

**ORDINANCE #65448**  
**Board Bill No. 188**  
**Floor Substitute**

An ordinance to amend Ordinance 64749, approved November 5, 1999, and amended by Ordinance 65108 on December 20, 2000, by repealing Section 26 relating to a performance-based fee schedule, and codified as Sections 11.34.250 of the Revised Code of the City of St. Louis, and reenacting Section 26 relating to the same subject matter, and including a severability clause, a penalty clause, and an emergency clause.

**BE IT ORDAINED BY THE CITY OF SAINT LOUIS, AS FOLLOWS:**

**SECTION ONE:** Section 26 of Ordinance 64749 as amended by Ordinance 65108 is hereby repealed and in lieu thereof the following new Section 26 is hereby enacted.

**SECTION TWO:** Section 26 shall read as follows:

**SECTION TWENTY-SIX. PERFORMANCE-BASED FEE SCHEDULE.**

The Air Pollution Control Division of the City of Saint Louis is hereby authorized to collect the following fees based on the costs incurred to provide the services of air pollution control in the City of Saint Louis. All references to tons per year are based upon annual emissions inventory questionnaire when received by the Division for the facility's previous year of actual emissions. For a new facility, an estimate by the Division of Air Pollution Control of emissions projected during its first year of operation will be used.

- A. Applications Review and Compliance Inspection of Abrasive Blasting Job Sites  
Fee: \$50 per job site.
- B. Inspection of "Asbestos Abatement Project" as defined in 10 CSR 10-6.020, as amended.  
Fee: \$100 per inspection. Regardless of the number of inspections made, the "Division" may only charge for up to (3) individual, separate inspections of the same "Asbestos Abatement Project."
- C. The inspection of facilities from which actual air pollution emissions are over ten (10) tons per year and covered under 10 CSR 10-6, as amended.  
Fee: \$50.00 per hour of office preparation, facility inspection, and report documentation.
- D. Construction Permit Filing Fee for those sources from which actual air pollutant emissions are over ten (10) tons per year and are covered by 10 CSR 10-6.060, as amended.  
Fee: \$250, non-refundable, per permit application or request for permit determination. Applications in some cases may cover multiple emission units. The Air Pollution Control Division will make the final decision when separate applications requiring separate Permit Filing Fees are necessary, on a case-by-case basis.
- E. Construction Permit Filing Fee for those sources from which actual air pollutant emissions are less than or equal to ten (10) tons per year and covered by 10 CSR 10-6.060, as amended.  
Fee: \$100 per permit application, non-refundable, or request for permit determination. Applications in some cases may cover multiple emission units. The Air Pollution Control Division will make the final decision when separate applications requiring separate Permit Filing Fees are necessary, on a case-by-case basis.
- F. The Processing of Permits for facilities from which actual air pollutant emissions are over ten (10) tons per year and covered under 10 CSR 10-6.060.  
Fee: \$75 per hour of logged staff time spent processing the permit whether the permit is issued, denied, or withdrawn. This hourly fee, based on actual hours logged, will start when the permit filing review is started.

- G. The Processing of Permits for facilities from which actual air pollutant emissions are less than or equal to ten (10) tons per year and covered under 10 CSR 10-6.060.
- Fee: \$50 per hour of logged staff time spent processing the permit, whether the permit is issued, denied, or withdrawn. This hourly fee, based on actual hours logged, will start when the permit filing review is started. If a completed permit is issued and the conditions therein are accepted by the permit applicant, compliance is verified through inspection and is considered part of permit processing.
- H. The application and processing of Source Registration Permits for facilities not covered by 10 CSR 10-6.060, as amended, but required by Section Twenty One of Ordinance 64749, of which this is a part.
- Fee: \$30 per application submitted plus \$25 per emission unit on the same application, plus a processing fee of \$25 per hour of staff time logged. However, regardless of staff time logged, the processing fee cannot exceed a total of \$250.
- I. The application and processing of Source Registration Permits for facilities covered by 10 CSR 10-6, as amended and required by Section Twenty One of Ordinance 64749, of which this is a part.
- Fee: \$100 per application submitted, non-refundable, plus \$50 per emission unit, plus \$50 per hour of staff time logged.
- J. Stage II Operating Permit Notifications.
- Fee: \$100 per Notification covered by 10 CSR 10-5.220, as amended.
- K. Original Visible Opacity Certification
- Fee: \$200, which includes Method 9 instructional class time and opacity observation field training. Government employees are exempt from this fee. This is a non-refundable fee and is charged regardless of whether the student passes or fails certification criteria.
- L. Visible Opacity Re-Certification
- Fee: \$100. No instructional class time is included or required. Only opacity observation field training is included. Government employees are exempt from this fee. This is a non-refundable fee and is charged regardless of whether the student passes or fails re-certification criteria.
- M. Application for Variance and/or Appeal of Commissioner's Action or Order.
- Fee: \$50 plus actual cost of all additional expenses incurred except staff salaries of Air Pollution Control Division and Variance Board Members' compensation.
- N. Request to Amend Final Permits for facilities from which actual air pollutant emissions are over ten (10) tons per year.
- 1) Changes resulting in increased emissions, air quality impact or increment consumption.
- Fee: \$250 per application submitted, non-refundable, plus a permit processing fee of \$75 per hour of logged staff time.
- 2) Changes that do not result in increased emissions, air quality impact, or incremental consumption. No permit filing fee required. However, a processing fee of \$75 per hour of logged staff time will be charged.
- O. Request to Amend Final Permit for any facility from which actual air pollutant emissions are less than ten (10) tons per year.

- 1) Changes resulting in increased emissions, air quality impact, or incremental consumption.  
Fee: \$100per application submitted, non-refundable plus a permit processing fee of \$50 per hour of logged staff time.
- 2) Changes that do not result in increased emissions, air quality impact, or incremental consumption. No permit filing fee required. However, a processing fee of \$50 per hour of logged staff time will be charged.
- 3). Public Notices and Public Hearings. The expenses incurred in the processing of any type of permit which requires public notice or participation for approval, or the request for a public hearing by a facility under the jurisdiction of the Air Pollution Control Division, will be the responsibility of the applicant. All billings received by the Air Pollution Control Division for all such expenses will be forwarded to the applicant for payment. Final permit issuance is dependent upon the applicant's payment in full of all expenses incurred.

**P. Penalty Fees**

Any individual or company that has commenced construction of or begun operation of any device, emission unit, or source operation, prior to payment of the normal fee as stated in this Section shall have that fee doubled. Processing fees are not subject to Penalty Fee requirement.

**Q. NOV Inspection Fee**

Fee: \$100 for each NOV inspection.

**SECTION THREE: SEVERABILITY.**

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

**SECTION FOUR: PENALTY CLAUSE.**

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

**SECTION FIVE: Emergency Clause.**

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

**Approved: March 21, 2002**