The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, shall govern.

- 2. Limitations

No person shall cause or permit emissions from the chimney, stack or vent of any incinerator to exceed limitations established in Table B:

Table B. Limitations

Particulate Limit grains/dscf*	Opacity Limit (%)	Specific Pollutant Limit	Source
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<0.09	<10%	**	new or modified human and animal crematories and surface coating burn-off ovens;
<0.08	<20% or permit level	**	new or modified sewage sludge incinerators;
<0.03	<10%	**	new or modified commercial and industrial waste incinerators;
<0.015	<10%	**	new or modified medical waste incinerators and municipal waste incinerators;
<0.015	<10%	**	new or modified non-specified incinerators;
<0.020	<10%	**	existing incinerators, except as otherwise established by permit

* dscf = Dry Standard Cubic Foot

**A source of a new or modified incinerator shall demonstrate that emissions by hydrogen chloride, mercury, dioxins, and furans are controlled to a level of stringency at least equal to the application of Best Available Control Technology (BACT).

3. Odor Control

All incinerators shall be designed and operated so that all gases, vapors and entrained effluents shall, while passing through the final combustion chamber, be maintained at a temperature adequate to prevent the emission of objectionable odors. The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health may approve alternative method(s) of odor control which are determined equally effective.

D. Performance testing

When required - A performance test may be required on any incinerator, and shall be required for each new incinerator. The initial performance test shall be performed at the expense of the vendor or operator by an independent testing organization or by any other qualified person subject to approval of The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations.

The performance test shall be observed by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations.

1. Test Schedule - Within 30 days after the date of which installation or construction of an incinerator is completed, the installer shall file a request with the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health to schedule a performance test provided in this Section. If the results of the performance test indicate that the incinerator is not operating in compliance with subsection C of this Section, no person may cause or permit further operation of the incinerator, except for additional testing, until approval is received from the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health.
2. Representative sample - Refuse burned in conjunction with the performance test specified in this subsection shall be a representative sample of the refuse normally generated by the operation which the incinerator is intended to serve.

3. Procedure - Emissions shall be measured when the incinerator is operating at ninety-five percent or greater of the burning capacity as defined in subsection C.1.b, of this Section. Testing methods shall be those outlined in 10 CSR 10-6.030, as amended, or in CFR Chapter 40, Part 60 Appendix A, as amended. If performance testing demonstrates that the refuse charge rate must be less than the manufacturer's design charge rate to comply with this Section, then the burning capacity also shall be based on the charge rate required to comply.
4. Compliance - A performance test to determine compliance with the particulate matter and/or opacity requirements specified in subsection C.2. and C.3., of this Section, shall be observed by the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health, of each new incinerator and each existing, modified or rebuilt incinerator.
5. If performance testing demonstrates that the refuse charge rate must be less than the manufacturer's design charge rate to comply with this Section, then the burning capacity also shall be based on the charge rate required to comply.
6. Other performance tests may be required by the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health in order to determine compliance with any part of this Section.

SECTION EIGHTEEN: Preventing Particulate Matter from Becoming Airborne at Any Premises or Any Industrial or Commercial Facility.

- A. No person shall cause or permit any activity in exterior or interior locations, which allows or may allow reasonably preventable amounts of particulate matter to be emitted to the ambient air. Any direct or fugitive emission of visually detectable particulates to the ambient air from any interior or exterior operations at any industrial or commercial facility or any premises, may be considered unreasonable and a violation of this Ordinance if our investigation determines that the emission was preventable.
- B. No person shall cause or permit a building or its appurtenance, or a road, driveway, or an open area to be constructed, used, repaired or demolished, without applying all such reasonable measures as may be required to prevent particulate matter from becoming airborne.

Except for areas whereon motor vehicles are routinely driven, parked or stored, all such reasonable measures shall include, but not be limited to, the application of dust free surfaces; application of effective dust suppressant materials; application of water; planting and maintaining vegetative ground cover, or any other procedure designed for and effective in reducing the airborne particulate matter.

From roadways, driveways, and any area upon which motor vehicles are routinely driven, parked or stored, these measures shall be limited to either:

1. Having the surface paved with concrete, bituminous, or other hard surface which can be swept, flushed, or otherwise cleaned as needed and free of loose material to prevent accumulated particulate matter from becoming airborne or,
2. Having the unpaved surface treated with a solution containing at least forty (40%) percent emulsifiable asphalt and water, or an equally efficient dust suppressant and repeating such treatment as required to maintain reasonable dust control.

Whenever particulate matter escapes from windows, doors, or other openings of a building in such a manner and amount as to violate any provisions of this Ordinance, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may order that the building or buildings in which the processing, handling and storage are done, be tightly closed and ventilated in such a way, that all air and air contaminants leaving the building are treated by effective means for removal of these

air contaminants before discharge to the ambient air. Particulate emissions, resulting from any activity, that have been deposited outside the building in which the activity occurred, shall be removed from the adjacent streets, sidewalks, alleys, parking lots, and other property.

- C. The following activities are exemptions to Subsection A of this Section of this Ordinance.
1. A fire set by or under the supervision of a public officer to prevent or abate a fire hazard.
 2. A fire set for the purpose of instructing persons in fire fighting techniques, as long as the requirements of Article 3, of the BOCA National Fire Code for Open Burning are adhered to.
 3. Instructing persons in the proper method for determining the opacity of emissions.
 4. The operation of equipment for the control of insects.
 5. The preparation of food for residential, organizational, institutional, or commercial use.
 6. Recreational fires and fires in proper containers for occupational warmth using only untreated wood, charcoal, propane or natural gas as fuel.
 7. Public fireworks displays as permitted by the local authority.

SECTION NINETEEN: Abrasive Blasting.

- A. No person shall cause or permit the abrasive blasting of the interior of any building without first submitting an application for a permit to abrasive blast to the Commissioner. Such application shall include the building address and location within the building where such blasting will be done, the date and expected duration of such blasting, and what measures will be taken to ensure particulate matter does not escape from the interior of the building. The application must be submitted at least twenty-one (21) days prior to the planned start of the abrasive blasting activities. Please refer to Subsection D of this Section for special application requirements for abrasive blasting of surfaces contaminated with lead.
- B. No person shall cause or permit the abrasive blasting of the exterior of any building, tank, structure, or part or appurtenance thereof, without first submitting an application for a permit to abrasive blast to the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health. Such application shall include the proposed dates and times when such blasting will be done, the location and description of the surface to be blasted, the reason that abrasive blasting rather than some alternative method of surface preparation is necessary, the method of blasting to be used, the steps that will be taken to limit the amount of particulate matter becoming airborne, and the steps that will be taken to remove resultant particulate matter from adjacent streets, alleys, and property, to prevent it from being re-entrained in the air. The application must be submitted at least twenty-one (21) days prior to the planned start of the abrasive blasting activities. Please refer to Subsection D of this Section for special application requirements for abrasive blasting of surfaces contaminated with lead.
- C. Abrasive blasting may be approved in consideration of the following conditions:
1. Whenever practical, some other method of surface preparation or cleaning, such as steam cleaning, water blasting, or power wire brushing, will be used instead of abrasive blasting;
 2. If abrasive blasting is necessary and whenever possible, the wet blasting method, wherein water from a circular nozzle forms a cone of water spray around the abrasive blast stream, will be used;
 3. If wet blasting is not possible in a particular application, the area to be dry blasted shall be protected so far as is reasonably practical, to limit the amount of particulates becoming airborne and the distance the particulates travel;
 4. Any exterior abrasive blasting in the area of the City between the Mississippi River and Jefferson Avenue, Chouteau Avenue to Cole Street, shall be done at times other than 7:30 to 9:00 A.M., 11:30

A.M. to 1:30 P.M., and 4:00 to 6:00 P.M., Monday through Friday;

5. At the end of each day's operation, all abrasive material and dust resulting from the operations shall be removed from the adjacent streets, sidewalks, alleys, parking lots and other property.

Abrasive blasting of surfaces coated with paints contaminated with lead will not be approved unless it is demonstrated that no other option is feasible and all available control techniques will be employed to prevent emission of lead dust to the ambient air. Any person or organization intending to abrasive blast surfaces contaminated with lead must submit an application for a permit to abrasive blast at least ninety (90) days prior to the intended start of blasting activities. The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, reserves the right to deny any application to abrasive blast any surface contaminated with lead.

SECTION TWENTY: Source Registration Permits Required.

A. Applicability

1. A construction project, which results in an actual emissions increase greater than two hundred (200) pounds per year of any regulated air pollutant, not subject to 10 CSR 10-6.060, as amended, is required to obtain a source registration permit. Once a source is determined to be applicable to this Subsection (20.A.1.), it shall remain subject to this section even if actual emissions drop below the applicability level.
2. All parts washers using a nonaqueous solvent to clean and remove soils from metal parts, and subject to 10 CSR 10-5.300 *Control of Emissions from Solvent Metal Cleaning*, are required to obtain a source registration permit.
3. Abrasive Blasting: All exterior abrasive blasting operations are required to obtain a source registration permit. All interior abrasive blasting operations that are not conducted inside a sealed blast cabinet with filtered exhaust are required to obtain a source registration permit. Blast cabinets and other surface preparation equipment are subject to the actual emissions applicability threshold in Subsection A.1. of this section.
4. A construction project, for which air pollution control measures are not required, may require a source registration permit.
5. No person shall operate any equipment or process that has been idle for 5 years or longer, and would be subject to Section 21. A. of this ordinance if installed new, without obtaining a new source registration permit.
6. Construction must commence on any project within two (2) years of the effective date of a source registration permit issued for the project. If construction on a permitted project does not commence within two (2) years, the permit expires and a new permit application must be submitted.

Notwithstanding any exceptions or exclusions mentioned in this section, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may determine that the requirements of this section apply to any activities that involve the following concerning the emission of any regulated air pollutant:

- a. Any appreciable change in the quality or nature, or

- b. Any increase in the allowable emissions, or
- c. A negative effect on air quality, or
- d. A negative neighborhood impact.

For public safety reasons, any source operation may be deemed by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, to be governed by this Section as an emissions unit, and may be required to obtain a source registration permit.

B. General Requirements

- 1. No construction project shall commence unless preventive measures are applied to limit the emission of regulated air pollutant(s) to levels which do not endanger the ambient air quality, and the health, safety, welfare or enjoyment of life for our citizens.
- 2. Permits shall contain conditions which limit the air pollution from any emissions unit. The conditions shall seek the lowest level consistent with actual operations.
- 3. In cases where conditions are placed into permits which set limits of any kind on the operation of an emissions unit, appropriate monitoring and record keeping requirements shall also be placed into the permit to allow verification of compliance.
- 4. Permit applications must be submitted at least thirty (30) days prior to the planned start of construction for any project subject to this Section.

C. Exceptions to Subsection A of this Section

The following emission sources are not required to obtain source registration permits:

- 1. Any combustion equipment using exclusively natural or liquefied petroleum gas or combination of these with a capacity of less than ten (10) million British thermal units (BTUs) per hour heat input, or any other combustion equipment with a capacity of less than one (1) million BTUs per hour heat input.
- 2. Equipment used for any mode of transportation.
- 3. Any equipment used in the preparation of food for direct sale to the public or for personal consumption.
- 4. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only.
- 5. Wood burning stoves and fireplaces in all locations.
- 6. Surface coating operations that are a part of janitorial, building and facility maintenance operations; or non-commercial surface coating operations that occur at hobby shops and residential properties.
- 7. Surface coating operations using exclusively aerosol cans.
- 8. Laboratory equipment used exclusively for chemical and physical analysis or experimentation, except equipment used for controlling radioactive air contaminants.
- 9. Emergency generators installed at residential properties containing four (4) or fewer separate residential units with no commercial activity on site. The generator must serve only a single

residential property including the residences and attached or separate garages, storage buildings and outdoor fixtures on the same property.

D. Excluded Activities

The requirements of this Section do not apply to the following activities:

1. Routine maintenance, parts replacement or relocation of sources of emissions within the same facility; or
2. Changes in a process or process equipment which do not involve installing, constructing or reconstructing a source of emissions or associated air cleaning devices; or
3. Replacement of like-kind emissions units; or
4. A project that does not require a permit for a reason other than the emission of air pollutants that are regulated as Greenhouse Gases by the U.S. Environmental Protection Agency (EPA); or
5. Other similar activities.

SECTION TWENTY-ONE: Right of Inspection, Disclosure, and Submittal of Requested Information.

- A. In the performance of their duties, the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health may enter any premises where they have reason to believe that air contaminants have been or are being emitted, or equipment operations, or processes exist or are being constructed, which they have reason to believe are or will be an air contaminant source, or which are required to be registered as sources of air pollution, or for any facility for which a permit is required.

No person shall refuse entry or access to The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, nor shall any person obstruct, hamper, or interfere with any such inspection.

Should the above right of entry be denied, then The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may present the evidence to the City Counselor and request that the Counselor prosecute said action in Municipal Court or present evidence to the Circuit Attorney for prosecution in Circuit Court Anytime entry is sought using a search warrant The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may involve the aid of the Police Department to gain entry to make such inspection as authorized herein.

Any person responsible for the emission of air contaminants within the City of St. Louis shall when requested by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, supply this office with any requested information in an easily understandable format or on the forms supplied, in any manner or format specifically requested by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State

of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations.

SECTION TWENTY-TWO: Cooperation of Local Governmental Agencies Required.

The assistance and cooperation of the St. Louis Metropolitan Police Department, the Division of Fire and Fire Prevention, the Building Division and all other Municipal Officials shall be available to the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health as required in the performance of their duties.

SECTION TWENTY-THREE: Enforcement.

Whenever The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, determines that any of the terms or conditions of this Ordinance have been or are being violated, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may cause to be instituted any or all of the following enforcement actions.

Upon becoming aware that an emission is occurring from any facility, premises, emissions unit, emission point, or source operation which is greater than permitted by any provision of this Ordinance, the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health may cause to be issued to the person responsible for the emission a "Notice of Excessive Emissions." This notice may be personally served by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, sent by registered or certified mail to the last known address of the responsible person. It shall include a reference to the section of the permit, the Section of the Ordinance, or the Section of the State or Federal Regulation limiting the emissions, the date and time of the excessive emissions, a brief description of the excessive emissions and a request that the person responsible answer the notice within ten (10) working days. The person responsible for the emission shall answer this notice, in writing, setting forth the reasons for the excessive emissions, and the steps that have been taken or will be taken to abate the excessive emissions, and to prevent it from recurring in the future.

In the event the responsible person fails to answer the notice within the prescribed time, or if, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, the reasons set forth for the excessive emissions having occurred, or the steps that have been taken or will be taken to prevent recurrence of the excessive emissions are not adequate, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may cause to be issued a "Notice of Violation" as prescribed herein citing the same date and time in this notice as was previously cited in the "Notice of Excessive Emissions."

As prescribed above, or at any other time that The Commissioner of Health and or his or her designee within the City of St. Louis

Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, becomes aware that any of the provisions of this Ordinance have been or are being violated, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may cause to be issued a "Notice of Violation" to the person responsible for the violation. This notice may be personally served by a representative The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, sent by registered or certified mail to the last known address of the responsible person. This notice shall cite the section of the permit, Section of City Ordinance, or Section of State or Federal Regulation violated, the date and time the violation occurred, and a brief description of the violation. It shall require that the responsible person abate the violation by a date specified in the notice. Within 14 calendar days of the date of abatement specified in the notice, the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health shall re-inspect the premise and/or file to determine compliance with the permit, regulation, or Ordinance, of which this is a part. This re-inspection shall be known as a "NOV Inspection." If no abatement date is specified in the NOV, the responsible person who has received the NOV shall be exempt from the "NOV Inspection" process. If the NOV is not complied with, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, shall have the authority to issue an administrative citation to any person responsible for the violation.

1. Administrative Citation Fine

- a. The administrative citation fine amount for a first violation shall be established under the provisions of this Ordinance in Section Twenty-Five.
- b. The administrative citation fine for repeat violations of the same Ordinance provision and/or state regulation by the same person at the same property within twelve (12) months from the date of the first administrative citation shall be established under the provisions of this Ordinance in Section Twenty-Five.
- c. Any administrative citation fine which is not paid on or before its due date shall be liable for the payment of any applicable late payment charges set forth in the schedule of late payment filing fees.
- d. The fine shall be paid to the city within thirty (30) days from the date of the administrative citation.
- e. Any administrative citation fine paid pursuant to Subsection 3 of this Section shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

In the event the responsible person fails to abate the violation by the date specified, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5

and 6 of Division 10 of Title 10 of the Code of State Regulations, may take other enforcement actions as specified within this Section, citing the same date and time of violation in these other actions that were set forth in the "Notice of Violation."

The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations:

- a. The person is taking all reasonable means available to him to comply with the time limitations and that such compliance is not possible;
 - b. The delay is caused by conditions beyond the jurisdiction and control of such person; and
 - c. The imposition of the time limitation will cause an undue hardship, then the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health may grant such additional extensions of time as determined to be necessary and reasonable to achieve compliance.
- A. In the event that it becomes necessary and is legally proper, the City Counselor is hereby empowered to institute proceedings in the Circuit Court in the name of the City in order to enforce the terms and conditions of this Ordinance.
- C. 1. Upon notice of The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, that work on the installation of a machine, contrivance, equipment, device, process, or operation that may cause the emission of air contaminants, is being conducted without a permit where such a permit is required, or without having been registered where such registration is required, or not in accordance with plans or specifications or data submitted with the application for such permit or such registration, or is contrary to any order of The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, such work shall be immediately stopped. The failure of a facility to possess a valid State Operating Permit may subject the entire facility to be ordered to stop work. The stop work order shall be in writing and shall be served to the person responsible for the premises on which the work is occurring or upon the person doing the work and shall cite the conditions under which the work may be resumed.
2. Any person who shall continue any work in or about such machine, contrivance, device, process, or operation after having been served with a stop order except which work he is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as set forth in Section 27 (Penalty Clause) of this Ordinance.
- D. 1. After any owner, agent, occupant, manager or lessee of any premise containing an emission source has been notified of two or more violations of this Ordinance within any consecutive twelve (12) month period after the effective date of this Ordinance, or at any time the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health has evidence that an emission source is adversely affecting the ambient air quality, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may order such person to appear at a hearing, to be held before the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health not more than ten (10) working days after such order and show cause why the equipment causing such violations and/or adversely affecting the ambient air quality should not be sealed.

2. Upon such hearing, unless the Commissioner of Health and or his or her designee within the City of St. Louis Department of Health finds that circumstances beyond the control of the responsible person(s) has caused the violations and/or affected the ambient air quality, the violating emission source(s) will be sealed. If The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, determines that circumstances beyond the control of the responsible person(s) have caused the problems, then a further investigation by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, will be ordered before any further action is initiated, and the source(s) in question will be allowed to continue normal operation.

3. The person responsible for the violating equipment may appeal such seal order to the Air Pollution Control by requesting an Administrative Hearing

E. It shall be unlawful for any person to break a seal that has been duly affixed by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, unless such breaking is authorized The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations.

SECTION TWENTY-FOUR: Upset Conditions, Breakdowns or Scheduled Maintenance.

A. In the event that there are emissions to the ambient air exceeding any of the limits established by this Ordinance as a direct result of unavoidable upset conditions in the nature of the process, or unavoidable and unforeseeable breakdown of any air pollution equipment or related operating equipment, or as a direct result of shutdown of such equipment for necessary scheduled maintenance, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may withhold enforcement action provided the following requirements are met:

Such excess emissions in the case of unavoidable upset in or breakdown of equipment shall have been reported to the The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, as soon as reasonably possible, but no later than the next business day after the occurrence. In addition, a full report of the incident, as outlined in subsection B of this Section, must be submitted to this The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, within ten (10) working days.

If the excess emissions result from the scheduled maintenance on any component of a production process or associated control equipment during which the process continued operating, a "Notice of Violation" will be issued, unless The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, agreed prior to the maintenance that shutting down the process would be unreasonable. The intention to proceed with on-line maintenance and the possibility of excess emission must be reported to The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, agreed at least forty eight (48) hours in advance. It should be in writing and include the reason that this type of maintenance is necessary. Written approval must be given by The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, agreed before on-line maintenance may begin. If excess emissions occur, the responsible facility person must submit a full report as detailed in subsection B of this Section within ten (10) days.

- B. The person responsible for any excess emission shall submit a full report covering:
1. Name and location of facility;
 2. Name and telephone number of person responsible for the facility;
 3. The identity of the equipment causing the excess emissions;
 4. The time and duration of the period of excess emissions;
 5. The cause of the excess emissions;
 6. The type of air contaminant(s) involved;
 7. A best estimate of the magnitude of the excess emissions expressed in the units of any applicable emission control regulation and the operating data and calculations used in estimating the magnitude;
 8. The measures taken to mitigate the extent and duration of the excess emissions; and
 9. The measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of such situations.

SECTION TWENTY-FIVE: Performance-Based Fee Schedule.

- A. Authorization.

The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, agreed is hereby authorized to collect the following fees based on the costs incurred to provide the services of air pollution control. Said fees are the maximum allowable under this ordinance. Said fees shall be calculated in whole or in part and based on the yearly contractual amount by the Federal and or State funding authority. All references to actual emissions are based upon emissions reported in an annual emissions inventory questionnaire (EIQ) when received by the Missouri Department of Natural Resources for the facility's previous

calendar year of operations. For a new facility, the Commissioner shall determine the potential to emit in lieu of the actual EIQ emissions for any construction project occurring within the first year of operations to use for this fee schedule. Any facility not required to submit an EIQ by 10 CSR 10-6.110 may be considered a de minimis source for the purposes of this section.

B. Definitions.

For the purposes of this section, the following definitions apply:

1. A “subject source” is any source subject to the provisions of Section 21 of this ordinance not otherwise classified below.
2. An “EIQ source” is any source required to file an EIQ per 10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information.
3. A “de minimis source” is a source with actual emissions of regulated pollutants less than the levels listed in Table 1 of 10 CSR 10-6.020 (3)(A).
4. A “minor source” means any source with actual emissions greater than a de minimis source but less than 100 tons per year of criteria pollutants, 10 tons per year of a single hazardous air pollutant (HAP) and 25 tons per year of all HAP combined.
5. A “major source” is any source with emissions greater than a minor source.
6. A “special project” is a construction or modification project at a major source where:
 - a. the project will increase the installation’s potential to emit one or more pollutants that contribute to atmospheric levels of pollution for which the St. Louis Metropolitan Area is classified as non-attainment at rates above the insignificance levels listed in 10 CSR 10-6.061 Construction Permit Exemptions section (3)(A)3.A. Table 1,
 - b. the project will construct or modify equipment that is subject to 10 CSR 10-6.070 New Source Performance Regulations (NSPS),
 - c. the project will construct or modify equipment that is subject to 10 CSR 10-6.075 Maximum Achievable Control Technology Regulations (MACT),
 - d. the project will construct or modify equipment that is subject to 10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants, or
 - e. the project is subject to 10 CSR 10-6.060 Section (7), (8) or (9).
7. An “emissions unit” is any activity, equipment, process or part of an installation that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the Clean Air Act.
8. An “insignificant source” is any emission point with actual emissions below reporting thresholds for the Emission Inventory Questionnaire.
9. An “emission point” is an emissions unit or group of emissions units that will be used to determine the compliance inspection fee.
 - a. For installations required to submit an Emission Inventory Questionnaire, emissions units may be grouped and considered a single emission point for the purposes of determining inspection fees if the group of emissions units, source activities or equipment are reported as a single emission point on the installation’s Emission Inventory Questionnaire (i.e. all emissions are reported in aggregate) AND one or more of the following applies:

- I. the emissions units are connected to a single stack or air pollution control device,
 - ii. the emissions units are sources that are similar in nature and all are contained within, and vented within, a single building (such as groups of process tanks, grinders, flour mills, etc.)
 - iii. the emissions units are fugitive emission sources that are similar in nature and exposed to the ambient air (such as groups of material storage piles, haul roads, liquid storage tanks, etc.)
- b. For installations not required to submit an Emission Inventory Questionnaire, emissions units may be grouped as described in the list above.
 - c. Emissions units that are listed as “emission units without limitations” on an installation’s Intermediate or Part 70 Operating Permit AND are considered insignificant sources shall not be included when determining the number of emission points for the purposes of determining inspection fees.

C. Fees Non-Refundable.

All fees described in this section are non-refundable. Even if the project is cancelled by the facility, it is determined that a permit is not required, or if a permit is denied or issued with undesirable conditions the fees will not be refunded.

D. Fee Descriptions.

1. Asbestos Fees:

- a. Asbestos Abatement Project Notification Fees. Fees for notification of “Asbestos Projects” as defined in Section 12.A of this ordinance. Fee: \$320 per notification of asbestos projects with 160-1,000 square feet or 260-1,500 linear feet. Fee: \$480 per notification of asbestos projects with 1,001-5,000 square feet or 1,501-5,500 linear feet. Fee: \$640 per notification of asbestos projects with >5,000 square feet or 5,500 linear feet.
- b. Asbestos Abatement Project Inspection Fee. A fee for inspection of an “Asbestos Abatement Project” as defined in Section 12.A of this ordinance.

Fee: \$100 per inspection. Regardless of the number of inspections made, The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, may only charge for up to (3) individual, separate inspections of the same “Asbestos Abatement Project.”

2. Vapor Recovery Fees:

- a. Stage II Construction Permit Notifications. Fee: \$1965 per facility, per notification covered by 10 CSR 10-5.220, as amended
- b. Stage II Operating Permit Notifications. Fee: \$300 per emission point (per nozzle and tank) per notification covered by 10 CSR 10-5.220, as amended
- c. Vapor Recovery Notice of Violation (NOV) Fee. Fee: \$300 shall be assessed on each hose, line, pump, equipment and device that is found to be in substandard condition and emitting pollutants.

3. Compliance Inspection Fees:

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

De Minimis Source Inspection Fee:	\$345
Minor Source Inspection Fee:	\$3415
Major Source Inspection Fee:	\$10245
Dry Cleaner Inspection Fee:	\$70 per dry cleaning machine

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

- b. NOV Inspection Fee.

Fee: \$450 for each NOV inspection.

4. Permit and Source Registration Filing and Processing Fees:

- a Abrasive Blasting Source Registration Permit Fee.

Fee: \$300 for each exterior abrasive blasting job site subject to Section 20. A. 3.

- b. Construction Permit Filing Fees.

The fee that shall accompany an application for authority to construct for projects subject to 10 CSR 10-6.060 shall be as follows:

De minimis source	\$1965
Minor source	\$4500
Major Source	\$6550
Major source (special project)	\$16380

If a process is to be installed or altered which has a number of emission points, a separate filing fee shall be paid for each emission point. The Commissioner will make the final decision when separate permit filing fees are necessary, on a case-by-case basis.

- c. Construction Permit Amendment Fees.

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

- I. If the changes result in increased emissions, air quality impact or increment consumption, the fee shall be equivalent to the appropriate construction permit filing fee (Section 26 D.4.b. above) for the equipment that will undergo modification or a change in the method of operation.
- ii. If the changes do not result in increased emissions, air quality impact, or increment consumption, an administrative processing fee of \$1000 must be submitted with the request.

- d. Source Registration Permit Filing Fees.

The fee that shall accompany an application for a Source Registration Permit for projects subject to Section 20 of this ordinance but not subject to 10 CSR 10-6.060 shall be as

follows:

Subject Source Fee	\$300
EIQ Source Fee	\$800

If a process is to be installed or altered which has a number of emission points, a separate fee shall be paid for each emission point. The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, will make the final decision when separate permit filing fees are necessary, on a case-by-case basis.

e. Source Registration Permit Amendment Fees.

Fees for requests to amend a final source registration permit issued under Section 20 of this Ordinance:

- I. If the changes result in increased emissions, air quality impact or increment consumption, the fee shall be equivalent to the appropriate source registration permit filing fee (Section 26 D. 4.d. above) for the equipment that will undergo modification or a change in the method of operation.
- ii. If the changes do not result in increased emissions, air quality impact, or increment consumption, an administrative processing fee of \$150 must be submitted with the request.

f. Permit Penalty Fees.

Any individual or company that has commenced construction of or begun operation of any device, emission unit, or source operation, prior to payment of the normal fee as stated in this Section shall pay a penalty fee as follows:

Subject source	\$300
EIQ source	\$800

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

5. Source Test Oversight Fees:

- a. Filing Fee: \$800 per emission point tested.

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

- b. Review Fee: \$500 per test method performed during the test. Upon submission of the source test report for review, an additional review fee must be submitted.

6. Visible Opacity Certification:

- a. Visible Opacity Certification (Original).

Fee: \$750

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

b. Visible Opacity Re-Certification.

Fee: \$250

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

7. Administrative Fines and Fees:

a. Administrative Citation Fines.

For an administrative citation imposed as a result of the recipient of a Notice of Violation (NOV) not abating the violation, as described in Section Twenty-three of this Ordinance:

First Violation: The administrative citation fine amount for a first violation under the provisions of this ordinance shall be \$25.00. Repeat Violations: The administrative citation fine for repeat violations of the same ordinance provision and/or state regulation by the same person at the same property within twelve (12) months from the date of the first administrative citation shall be \$50.00.

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

Variance Fee: \$200
 Administrative Hearing Fee: \$150
 Record request pursuant to Chapter 610 R.S. MO
 Fee retrieval as allowable under chapter 610 R.S. MO
 Fee: as allowable under Chapter 610 R.S. MO per page copied

c. Late Payment Fees.

All fees incurred based on the provisions of this Ordinance must be submitted to The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, agreed on or before the due date specified on the invoice. Any person, company, installation, or other organization that fails to submit payment in full by the due date shall be subject to the following late fees in addition to the initial fee:

Fee: 5% of original fee if 30-60 days late
 10% of original fee if 61-90 days late
 20% of original fee if more than 90 days late

The expenses incurred in the processing of any type of permit which requires public notice or participation for approval, or the request for a public hearing by a facility under the jurisdiction of The Commissioner of Health and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, will be the responsibility of the applicant. All billings received by The Commissioner of Health

and or his or her designee within the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, agreed for all such expenses will be forwarded to the applicant for payment. Final permit issuance is dependent upon the applicant's payment in full of all expenses incurred.

SECTION TWENTY-SIX: Severability.

The Sections of this Ordinance shall be severable. In the event any Section of this Ordinance is found by a Court of competent jurisdiction to be unconstitutional, the remaining Sections of this Ordinance are valid unless the Court finds the valid Sections of this Ordinance are so essentially and inseparably connected with and so dependent upon the void Section that it cannot presume that the Aldermen would have enacted the valid Sections without the void ones; or unless the Court finds that the valid Sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION TWENTY-SEVEN: Penalty Clause.

Every person convicted of a violation of any Section of this Ordinance shall be punished by a fine of not less than one (\$1) dollar, nor more than five hundred (\$500) dollars, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each day that any violation shall continue, it shall constitute a separate offense.

SECTION TWENTY-EIGHT: Emergency Clause.

The passage of this Ordinance being deemed necessary for the immediate preservation of the public health, safety and welfare is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor.

Approved: June 2, 2010