

1 **BOARD BILL NO. 44 CS INTRODUCED BY: ALDERMAN GREGORY CARTER**

2

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

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

21

22 SECTION ONE: Adoption.

1 The following Ordinances are hereby repealed: Ordinance No. 65442, approved March 18,
2 2002; and Ordinance 65645 approved October 15, 2002; and in lieu thereof the following
3 Ordinance is hereby adopted.

4

5 SECTION TWO: Name

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

8

9 SECTION THREE: Policy Statement.

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

15

16 SECTION FOUR: Statement of Delegated Authority.

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

19 The Commissioner of Health and or his or her designee within the City of St. Louis Department of
20 Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources,
21 Division of Environmental Quality, Air Pollution Control Program, under authority contained within the
22 Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions

1 contained within the State/Local Agreement, may enforce any provision of State Air Conservation
2 Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of
3 the Code of State Regulations.

4
5 SECTION FIVE: Continuation of Existing Actions.

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

16
17 SECTION SIX: Definitions.

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

- 20 1. Abandon- shall mean the cessation of the use of the equipment, machines, devices,
21 articles, contrivances or facility for a period in excess of one year. If this definition runs

- 1 contrary to State Rule 10 CSR 10-6.060, as amended, on permitting decisions affected
2 by that rule, the State Rule will take preference.
- 3 2. Adjoining- contiguous, lying next to, or in contact with.
- 4 3. Adsorption system- A device containing adsorbent material such as: activated carbon,
5 molecular sieves, activated alumina, silica gel; an inlet and outlet for exhaust gases; and
6 a system to regenerate the saturated adsorbent. The adsorption system must provide for
7 the proper disposal or reuse of all VOC adsorbed.
- 8 4. Air Pollution Abatement Operation- Any operation which has as its essential purpose a
9 significant reduction in the emission of air contaminants or the effect of such emission.
- 10 5. Ash- The incombustible solid matter in coal, wood, oil, refuse or other fuel.
- 11 6. BTU- British Thermal Unit(s).
- 12 7. CFR- Code of Federal Regulations.
- 13 8. CSR- Code of State Regulations.
- 14 9. Charge Port- Any opening into any vessel or enclosure through which material is charged
15 into a source operation.
- 16 10. Charge Rate- The weight of material introduced into a source operation per hour.
- 17 11. Charging Operation- The process of introducing materials into a source operation. The
18 material charged can be solid, liquid, or gas or any combination thereof.
- 19 Commissioner- The Commissioner of Health and or his or her designee within the City of St. Louis
20 Department of Health operating as Delegated Agents of the State of Missouri, Department of
21 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority
22 contained within the Air Conservation Law and granted by the Missouri Air Conservation

1 Commission and conditions contained within the State/Local Agreement, may enforce any provision
2 of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of
3 Division 10 of Title 10 of the Code of State Regulations.

4

5 12. Construction Project - The installation or modification of an "Emissions Unit" as defined in
6 10 CSR 10-6.020, as amended at any facility within the City of St. Louis.

7 13. Criteria Pollutants- Those pollutants for which National Ambient Air Quality Standards
8 exist.

9 14. Directly Impinges- As used in this Ordinance shall pertain to an emission directly
10 impacting on adjoining structures not owned or controlled by the source of the emission.

11 15. Dry Basis- The method of reporting coal analysis with moisture eliminated and remaining
12 constituents to be calculated to total one hundred (100%) percent.

13 16. Elevated Terrain- Terrain which exceeds the elevation of the Good Engineering Practice
14 Stack Height.

15 17. Facility- All source operations including activities that result in fugitive emissions, that
16 belong to the same industrial grouping (that have the same two (2)-digit code as
17 described in the Standard Industrial Classification Manual, 1987), and any marine
18 vessels while docked at the facility, located on one (1) or more contiguous or adjacent
19 properties and under the control of the same person (or persons under common control).

20 18. Fly Ash- Particles of ash carried by the products of combustion.

21 Inadequate Dispersion- Shall pertain to the visible plume from any exhaust stack, duct, vent,
22 impinging upon adjoining property in such a manner that it directly affects or has the potential as

1 determined by The Commissioner of Health and or his or her designee within the City of St. Louis
2 Department of Health operating as Delegated Agents of the State of Missouri, Department of
3 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority
4 contained within the Air Conservation Law and granted by the Missouri Air Conservation
5 Commission and conditions contained within the State/Local Agreement, may enforce any provision
6 of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of
7 Division 10 of Title 10 of the Code of State Regulations, to adversely affect the health or well being
8 of individuals on adjoining property.

9 19. Industrial Process- An independent method or grouping of equipment used for
10 manufacturing a product or products.

11 20. Like-Kind Replacement- Replacement of equipment with equipment of the same rating or
12 capacity that does not result in an increase of emissions. This definition only applies to
13 the City of St. Louis Ordinances.

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

17 22. Performance Based Cost- The total direct and indirect resources allocated to provide
18 services within the Commissioner's Office.

19 23. Plume- A sensory detectable column or band of smoke and/or odors.

20 24. Premises- Land, improvements, or the ambient air above such land or improvements.

21 25. Reasonable Means- The rational application of emission control technology or methods
22 of operation to reduce otherwise uncontrolled pollutant emissions to the ambient air.

1 Reasonable Time- A period of time to be determined by The Commissioner of Health and or his or
2 her designee within the City of St. Louis Department of Health operating as Delegated Agents of the
3 State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution
4 Control Program, under authority contained within the Air Conservation Law and granted by the
5 Missouri Air Conservation Commission and conditions contained within the State/Local Agreement,
6 may enforce any provision of State Air Conservation Law so delegated, or specific rules contained
7 within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations after reviewing all
8 pertinent information, which does not cause undue harm to any concerned persons constrained by
9 said time frame.

10 26. Refuse- Any combustible waste material containing carbon in a free or combined state,
11 other than liquids or gases.

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

15 28. Sensory Detectable- The level at which an air contaminant can be perceived by the
16 sense of sight or smell.

17 Significant Number- This shall be a number determined by The Commissioner of Health and or his
18 or her designee within the City of St. Louis Department of Health operating as Delegated Agents of
19 the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air
20 Pollution Control Program, under authority contained within the Air Conservation Law and granted
21 by the Missouri Air Conservation Commission and conditions contained within the State/Local
22 Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules

1 contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, based
2 on a case by case basis of those individuals affected by an alleged violating facility, and taking into
3 consideration such facts as geography, population density, location, and any other relevant data.

4 29. Soil Vapor Extraction (Vacuum Extraction)-An *in situ* remedial technology that reduces
5 concentrations of volatile constituents in petroleum products absorbed into the soil. In
6 this technology, a vacuum is applied through wells near the source of contamination in
7 the soil.

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

12 31. Trade Waste- Solid, liquid, or gaseous material resulting from construction or the
13 prosecution of any business, trade or industry, or any demolition operation including but
14 not limited to wood, plastics, cartons, grease, oil, chemicals and cinders.

15 32. Uncombined Water - The visible condensed water which is not bound, physically or
16 chemically, to any air contaminant.

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

20 34. Vent-Stack-Chimney-Duct- An enclosure containing one or more passageways
21 connected to a source operation or an air pollution abatement operation, for the purpose
22 of removing air contaminants to the ambient air.

1

2 SECTION SEVEN: Powers and Duties.

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

- 11 A. Exercise general supervision over the Air Pollution Control Program, and have charge of
12 the enforcement of all ordinances or regulations pertaining to air pollution control and air
13 quality maintenance and initiate prosecutions for the violations thereof.
- 14 B. Investigate complaints of air pollution and air quality maintenance, and make
15 inspections and observations of air pollution conditions within the City.
- 16 C. Hold hearings related to any aspects of, or matters in the administration of this
17 Ordinance.
- 18 D. Issue such orders as may be necessary to implement the purposes of this Ordinance,
19 including but not limited to orders of abatement, stop work orders, and sealing orders. If
20 deemed necessary, can order the facility to set up monitoring and testing at specific
21 locations and enforce the same by all appropriate administrative and judicial
22 proceedings.

- 1 E. Secure necessary scientific, technical, administrative, and operational supplies,
2 materials, equipment and/or services, by contract or otherwise.
- 3 F. Prepare and develop a comprehensive plan or plans for the prevention, abatement, and
4 control of air pollution.
- 5 G. Encourage voluntary cooperation by persons or affected groups to achieve the
6 purposes of this Ordinance.
- 7 H. Encourage and conduct studies, investigations and research, relating to air pollution
8 and its prevention, abatement, and control.
- 9 I. Collect and disseminate information and conduct educational and training programs
10 relating to air pollution.
- 11 J. Advise, consult, and cooperate with other local governmental units, agencies of the
12 state, industries, interstate or regional agencies, and the federal government, and with
13 interested persons and groups.
- 14 Appoint such engineers, specialists, technicians, inspectors, stenographers, clerks, and other
15 employees that shall be necessary to perform the duties of The Commissioner of Health and or his
16 or her designee within the City of St. Louis Department of Health operating as Delegated Agents of
17 the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air
18 Pollution Control Program, under authority contained within the Air Conservation Law and granted
19 by the Missouri Air Conservation Commission and conditions contained within the State/Local
20 Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules
21 contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations.
22

- 1 K. Such appointments shall be made in accordance with the provisions of the Charter and
2 Ordinances of the City.
- 3 L. Accept, receive, and administer grants or other funds or gifts from public and private
4 agencies.
- 5 M. Designate testing methods when a particular method is not specified by this Ordinance
6 from among standards of widely recognized methods, including but not limited to
7 methods of the ASTM, ASME, United States Environmental Protection Agency, and any
8 recognized professional publications.
- 9 N. Take all possible action to secure a high standard of air quality throughout the entire St.
10 Louis Metropolitan area which action may include promotion of the passage and
11 enforcement of air pollution control laws in other political subdivisions.
- 12 Whenever The Commissioner of Health and or his or her designee within the City of St. Louis
13 Department of Health operating as Delegated Agents of the State of Missouri, Department of
14 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority
15 contained within the Air Conservation Law and granted by the Missouri Air Conservation
16 Commission and conditions contained within the State/Local Agreement, may enforce any provision
17 of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of
18 Division 10 of Title 10 of the Code of State Regulations, may find that sufficient progress is not
19 being made toward abatement or control of a significant source or sources of air pollution located
20 within that portion of the Air Quality Control Region, with the approval of the Director of Health and
21 the Mayor, The Commissioner of Health and or his or her designee within the City of St. Louis
22 Department of Health operating as Delegated Agents of the State of Missouri, Department of

1 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority
2 contained within the Air Conservation Law and granted by the Missouri Air Conservation
3 Commission and conditions contained within the State/Local Agreement, may enforce any provision
4 of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of
5 Division 10 of Title 10 of the Code of State Regulations, shall institute efforts to persuade the
6 Governor of the State of Missouri, or the Missouri Air Conservation Commission, to register a formal
7 complaint with the appropriate federal agency as provided by the laws of the United States.

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

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

22

1 SECTION EIGHT: Administrative Hearings.

2 A. Any recipient of a notice of violation (NOV) may contest that there was a violation
3 of the code or that he or she is the responsible party by completing a Request for
4 Administrative Hearing petition and returning it to the Department of Health, Air
5 Pollution Control Division, along with a non-refundable filing fee established by
6 Section Twenty-Five of this Ordinance, within thirty (30) days from the date of
7 violation.

8 B. 1. A Request for Administrative Hearing petition may be obtained from the
9 Department of Health, Air Pollution Control.
10 2. The person requesting the hearing shall be notified of the time and place set for
11 the hearing at least ten (10) working days prior to the date of the hearing.
12 3. If the Commissioner of Health and or his or her designee within the City of St.
13 Louis Department of Health or the submits an additional written report
14 concerning the violation to the hearing officer for consideration at the hearing,
15 then a copy of the this report shall also be served on the person requesting the
16 hearing at least five (5) working days prior to the date of the hearing.

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

- 1 Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of
2 the Code of State Regulations, shall act as the hearing officer for the administrative hearing.
- 3 2. The administrative hearing shall be set for a date that is not less than fifteen (15) calendar days
4 and not more than ninety (90) calendar days from the date that the request for hearing is filed in
5 accordance with the provisions of this ordinance.
- 6 3. At the hearing, the party contesting the violation shall be given the opportunity
7 to testify and to present evidence concerning the violation.
- 8 4. The failure of any recipient of a violation to appear at the administrative
9 hearing shall constitute failure to exhaust their administrative remedies.
- 10 5. The notice of violation and related documentation in the proper form, or a copy
11 thereof, shall be prima facie evidence of the violation. The Air Pollution
12 Control representative who issued the notice of violation need not be present.
- 13 6. The hearing officer may continue the hearing and request additional
14 information from the Air Pollution Control representative or the recipient of the
15 violation prior to issuing a written decision.
- 16 C. 1. After considering all of the testimony and evidence submitted at the hearing,
17 the hearing officer shall issue a written decision to uphold or cancel the
18 violation and shall list in the decision the reasons for that decision. The
19 decision of the hearing officer shall be final.
- 20 2. If the hearing officer determines that the violation should be upheld, the
21 hearing officer shall set forth in the decision a payment schedule for the fine.

1 3. If the hearing officer determines that the violation should be canceled and the
2 fine was deposited with the city, then the city shall promptly refund the amount
3 of the deposited fine.

4 4. The recipient of the violation shall be served with a copy of the hearing officer's
5 written decision.

6 E. Any final decision or disposition of a violation by a hearing officer shall constitute a
7 final determination for purposes of judicial review, subject to review under chapter
8 536, RSMo. After expiration of the judicial review period under chapter 536,
9 RSMo, unless stayed by a court of competent jurisdiction, the administrative
10 tribunal's decisions, findings, rules, and orders may be enforced in the same
11 manner as judgment entered by a court of competent jurisdiction. Upon being
12 recorded in the manner required by state law or the Uniform Commercial Code, a
13 lien may be imposed on the real or personal property of any defendant entering a
14 plea of *nolo contendere*, pleading guilty to, or found guilty of a violation in the
15 amount of any debt due the city under this section and enforced in the same
16 manner as a judgment lien under a judgment of a court of competent jurisdiction.

17
18 SECTION NINE: Variances.

19 A. Any person or organization who owns or is in control of any plant, building, structure, process, or
20 equipment may submit a petition to The Commissioner of Health and or his or her designee within
21 the City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri,
22 Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program,

1 under authority contained within the Air Conservation Law and granted by the Missouri Air
2 Conservation Commission and conditions contained within the State/Local Agreement, may enforce
3 any provision of State Air Conservation Law so delegated, or specific rules contained within
4 Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, for a variance from this
5 Ordinance governing the quality, nature, duration or extent of discharges of air pollutants. The
6 petition shall be accompanied by a fee of two-hundred (\$200) dollars and shall include the following
7 information:

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

- 1 8. The damage or harm resulting or which would result to petitioner from compliance
 - 2 with such Section, rule or order;
 - 3 9. The requirements which petitioner can meet and the date when petitioner can
 - 4 comply with such requirements including the emissions which will result;
 - 5 10. The advantages and disadvantages to the residents of the city resulting from
 - 6 requiring compliance or resulting from granting a variance;
 - 7 11. Whether operations under such variance, if granted, would constitute a nuisance
 - 8 as defined in Section Thirteen of this Ordinance;
 - 9 12. Whether any case involving the same identical equipment or process is pending
 - 10 in any court, civil or criminal;
 - 11 13. Whether the subject equipment or process is covered by a permit issued by the
 - 12 Commissioner and or his or her designee; and
 - 13 14. Such other information and data required by rule or regulation of the
 - 14 Commissioner of Health and or his or her designee within the City of St. Louis
 - 15 Department of Health enacted in conformity with the terms, conditions, and
 - 16 limitations of this Ordinance.
- 17 B. The Commissioner of Health and or his or her designee within the City of St. Louis Department
- 18 of Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources,
- 19 Division of Environmental Quality, Air Pollution Control Program, under authority contained within the
- 20 Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions
- 21 contained within the State/Local Agreement, may enforce any provision of State Air Conservation

1 Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of
2 the Code of State Regulations, shall promptly investigate such petition.

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

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

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

- 20 1. Notification will be given to the Missouri Department of Natural Resources Air
21 Pollution Control as required by RSMO 643.140 - of any variance granted by the
22 Commissioner of Health and or his or her designee within the City of St. Louis

1 Department of Health will include copies of all relevant materials. The Missouri Air
2 Pollution Control has thirty (30) days from receipt of said notice to approve or
3 disapprove of the variance or take other action as granted by the Missouri Air
4 Conservation Law. In no case will the variance take effect without the approval of
5 the Missouri Air Pollution Control.

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

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

16 Variances may be reviewed by The Commissioner of Health and or his or her designee within the
17 City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri,
18 Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program,
19 under authority contained within the Air Conservation Law and granted by the Missouri Air
20 Conservation 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 within
22 Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, upon application made

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

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

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

18
19 SECTION TEN: The Commissioner of Health and or his or her designee within the City of St. Louis
20 Department of Health operating as Delegated Agents of the State of Missouri, Department of
21 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority
22 contained within the Air Conservation Law and granted by the Missouri Air Conservation

1 Commission and conditions contained within the State/Local Agreement, may enforce any provision
2 of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of
3 Division 10 of Title 10 of the Code of State Regulations, approve Construction and Alteration Plans
4 as well as occupancy and demolition applications.

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

10

11 **SECTION ELEVEN: Source-Specific Emergency Procedures.**

12 Notwithstanding the provisions of this Ordinance, or any other provisions of law to the contrary, and
13 without necessity of prior administrative procedures or hearings, or at any time during such
14 proceedings, if The Commissioner of Health and or his or her designee within the City of St. Louis
15 Department of Health operating as Delegated Agents of the State of Missouri, Department of
16 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority
17 contained within the Air Conservation Law and granted by the Missouri Air Conservation
18 Commission and conditions contained within the State/Local Agreement, may enforce any provision
19 of State Air Conservation 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, after investigation, is of the opinion that any
21 person is discharging or causing to be discharged into the atmosphere any air contaminant, and if
22 The Commissioner of Health and or his or her designee within the City of St. Louis Department of

1 Health operating as Delegated Agents of the State of Missouri, Department of Natural Resources,
2 Division of Environmental Quality, Air Pollution Control Program, under authority contained within the
3 Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions
4 contained within the State/Local Agreement, may enforce any provision of State Air Conservation
5 Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of
6 the Code of State Regulations, determines that the discharge under the atmospheric conditions then
7 prevailing, creates a hazardous emergency which requires immediate action to prevent serious
8 damage to the public health, safety or welfare, and that it therefore appears to be prejudicial to the
9 interests of the people of the City to delay action, The Commissioner of Health and or his or her
10 designee within the City of St. Louis Department of Health operating as Delegated Agents of the
11 State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution
12 Control Program, under authority contained within the Air Conservation Law and granted by the
13 Missouri Air Conservation Commission and conditions contained within the State/Local Agreement,
14 may enforce any provision of State Air Conservation Law so delegated, or specific rules contained
15 within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, with the written
16 approval of the Mayor, shall order the person responsible for the emission, in writing, to discontinue
17 immediately the discharge of the contaminants into the atmosphere, whereupon the person shall
18 immediately discontinue the discharge.

19
20 In the event that there is a failure to comply with The Commissioner of Health and or his or her
21 designee within the City of St. Louis Department of Health operating as Delegated Agents of the
22 State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution

1 Control Program, under authority contained within the Air Conservation Law and granted by the
2 Missouri Air Conservation Commission and conditions contained within the State/Local Agreement,
3 may enforce any provision of State Air Conservation Law so delegated, or specific rules contained
4 within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, order, then all
5 affected departments of the City government shall take immediate action necessary to protect and
6 preserve the health, safety and welfare of the public. The City Counselor shall be empowered to
7 immediately seek in the Circuit Court or U. S District Court equitable relief to immediately halt the
8 further emission of the air contaminants.

9

10 SECTION TWELVE: Asbestos:

11 A. Asbestos Definitions - For purposes of this SECTION the following words and
12 definitions shall apply.

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

18 2. Air Pollution Control (APC) – Air Pollution Control

19 3. Air sampling technician – An individual who has been trained by an air
20 sampling professional to do air monitoring. That individual conducts air
21 monitoring of an asbestos abatement project before, during and after the
22 project has been completed.

- 1 4. Asbestos – The asbestiform varieties of chrysotile, crocidolite, amosite,
2 anthophyllite, tremolite and actinolite.
- 3 5. Asbestos abatement – The encapsulation, enclosure or removal of asbestos-
4 containing materials, in or from a building, or air contaminant source; or
5 preparation of friable asbestos-containing material prior to demolition.
- 6 6. Asbestos abatement contactor – Any person, registered with the Missouri
7 Department of Natural Resources (MODNR), who by agreement, contractual
8 or otherwise, conducts asbestos abatement projects at a location other than
9 his/her own place of business.
- 10 7. Asbestos abatement project - An activity undertaken to encapsulate, enclose,
11 or remove 10 square ft and/or 16 linear ft or more of friable asbestos
12 containing materials from buildings and other air contaminant sources
13 containing 10 square ft and/or 16 linear ft or more.
- 14 8. Asbestos abatement supervisor – An individual, certified by MODNR, who
15 directs, controls or supervises others in asbestos abatement projects.
- 16 9. Asbestos-containing material (ACM) – Any material or product which contains
17 more than one percent (1%) asbestos, by weight.
- 18 10. Asbestos project - An activity undertaken to remove or encapsulate 160
19 square ft and/or 260 linear ft or more of friable asbestos containing materials
20 or demolition of any structure or building or a part of it containing the
21 previously mentioned quantities of asbestos-containing materials.

- 1 11. Asbestos removal project – An asbestos abatement project consisting of
2 activities that involve, and are required, to take out friable asbestos-
3 containing materials from any facility. This definition includes, but is not
4 limited to, activities associated with the cleanup of loose friable asbestos-
5 containing debris or refuse, or both, from floors and other surfaces.
- 6 12. Building – Any structure excluding single-family, owner-occupied dwellings,
7 and vacant public or privately owned residential structures of four (4)
8 dwelling units or less being demolished for the sole purpose of public health,
9 safety or welfare. Excluded structures must be geographically dispersed,
10 demolished pursuant to a public safety determination, and must pose a
11 threat to public safety.
- 12 13. Category I non-friable asbestos-containing material (ACM) - Asbestos-
13 containing packing, gaskets, resilient floor covering, and asphalt roofing
14 products containing more than 1% asbestos by weight.
- 15 14. Category II non-friable ACM - Any material, excluding Category I non-friable
16 ACM, containing more than 1% asbestos by weight, that when dry, cannot be
17 crumbled, pulverized, or reduced to powder by hand pressure.
- 18 15. Commercial or public project - The demolition of one or more houses as part
19 of an urban renewal project, a highway construction project, or a project to
20 develop a shopping mall, industrial facility, or other private development.

- 1 16. Containment – The area where an asbestos abatement project is conducted.
2 The area must be enclosed either by a glove bag or plastic sheeting
3 barriers.
- 4 17. Demolition - The wrecking, razing, burning or removing of any load-
5 supporting structural member or portion of a structure together with any
6 related handling operation.
- 7 18. Emergency asbestos abatement project – An asbestos abatement project
8 that must be undertaken immediately to prevent imminent severe human
9 exposure or to restore essential facility operation.
- 10 19. Facility - Any institutional, commercial, public, industrial, or residential
11 structure, installation, or building (including any structure, installation, or
12 building containing condominiums or individual dwelling units operated as a
13 residential cooperative, but excluding individual residential buildings having
14 four or fewer dwelling units that do not meet the requirement of an
15 installation and are not part of a commercial or public project); any ship; and
16 any active or inactive waste disposal site. For purposes of this definition, any
17 building, structure, or installation that contains a loft used as a dwelling is not
18 considered a residential structure, installation, or building. Any structure,
19 installation or building that was previously subject to this Section is not
20 excluded, regardless of its current use or function.

- 1 20. Friable ACM - Any material containing more than 1% asbestos by weight,
2 that when dry can be crumbled, pulverized, or reduced to powder by hand
3 pressure.
- 4 21. Glove Bag – A manufactured or fabricated device, typically constructed of six
5 (6) mil transparent polyethylene or polyvinyl chloride plastic. This device
6 consists of two (2) inward projecting long sleeves, an internal tool pouch and
7 an attached, labeled receptacle for asbestos waste. The bags are especially
8 designed to contain sections of pipe for the purpose of removing a short
9 length of damaged asbestos containing material without releasing fibers into
10 the air.
- 11 22. Installation - Any building or structure or multiple (more than one) buildings or
12 structures at a single demolition or renovation site under the control of the
13 same owner or operator (or owner or operator under common control) that is
14 demolished or renovated within a 12-month period.
- 15 23. Inspector – An individual, under AHERA, who collects and assimilates
16 information used to determine whether asbestos-containing material is
17 present in a building or other air contaminant sources.
- 18 24. Leak-tight - Solids or liquids cannot escape or spill out. It also means dust-
19 tight.
- 20 25. Non-friable ACM - Any material containing more than 1% asbestos that when
21 dry, cannot be crumpled, pulverized, or reduced to powder by hand pressure.

1 26. Owner or operator of a demolition or renovation activity - Any person, who
2 owns, leases, operates, controls, or supervises the a facility being
3 demolished or renovated, or any person who owns, leases, operates,
4 controls, or supervises the a demolition or renovation operation, or both.

5 27. Regulated asbestos-containing material (RACM) - (a) friable asbestos
6 containing material; (b) category I non-friable ACM that has become friable;
7 (c) category I non-friable ACM that will be or has been subjected to sanding,
8 grinding, cutting, or abrading; or (d) Category II non-friable ACM that has a
9 high probability of becoming or has become crumbled, pulverized, or
10 reduced to powder by the forces expected to act on the material in the
11 course of demolition or renovation operations regulated by this rule.

12 28. Site - A site is generally expected to be a city block.

13 B. Application - This Rule shall apply to:

- 14 1. All persons that authorize, design, conduct and work in asbestos abatement
15 projects and asbestos removal projects;
- 16 2. All persons that monitor air-borne asbestos or dispose of asbestos waste as
17 a result of asbestos abatement projects;
- 18 3. All persons who inspect buildings to determine the presence or absence of
19 ACM;
- 20 4. All owners or operators of a demolition or renovation activity; and
- 21 5. Business entities that qualify for exemption status are not subject to the
22 notification requirements for asbestos abatement projects of a size less than

1 160 square feet, 260 linear feet, or 35 cubic feet. These business entities
2 are exempt from post-notification requirements, but shall keep records of
3 waste disposal for department inspection.

4 C. Asbestos Abatement Procedures and Practices

5 1. All asbestos abatement contractors prior to engaging in asbestos abatement
6 projects and asbestos removal projects shall:

7 a. Use only those individuals that have been certified or trained in
8 accordance with sections 643.225 to 643.250 of the Revised Statutes
9 of Missouri, and

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

19 2. At each asbestos abatement project and asbestos removal project site, the
20 person shall provide the following information for inspection by APC:

21 a. Proof of current departmental registration;

- 1 b. Proof of current departmental occupational certification for those
- 2 individuals on the project;
- 3 c. Most recent available air sampling results;
- 4 d. Current photo identification for all applicable individuals engaged in
- 5 the project; and
- 6 e. Proof of passage of the training course for the air sampling
- 7 technicians and photo identifications for air sampling technicians.

8 D. Notification Requirements

- 9 1a. Any person undertaking a demolition project shall submit a notification to
- 10 APC for review at least ten (10) working days prior to the start of the project.
- 11 1b. Any person undertaking an asbestos abatement project or asbestos removal
- 12 project shall submit a notification to APC for review at least ten (10) working
- 13 days prior to the start of the project. Business entities with state-approved
- 14 exemption status are exempt from notification except for those projects for
- 15 which notification is required by the EPA's National Emission Standard for
- 16 Hazardous Air Pollutants (NESHAP). APC may waive the ten (10) working
- 17 day review period upon request for good cause. To apply for this waiver, the
- 18 person shall complete the appropriate sections of the notification form
- 19 provided by APC. The person who applies for the ten (10) working day
- 20 waiver must obtain approval from APC before the project can begin.
- 21 2. The person shall submit the notification form provided by APC.

- 1 3. If an amendment to the abatement project notification is necessary, the
2 person shall notify APC immediately by telephone or fax. APC must receive
3 the written amendment within five (5) working days following the verbal or fax
4 agreement.
- 5 4. Asbestos abatement project notifications shall state actual dates and times
6 of the project, the on-site asbestos abatement supervisor and a description
7 of work practices. If the person must revise the dates and times of the
8 project, the person shall notify our office at least twenty-four (24) hours in
9 advance of the change by telephone or fax and then immediately follow-up
10 with a written amendment stating the change. APC must receive the written
11 amendment within five (5) working days of the phone or fax message.
- 12 5. An inspector shall thoroughly inspect the facility or part of the facility where
13 the demolition or renovation operation will occur for the presence of
14 asbestos, including Category I and Category II non-friable ACM. This
15 includes garages and add-on structures.
- 16 6. A representative number of samples must be taken of all suspect ACM
17 before ~~you~~ an inspector can report ~~state~~ "no ACM present". All sampling
18 should be done in accordance with AHERA requirements. If the facility
19 contains no RACM or the facility contains RACM, but in an amount less than
20 10 square feet and/or 16 linear feet, a demolition/renovation notification form
21 must be submitted to APC with the Building Division demolition application

1 ten working days prior to demolition. APC will approve the demolition after
2 verification.

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

5 a. If the inspection determines that there are amounts of RACM in excess of
6 10 square feet and/or 16 linear feet, but less than 160 square feet, 260
7 linear feet, and/or 35 cubic feet, an asbestos abatement contractor must
8 submit a notification to APC ten (10) working days prior to the date
9 asbestos abatement activity is scheduled to begin.

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

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

17 d. Asbestos abatement contractors shall not begin any asbestos abatement
18 activity without an approval letter from APC. When notification is
19 approved, the asbestos abatement contractor must remove all RACM
20 from the facility in accordance with the notification and asbestos rules
21 and regulations.

- 1 e. If the structure will be demolished following asbestos abatement, a
2 completion letter or post-notification must be submitted to APC prior to
3 receiving a demolition sign-off from APC. (A COMPLETION LETTER IS
4 NOT A POST-NOTIFICATION). A post-notification must still be
5 submitted within 60 days of project completion.
- 6 8. If the facilities meet the definition of an installation and/or a commercial or
7 public project, notifications may be submitted in groups by city block when
8 the structures combined contain RACM equal to or in excess of 160 square
9 feet, 260 linear feet, and/or 35 cubic feet. Any single structure that has
10 RACM equal to or in excess of 160 square feet, 260 linear feet and/or 35
11 cubic feet shall be notified separately.
- 12 9. Only a certified asbestos inspector can deem a structure unsafe to enter. If it
13 is unsafe to make an inspection prior to demolition, and the facility's
14 regulated asbestos content cannot be determined, the presence of asbestos
15 must be assumed unless sampling proves to be negative. If the asbestos
16 abatement contractor wants to segregate ACM from general debris, an
17 inspector must be on site until the structure has been made safe enough to
18 conduct a thorough inspection. An asbestos abatement supervisor must be
19 on site during the demolition and proof of hire must be submitted with the
20 demolition notification.
- 21 10. If the facility is being demolished under an order of a state or local
22 government agency, issued because the facility is structurally unsound and

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

14 E. Emergency Project

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

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

9 F. Procedures for Asbestos Emission Control

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

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

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

- 1 5. For large facility components such as reactor vessels, large tanks, and steam
2 generators, the RACM is not required to be stripped if the following
3 requirements are met:
- 4 a. The component is removed, transported, stored, disposed of, or reused
5 without disturbing or damaging the RACM;
 - 6 b. The component is encased in a leak-tight wrapping; and
 - 7 c. The leak tight wrapping is labeled during all loading and unloading
8 operations and during storage.
- 9 6. For all RACM, including material that has been removed or stripped:
- 10 a. Adequately wet the material and ensure that it remains wet until collected
11 and contained or treated in preparation for disposal.
 - 12 b. Carefully lower the material to the ground and floor, not dropping,
13 throwing, sliding, or otherwise damaging or disturbing the material.
 - 14 c. Transport the material to the ground via leak-tight chutes or containers if it
15 has been removed or stripped more than 50 feet above ground level and
16 was not removed as units or in sections.
- 17 7. Third party continuous monitoring is required during removal of all ACM if the
18 building is occupied. (Monitoring is not required for demolitions). Final air
19 clearance is required after ACM removal if the building is occupied or will be
20 occupied at a later date. (Final air clearance is not required for demolitions).
- 21 8. The person who conducts the demolition of unsafe buildings or parts of
22 buildings containing asbestos may proceed with the demolition until it is safe

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

- 10 a. The person shall ensure that the debris is wet at all times and stays wet
11 until disposed. The person shall ensure that the project activities
12 generate no visible emissions.
- 13 b. The person shall ensure that on site at all times during the demolition is
14 an individual who is trained in asbestos removal techniques and who is
15 certified as an asbestos abatement supervisor.

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

- 18 a. Adequately wet the portion of the facility that contains RACM during the
19 wrecking operation.
- 20 b. In all such cases where there is uncertainty as to the regulated asbestos
21 in the facility, it should be assumed that it contains regulated asbestos

1 until such time that representative samples can be taken of the debris to
2 ascertain if greater than 1% regulated asbestos content is present.

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

4 G. Post Notification

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

14
15 SECTION THIRTEEN: Air Pollution Nuisance Prohibited.

16 The emission or escape into the ambient (outside) air within the City from any source or sources
17 whatsoever of smoke, ashes, dust, soot, cinders, dirt, grime, acids, fumes, gases, vapors, odors, or
18 any other substances or elements in such amounts as are detrimental to, or endanger the health,
19 comfort, safety, welfare, property, or the normal conduct of business shall constitute a public
20 nuisance, and it is considered unlawful for any person to cause, permit, or maintain any such public
21 nuisance. The Commissioner of Health and or his or her designee within the City of St. Louis
22 Department of Health operating as Delegated Agents of the State of Missouri, Department of

1 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority
2 contained within the Air Conservation Law and granted by the Missouri Air Conservation
3 Commission and conditions contained within the State/Local Agreement, may enforce any provision
4 of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of
5 Division 10 of Title 10 of the Code of State Regulations, may give additional consideration to the
6 presence of emissions that cause severe annoyance or discomfort, or are offensive and
7 objectionable to a significant number of citizens as determined by the Commissioner of Health and
8 or his or her designee within the City of St. Louis Department of Health.

9

10 SECTION FOURTEEN: Motor Vehicle Idling Prohibited.

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

16 B. Exceptions

- 17 1. Emergency vehicles.
- 18 2. Vehicles transporting disabled or special needs persons.
- 19 3. Vehicles that provide power for auxiliary purposes.
- 20 4. When operators of a motor vehicle are forced to remain motionless because of
21 traffic or adverse weather conditions affecting the safe operation of the vehicle.
- 22 5. Vehicles that are being repaired or undergoing diagnostics tests.

1 6. Vehicles engaged in the delivery of goods, wares, or merchandise.

2 C. Enforcement

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

6 D. Penalty for violation

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

10

11 SECTION FIFTEEN: Restrictions of Emission of Visible Air Contaminants.

12 A. Test Method - Visible Emissions shall be determined in accordance with 40 CFR,
13 Part 60, Appendix A - Reference Methods, "Method 9 - Visual Determination of the
14 Opacity of Emissions from Stationary Sources." Any facility required to use this test
15 method to demonstrate compliance shall utilize a Qualified Observer of Visible
16 Opacity (QOVO) certified according to the requirements in 40 CFR Part 60 Appendix
17 A. The QOVO may be an employee of the facility or a contractor/consultant.

18 Alternatively, a facility may use a continuous emissions monitoring system (CEMS) to
19 demonstrate compliance with opacity limits if approved by the Commissioner and
20 required by air pollution control regulations or permits. The CEMS must be operated
21 and tested for accuracy in accordance with good engineering practices and any
22 regulatory or permit requirements.

- 1 B. Restrictions Applicable to All Facilities.
- 2 C. No person shall discharge into the atmosphere from any source of emission
3 whatsoever any air contaminant greater than 20% visible opacity as determined by
4 Test Method described in subsection A, for a period in excess of six (6) minutes in
5 any consecutive sixty (60) minute period.
- 6 D. Any emissions from portable, stationary, or motor vehicle sources in excess of 40%
7 opacity, regardless of length of time, are considered excessive emissions.
- 8 E. Exceptions to Subsection B of this Section of this Ordinance.
- 9 1. Visible emissions from a fire set by or under the supervision of a public officer to
10 prevent or abate a fire hazard.
- 11 2. Visible emissions from a fire set for the purpose of instructing persons in fire
12 fighting techniques, as long as the requirements of Article 3, of the BOCA
13 National Fire Code for Open Burning are adhered to.
- 14 3. Visible emissions (smoke) generated for the purpose of instructing persons in the
15 proper method for determining the opacity of those emissions.
- 16 4. Visible emissions (smoke) emitted by equipment being operated for the control of
17 insects.
- 18 5. Visible emissions from residential, organizational, institutional, or commercially
19 operated food preparation is exempt from the opacity requirements of this Section
20 and may only be addressed for enforcement as a nuisance under Section 13.
- 21 6. Visible emissions from recreational fires, and fires in proper containers for
22 occupational warmth using only untreated wood, charcoal, propane or natural gas

1 as fuel, will be exempt from complying with the opacity limitations of this Section
2 as long as the requirements of The Fire Code, as amended, are adhered to.

3 7. Special Case Exceptions allowing visible emissions in excess of those allowed in
4 this Section may be granted by the Commissioner of Health and or his or her
5 designee within the City of St. Louis Department of Health upon written request,
6 given the determination that the emissions will not substantially affect the ambient
7 air quality and are in the best interest of public health or welfare.

8 8. Public fireworks displays as permitted by the local authority.

9 9. When the presence of uncombined water is the only cause for an emission
10 exceeding the requirements of this Section.

11 10. The start-up of internal combustion engines.

12 11. Natural gas fired boilers rated less than 10MMBtu/hr or subject to 10CSR10-
13 6.070 New Source Performance Standards.

14 12. Internal combustion engines used for electric generator sets, used only for
15 emergency services, provided that the maximum annual operating hours shall not
16 exceed five hundred (500) hours. Emergency generators are exempt only if their
17 sole function is to provide back-up power when electric power from the local utility
18 is interrupted. This exemption only applies if the emergency generators are
19 operated only during emergency situations and for short periods of time to
20 perform maintenance and operational readiness testing.

21
22 SECTION SIXTEEN: Open Burning Restrictions.

- 1 A. No person shall cause, suffer, allow or permit the open burning of refuse.
- 2 B. No person shall conduct, cause or permit the conduct of a salvage operation by open
3 burning.
- 4 C. No person shall conduct, cause or permit the disposal of trade waste by open
5 burning.
- 6 D. No person shall cause or permit the open burning of leaves, trees or the byproducts
7 therefrom, grass, or other vegetation.
- 8 E. It shall be prima-facie evidence that the person who owns or controls property on
9 which open burning occurs, has caused or permitted said open burning.
- 10

11 SECTION SEVENTEEN: Incinerators.

12 A. Definitions specific to this Section.

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

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

19 Best Available Control Technology (BACT): An emission limitation, including a visible emissions
20 limit, based on the maximum degree of reduction for each pollutant which would be emitted from any
21 proposed installation or major modification which the Commissioner of Health and or his or her
22 designee within the City of St. Louis Department of Health on a case-by-case basis, taking into

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

21 3. Combustion Chamber: The discrete equipment, chamber or space of an
22 incinerator in which the products of pyrolysis are combusted in the presence

- 1 of excess air so that carbon is burned to carbon dioxide. Combustion
2 chamber does not include breaching or stacks of the incinerator.
- 3 4. Human or Animal Crematory: An apparatus of multi-chamber design for the
4 sole purpose of cremating human or animal remains.
- 5 5. Incinerator: Any article, machine, equipment, contrivance, structure or part of
6 a structure used to burn refuse or to process refuse material by burning other
7 than by open burning.
- 8 6. Maximum Refuse Burning Capacity: Is the sum of the Refuse Burning
9 Capacities of all the incinerator units at the facility subject to this Subsection.
- 10 7. Multiple Chamber Incinerator: Any incinerator consisting of three or more
11 refractory-lined combustion furnaces in series, physically separated by
12 refractory walls, interconnected by passage ports or ducts and employing
13 adequate design parameters necessary for maximum combustion of the
14 material to be burned, the refractories have a pyrometric cone equivalent of
15 31, tested according to the method described in the ASTM Method C-24-56,
16 or other method approved by the Commissioner of Health and or his or her
17 designee within the City of St. Louis Department of Health.
- 18 8. PPMV: Is the abbreviation for parts per million by volume (dry) corrected to
19 seven (7%) percent oxygen.
- 20 9. Refuse Burning Capacity: Is the manufacturer's or designer's refuse heat
21 input rate in British Thermal Units (BTUs) per hour.

1 10. Secondary Combustion Chamber: Means the discrete equipment component
2 chamber or space, in which the products of pyrolysis are combusted in the
3 presence of excess air, so that essentially all carbon is combusted and
4 emitted as carbon dioxide. This component does not include breaches or
5 stacks.

6 11. Smoke: Small gas-borne particles resulting from combustion, consisting of
7 carbon, ash and other material.

8 B. NSPS and State Regulations

9 1. Any incinerator governed under State Rule 10 CSR 10-6.070 New Source
10 Performance Regulations, as amended, shall be required to meet the
11 regulatory standards contained therein, in addition to meeting standards
12 within this Section. Where standards may conflict, the most restrictive
13 standard shall be utilized.

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

19 C. Emission restrictions

20 1. General provisions

21 Design requirements - No incinerator shall be used for the burning of refuse unless such incinerator
22 is a multiple chamber incinerator. The Commissioner of Health and or his or her designee within the

1 City of St. Louis Department of Health may approve any alteration or modification to an existing
2 incinerator if such be found by the Commissioner of Health and or his or her designee within the City
3 of St. Louis Department of Health operating as Delegated Agents of the State of Missouri,
4 Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program,
5 under authority contained within the Air Conservation Law and granted by the Missouri Air
6 Conservation Commission and conditions contained within the State/Local Agreement, may enforce
7 any provision of State Air Conservation Law so delegated, or specific rules contained within
8 Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, to be equally effective
9 for the purpose of air pollution control as would result from the operation of a multiple chamber
10 incinerator. All new incinerators shall be multiple chamber incinerators, provided that The
11 Commissioner of Health and or his or her designee within the City of St. Louis Department of Health
12 operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division
13 of Environmental Quality, Air Pollution Control Program, under authority contained within the Air
14 Conservation Law and granted by the Missouri Air Conservation Commission and conditions
15 contained within the State/Local Agreement, may enforce any provision of State Air Conservation
16 Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of
17 the Code of State Regulations, may approve any other kind of incinerator if found in advance of
18 construction or installation that such other kind of incinerator is equally effective for purposes of air
19 pollution control as an approved multiple chamber incinerator. Exception: Human or animal
20 crematories, or surface coating burn-off ovens, are not subject to the Design Requirements provided
21 the owner or operator submits test results showing compliance with the Particulate Limitations set
22 forth in this Section.

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

17 2. Limitations

18 No person shall cause or permit emissions from the chimney, stack or vent of
 19 any incinerator to exceed limit
 20 ations established in Table B:

21 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;
≤ 0.20	<10%	**	existing incinerators, except as otherwise established by permit

1 * dscf = Dry Standard Cubic Foot

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

5 3. Odor Control

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

12 D. Performance testing

13 When required - A performance test may be required on any incinerator, and shall be required for
14 each new incinerator. The initial performance test shall be performed at the expense of the vendor

1 or operator by an independent testing organization or by any other qualified person subject to
2 approval of The Commissioner of Health and or his or her designee within the City of St. Louis
3 Department of Health operating as Delegated Agents of the State of Missouri, Department of
4 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority
5 contained within the Air Conservation Law and granted by the Missouri Air Conservation
6 Commission and conditions contained within the State/Local Agreement, may enforce any provision
7 of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of
8 Division 10 of Title 10 of the Code of State Regulations.

9
10 The performance test shall be observed by The Commissioner of Health and or his or her designee
11 within the City of St. Louis Department of Health operating as Delegated Agents of the State of
12 Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control
13 Program, under authority contained within the Air Conservation Law and granted by the Missouri Air
14 Conservation Commission and conditions contained within the State/Local Agreement, may enforce
15 any provision of State Air Conservation Law so delegated, or specific rules contained within
16 Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations.

- 17 1. Test Schedule - Within 30 days after the date of which installation or
18 construction of an incinerator is completed, the installer shall file a request
19 with the Commissioner of Health and or his or her designee within the City of
20 St. Louis Department of Health to schedule a performance test provided in
21 this Section. If the results of the performance test indicate that the incinerator
22 is not operating in compliance with subsection C of this Section, no person

1 may cause or permit further operation of the incinerator, except for additional
2 testing, until approval is received from the Commissioner of Health and or his
3 or her designee within the City of St. Louis Department of Health.

4 2. Representative sample - Refuse burned in conjunction with the performance
5 test specified in this subsection shall be a representative sample of the refuse
6 normally generated by the operation which the incinerator is intended to
7 serve.

8 3. Procedure - Emissions shall be measured when the incinerator is operating at
9 ninety-five percent or greater of the burning capacity as defined in subsection
10 C.1.b, of this Section. Testing methods shall be those outlined in 10 CSR 10-
11 6.030, as amended, or in CFR Chapter 40, Part 60 Appendix A, as amended.
12 If performance testing demonstrates that the refuse charge rate must be less
13 than the manufacturer's design charge rate to comply with this Section, then
14 the burning capacity also shall be based on the charge rate required to
15 comply.

16 4. Compliance - A performance test to determine compliance with the particulate
17 matter and/or opacity requirements specified in subsection C.2. and C.3., of
18 this Section, shall be observed by the Commissioner of Health and or his or
19 her designee within the City of St. Louis Department of Health, of each new
20 incinerator and each existing, modified or rebuilt incinerator.

21 5. If performance testing demonstrates that the refuse charge rate must be less
22 than the manufacturer's design charge rate to comply with this Section, then

1 the burning capacity also shall be based on the charge rate required to
2 comply.

- 3 6. Other performance tests may be required by the Commissioner of Health and
4 or his or her designee within the City of St. Louis Department of Health in
5 order to determine compliance with any part of this Section.

6
7 SECTION EIGHTEEN: Preventing Particulate Matter from Becoming Airborne at Any Premises
8 or Any Industrial or Commercial Facility.

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

19
20 Except for areas whereon motor vehicles are routinely driven, parked or stored, all such
21 reasonable measures shall include, but not be limited to, the application of dust free
22 surfaces; application of effective dust suppressant materials; application of water;

1 planting and maintaining vegetative ground cover, or any other procedure designed for
2 and effective in reducing the airborne particulate matter.

3
4 From roadways, driveways, and any area upon which motor vehicles are routinely
5 driven, parked or stored, these measures shall be limited to either:

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

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

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

4 C. The following activities are exemptions to Subsection A of this Section of this
5 Ordinance.

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

18

19 SECTION NINETEEN: Abrasive Blasting.

- 20 A. No person shall cause or permit the abrasive blasting of the interior of any building
21 without first submitting an application for a permit to abrasive blast to the Commissioner.
22 Such application shall include the building address and location within the building where

1 such blasting will be done, the date and expected duration of such blasting, and what
2 measures will be taken to ensure particulate matter does not escape from the interior of
3 the building. The application must be submitted at least twenty-one (21) days prior to the
4 planned start of the abrasive blasting activities. Please refer to Subsection D of this
5 Section for special application requirements for abrasive blasting of surfaces
6 contaminated with lead.

7 B. No person shall cause or permit the abrasive blasting of the exterior of any building, tank,
8 structure, or part or appurtenance thereof, without first submitting an application for a
9 permit to abrasive blast to the Commissioner of Health and or his or her designee within
10 the City of St. Louis Department of Health. Such application shall include the proposed
11 dates and times when such blasting will be done, the location and description of the
12 surface to be blasted, the reason that abrasive blasting rather than some alternative
13 method of surface preparation is necessary, the method of blasting to be used, the steps
14 that will be taken to limit the amount of particulate matter becoming airborne, and the
15 steps that will be taken to remove resultant particulate matter from adjacent streets,
16 alleys, and property, to prevent it from being re-entrained in the air. The application must
17 be submitted at least twenty-one (21) days prior to the planned start of the abrasive
18 blasting activities. Please refer to Subsection D of this Section for special application
19 requirements for abrasive blasting of surfaces contaminated with lead.

20 C. Abrasive blasting may be approved in consideration of the following conditions:

- 1 1. Whenever practical, some other method of surface preparation or cleaning, such as
2 steam cleaning, water blasting, or power wire brushing, will be used instead of
3 abrasive blasting;
- 4 2. If abrasive blasting is necessary and whenever possible, the wet blasting method,
5 wherein water from a circular nozzle forms a cone of water spray around the abrasive
6 blast stream, will be used;
- 7 3. If wet blasting is not possible in a particular application, the area to be dry blasted
8 shall be protected so far as is reasonably practical, to limit the amount of particulates
9 becoming airborne and the distance the particulates travel;
- 10 4. Any exterior abrasive blasting in the area of the City between the Mississippi River
11 and Jefferson Avenue, Chouteau Avenue to Cole Street, shall be done at times other
12 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
13 through Friday;
- 14 5. At the end of each day's operation, all abrasive material and dust resulting from the
15 operations shall be removed from the adjacent streets, sidewalks, alleys, parking lots
16 and other property.

17 Abrasive blasting of surfaces coated with paints contaminated with lead will not be approved unless
18 it is demonstrated that no other option is feasible and all available control techniques will be
19 employed to prevent emission of lead dust to the ambient air. Any person or organization intending
20 to abrasive blast surfaces contaminated with lead must submit an application for a permit to
21 abrasive blast at least ninety (90) days prior to the intended start of blasting activities. The
22 Commissioner of Health and or his or her designee within the City of St. Louis Department of Health

1 operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division
2 of Environmental Quality, Air Pollution Control Program, under authority contained within the Air
3 Conservation Law and granted by the Missouri Air Conservation Commission and conditions
4 contained within the State/Local Agreement, may enforce any provision of State Air Conservation
5 Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of
6 the Code of State Regulations, reserves the right to deny any application to abrasive blast any
7 surface contaminated with lead.

8

9 SECTION TWENTY: Source Registration Permits Required.

10 A. Applicability

- 11 1. A construction project, which results in an actual emissions increase greater
12 than two hundred (200) pounds per year of any regulated air pollutant, not
13 subject to 10 CSR 10-6.060, as amended, is required to obtain a source
14 registration permit. Once a source is determined to be applicable to this
15 Subsection (20.A.1.), it shall remain subject to this section even if actual
16 emissions drop below the applicability level.
- 17 2. All parts washers using a nonaqueous solvent to clean and remove soils from
18 metal parts, and subject to 10 CSR 10-5.300 *Control of Emissions from*
19 *Solvent Metal Cleaning*, are required to obtain a source registration permit.
- 20 3. Abrasive Blasting: All exterior abrasive blasting operations are required to
21 obtain a source registration permit. All interior abrasive blasting operations
22 that are not conducted inside a sealed blast cabinet with filtered exhaust are

1 required to obtain a source registration permit. Blast cabinets and other
2 surface preparation equipment are subject to the actual emissions
3 applicability threshold in Subsection A.1. of this section.

4 4. A construction project, for which air pollution control measures are not
5 required, may require a source registration permit.

6 5. No person shall operate any equipment or process that has been idle for 5
7 years or longer, and would be subject to Section 21. A. of this ordinance if
8 installed new, without obtaining a new source registration permit.

9 6. Construction must commence on any project within two (2) years of the
10 effective date of a source registration permit issued for the project. If
11 construction on a permitted project does not commence within two (2) years,
12 the permit expires and a new permit application must be submitted.

13 Notwithstanding any exceptions or exclusions mentioned in this section, The Commissioner of
14 Health and or his or her designee within the City of St. Louis Department of Health operating as
15 Delegated Agents of the State of Missouri, Department of Natural Resources, Division of
16 Environmental Quality, Air Pollution Control Program, under authority contained within the Air
17 Conservation Law and granted by the Missouri Air Conservation Commission and conditions
18 contained within the 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 Division 10 of Title 10 of
20 the Code of State Regulations, may determine that the requirements of this section apply to any
21 activities that involve the following concerning the emission of any regulated air pollutant:

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

1 b. Any increase in the allowable emissions, or

2 c. A negative effect on air quality, or

3 d. A negative neighborhood impact.

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

13 B. General Requirements

14 1. No construction project shall commence unless preventive measures are
15 applied to limit the emission of regulated air pollutant(s) to levels which do not
16 endanger the ambient air quality, and the health, safety, welfare or enjoyment
17 of life for our citizens.

18 2. Permits shall contain conditions which limit the air pollution from any
19 emissions unit. The conditions shall seek the lowest level consistent with
20 actual operations.

21 3. In cases where conditions are placed into permits which set limits of any kind
22 on the operation of an emissions unit, appropriate monitoring and record

1 keeping requirements shall also be placed into the permit to allow verification
2 of compliance.

- 3 4. Permit applications must be submitted at least thirty (30) days prior to the
4 planned start of construction for any project subject to this Section.

5 C. Exceptions to Subsection A of this Section

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

- 7 1. Any combustion equipment using exclusively natural or liquefied petroleum
8 gas or combination of these with a capacity of less than ten (10) million British
9 thermal units (BTUs) per hour heat input, or any other combustion equipment
10 with a capacity of less than one (1) million BTUs per hour heat input.
- 11 2. Equipment used for any mode of transportation.
- 12 3. Any equipment used in the preparation of food for direct sale to the public or
13 for personal consumption.
- 14 4. Stacks or vents to prevent the escape of sewer gases through plumbing traps
15 for systems handling domestic sewage only.
- 16 5. Wood burning stoves and fireplaces in all locations.
- 17 6. Surface coating operations that are a part of janitorial, building and facility
18 maintenance operations; or non-commercial surface coating operations that
19 occur at hobby shops and residential properties.
- 20 7. Surface coating operations using exclusively aerosol cans.

1 8. Laboratory equipment used exclusively for chemical and physical analysis or
2 experimentation, except equipment used for controlling radioactive air
3 contaminants.

4 9. Emergency generators installed at residential properties containing four (4) or
5 fewer separate residential units with no commercial activity on site. The
6 generator must serve only a single residential property including the
7 residences and attached or separate garages, storage buildings and outdoor
8 fixtures on the same property.

9 D. Excluded Activities

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

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

21

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

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

9
10 No person shall refuse entry or access to The Commissioner of Health and or his or her designee
11 within the City of St. Louis Department of Health operating as Delegated Agents of the State of
12 Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution Control
13 Program, under authority contained within the Air Conservation Law and granted by the Missouri Air
14 Conservation Commission and conditions contained within the State/Local Agreement, may enforce
15 any provision of State Air Conservation Law so delegated, or specific rules contained within
16 Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, nor shall any person
17 obstruct, hamper, or interfere with any such inspection.

18
19 Should the above right of entry be denied, then The Commissioner of Health and or his or her
20 designee within the City of St. Louis Department of Health operating as Delegated Agents of the
21 State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution
22 Control Program, under authority contained within the Air Conservation Law and granted by the

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

14
15 Any person responsible for the emission of air contaminants within the City of St. Louis shall when
16 requested by The Commissioner of Health and or his or her designee within the City of St. Louis
17 Department of Health operating as Delegated Agents of the State of Missouri, Department of
18 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority
19 contained within the Air Conservation Law and granted by the Missouri Air Conservation
20 Commission and conditions contained within the State/Local Agreement, may enforce any provision
21 of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of
22 Division 10 of Title 10 of the Code of State Regulations, supply this office with any requested

1 information in an easily understandable format or on the forms supplied, in any manner or format
2 specifically requested by The Commissioner of Health and or his or her designee within the City of
3 St. Louis Department of Health operating as Delegated Agents of the State of Missouri, Department
4 of Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under
5 authority contained within the Air Conservation Law and granted by the Missouri Air Conservation
6 Commission and conditions contained within the State/Local Agreement, may enforce any provision
7 of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of
8 Division 10 of Title 10 of the Code of State Regulations.

9

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

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

15

16 SECTION TWENTY-THREE: Enforcement.

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

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

10 Upon becoming aware that an emission is occurring from any facility, premises, emissions unit,
11 emission point, or source operation which is greater than permitted by any provision of this
12 Ordinance, the Commissioner of Health and or his or her designee within the City of St. Louis
13 Department of Health may cause to be issued to the person responsible for the emission a "Notice
14 of Excessive Emissions." This notice may be personally served by The Commissioner of Health and
15 or his or her designee within the City of St. Louis Department of Health operating as Delegated
16 Agents of the State of Missouri, Department of Natural Resources, Division of Environmental
17 Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law
18 and granted by the Missouri Air Conservation Commission and conditions contained within the
19 State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or
20 specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State
21 Regulations, sent by registered or certified mail to the last known address of the responsible person.
22 It shall include a reference to the section of the permit, the Section of the Ordinance, or the Section

1 of the State or Federal Regulation limiting the emissions, the date and time of the excessive
2 emissions, a brief description of the excessive emissions and a request that the person responsible
3 answer the notice within ten (10) working days. The person responsible for the emission shall
4 answer this notice, in writing, setting forth the reasons for the excessive emissions, and the steps
5 that have been taken or will be taken to abate the excessive emissions, and to prevent it from
6 recurring in the future.

7 In the event the responsible person fails to answer the notice within the prescribed time, or if, The
8 Commissioner of Health and or his or her designee within the City of St. Louis Department of Health
9 operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division
10 of Environmental Quality, Air Pollution Control Program, under authority contained within the Air
11 Conservation Law and granted by the Missouri Air Conservation Commission and conditions
12 contained within the State/Local Agreement, may enforce any provision of State Air Conservation
13 Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of
14 the Code of State Regulations , the reasons set forth for the excessive emissions having occurred,
15 or the steps that have been taken or will be taken to prevent recurrence of the excessive emissions
16 are not adequate, The Commissioner of Health and or his or her designee within the City of St.
17 Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of
18 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority
19 contained within the Air Conservation Law; and granted by the Missouri Air Conservation
20 Commission and conditions contained within the State/Local Agreement, may enforce any provision
21 of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of
22 Division 10 of Title 10 of the Code of State Regulations, may cause to be issued a "Notice of

1 Violation" as prescribed herein citing the same date and time in this notice as was previously cited in
2 the "Notice of Excessive Emissions."
3 As prescribed above, or at any other time that The Commissioner of Health and or his or her
4 designee within the City of St. Louis Department of Health operating as Delegated Agents of the
5 State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Pollution
6 Control Program, under authority contained within the Air Conservation Law and granted by the
7 Missouri Air Conservation Commission and conditions contained within the State/Local Agreement,
8 may enforce any provision of State Air Conservation Law so delegated, or specific rules contained
9 within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, becomes aware
10 that any of the provisions of this Ordinance have been or are being violated, The Commissioner of
11 Health and or his or her designee within the City of St. Louis Department of Health operating as
12 Delegated Agents of the State of Missouri, Department of Natural Resources, Division of
13 Environmental Quality, Air Pollution Control Program, under authority contained within the Air
14 Conservation Law and granted by the Missouri Air Conservation Commission and conditions
15 contained within the State/Local Agreement, may enforce any provision of State Air Conservation
16 Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of
17 the Code of State Regulations, may cause to be issued a "Notice of Violation" to the person
18 responsible for the violation. This notice may be personally served by a representative The
19 Commissioner of Health and or his or her designee within the City of St. Louis Department of Health
20 operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division
21 of Environmental Quality, Air Pollution Control Program, under authority contained within the Air
22 Conservation Law and granted by the Missouri Air Conservation Commission and conditions

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

21 1. Administrative Citation Fine

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

19 In the event the responsible person fails to abate the violation by the date specified, The
20 Commissioner of Health and or his or her designee within the City of St. Louis Department of Health
21 operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division
22 of Environmental Quality, Air Pollution Control Program, under authority contained within the Air

1 Conservation Law and granted by the Missouri Air Conservation Commission and conditions
2 contained within the State/Local Agreement, may enforce any provision of State Air Conservation
3 Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of
4 the Code of State Regulations, may take other enforcement actions as specified within this Section,
5 citing the same date and time of violation in these other actions that were set forth in the "Notice of
6 Violation."

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

- 14 a. The person is taking all reasonable means available to him to comply
15 with the time limitations and that such compliance is not possible;
- 16 b. The delay is caused by conditions beyond the jurisdiction and control of
17 such person; and
- 18 c. The imposition of the time limitation will cause an undue hardship, then
19 the Commissioner of Health and or his or her designee within the City of
20 St. Louis Department of Health may grant such additional extensions of
21 time as determined to be necessary and reasonable to achieve
22 compliance.

1 A. In the event that it becomes necessary and is legally proper, the City Counselor is
2 hereby empowered to institute proceedings in the Circuit Court in the name of the
3 City in order to enforce the terms and conditions of this Ordinance.

4 C. 1. Upon notice of The Commissioner of Health and or his or her designee within the City of St.
5 Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of
6 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority
7 contained within the Air Conservation Law and granted by the Missouri Air Conservation
8 Commission and conditions contained within the State/Local Agreement, may enforce any provision
9 of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of
10 Division 10 of Title 10 of the Code of State Regulations, that work on the installation of a machine,
11 contrivance, equipment, device, process, or operation that may cause the emission of air
12 contaminants, is being conducted without a permit where such a permit is required, or without
13 having been registered where such registration is required, or not in accordance with plans or
14 specifications or data submitted with the application for such permit or such registration, or is
15 contrary to any order of The Commissioner of Health and or his or her designee within the City of St.
16 Louis Department of Health operating as Delegated Agents of the State of Missouri, Department of
17 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority
18 contained within the Air Conservation Law and granted by the Missouri Air Conservation
19 Commission and conditions contained within the State/Local Agreement, may enforce any provision
20 of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of
21 Division 10 of Title 10 of the Code of State Regulations, such work shall be immediately stopped.
22 The failure of a facility to possess a valid State Operating Permit may subject the entire facility to be

1 ordered to stop work. The stop work order shall be in writing and shall be served to the person
2 responsible for the premises on which the work is occurring or upon the person doing the work and
3 shall cite the conditions under which the work may be resumed.

4 2. Any person who shall continue any work in or about such machine, contrivance,
5 device, process, or operation after having been served with a stop order except
6 which work he is directed to perform to remove a violation or unsafe condition,
7 shall be liable to a fine as set forth in Section 27 (Penalty Clause) of this
8 Ordinance.

9 D. 1. After any owner, agent, occupant, manager or lessee of any premise containing an
10 emission source has been notified of two or more violations of this Ordinance within any consecutive
11 twelve (12) month period after the effective date of this Ordinance, or at any time the Commissioner
12 of Health and or his or her designee within the City of St. Louis Department of Health has evidence
13 that an emission source is adversely affecting the ambient air quality, The Commissioner of Health
14 and or his or her designee within the City of St. Louis Department of Health operating as Delegated
15 Agents of the State of Missouri, Department of Natural Resources, Division of Environmental
16 Quality, Air Pollution Control Program, under authority contained within the Air Conservation Law
17 and granted by the Missouri Air Conservation Commission and conditions contained within the
18 State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or
19 specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State
20 Regulations, may order such person to appear at a hearing, to be held before the Commissioner of
21 Health and or his or her designee within the City of St. Louis Department of Health not more than

1 ten (10) working days after such order and show cause why the equipment causing such violations
2 and/or adversely affecting the ambient air quality should not be sealed.

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

22 3. The person responsible for the violating equipment may appeal such seal order to

1 the Air Pollution Control by requesting an Administrative Hearing

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

17
18 SECTION TWENTY-FOUR: Upset Conditions, Breakdowns or Scheduled Maintenance.

19 A. In the event that there are emissions to the ambient air exceeding any of the limits established
20 by this Ordinance as a direct result of unavoidable upset conditions in the nature of the process, or
21 unavoidable and unforeseeable breakdown of any air pollution equipment or related operating
22 equipment, or as a direct result of shutdown of such equipment for necessary scheduled

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

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

1 may enforce any provision of State Air Conservation Law so delegated, or specific rules contained
2 within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, within ten (10)
3 working days.

4 If the excess emissions result from the scheduled maintenance on any component of a production
5 process or associated control equipment during which the process continued operating, a "Notice of
6 Violation" will be issued, unless The Commissioner of Health and or his or her designee within the
7 City of St. Louis Department of Health operating as Delegated Agents of the State of Missouri,
8 Department of Natural Resources, Division of Environmental Quality, Air Pollution Control Program,
9 under authority contained within the Air Conservation Law and granted by the Missouri Air
10 Conservation Commission and conditions contained within the State/Local Agreement, may enforce
11 any provision of State Air Conservation Law so delegated, or specific rules contained within
12 Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations, agreed prior to the
13 maintenance that shutting down the process would be unreasonable. The intention to proceed with
14 on-line maintenance and the possibility of excess emission must be reported to The Commissioner
15 of Health and or his or her designee within the City of St. Louis Department of Health operating as
16 Delegated Agents of the State of Missouri, Department of Natural Resources, Division of
17 Environmental Quality, Air Pollution Control Program, under authority contained within the Air
18 Conservation Law and granted by the Missouri Air Conservation Commission and conditions
19 contained within the State/Local Agreement, may enforce any provision of State Air Conservation
20 Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of
21 the Code of State Regulations, agreed at least forty eight (48) hours in advance. It should be in
22 writing and include the reason that this type of maintenance is necessary. Written approval must be

1 given by The Commissioner of Health and or his or her designee within the City of St. Louis
2 Department of Health operating as Delegated Agents of the State of Missouri, Department of
3 Natural Resources, Division of Environmental Quality, Air Pollution Control Program, under authority
4 contained within the Air Conservation Law and granted by the Missouri Air Conservation
5 Commission and conditions contained within the State/Local Agreement, may enforce any provision
6 of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of
7 Division 10 of Title 10 of the Code of State Regulations, agreed before on-line maintenance may
8 begin. If excess emissions occur, the responsible facility person must submit a full report as
9 detailed in subsection B of this Section within ten (10) days.

10 B. The person responsible for any excess emission shall submit a full report
11 covering:

- 12 1. Name and location of facility;
- 13 2. Name and telephone number of person responsible for the facility;
- 14 3. The identity of the equipment causing the excess emissions;
- 15 4. The time and duration of the period of excess emissions;
- 16 5. The cause of the excess emissions;
- 17 6. The type of air contaminant(s) involved;
- 18 7. A best estimate of the magnitude of the excess emissions expressed in the
19 units of any applicable emission control regulation and the operating data and
20 calculations used in estimating the magnitude;
- 21 8. The measures taken to mitigate the extent and duration of the excess
22 emissions; and

1 9. The measures taken to remedy the situation which caused the excess
2 emissions and the measures taken or planned to prevent the recurrence of
3 such situations.

4
5 SECTION TWENTY-FIVE: Performance-Based Fee Schedule.

6 A. Authorization.

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

1 B. Definitions.

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

- 3 1. A "subject source" is any source subject to the provisions of Section 21 of this
4 ordinance not otherwise classified below.
- 5 2. An "EIQ source" is any source required to file an EIQ per 10 CSR 10-6.110
6 Submission of Emission Data, Emission Fees and Process Information.
- 7 3. A "de minimis source" is a source with actual emissions of regulated pollutants
8 less than the levels listed in Table 1 of 10 CSR 10-6.020 (3)(A).
- 9 4. A "minor source" means any source with actual emissions greater than a de
10 minimis source but less than 100 tons per year of criteria pollutants, 10 tons per
11 year of a single hazardous air pollutant (HAP) and 25 tons per year of all HAP
12 combined.
- 13 5. A "major source" is any source with emissions greater than a minor source.
- 14 6. A "special project" is a construction or modification project at a major source
15 where:
- 16 a. the project will increase the installation's potential to emit one or more
17 pollutants that contribute to atmospheric levels of pollution for which the St.
18 Louis Metropolitan Area is classified as non-attainment at rates above the
19 insignificance levels listed in 10 CSR 10-6.061 Construction Permit
20 Exemptions section (3)(A)3.A. Table 1,
- 21 b. the project will construct or modify equipment that is subject to 10 CSR 10-
22 6.070 New Source Performance Regulations (NSPS),

- 1 c. the project will construct or modify equipment that is subject to 10 CSR 10-
2 6.075 Maximum Achievable Control Technology Regulations (MACT),
- 3 d. the project will construct or modify equipment that is subject to 10 CSR 10-
4 6.080 Emission Standards for Hazardous Air Pollutants, or
- 5 e. the project is subject to 10 CSR 10-6.060 Section (7), (8) or (9).
- 6 7. An "emissions unit" is any activity, equipment, process or part of an installation
7 that emits or has the potential to emit any regulated air pollutant or any pollutant
8 listed under section 112(b) of the Clean Air Act.
- 9 8. An "insignificant source" is any emission point with actual emissions below
10 reporting thresholds for the Emission Inventory Questionnaire.
- 11 9. An "emission point" is an emissions unit or group of emissions units that will be
12 used to determine the compliance inspection fee.
- 13 a. For installations required to submit an Emission Inventory Questionnaire,
14 emissions units may be grouped and considered a single emission point for
15 the purposes of determining inspection fees if the group of emissions units,
16 source activities or equipment are reported as a single emission point on the
17 installation's Emission Inventory Questionnaire (i.e. all emissions are
18 reported in aggregate) AND one or more of the following applies:
- 19 i. the emissions units are connected to a single stack or air pollution
20 control device,

1 ii. the emissions units are sources that are similar in nature and all are
2 contained within, and vented within, a single building (such as groups
3 of process tanks, grinders, flour mills, etc.)

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

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

9 c. Emissions units that are listed as “emission units without limitations” on an
10 installation’s Intermediate or Part 70 Operating Permit AND are considered
11 insignificant sources shall not be included when determining the number of
12 emission points for the purposes of determining inspection fees.

13 C. Fees Non-Refundable.

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

17 D. Fee Descriptions.

18 1. Asbestos Fees:

19 a. Asbestos Abatement Project Notification Fees. Fees for notification of
20 “Asbestos Projects” as defined in Section 12.A of this ordinance.

21 Fee: \$320 per notification of asbestos projects with 160-1,000 square
22 feet or 260-1,500 linear feet.

1 Fee: \$480 per notification of asbestos projects with 1,001-5,000 square
2 feet or 1,501-5,500 linear feet.

3 Fee: \$640 per notification of asbestos projects with >5,000 square feet or
4 5,500 linear feet.

5 b. Asbestos Abatement Project Inspection Fee. A fee for inspection of an
6 "Asbestos Abatement Project" as defined in Section 12.A of this
7 ordinance.

8 Fee: \$100 per inspection. Regardless of the number of inspections made, The Commissioner of
9 Health and or his or her designee within the City of St. Louis Department of Health operating as
10 Delegated Agents of the State of Missouri, Department of Natural Resources, Division of
11 Environmental Quality, Air Pollution Control Program, under authority contained within the Air
12 Conservation Law and granted by the Missouri Air Conservation Commission and conditions
13 contained 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 Title 10 of
15 the Code of State Regulations, may only charge for up to (3) individual, separate inspections of the
16 same "Asbestos Abatement Project."

17 2. Vapor Recovery Fees:

18 a. Stage II Construction Permit Notifications.

19 Fee: \$1965 per facility, per notification covered by 10 CSR 10-5.220, as
20 amended

1 b. Stage II Operating Permit Notifications.

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

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

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

8 3. Compliance Inspection Fees:

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

11 De Minimis Source Inspection Fee: \$345

12 Minor Source Inspection Fee: \$3415

13 Major Source Inspection Fee: \$10245

14 Dry Cleaner Inspection Fee: \$70 per dry cleaning machine

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

20 b. NOV Inspection Fee.

21 Fee: \$450 for each NOV inspection.

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

1 a. Abrasive Blasting Source Registration Permit Fee.

2 Fee: \$300 for each exterior abrasive blasting job site subject to Section

3 20. A. 3.

4 b. Construction Permit Filing Fees.

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

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

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

15 c. Construction Permit Amendment Fees.

16 Requests to amend final construction permits issued in accordance with
17 10 CSR 10-6.060, as amended:

- 18 i. If the changes result in increased emissions, air quality impact or
19 increment consumption, the fee shall be equivalent to the appropriate
20 construction permit filing fee (Section 26 D.4.b. above) for the
21 equipment that will undergo modification or a change in the method of
22 operation.

1 ii. If the changes do not result in increased emissions, air quality impact,
2 or increment consumption, an administrative processing fee of \$1000
3 must be submitted with the request.

4 d. Source Registration Permit Filing Fees.

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

8 Subject Source Fee \$300

9 EIQ Source Fee \$800

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

19 e. Source Registration Permit Amendment Fees.

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

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 source registration permit filing fee (Section 26 D. 4.d. 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 \$150
 8 must be submitted with the request.

9 f. Permit Penalty Fees.

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

14 Subject source	\$300
15 EIQ source	\$800

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

20 5. Source Test Oversight Fees:

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

22 For each source test proposal, an initial, non-refundable filing fee must

1 accompany the source test proposal. For source tests scheduled for two
2 or more emission points with one test proposal, a separate filing fee shall
3 be paid for each emission point tested.

- 4 b. Review Fee: \$500 per test method performed during the test.

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

7 **6. Visible Opacity Certification:**

- 8 a. Visible Opacity Certification (Original).

9 Fee: \$750

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

- 14 b. Visible Opacity Re-Certification.

15 Fee: \$250

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

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

- 22 a. Administrative Citation Fines.

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

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

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

11 Variance Fee: \$200

12 Administrative Hearing Fee: \$150

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

14 Fee retrieval as allowable under chapter 610 R.S. MO

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

16 c. Late Payment Fees.

17 All fees incurred based on the provisions of this Ordinance must be submitted to The Commissioner
 18 of Health and or his or her designee within the City of St. Louis Department of Health operating as
 19 Delegated Agents of the State of Missouri, Department of Natural Resources, Division of
 20 Environmental Quality, Air Pollution Control Program, under authority contained within the Air
 21 Conservation Law and granted by the Missouri Air Conservation Commission and conditions
 22 contained within the State/Local Agreement, may enforce any provision of State Air Conservation

1 Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of
2 the Code of State Regulations, agreed on or before the due date specified on the invoice. Any
3 person, company, installation, or other organization that fails to submit payment in full by the due
4 date shall be subject to the following late fees in addition to the initial fee:

5 Fee: 5% of original fee if 30-60 days late

6 10% of original fee if 61-90 days late

7 20% of original fee if more than 90 days late

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

1 the Code of State Regulations, agreed for all such expenses will be forwarded to the applicant for
2 payment. Final permit issuance is dependent upon the applicant's payment in full of all expenses
3 incurred.

4

5 SECTION TWENTY-SIX: Severability.

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

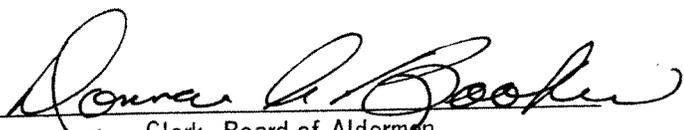
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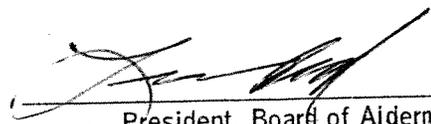
14 SECTION TWENTY-SEVEN: Penalty Clause.

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

19

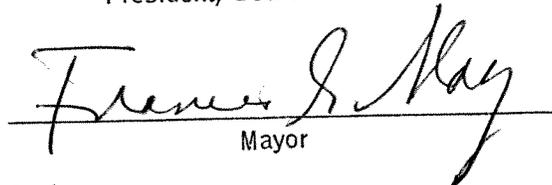
1 SECTION TWENTY-EIGHT: Emergency Clause.
2 The passage of this Ordinance being deemed necessary for the immediate preservation of the
3 public health, safety and welfare is hereby declared to be an emergency measure and shall
4 become effective immediately upon its passage and approval by the Mayor.
5


Clerk, Board of Aldermen


President, Board of Aldermen

Approved
Disapproved

Date June 2, 2010


Mayor

Truly Engrossed and Enrolled


Chairman