

Air Pollution Ordinance 612

**SAINT LOUIS COUNTY AIR POLLUTION CONTROL CODE  
SAINT LOUIS COUNTY HEALTH DEPARTMENT  
ENVIRONMENTAL PROTECTION DIVISION  
AIR, LAND and WATER BRANCH**

**111 SOUTH MERAMEC AVENUE  
CLAYTON, MISSOURI 63105**

**(314) 615-8923 or 615-8924**

**July 4, 1967**

As Amended: March 1, 1971  
July 15, 1974  
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**ST. LOUIS COUNTY, MISSOURI  
AIR POLLUTION CONTROL CODE**

**St. Louis County, Mo. Ordinances, Chapter 612  
(rev. 10/01)**

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**612.010 Short Title.**

This Chapter shall be known and may be cited as "The St. Louis County Air Pollution  
Control Code."  
(O. No. 4365 - 6/19/67)

**612.020 Scope.**

In order to enhance the public health and prevent the entrance of air contaminants to the  
atmosphere of St. Louis County which will cause or tend to cause infectious, contagious,  
communicable and dangerous diseases, the provisions of this Code shall be in effect in all  
unincorporated parts of St. Louis County and in all incorporated cities, towns and villages  
within the corporate limits of St. Louis County, Missouri, except those cities, towns and  
villages which adopt and enforce ordinances and resolutions relating to the control of air  
pollution not  
inconsistent with Chapter 203, R.S.Mo. 1959, Sum. Supp. 1965 and any standards or  
regulations adopted thereunder, or this Code.  
(O. No. 4365 - 6/19/67)

**612.030 Definitions.**

- (1) "Board" means the Appeal Board herein created.
- (2) "Director" - The Director of the Department of Community Health and Medical Care  
or his duly authorized agent.
- (3) "Division" means the Air Pollution Control Branch of the Division of Environmental  
Protection of the Department of Community Health and Medical Care.
- (4) "Person" means any individual or natural person, firm, public or private corporation  
or development agent, association, syndicate or other group of organized or unorganized  
groups of individuals, business trust, company, partnership, contractor, supplier, installer,  
user, operator, or owner, public district, state or local governmental agency or other  
political subdivision, or their officers, agents, servants, or employees.

(O. No. 8305 - 7/7/77)

**612.040 Air Quality Standards and Air Pollution Control Regulations.**

(1) The air quality standards and air pollution control regulations consisting of Title 10, Division 10, Chapters 5 and 6 of the Missouri Code of State Regulations as adopted and promulgated by the Air Conservation Commission of the State of Missouri for the St. Louis Metropolitan Area through the date of passage of the ordinance shall constitute the air quality standards and air pollution control regulations for St. Louis County, Missouri, the violation of which shall be punishable as required herein; except, however, that Sections 5.380, 5.430, 5.480, 6.230, 6.250, 6.270 and 6.300 shall not be subject to enforcement by St. Louis County. A copy of the regulations hereby adopted shall be filed with and available for inspection in the office of the Administrative Director.

(2) The term "Director" as used in the regulations promulgated above shall mean for purposes of this Code the Director of Health or his designated representative.

(3) The term "Notice of Excess Emissions" as used in the regulations promulgated above shall mean for purposes of this Code the Notice of Violation as issued by the Air Pollution Control Branch of the Department of Health.

(O. No. 18222 - 10/14/96)

**612.050 Enforcement, By Whom.**

The Director shall enforce the provisions of this Code.

(O. No. 8305 - 7/7/77)

**612.060 Director - Duties.**

The Director shall be responsible for the administration of the Air Pollution Control Program and his duties shall include but not be limited to the following:

(1) Supervise the employees and operation of the program.

(2) Investigate alleged violations of this Code.

(3) Inspect and observe smoke conditions and other conditions causing pollution of the atmosphere.

(4) Emergency abatement of violations of this Code in accordance with Section 612.100.

(5) Make recommendations to the Appeal Board with regard to variance applications in those instances where the Appeal Board is permitted to grant variances under Sections 612.080 and 612.300.

(6) Grant variances pertaining to operation of incinerators where the provisions of Section 612.305 are satisfied.

(7) Collect and disseminate information and conduct education and training programs in air pollution.

(8) Advise and consult with agencies of the state, political subdivisions, industries, other states and the Federal Government and with interested persons or groups.

(9) Recommend amendments to this Code in light of advances in technology, changes in air pollution conditions, or for any other appropriate reason in accordance with the intent and purposes of this Code.

(10) Attend meetings of the Appeal Board provided, however, the Director shall not be entitled to vote on any matter before the Board.

(11) Issue permits and collect fees as required and authorized by this Code.

(12) Revoke or suspend operating permits or authority to construct in accordance with Sections 612.220 and 612.230 of this Code.

(13) Such other specific duties as may be imposed by law or prescribed by the County Council, County Executive and the Appeal Board.

(O. No. 15598 - 8/1/91)

#### **612.070 Appeal Board Establishment.**

(1) The County Executive, subject to confirmation by the County Council, shall appoint an Appeal Board of five (5) members who shall be representative of various occupations within the community. The members shall be appointed for a term of four (4) years, except that of the initially appointed Board one member shall serve for one year, one member for two years, one member for three years, and two members for four years. Any vacancy in the Board shall be filled for the unexpired term by the County Executive, subject to confirmation by the County Council. The County Executive, subject to the confirmation of the County Council, shall appoint one of the members of the Board as the Chairman of the Board who shall serve a one-year term. The Board shall hold at least one meeting per month and such additional meetings as the Chairman deems desirable at a place and time fixed by the Chairman.

(2) A majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall prepare such procedural rules and regulations as may be deemed by the Board to be necessary in the discharge of its duties.

(O. No. 5706 - 12/31/70)

#### **612.080 Duties of the Appeal Board.**

The duties of the Board shall include but not be limited to the following:

(1) Review appeals from orders of the Director or from any other actions or determinations of the Director hereunder for which provision is made for appeal.

(2) Grant, deny or revoke variance applications and permits; provided, however, that the Board shall not consider applications nor grant permits for variances pertaining to incinerators.

(3) Initiate investigation of violations of this Code.

(4) File an annual report with the County Council reviewing the activities of the Board together with recommendations concerning fees, permits, enforcement and procedures.  
(O. No. 15598 - 8/1/91)

### **612.090 Board to Consider Appeal.**

(1) Any person aggrieved by any decision, ruling or order of the Director, may appeal to the Board. Appeals shall be taken within ten (10) days of the time the parties have been notified in writing of the Director's decision and the appeal shall act as a stay of decision except those issued by the Director pursuant to Section 612.100. Such notice of appeal shall be filed in writing with the Director and directed to the Board specifying the grounds thereof and the relief prayed for. The Director shall forthwith transmit to the Board all papers constituting the record upon which the decision, ruling, or order appealed from is taken. The Board, upon hearing such appeals, shall either affirm, modify or set aside the decision, ruling or order, but no action of the Board may be at variance with any of the provisions of this Code or any other ordinance of St. Louis County. Any final decision of the Board may be appealed by either party to the Circuit Court under provisions of the Missouri Administrative Procedure Act, Chapter 536, R.S.Mo.

(2) Two Hundred Dollars (\$200.00) shall accompany each notice of appeal which shall be paid to the Director for deposit with the County Treasurer.

(3) Notice of a hearing held under Section 612.090 shall be given by the Director to the petitioner in writing at least seven (7) days prior to the date the hearing is set. Service of the notice shall be in accordance with Section 612.320 of this Code.

(4) When the Board schedules a matter for hearing under Section 612.090, each party to the proceeding may file written arguments and may appear at the hearing in person or by representative with or without counsel, and may make oral arguments, offer testimony or cross-examine witnesses, or take any combination of such actions.

(5) At the request of any party to the proceeding or of the Board, the County Council may subpoena and compel the attendance of such witnesses as the Board or the requesting party designates and may require for examination the production of any books, papers or records relating to the matter under investigation at the hearing.

(6) All hearings held under Section 612.090 shall be held before a majority of all members of the Board and any final order or decision or other final action by the Board shall be approved by at least a majority of the Board's members hearing the matter.

(7) The decision of the Board shall be in writing, served and filed within fifteen (15) days after hearing and shall contain a brief statement of facts found to be true, the determination of the issues presented, and the order of the Board. A copy of the decision shall be served by the Director on the petitioner and to every person who has appeared as a party in person or by counsel at the hearing. Service shall be in accordance with Section 612.320 of this Code.

(8) Upon application by the petitioner, at least five (5) days prior to the date of the hearing held under Section 612.090, the Chairman or any two members of the Board may grant a continuance of the hearing. A continuance may be granted without a meeting of the Board and without prior notice.

(9) A summary record of the hearing held under Section 612.090 shall be kept by the Director and shall be made available to any party to the proceedings. Any party to the hearing may at his expense take and record a verbatim record of the proceedings.

(10) The decision of the Board shall be effective ten (10) days after service on the petitioner unless otherwise provided by the Board.

(O. No. 10728 -9/2/82)

#### **612.100 Emergency Abatement of Violation - Procedure.**

Notwithstanding other provisions of this Code to the contrary and without necessity of prior administrative procedures or hearings or at any time during the administrative proceedings where the proceedings have been commenced, if the Director after investigation is of the opinion that any person is discharging or causing to be discharged into the atmosphere, directly or indirectly, any air contaminant in violation of this Code and the Director determines that the discharge creates an emergency which requires immediate action to protect the public health, safety or welfare and that it therefore appears to be prejudicial to the interests of the people of St. Louis County to delay action, the Director, with the written approval of the County Executive, shall order the person in writing to discontinue immediately the discharge of the contaminants into the atmosphere whereupon the person shall immediately discontinue the discharge. Upon issuance of any such order the Board shall fix a time and place for a hearing to be held before the Board not later than twenty-four (24) hours after the issuance of the order to investigate and determine the factors causing or contributing to the emergency conditions. The hearing may be continued by the Board upon good cause shown. A true copy of such order shall be served upon persons whose interests are directly prejudiced thereby in the same manner as a summons in a civil action may be served. All persons whose interests are prejudiced or affected in any manner by any such order shall have the right to appear in person or by counsel at the hearing and to present evidence relevant to the subject of the hearing. Within twenty-four (24) hours after completion of the hearing the Board shall affirm, modify or set aside the order of the Director or make such other orders as the Board deems appropriate under the circumstances in accordance and consistent with the evidence adduced and shall notify all persons appearing in person or by counsel of its

determination in writing by certified or registered mail.  
(O. No. 4365 -6/19/67)

### **612.110 Permits Required.**

(1) Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Director. The Director shall follow the procedures set forth in 10CSR 10-6.060, where applicable, in determining if such authority to construct can be issued. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.

(2) Before any new or existing article, machine, equipment, or other contrivance described in subsection (1) of this Section may be operated or used, a written permit shall be obtained from the Director. No permit to operate shall be granted by the Director for any article, machine, equipment or contrivance described in subsection (1) of this Section, constructed or installed without authorization as required by subsection (1) of this Section, until the information required is presented to the Director and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards of this Code. Operating permits issued under this Section shall be effective from the date of issuance unless revoked, suspended or otherwise terminated under this Code.

(3) All work for which any permit or authority to construct has been issued or is required by any Section of this Code shall be inspected as such work progresses to insure compliance with all requirements of this Code, and to assure that the construction and installation of any article, machine, equipment or other contrivance described in subsection (1) of this Section is in accordance with the permit or authority issued. There shall be as many such inspections as the Director deems necessary.

(4) Upon completion of any work for which such permit or authority has been issued or required, the person granted the permit or authority shall notify the Director and a final inspection shall be made. Except as otherwise provided, such articles, machines and equipment shall not be used or operated until after completion of the final inspection and a permit to operate is granted.

(5) Provisions of this Section shall not apply to any single family residential dwelling or any indirect heating units fired by gas or oil having a maximum rated capacity of one million BTU's input per hour or less.  
(O. No. 11345 - 1/23/84)

### **612.120 Permits to be Visibly Affixed or Placed.**

A person who has been granted under Section 612.110 a permit to operate any article,

machine, equipment, or other contrivance described in Section 612.110, shall firmly affix such permit to operate upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the permit to operate cannot be so placed, the permit shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment or other contrivance. (O. No. 4365 - 6/19/67)

#### **612.130 Permit to Sell or Rent.**

Any person who sells or rents to another person an incinerator which may be used to dispose of combustible refuse by burning within St. Louis County and which incinerator is to be used exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families, shall first obtain a permit from the Director to sell or rent such incinerator.

(O. No. 4365 - 6/19/67)

#### **612.140 Transfer.**

(1) An authority to construct, permit to operate or permit to sell or rent shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(2) Any purported or attempted transfer of any authority or permit to a person not named therein as permittee or any purported or attempted transfer of a permit from one location to another or from one piece of equipment to another automatically revokes the permit.

(O. No. 4365 - 6/19/67)

#### **612.150 Permit to Operate, When Required.**

Except as provided in 612.110 (5), no person shall cause or allow the use or operation of equipment or control apparatus for which a permit is required except for the purpose of testing the equipment or control apparatus for a period not exceeding thirty (30) days, or for the purpose of testing an experimental installation or alteration for a reasonable period of time not exceeding one (1) year, without first obtaining a permit to operate from the Director.

(O. No.4365 - 6/19/67)

#### **612.160 General Requirements for Applications for Authority to Construct and Operating Permits.**

(1) Application for authority to construct or a permit to operate shall be made by the owner or lessee of the equipment or control apparatus, or his agent, on forms furnished by the Division. If the applicant is a partnership or group other than a corporation, the application shall be made by one individual who is a member of the group. If the

applicant is a corporation, the application shall be made by an officer of the corporation.

(2) Applications, other than an application for an authority to construct or a permit to operate fuel or refuse burning equipment under the jurisdiction of the Department of Public Works, shall be filed at the Division. Applications for the installation, alteration or use of fuel or refuse burning equipment under the Department of Public Works shall be filed at an office of that Department as provided by Chapter 1101 SLCRO, 1964, as amended.

(3) A separate application is required for each unit of equipment or control apparatus, unless identical units of equipment or control apparatus are to be installed, altered, or operated in an identical manner in the same building.

(4) Each application shall be signed by the applicant. The signature of the applicant shall constitute an agreement that the applicant will assume responsibility for the installation, alteration or use of the equipment or control apparatus concerned in accordance with the requirements of this Code.

(O. No. 4365 - 6/19/67)

#### **612.170 Information Requirement for Application for Permits.**

(1) Each application for an authority to construct or a permit to operate shall be accompanied by copies of the plans which shall be of professional quality. Except in the case of an application for a permit to install or to alter experimental equipment or control apparatus, the application and the plans shall clearly show and describe in detail the following:

(A) The equipment or control apparatus covered by the application; and

(B) Any equipment connected or attached to or serving or served by the unit of equipment or control apparatus covered by the application, unless an application and plans for the equipment are on file with the Division and the information contained therein is up-to-date; and

(C) The plot plan, including the distance and height of buildings within a reasonable distance from the place where the equipment is or will be installed, unless an up-to-date plot plan is on file with the Division; and

(D) The proposed means for the prevention or control of the emission of air contaminants; and

(E) Any additional information, evidence or documentation required by the Division, to show what the proposed control apparatus will achieve.

(2) The application and plans for the installation or alteration of experimental equipment or control apparatus shall contain as much of the information described

by subsection (1) as is available. Complete information shall be filed before an operating permit is issued.  
(O. No. 4365 - 6/19/67)

### **612.180 Standards for Granting Permits.**

(1) No authority to construct or permit to operate shall be granted unless the applicant shows to the satisfaction of the Director that:

(A) The equipment is designed and will be installed or altered to operate without causing a violation of the provisions of this Code; and

(B) Equipment which will have a stack or duct 3 feet or more in diameter, will be provided with:

1. Sampling ports of a size, number and location as the Division may require; and
2. Safe access to each port; and
3. Such other sampling and testing facilities as the Division may require; and

(C) Fuel burning equipment and refuse burning equipment will achieve optimum combustion of the fuel or refuse material to be burned. In order to assure optimum combustion, the equipment shall be large enough to handle the planned load, have a means to regulate the quality, distribution and flow of air into the combustion chamber, and have a means to achieve and maintain the proper temperature for the optimum combustion of the particular type of fuel or refuse material to be burned; and

(D) Fuel burning equipment which will use residual fuel oil will be installed with an air contaminant detector and combustion shutoff or a combustion controller; and

(E) All parts of the equipment can be readily cleaned or repaired.

(2) No permit shall be issued for the operation of an incinerator intended to burn known concentrations of 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD) unless first demonstrated in emissions burns that emissions of toxic equivalents shall not exceed 0.15 ng/dry standard cubic meter as demonstrated on the feed stock, nor may any such incinerator continue to operate if this emission standard is violated. The operator of any such incinerator shall conduct periodic testing of emissions and shall maintain a log of testing results which shall be open for inspection.  
( O. No. 17420 - 2/2/95)

(3) The Director with approval of the Board may from time to time issue criteria for the guidance of applicants indicating the technical specifications which he deems will comply with the performance standards of subsection (1).  
(O. No. 4365 - 6/19/67)

#### **612.190 Cancellation of Authority to Construct.**

(1) Authority to construct shall expire one (1) year from the date of issuance. Authority to construct issued prior to the effective date of this Code shall, for the purpose of this Code, be considered as issued on the effective date of this Code.

(2) Extension of the expiration date of an authority to construct may be requested by written notice to the Director. Extensions may be granted by the Director for periods of six (6) months. (O. No. 4365 - 6/19/67)

#### **612.200 Testing Prior to Granting of Operating Permit.**

(1) Before an authority to construct or permit to operate is granted, the Director may require the applicant to conduct tests to determine the kind or amount of the air contaminant emitted from the equipment or to determine whether the fuel used is as specified on the permit and is suitable for the equipment. The test shall be made at the expense of the applicant.

(2) Such tests shall be conducted, reviewed and certified by an engineer licensed under Chapter 327 R.S.Mo. 1959. The applicant shall notify the Division of the time and place of a test and reasonable facilities shall be made available for the Director to witness the test.

(O. No. 4365 - 6/19/67)

#### **612.210 Action on Applications for Permits.**

(1) The Director shall act on an application for authority to construct in accordance with the following schedule:

(A) Permits requiring public participation under 10CSR 10-6.060:

Day 0: Receipt of complete application and required fees.

Day 90: Preliminary Review Determination.

Day 100: Public notice of hearing and comment period.

Day 130: End of public comment period and earliest possible hearing date.

Day 140: Latest possible hearing date.

Day 150: Applicant rebuttal time expires.

Day 184: Last date for final determination.

(B) Permits without public participation under 10 CSR 10-6.060:

Day 0: Receipt of complete application and required fees.

Day 90: Last day for final determination.

(2) The Director shall act on an application for an operating permit within sixty (60) days of written notice from the applicant stating the construction is completed and that the equipment is ready for inspection.

(3) The Director shall notify the applicant in writing of his decision to approve or deny a permit application. The Director shall set forth all reasons for application denial in his written notice of denial to the applicant.

(4) Within sixty (60) days after service on an applicant of a notice of denial, exclusive of the day of service, the applicant may request the Director to reconsider the application by answering in writing the Director's objections to the application.

(5) The Director shall consider the applicant's answer to his objections, and shall notify the applicant in writing within a reasonable time of his approval or denial of the application. Failure to answer or request an extension of time within sixty (60) days after service of the notice of disapproval shall be deemed a denial of the application.

(O. No. 11345 - 1/23/84)

#### **612.220 Suspension or Revocation of Permits.**

(1) The Director may suspend or revoke a permit to operate or authority to construct for willful or continued violation of this Code.

(2) Suspension or revocation of a permit to operate or authority to construct shall become final ten (10) days after service of notice, exclusive of the day of service, on the holder thereof.

(O. No. 4365 - 6/19/67)

#### **612.230 Suspension or Revocation of Operating Permits or Authority to Construct, Board Hearing, Stay of Action.**

(1) When the Director suspends or revokes a permit to operate or authority to construct under Section 612.220, the holder of the permit or authority to construct affected thereby may request a hearing by the Board by serving a request for hearing within ten (10) days following the service of the notice of suspension or revocation, exclusive of the day of service, upon an employee of the Division designed for this purpose.

(2) The appeal procedure set forth in Section 612.090 shall apply to all suspension and revocation hearings.

(3) Suspension or revocation shall be stayed by the effective service of a notice for hearing until final determination by the Board.

(O. No. 4365 - 6/19/67)

#### **612.240 Surrender of Permits.**

An operating permit or authority to construct which has been revoked or suspended pursuant to the Code shall be surrendered forthwith to the Division.

(O. No. 4365 - 6/19/67)

#### **612.250 Fees - When Payable - Exceptions.**

(1) Fees for authority to construct and operating permits in the amounts provided in Section 612.260 shall be paid to the Director.

(2) Except as provided by subsections 3 and 4, the fees prescribed shall accompany each application, filed with the Division.

(3) The Director may defer the payment of the fee for a permit for an experimental installation or alteration until the expiration date of the permit upon written request by the applicant. If a deferment is granted by the Director, the fee shall be paid before a permit will be issued for the equipment or control apparatus.

(4) A fee shall not be charged for an operating permit, authority to construct or annual emission inspection for equipment or control apparatus which is or will be used by any Federal, state or local governmental agency, or public district.

(5) The Division shall not act on any application until the fee due is paid.

(6) Failure to pay the annual emission inspection fee by December 31st of the year the fee is due, will result in a 10% penalty of said fee. If the penalty and fee are not paid by February 1st of the following year, an additional penalty of 50% of the fee shall be assessed.

(O. No. 13816 - 3/24/88)

#### **612.260 Permit Fees - Schedules.**

(1) For the purpose of this Section "de minimis source" is defined in 10 CSR 10-6.060(7)(A). "Minor source" means any source with actual emissions greater than a de minimis source but less than 100 tons of pollutant per year. "Major source" means a source with actual emissions greater than a minor source. "Actual emissions" is defined in 10 CSR 10-6.020(2)(A)(16). "VOC" is defined in 10 CSR 10-6.060(4). "PSD" is defined in 10 CSR 10-6.060(5). "NSPS" is defined in 10 CSR 10-6.070.

(2) If a process is to be installed or altered which has a number of units of equipment, a separate fee shall be paid for each unit of equipment.

(3) The fee for authority to construct issued under Section 612.110 of this Code shall be as follows:

Source Fee

De minimis source \$ 300

Minor source 700

Major source 1000

Major (VOC, PSD, NSPS) 2500

(4) The fee for authority to construct which provides for installation of control apparatus shall be as follows:

(A) If the control apparatus is to be installed at the same time as the installation of the equipment which it will serve, no fee shall be charged.

(B) If the control apparatus is to be installed to serve already existing equipment which has an operating permit, no fee shall be charged.

(C) If the control apparatus is to be installed to serve already existing equipment which does not have an operating permit, the amount of the fee to install the control apparatus shall be the amount payable for a permit to install the equipment itself.

(5) The fee for authorization to construct which provides for alteration of equipment, shall be as follows:

(A) If the alteration will modify or change the design, process or arrangement of the equipment, the fee shall be the amount payable for a permit to install the unit of equipment to be altered.

(B) If the alteration will increase the emissions of the equipment and the equipment has an operating permit, the fee is based upon the increase in emissions in the amount prescribed by subsection (3).

(C) If the alteration will increase the capacity of the equipment and the equipment does not have an operating permit, the fee shall be the amount payable for a permit to install the unit of equipment to be altered.

(6) The fee for authority to construct which provides for alteration of control apparatus, shall be as follows:

(A) If the equipment served by the control apparatus has an operating permit no fee shall be charged.

(B) If the equipment served by the control apparatus does not have an operating permit, the fee shall be the amount payable for a permit to install the equipment.

(7) Applicants for operating permits shall pay a fee of One Hundred Dollars (\$100.00) for each permit requested.

(8) Permits for the operation of air curtain destructors shall be based on the acreage of the site where located as follows:

Site Fee

Less than 10 acres \$100

10 acres to 50 acres 150

More than 50 acres 200

(9) Permits for demolition or renovation involving asbestos shall be based on the square feet or linear feet involved as follows:

Sq. Ft or Lin. Ft. Fee

Less than 1000 Less than 1500 \$100

Between 1000 and 5000 Between 1500 and 5500 150

More than 5,000 More than 5500 200

(10) All pollution sources shall be subject to an annual emission inspection fee as follows:

Source Fee Plus, per emission point

De minimis source \$ 50 \$10

Minor source 500 25

Major source 1500 50

(O. No. 13816 - 3/24/88)

#### **612.270 Permit Fees; Refund.**

If an application for authority to construct or operating permit is withdrawn by the applicant the fee paid shall be refunded upon application to the Director.  
(O. No. 4365 - 6/19/67)

#### **612.280 Testing by Order of the Board.**

(1) If the Director has reasonable cause to believe that any article, machine, equipment or other contrivance is in violation of this Code, the Director may file with the Board for its approval an order directing the owner, lessee, or permittee of such equipment to conduct such tests as are necessary in the opinion of the Director and approved by the Board to determine whether the equipment is in violation of this Code.

(2) The order filed by the Director with the Board shall specify the equipment believed to be in violation of this Code, the owner, lessee, or permittee affected, the type of test requested, and an estimated cost of the test. The Board may approve, modify or disapprove the order of the Director. If approved by the Board, the Director shall serve a copy of the order on the owner, lessee or permittee affected thereby.

(3) The entire test results shall be reviewed and certified by an engineer licensed under Chapter 327, R.S.Mo. 1959. The engineer shall be selected by such owner, lessee or permittee and approved by the Board. All tests conducted pursuant to this Section shall be at the expenses of the owner, lessee or permittee. The Director shall be given at least seven (7) days notice prior to the commencement of a test. The notice shall state the time and place of the test. Reasonable facilities shall be made available for the Director or his agent to witness the test.  
(O. No. 4365 - 6/19/67)

#### **612.290 Right of Entry; Inspections; Samples.**

(1) The Director or his agents may enter at all times with reasonable notice , in or upon any private or public property, except the administrative offices of any person, firm or corporation, for the purpose of inspecting and investigating any condition or equipment which the Director shall have cause to believe to be an air contaminant source. No person shall refuse entry or access, requested for purposes of inspection under this Section to the Director or to an authorized agent of the Director who presents appropriate credentials, nor obstruct or hamper the Director or any such agent in carrying out the inspection. Should such right of entry be denied in any instance, such official may invoke the aid of the police department to enforce such right.

(2) The Director or his agents may inspect at any reasonable time and in a reasonable manner any equipment, control apparatus, fuel, matter or thing which affects or may affect the emission of air contaminants, including but not limited to the premises where the equipment, control apparatus, or fuel is used, or where the fuel is purchased, sold or offered for sale for use in St. Louis County.

(3) The Director or his agents may inspect at any reasonable time and in a reasonable manner any record relating to a use of equipment or control apparatus which affects or may affect the emission of air contaminants, or relating to the use of fuel, or the distribution, storage, or transportation of fuel for use in St. Louis County.

(4) If an authorized employee of the Division obtains a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants during the course of an inspection, he shall give the owner or lessee of the equipment or fuel, or his agent, prior to leaving the premises, a receipt for the sample obtained.

(5) The Director may make or cause to be made any investigation or study which in his opinion is desirable for the purpose of enforcing this Code or controlling or reducing the amount or kind of air contaminant.  
(O. No. 4365 - 6/19/67)

#### **612.300 Variances Granted by Appeal Board.**

(1) Notwithstanding any other provision of this Code, the Board shall not be empowered

to grant variances pertaining to the construction or operation of incinerators or grant variances from the requirements imposed upon incinerators and incinerator operators under Sections 612.410 or 612.420. The power to issue variances is granted to the Director as defined and limited in Section 612.305.

(2) The Appeal Board may grant individual variances beyond the limitation prescribed in this Code whenever it is found, upon presentation of adequate proof, that compliance with any provision of this Code will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without sufficient corresponding benefit or advantage to the people; except, that no variance shall be granted where the effect of the variance will permit the continuance of a health hazard; and except, also, that any variance so granted shall not be so construed as to relieve the person who received the variance from any liability imposed by other law for the commission or maintenance of a nuisance.

(3) In determining under what conditions and to what extent a variance may be granted, the Board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to those affected by air contaminants emitted by the applicant.

(4) Variances shall be granted for such period of time and under such terms and conditions as shall be specified by the Board in its order. The variance may be extended by affirmative action of the Board.

(5) Any person seeking a variance shall do so by filing a petition for variance with the Director. The Director shall promptly investigate the petition and make a written recommendation to the Board as to the disposition thereof. Upon receiving the recommendation of the Director, the Board shall hold a public hearing in accordance with the procedures set forth in Section 612.300(6).

(6)

(A) Notice of public hearing shall be given by the Director to the petitioner in writing at least thirty (30) days prior to the date the hearing is set. Service of the notice shall be made in accordance with Section 612.320 of this Code.

(B) Notice of public hearing shall also be given by public advertisement setting forth the date, time, and place of the public hearing. The Director shall include in such notice the name of the petitioner for the variance, the location of the premises for which the variance is sought, a brief description of the variance requested and the recommendation of the Director. The notice shall be published in a newspaper of general circulation in St. Louis County. Such publication shall take place for two (2) days within a four-day period and the second day of publication shall be at least thirty (30) days prior to the date the hearing is set. The cost of publication shall be borne by the petitioner and shall be in addition to any

charges imposed upon the petitioner under Section 612.300(16) herein.

(C) The Director shall send a copy of the notice of public hearing to all persons who are not parties to the proceeding who have filed a written request for notification with the Director.

(7) The Director shall maintain a copy of the recommendation to the Board at the offices of the Department of Community Health and Medical Care, and said recommendation shall be available for public inspection.

(8) At the request of any party to the proceeding or of the Board, the County Council may subpoena and compel the attendance of such witnesses as the Board or the requesting party designates and may require for examination the production of any books, papers or records relating to the matter under investigation at the hearing.

(9) All hearings shall be held before a majority of all the members of the Board and any final order or decision or other final action by the Board shall be approved by at least a majority of the members of the Board hearing the matter.

(10) At any public hearing, the Board shall maintain a record of the name and address of each witness appearing and all testimony taken before the Board shall be under oath and recorded stenographically. Copies of the transcript so recorded may be obtained by any member of the public or any party to the hearing upon payment of the usual charges therefor.

(11) Upon application by the petitioner, at least five (5) days prior to the date of the hearing, the Chairman or any two (2) members of the Board may grant a continuance of the hearing. A continuance may be granted without a meeting of the Board and without prior notice. Notice of a public hearing for which a continuance has been granted shall be given in accordance with the provisions of Section 612.300 (6).

(12) At any public hearing held by the Board, the burden of proof shall be on the person petitioning for the variance. Each party to the proceeding may appear at the hearing in person or by representative, with or without counsel, and may make oral arguments, offer testimony or cross-examine witnesses, or take any combination of such actions. In addition any party to the proceeding or any person who may be directly affected by the subject matter thereof may submit, within seven (7) days subsequent to the hearings, written arguments setting forth their views.

(13) The decision of the Board shall be in writing served and filed within twenty-one (21) days after hearing and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Board. The decision of the Board shall be effective ten (10) days after service on the

petitioner unless otherwise provided by the Board. The decision shall include a certification that the public hearing was held in accordance with the notice requirements of Section 612.300(6). Any final decision of the Board may be appealed by either party to the Circuit Court under provisions of the Missouri Administrative Procedure Act, Chapter 536 RSMo 1978.

(14) A copy of the decision shall be served by the Director on the petitioner and to every person who has appeared as a party in person or by counsel at the hearing. Service shall be in accordance with Section 612.320 of this Code. In addition, any person making written request therefor shall be sent a copy of the decision of the Board.

(15) Upon failure to comply with the terms and conditions of any variance as specified by the Board, the variance may be revoked or modified by the Board after a public hearing held in accordance with the procedures set forth in Section 612.300. Notice shall be served upon all persons who will be subject to greater restrictions if the variance is revoked or modified, or who have filed with the Director a written request for notification.

(16) Two Hundred Dollars (\$200.00) shall accompany each request for variance which shall be paid to the Director for deposit with the County Treasurer.  
(O. No. 15598 - 8/1/91)

#### **612.305 Variances Granted by Director.**

The Director may grant a variance not exceeding thirty (30) days in duration pertaining to the manner of operation of an incinerator or pertaining to the requirements of Sections 612.410 or 612.420 where good cause is shown by the operator, where the operator provides a plan for bringing the incinerator into compliance within the period of the variance and where the granting of the variance does not result in a threat to the public health and welfare. The variance shall not exceed thirty (30) days, and may not be renewed for a consecutive period for a variance from the same requirements otherwise imposed by law. The decision of the Director is final and is not appealable to the Board. Following the expiration of any variance granted under this Section, no person shall operate an incinerator which is not in compliance with the requirements of this Chapter.  
(O. No. 15598 - 8/1/91)

#### **612.310 Upset Conditions, Breakdown or Scheduled Maintenance.**

(1) Emissions exceeding any of the limits established by this Code as a direct result of unavoidable upset conditions in the nature of the process or unavoidable and unforeseeable breakdown of any air pollution equipment or related operating equipment or as a direct result of shutdown of such equipment for necessary scheduled maintenance, shall not be deemed in violation of this Code provided the following requirements are met:

(A) Such occurrence in the case of unavoidable upset in or breakdown of equipment shall have been reported to the Director within twenty-four (24) hours after the occurrence.

(B) In the case of shutdown for necessary scheduled maintenance, the intent to shut down shall be reported to the Director at least twenty-four (24) hours prior to the shut down and the exception provided by this Section shall only apply in those cases where maximum reasonable effort, including off-shift labor where required, has been made to accomplish such maintenance during periods of non-operation of any related source operation and that it would be unreasonable or impossible to shut down the source operation during the maintenance period.

(C) The person, firm or corporation responsible for such emission shall submit to the Director a full report of such occurrence including a statement of all known causes and of the scheduling and nature of the actions to be taken to minimize or eliminate future occurrences including but not limited to action to correct the conditions causing such emission to exceed said limits, to reduce the frequency of occurrence of such conditions, to minimize the amount by which said limits are exceeded and to reduce the length of time for which said limits are exceeded.

(O. No. 4365 - 6/19/67)

#### **612.320 Service of Notice.**

(1) Service of any written notice required by this Code shall be made by registered or certified mail directed to the applicant, permittee, owner or lessee of the equipment or his agent or attorney of record at the last known address, such service to be effective upon the date of service shown on the postal return receipt.

(2) Service of any written notice required by this Code to be made on the Board, Division or Director shall be by registered or certified mail addressed to the Director of Air Pollution Control, St. Louis County Department of Community Health and Medical Care, 111 South Meramec, Clayton, Missouri 63105.

(O. No. 5765 - 2/25/71)

#### **612.330 Reports of Division Technical Experts; Presumptive Evidence of Facts.**

Any report concerning a matter within the jurisdiction of the Division, which is signed by a chemist, engineer or other technical expert employed by the Division shall be presumptive evidence of the facts stated therein.

(O. No. 4365 - 6/19/67)

#### **612.335 Permitted Hours of Incinerator Operation.**

No person shall operate or permit the operation of any incinerator at any time other than between the hours of 10:00 A.M. and 4:00 P.M. This restriction shall not apply to:

- (1) Incinerators having a refuse burning capacity of five tons per hour or more;
  - (2) New incinerators installed after the effective date of this Section and only when equipped with a waste heat recovery unit of a thermal efficiency equivalent to or greater than 45%;
  - (3) Existing incinerators having a refuse burning capacity of 500 pounds per hour or greater and when retrofitted with a waste heat recovery unit of a thermal efficiency equivalent to or greater than 45%.
- (O. No. 11345 - 1/23/84)

#### **612.340 Air Pollution Nuisances Prohibited.**

(1) It is unlawful for any person, firm or corporation to permit or cause the escape of such quantities of soot, cinders, noxious acids, fumes and gases or other particulate matter from whatever source in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or the public, or in such manner as to cause or have a tendency to cause injury or damage to property or business. The escape of such matter is declared to be a public nuisance. Each day wherein a violation of this Section occurs shall constitute a separate offense.

(2) No person shall cause or permit the engine of a motor vehicle, other than an emergency vehicle, to idle for longer than three (3) consecutive minutes while parking, standing or stopped as defined in the St. Louis County Traffic Code, unless the engine is being used to operate a loading, unloading or processing device.

(O. No. 4365 - 6/19/67)

#### **612.350 Disclosure of Secret Processes Prohibited.**

Information concerning secret processes which may be required, ascertained or discovered by the Division shall not be disclosed by any Division employee, except that the information may be disclosed by the Director if the Division is subpoenaed for the information or if in the course of a court proceeding or hearing the information is relevant to the proceeding or hearing.

(O. No. 4365 - 6/19/67)

#### **612.360 Disclosure of Secret Processes; Penalty for.**

Any person who discloses any secret process in violation of the provisions of Section 612.350 of this Code shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the County Jail for a term of one (1) year or by both such One Thousand Dollar (\$1,000.00) fine and such one (1) year term of imprisonment. Each disclosure shall constitute a separate offense.

(O. No. 4365 - 6/19/67)

#### **612.370 False or Misleading Oral Statements; Unlawful Reproduction or Alteration of**

## **Documents.**

(1) No person shall willfully make a false or misleading oral statement to the Division as to any matter within the jurisdiction of the Division.

(2) No person shall reproduce or alter or cause to be reproduced or altered any permit, authority to construct, or other paper issued by the Director or Division if the purpose of such reproduction or alteration is to evade or violate any provision of this Code or any other law.

(O. No. 4365 - 6/19/67)

## **612.380 Interfering With or Obstructing Division Personnel.**

No person shall hinder, resist, interfere with or obstruct the Director or any Division employee in carrying out any duty for the Director or the Board.

(O. No. 4365 - 6/19/67)

## **612.390 Penalties for Violation.**

(1) Any person convicted of violating, failing to comply with, or committing any act prohibited by any provision of this Code or variance thereof, unless a different penalty as been otherwise specified therefor shall be fined not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the County jail for a term not to exceed one (1) year or by both such fine and imprisonment.

(2) In the event that there is a failure to comply with any order of the Director or Board then all affected departments of the County government shall take immediate action necessary to protect and preserve the health and safety of the public. The County Counselor shall be empowered to immediately seek in the Circuit Court equitable relief to immediately halt the further emission of air contaminants.

(3) Each day upon which any violation of this Code takes place shall constitute a separate offense.

(O. No. 4365 - 6/19/67)

## **612.400 Construction.**

(1) This Code is enacted pursuant to Chapter 203, R.S.Mo. 1965, Cum. Supp. and is intended to be consistent with applicable state and county law and shall be construed whenever necessary to achieve such consistency.

(2) This Code shall be liberally construed for the protection of health, safety and welfare of the people of St. Louis County.

(O. No. 4365 - 6/19/67)

## **612.410 Incinerators.**

### (1) Application of Regulations.

(A) Sections 612.410 through 612.520 shall apply to all incinerators in St. Louis County, Missouri, except incinerators used exclusively for the cremation of human and animal bodies and body parts. Incinerators used for the cremation of human and animal bodies and body parts which are also used for the incineration of any other waste shall be subject to the provisions of Section 612.410 through 612.520.

(B) In the event that more than one standard in this Code is applicable to an incinerator, the more stringent requirement shall apply.

(C) Where an incinerator is regulated by this Code and 10 CSR 10-6.070 (New Source Performance Regulation), the more stringent requirements of each shall apply.

(D) Where an incinerator is regulated by this Code and 10 CSR 10-6.080 (Emission Standards for Hazardous Air Pollutants), the more stringent requirements of each shall apply.

### (2) Exceptions. Sections 612.410 through 612.520 shall not apply to:

(A) Sewage sludge and industrial process waste incinerators subject to 10 CSR 10-6.190;

(B) Requirements addressed under the authority of Section 260.395 RSMo 1990 Supp. ("The Missouri Hazardous Waste Management Law"); and

(C) Commercial and industrial boilers which are not operated or connected in any manner to any incinerator.

### (3) Definitions.

Definitions for key words used in Sections 612.410 through 612.520 may be found in 10 CSR 10-6.020(2). Additional definitions specific to Sections 612.410 through 612.520 are as follows:

(A) "Refuse burning capacity" or "RBC" is the manufacturer's design refuse heat input rate in British Thermal Units (BTUs) per hour. If performance tests demonstrate the refuse charge rate must be less than the manufacturer's design charge rate to comply with this Chapter or other requirements of law, then the RBC shall also be based on the charge rate required to comply. The RBC may be converted from BTU per hour to pounds of waste per hour using the appropriate BTU per pound values in Section 612.410(7) or actual BTU test data for the typical waste charged.

(B) "Secondary combustion chamber" means the discrete equipment component, chamber or space in which the products of pyrolysis are combusted in the presence of excess air so that essentially all carbon is burned to carbon dioxide. This component does not include breeching or stacks.

(C) "New waste incinerator" is an incinerator for which construction has not been completed as of the effective date of this ordinance.

(D) "Existing waste incinerator" is an incinerator that is not defined as a new waste incinerator.

(E) "DSCF" is dry standard cubic foot of exhaust gas corrected to seven percent (7%) oxygen.

(F) "DSCM" is dry standard cubic meter of exhaust gas corrected to seven percent (7%) oxygen.

(G) "PPMV" is parts per million by volume corrected to seven percent (7%) oxygen.

(H) "Batch incinerator" is an incinerator which allows the chamber where waste charging occurs to be exposed to the ambient environment during waste charging.

#### (4) General Provisions.

(A) No incinerator shall be operated unless it is a multiple combustion chamber incinerator or other design approved by the Director as equally effective in reducing emissions. Approval of another design must be in writing before construction begins and is subject to performance tests upon completion. An incinerator shall immediately cease operation if, at any time, it fails to meet any of the emission requirements of the rules of the Missouri Air Conservation Commission and/or this Chapter.

(B) All batch incinerators shall be equipped with an operable door lockout mechanism which prohibits charging of waste during the manufacturer's burn cycle.

(C) All incinerators shall have a metal plate affixed to the incinerator inscribed with a few essential steps necessary for satisfactory operation of the incinerator. It shall also state the RBC in pounds of waste per hour, or per batch on batch-fed units. The metal plate shall be readily visible to the incinerator operator.

(D) No incinerator shall be charged at a rate greater than the specified RBC.

(E) The secondary combustion chamber gases on all incinerators shall be preheated to and maintained at or above one thousand eight hundred degrees Fahrenheit (1800°F). Primary chamber combustion ignition of waste must be

prohibited prior to one thousand six hundred fifty degrees Fahrenheit (1650°F). The temperature in the secondary combustion chamber shall be determined and recorded a minimum of one (1) second downstream from the entrance of the secondary chamber using a continuous chart recorder. Gas temperature shall be monitored to an accuracy of plus or minus two percent (2%) of the temperature being measured in degrees Fahrenheit.

(F) Residence time of the gases within the secondary combustion chamber shall be at least two (2) seconds.

(G) All incinerators shall use a continuous emission monitor for carbon monoxide (CO) and shall emit CO at or below the CO emission level that demonstrates compliance with this Code.

(H) Except during periods of startup and shutdown, all incinerators shall achieve a combustion efficiency (CE) of ninety-nine and nine-tenths percent (99.9%) based on an hourly average, to be calculated as follows:

$$CE = \frac{CO_2}{(CO_2 + CO)} \times 100\%$$

Where

CO<sub>2</sub> = PPMV of carbon dioxide; and

CO = PPMV of carbon monoxide.

(I) No existing or new incinerator shall produce visible emissions in excess of ten percent (10%) opacity.

(J) No new incinerator shall emit more than .015 grains per DSCF of particulate matter.

(K) No existing incinerator shall emit more than .03 grains per DSCF of particulate matter.

(L) No incinerator shall emit more than fifty (50) PPMV of hydrogen chloride (HCl).

(M) No incinerator shall emit more than twenty-five (25) nanograms per DSCM of dioxins and furans.

(N) No incinerator shall emit more than fifty (50) micrograms per DSCM of mercury.

(O) Incinerator attendant.

1. Each incinerator attendant shall be trained in the incinerator operating procedures as developed either by the American Society of Mechanical Engineers (ASME), the American Society for Hospital Engineers (ASHE),

by the incinerator manufacturer, or by a trained individual with more than one (1) year's experience in the operation of the incinerator that the trainee will be operating. Minimum training shall consist of a combination of classroom training and unit specific on-the-job training totalling at least eighty (80) hours and shall include basic combustion theory, operating procedures, monitoring of combustion control parameters of the incinerator and all emergency procedures to be followed should the incinerator malfunction or exceed operating parameters. In addition, each incinerator attendant shall receive a minimum of eight (8) hours of continuing education relative to incineration technology of solid waste management annually.

2. No incinerator shall be operated unless an incinerator attendant who meets these training requirements is on duty at the site of the incinerator and immediately accessible during all periods of incinerator operation. The manufacturer's operating instructions and guidelines shall be available on-site at all times.

3. A written certification of the appropriate training received by the attendant, with the dates of training which includes a list of the instructor's qualifications or applicable certification school, shall be available at the incinerator site at all times.

(P) Recordkeeping.

1. Owners or operators of all incinerators shall keep complete records of the following: any performance or other emissions tests performed; all maintenance; the secondary combustion chamber temperatures; the quantity, type and suppliers of any waste incinerated that does not originate within the installation; and all continuous emission monitoring results.

2. Records of all required information shall be kept for at least three (3) years, and shall be made available to the Director immediately upon request.

(5) Compliance Dates.

(A) All waste incinerators shall meet the requirements of Sections 612.410 and 612.420 no later than January 1, 1994.

(B) New waste incinerators shall meet the requirements of Sections 612.410 and 612.420 upon startup.

(6) Performance Testing. The following methods identify how compliance with Sections 612.410 through 612.420 will be determined:

(A) Except for testing and compliance determination purposes, no waste incinerator shall be operated until it is demonstrated to be in compliance with the provisions of Sections 612.410 through 612.420.

(B) All incinerators shall be performance tested a minimum of once every two (2) years, subject to additional testing as required by Section 612.280. In the event that any performance testing, whether performed upon order of the Board or pursuant to this subsection, or for any other reason, shows that an incinerator is not in compliance with this Code, then such incinerator shall not operate until the problem is corrected; however, a full performance test need not be completed following the corrective action prior to operation if the Director is satisfied that the corrective action has brought the incinerator into compliance; however, such incinerator shall be performance tested every six (6) months until a performance test is completed with no variations from the requirement of this Chapter.

(C) Wastes burned in conjunction with the performance testing shall be a representative sample of the refuse to be burned in the incinerator.

(D) Particulate matter emissions and grains per DSCF shall be determined as specified in 10 CSR 10-6.030(5)(A).

(E) Visible emissions shall be determined as specified in 10 CSR 10-6.030(9).

(F) Hydrogen chloride (HCl) emissions shall be determined as specified in 10 CSR 10-6.030(15).

(G) Dioxins and furans emissions shall be determined as specified in 10 CSR 10-6.030(16).

(H) Mercury emissions shall be determined as specified in 10 CSR 10-6.030(17).

(I) Carbon monoxide (CO) emissions shall be determined where continuously monitored using the method referenced at 10 CSR 10-6.070 (40 CFR 60, Appendix B, performance specification 4).

(7) Table of Classification of Waste and BTUs/pound. The following table may be used in converting from RBC to BTUs/pound.

Waste Classification/Description BTUs/pound

Type 0 - A mixture of highly combustible waste, 8500 primarily paper, cardboard, wood, boxes and combustible floor sweepings; mixtures may contain up to 10% by volume of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags and plastic rubber

scraps. Commercial and industrial sources.

Type 1 - A mixture of combustible waste such as paper, 6500 cardboard, woodscrap, foliage, floor sweepings and up to 20% cafeteria waste. Commercial and industrial sources.

Type 2 - Rubbish and garbage. Residential sources. 4300

Type 3 - Animal and vegetation waste from restaurants, 2500 cafeterias, hotels, etc. Institutional, club and commercial sources.

Type 4 - Human and animal remains consisting of 1000 carcasses, organs and solid tissue wastes from farms, laboratories and animal pounds.

Type 5 - Medical waste including sharps, pathological, 10000 surgical and associated infectious waste materials.

Waste Classification/Description BTUs/pound

Type 6 - Department store waste. 7800

Type 7 - School waste with lunch program. 8000

Type 8 - Supermarket waste. 7200

Type 9 - Other wastes not described here or Determined which have variable or unknown BTU on a case by content that must be verified. case basis.

(O. No. 15598 - 8/1/91)

#### **612.420 Incinerator Stack; Emergency Vent Stack Use.**

(1) The main stack height for each incinerator shall be selected:

- (A) In accordance with good engineering practice; and
- (B) On the assumption that severe downwash conditions are present; and
- (C) To insure that:

1. The ambient concentration of hydrogen chloride (hydrochloric acid) at ground level will not exceed an ambient guideline concentration of 93 micrograms per cubic meter on a one (1) hour average, or

2. The ambient air quality is in accordance with Ambient Air Quality as required by 10 CSR 10-6.010,

3. whichever requirement (1. or 2.) is more stringent.

(2) Emergency vent stacks are to be strongly discouraged. If an emergency vent stack exists or is constructed, the operator of the incinerator shall install a non-tamperable event recorder to record any use of the emergency vent stack. Upon the use of an emergency vent stack, the operator shall immediately shut down the incinerator, but is permitted to burn the waste that is being combusted in its chambers if necessary. Upon the use of the emergency vent stack, the operator shall immediately notify the Director of such use. The incinerator shall not be operated again until the Director is satisfied that the condition which caused the use of the emergency vent stack is corrected.

(3) For new incinerators, the stack height for the main stack shall be approved by the Director prior to construction, and compliance with the requirements of subsection (1) of this Section shall be demonstrated to the Director's satisfaction prior to the issuance of any permit for operation. Once the Director is satisfied that such compliance has been achieved, no further approval of stack height shall be required until the Director has reason to believe that the incinerator is no longer in compliance with subsection (1) of this Section.

(4) For existing incinerators, the stack height for the main stack shall be demonstrated to the Director to comply with the requirements of subsection (1) of this Section no later than January 1, 1994. Once such compliance is shown to the satisfaction of the Director, compliance need not be demonstrated again until the Director has reason to believe that the incinerator is no longer in compliance with subsection (1) of this Section.

(O. No. 15598 - 8/1/91)

#### **612.430 Recycling Requirements for Incineration of Waste.**

(1) After January 1, 1995, no person shall incinerate any portion of waste generated by such person on a site owned or operated by such person unless a plan for recycling has been prepared, approved and implemented providing for the reduction in the total quantity of recyclable waste generated at the site in accordance with the provisions of Sections 612.430 through 612.520.

(2) After January 1, 1995, no person shall arrange for disposal by incineration at the facility of another or arrange for transportation for disposal by incineration at the facility of another of any portion of waste generated by such person on a site owned or operated by such person unless a plan for recycling has been prepared, approved and implemented providing for the reduction in the total quantity of recyclable waste generated at the site in accordance with the provisions of Sections 612.430 through 612.520.

(3) No incinerator operator shall accept any waste for incineration unless the generator of the waste supplies a copy of a plan approved by the Director providing for the reduction in the total quantity of recyclable waste generated at the site of the generator in accordance with the provisions of Sections 612.430 through 612.520.

(O. No. 15598 - 8/1/91)

#### **612.440 Preparation and Submission of Plan for Recycling.**

(1) After January 1, 1995, each person desiring to incinerate, at its own incinerator or at the incinerator of another, any portion of waste generated on a site owned or operated by the waste generator shall submit a plan to the Director specifying how the generator of the waste intends to comply with the recycling requirements of Sections 612.430 through 612.520. The plan shall include the information the Director believes is needed to evaluate the plan, and shall include at least the following:

(A) A procedure for determining the total quantity of recyclable waste generated by the waste generator on a site;

(B) A procedure for separating the waste which is to be recycled from the rest of the waste generated by the generator and for determining the total quantity of waste recycled;

(C) A procedure for recycling a portion of the recyclable waste generated on the site in compliance with the provisions of Sections 612.430 through 612.520;

(D) A statement, if such is the case, that the applicant is availing itself of credit for converting to reusable items and materials as previously determined by operation of Section 612.460.

(2) Because the requirements for recycling under Section 612.520(3) increases each year through 1999, applicants required to acquire approval of a plan for recycling shall either submit a new plan annually, or include in an extended plan a description of how the increased requirements will be met each successive year. Any submission of a plan approved for recycling after December 31, 1999, shall be effective until changed.

(O. No. 15598 - 8/1/91)

#### **612.450 Use of Recycled Goods in Lieu of Recycling.**

(1) In the event that the applicant for approval of a recycling plan does not believe that the applicant can achieve the degree of recycling imposed under Sections 612.430 through 612.520, then the applicant may propose in its plan to use recycled goods in lieu of a portion of the requirement for recycling. In such event, the plan shall also include:

(A) A statement indicating why the applicant believes that the goals mandated in Section 612.520(3) cannot be achieved without credit for using recycled goods;

(B) A plan for using recycled goods; and

(C) A description of how a combination of recycling and the use of recycled goods will reduce the waste stream to the same degree that would have been achieved had the applicant been able to comply with Section 612.520(3) by recycling only.

(O. No. 15598 - 8/1/91)

#### **612.460 Use of Reusable Materials in Lieu of Recycling.**

Following the date of enactment of this Section, generators of waste who are obligated to reduce the quantity of recyclable waste prior to incineration may elect to reduce the total amount of waste generated on a site by converting from the use of disposable items or material to reusable items or material. Such waste generators shall receive credit for such conversion in the following manner. The waste generator shall notify the Director of the volume of waste which it generates on its site annually and which it intends to eliminate through conversion to reusable items or material. If the Director agrees with the scheme, or reaches agreement with the generator regarding the quantities described in such scheme, then the waste generator shall annually be given credit for recycling the material replaced by reusable items or material as though the waste avoided by such conversion were recyclable and recycled. Following the approval of the scheme, the waste generator shall not again use waste items or materials which are the subject of the scheme without notifying the Director of such change and foregoing the benefit of such scheme. The procedure described in the Section for acquiring the approval of the Director for a scheme to give credit for the use of reusable items shall be used at the time of conversion from disposable items or materials to reusable items or materials. If the conversion occurs prior to January 1, 1995, the waste generator shall not wait until January 1, 1995, in order to attempt to determine a credit for prior conversion to reusable items and materials.

(O. No. 15598 - 8/1/91)

#### **612.470 Approval of Plan for Recycling.**

The Director shall review the plan submitted under Section 612.440. The plan shall be approved if the Director determines that the plan is workable and, if followed, will result in compliance with the requirements of Section 612.430 through 612.520. If the plan contains provision for the use of recycled goods in lieu of a portion of the requirement for recycling, the Director shall not issue approval of the plan unless the Director determines that the use of recycled goods will result in a reduction of the waste stream in an amount equal to the amount which would have been achieved had the applicant complied with the recycling requirements of Section 612.520(3). (O. No. 15598 - 8/1/91)

#### **612.480 Modification of Existing Plan.**

A person possessing an approved plan may submit a new plan or plan modification to the Director. The submission of a request for approval of a new plan or plan modification

shall declare whether the modification or new plan is submitted because the existing plan is not working, or is unworkable or otherwise inadequate as well as the provisions of the new plan or plan modification.

(O. No. 15598 - 8/1/91)

#### **612.490 Appeal from Decision of Director Disapproving Plan.**

If the applicant is unable or unwilling to submit a plan or plan modification to the Director which the Director approves, the applicant may appeal to the Board in conformity with the provisions of Section 612.090.

(O. No. 15598 - 8/1/91)

#### **612.500 Compliance With Plan.**

No person possessing a plan for recycling approved by Director or Board shall fail to comply with the approved plan. Even where there is compliance with the plan, no person shall fail to comply with the requirements for recycling mandated by this Chapter.

(O. No. 15598 - 8/1/91)

#### **612.510 "Recyclable" defined.**

(1) The following materials are defined to be recyclable unless otherwise excluded under subsection (2) of this Section:

(A) Paper.

(B) Glass.

(C) Plastic, including the following seven subcategories:

1. PET or PETE (polyethylene terephthalate).

2. HDPE (high-density polyethylene).

3. PVC (polyvinyl chloride).

4. LDPE (low-density polyethylene).

5. Polypropylene.

6. Polystyrene.

7. Mixed Plastic.

(D) Aluminum.

(2) The total quantity of solid waste generated at the site of a waste generator does not include:

- (A) Medical waste which is infectious or which has come in contact with hospital patients and has a potential to carry disease-producing organisms;
- (B) Land clearing debris, demolition waste or construction waste;
- (C) Sewage sludge; or
- (D) Hazardous waste as that term is defined in Section 607.040 of the "Waste Management Code".
- (O. No. 15598 - 8/1/91)

**612.520 Reduction in Quantity of Waste Prior to Incineration.**

- (1) The reduction of the total quantity of recyclable waste generated at a site shall be computed by volume.
- (2) Material is "recycled" under Section 612.430 if:
  - (A) The material is segregated from waste that is not to be recycled; and
  - (B) The material is delivered to a recycling facility which deals in the recyclable material so delivered; or arrangements are made for delivery of the recyclable material to such a recycling facility; or arrangements are made for delivery of the material to a facility which recycles the material delivered into usable raw or finished material.
- (3) The requirement for reducing the total quantity of waste generated at a site prior to incineration of any waste as declared by Section 612.430 shall be as follows:
  - (A) 10% for the year beginning January 1, 1995, and ending December 31, 1995;
  - (B) 20% for the year beginning January 1, 1996, and ending December 31, 1996;
  - (C) 30% for the year beginning January 1, 1997, and ending December 31, 1997;
  - (D) 40% for the year beginning January 1, 1998, and ending December 31, 1998;
  - (E) 50% for the year beginning January 1, 1999, and ending December 31, 1999, and for all subsequent calendar years.
- (4) Reports.
  - (A) At least annually, each person submitting a plan for recycling under the provisions of Sections 612.410 through 612.520 shall provide a report to the Director which shall indicate whether the plan has been complied with and details regarding any noncompliance with the plan, and shall also include the following:

1. The total amount, by volume, of recyclable solid waste recycled by the waste generator since the last reporting period; and

2. The total amount, by volume, of recyclable solid waste disposed of by the waste generator at all solid waste acceptance facilities.

(O. No. 15598 - 8/1/91)

**612.530 Saint Louis County Department of Health Asbestos Abatement Rules and Regulations -- Registration, Notification and Performance Requirements**

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## **Asbestos Abatement Rules and Regulations**

- 1.0 Application. This rule shall apply to--
  - 1.1 All persons that authorize, design, conduct and work in asbestos abatement projects; and
  - 1.2 All persons that monitor air-borne asbestos or dispose of asbestos waste as a result of asbestos abatement projects.
  - 1.3 All persons who inspect buildings to determine the presence or absence of asbestos containing building materials (ACBMs)
  - 1.4 Business entities that qualify for exemption status pursuant to RSMo 643.225.7 are not subject to the notification requirements for asbestos projects of a size less than 160 square feet or 260 linear feet. Business entities are exempt from post-notification requirements, but shall keep records of waste disposal for department inspection.
- 2.0 General Provisions for Asbestos Abatement Projects.
  - 2.1 Registration. Any person that conducts an asbestos abatement project must register with the Missouri Department of Natural Resources (MDNR).
  - 2.2 Certification. No person may participate in an asbestos abatement project operating in Saint Louis County nor inspect a building to determine the presence or absence of ACBMs unless he is currently certified by MDNR
  - 2.3 Notification. Any person undertaking an asbestos abatement project shall provide, at least ten (10) working days in advance, written notification of the project to the staff director according to Section (3.0). The person also shall provide notification of the project completion according to Section (6.0). Emergency asbestos abatement projects shall comply with the provisions of Section (5.0).
  - 2.4 Abatement Procedures and Practices.
    - 2.4.1 Persons shall conduct asbestos abatement projects according to Section (7.0).
    - 2.4.2 At each asbestos abatement project site the person shall provide the following information for inspection by the department :
      - 2.4.2.1 Proof of current MDNR registration
      - 2.4.2.2 Proof of current MDNR occupational certification for those individuals on the project;
      - 2.4.2.3 Results of air samples taken within last 48 hours;
      - 2.4.2.4 Current photo identification for all applicable individuals engaged in the project; and
      - 2.4.2.5 Proof of passage of the training course for the air sampling technicians and photo identifications for air sampling technicians.
  - 2.5 Any person that authorizes an asbestos abatement project, asbestos inspection or any AHERA-related work shall ensure that Missouri registered contractors and certified workers are employed, and that all notification and post-notification procedures on the project are in compliance with this rule and 10 CSR 10-6.250 and Sections 643.225-643.250 RSMo and 40 CFR 61 Subpart M.
  - 2.6 All information required under this rule must be submitted on the appropriate form found in Section (8.0) and contain accurate, legible information. Failure to provide the required information, failure to submit legible information, submission of false information or failure to provide complete information as required, shall be a

violation of this rule and may result in the staff director's denial or revocation of the notification.

- 2.7 Failure to comply with this rule is a violation of this rule. Compliance with this rule does not relieve the participants from compliance with any other applicable federal and state rules, laws, standards or building codes.
- 3.0 Asbestos Project Notification.
  - 3.1 Any person undertaking an asbestos abatement project shall submit a notification to the department for review at least ten (10) working days prior to the start of the project. The department may waive the ten (10) working day review period upon request for good cause. To apply for this waiver, the person shall complete Part B, number 2 of the notification form found in Section (8.0) The person who applies for the ten (10) working day waiver must obtain approval from the department before the project can begin.
    - 3.1.1 The person shall submit the notification on photocopies of the form found in Section (8.0).
    - 3.1.2 If an amendment to the notification is necessary, the person shall notify the department immediately by telephone or FAX. The department must receive the written amendment within five (5) working days following verbal agreement.
    - 3.1.3 Asbestos abatement project notifications shall state actual dates and times of the project, the on-site supervisor and a description of work practices. If the person must revise the dates and times of the project, the person shall notify the department at least twenty-four (24) hours in advance of the change by telephone or FAX and then immediately follow-up with a written amendment stating the change. The department must receive the written amendment within five (5) working days of the phone or FAX message.
    - 3.1.4 A nonrefundable notification fee pursuant to Section 612.260 (9) of the Saint Louis County Air Pollution Control Code will be charged for each asbestos abatement project.
    - 3.1.5 In projects constituting one hundred sixty (160) square feet or two hundred sixty (260) linear feet or more, the person shall submit the laboratory sample analysis to determine asbestos content for all RACM to be disturbed. The director, on a case-by-case basis may accept OSHA's Material Safety Data Sheet (MSDS), OMB No. 1218-0072, as fulfillment of this requirement provided that the MSDS meet the following conditions:
      - A. The MSDS includes the percentage of the asbestos content; and
      - B. The director can be reasonably assured that the information provided on the MSDS applies to the area of asbestos removed, enclosed, encapsulated or demolished.
- 4.0 Inspections. There shall be a charge of one hundred dollars (\$100) per inspection for the first three (3) inspections of any asbestos abatement project. The department shall bill the person for that inspection(s) and the person shall submit the fee(s) within fifteen (15) days of receipt of invoice.
- 5.0 Emergency Project. Any person undertaking an emergency asbestos abatement project shall notify the department by telephone and must receive departmental approval of emergency status. The person must notify the department within twenty-

four (24) hours of the onset of the emergency. If the emergency occurs after normal working hours or weekends, the person shall contact the Saint Louis County Air Pollution Control Program. The notice shall provide—

- 5.1 A description of the nature and scope of the emergency;
- 5.2 A description of the measures immediately used to mitigate the emergency; and
- 5.3 A Schedule for Removal. Following the emergency notice, the person shall provide to the staff director a notification on the form found in Section (8.0) and the person shall submit it within five (5) days of the onset of the emergency. The amendment requirements for notification found in Section (3.0) are applicable to emergency projects.

#### 6.0 Asbestos Project Post-Notification.

Any person undertaking an asbestos abatement project that requires notification according to Section (3.0) on the department form shall notify the department within sixty (60) days of the completion of the project. This notice shall include a signed and dated receipt for the asbestos waste generated by the project issued by the landfill named on the notification. This notice also shall include final clearance air monitoring results. The laboratory which analyzes final clearance air monitoring results shall attest that it complies with the requirements in subsection (7.9). The technician performing the analysis shall sign and date all reports of analyses.\*\*

\*\* Failure to submit the required post-notifications within the 60 day time period will cause the permitting of future project notifications to be put on hold until all delinquent post-notifications are received.

#### 7.0 Abatement Work Practices.

##### 7.1 Work Practices for Asbestos Removal Projects (Gross Removal).

7.1.1 A person who conducts an asbestos removal project that involves removing friable asbestos-containing materials (ACM) or nonfriable ACM which will be rendered friable during removal from structural items or equipment shall conduct the project according to the following requirements:

7.1.1.1 The person shall isolate the proposed work area from other areas of the building and from outside areas. The person shall erect temporary partitions around the work area or install airtight seals over doorways, windows and ventilation system openings. The person shall use control curtains to close off doorways between the work area and decontamination facilities. The person may provide for makeup air, but the person must maintain reduced air pressure inside the work area until the work area has passed clearance air sampling. Where practical, the person shall install at least one (1) clear window in a temporary partition. The window shall be no less than eighteen (18) inches by eighteen (18) square. The person shall install the window to allow direct visual observation of the work area from outside. Plastic sheeting used for the construction of airtight seals shall be at least four (4) mil thick. Whenever possible, the person shall shut down and lock out heating and ventilation systems. If the person is unable to shut down these systems, the person shall make special provisions to ensure that airborne contamination cannot enter the ventilation system and infiltrate other areas of the building. The person shall post

appropriate warning signs at all entryways into the work area. No individuals other than those involved with the project shall enter the work area before the area meets the requirements of subsection (7.1.1.12) and all other requirements applicable to the project.

- 7.1.1.2 If the person intends to remove any items from the proposed work area before abatement begins, the person shall preclean the items using a high efficiency particulate air (HEPA)-filtered vacuum or wet cleaning methods. The person shall restore the items to the work area only after the area passes the final clearance air sample and meets all requirements applicable to the project.
- 7.1.1.3 The person shall preclean all wall and floor surfaces that contain visible asbestos debris, other than those from which the person will remove asbestos, with a HEPA-filtered vacuum or wet cleaning methods. The person shall preclean any other surfaces in the work area that contain visible asbestos debris with a HEPA-filtered vacuum or wet cleaning methods. The person shall cover all surfaces except floors with plastic sheeting that is at least four (4) mil thick. The person shall cover floors with minimum of two (2) layers plastic sheeting. Each sheet must be at least six (6) mil thick. The person shall affix plastic sheeting on the walls in a manner that ensures that it will remain in position throughout the length of the project. The wall sheeting and the floor sheeting shall overlap enough to ensure a seal that will endure the entire length of the project. The person may use sprayed-on plastic instead of plastic sheeting if the person proposes this method in the notification prior to the start of the project. The person shall immediately repair any tears in the plastic sheeting required by this rule.
- 7.1.1.4 The person shall install HEPA-filtered air filtration equipment in a manner that will continually filter air from within the work area. The capacity of the air filtration equipment shall be sufficient to filter the entire volume of air within the containment every fifteen (15) minutes or less. The air filtration equipment shall establish and maintain a flow of air into the work area from all adjacent areas as demonstrated by using smoke producing tubes or other appropriate means. The person shall perform this test daily and record the results for inspection by the department. The air filtration system shall exhaust air to the outside of the building through a duct installed in the plastic sheeting. The person shall establish an airtight seal between the plastic sheeting and the duct.
- 7.1.1.5 The person shall provide a decontamination facility between the work area and adjacent areas. The decontamination facility shall contain at least three (3) areas. Each area shall have a doorway covered by a control curtain. The areas of a decontamination facility shall meet these requirements--
  - 7.1.1.5.1 Individuals entering the work area must first enter a clean room. The clean room shall be free of asbestos contamination;

- 7.1.1.5.2 Individuals entering the work area must pass from the clean room into the shower room. Individuals exiting the work area must shower before entering the clean room. Individuals shall not take contaminated clothing or equipment into the clean room. The shower room shall contain at least one (1) shower head that is supplied with hot and cold water. The shower room shall contain adequate supplies of soap and shampoo to accommodate all persons who emerge from the work area. Shower enclosures shall be leakproof, opaque and constructed of disposable or easily washable material;
- 7.1.1.5.3 Individuals leaving the work area must first pass through the equipment room. The equipment room shall temporarily store contaminated tools, equipment and protective clothing used in the work area. Items entering the equipment room shall be free of gross contamination before removal from the work area. Six (6) mil thick plastic sheeting shall line the floor and walls of the equipment room; and
- 7.1.1.5.4 The person shall fully enclose all decontamination facility areas. The person shall build all of the areas contiguous to each other unless enclosed passageways connect them. Decontamination facilities shall remain functional until the project meets the requirements for removal of airtight seals and partitions according to this rule.
- 7.1.1.6 The person may construct a waste load-out area between the work area and the exit. Asbestos-containing waste and asbestos-contaminated equipment may pass from the work area to appropriate receptacles outside the work area through the waste load-out area. The person shall totally enclose the waste load-out area. The entryway between the work area and the load-out area shall consist of both a control curtain and a rigid door or two (2) control curtains separated by a minimum distance of three (3) feet. The person shall secure the entryway except when using the entryway to transfer materials from the work area. The floor of the load-out area shall be at least two (2) layers of six (6) mil thick plastic sheeting. The floor shall be free of visible asbestos debris. The person shall remove the floor covering upon completion of the project and dispose of it according to subsection (7.8). Asbestos-containing waste that passes through this area must comply with applicable state and federal container and bagging requirements. Individuals who remove asbestos waste through the load-out area must enter the work area through the decontamination facility;
- 7.1.1.7 The person shall wet the friable ACM with a water solution containing an effective wetting agent. The person shall maintain the ACM in an adequately wet condition during removal. The person shall test the effectiveness of the wetting solution by applying it to a representative sample of the material before the gross removal operation begins. The person shall not use the wetting process as the method for dislodging the friable ACM. The person shall maintain the removed

friable ACM and asbestos-contaminated debris in an adequately wet condition and place it in sealed containers for disposal. The person shall clean up and bag all debris as soon as practicable;

- 7.1.1.8 After removal of the ACM from the structural components and equipment items, the person shall clean all plastic sheeting until free of visible debris with an HEPA-filtered vacuum or by wet cleaning methods. If the containment area contains more than one (1) layer of plastic sheeting, the person may remove and dispose of the additional layer instead of cleaning it. The person shall enclose removed sheeting in a double layer of six (6) mil or greater clear plastic and dispose of it in compliance with all applicable federal and state requirements. The person shall remove any liquid or solid material that leaks through the plastic sheeting by wet cleaning methods;
- 7.1.1.9 After the removal is complete and while the final layer of plastic floor sheeting is in place, the person shall clean all surfaces in the work area free of all visible asbestos residues and then cover all surfaces from which ACM has been removed with a distinguishable sealing material;
- 7.1.1.10 The person shall remove the final layer of plastic sheeting after the sealant is dry. If the project requires third party air monitoring, the air sampling professional(s) or their representatives shall visually inspect the area for visible asbestos-containing debris before conducting final-clearance air sampling. Air samplers shall conduct final clearance air sampling according to the requirements of subsection (7.9). State-certified air sampling professionals or their technicians shall conduct all air sampling required by this rule;
- 7.1.1.11 If the project passes final clearance air sampling, the person shall remove all critical barriers and temporary partitions. The person shall enclose the plastic sheeting in two (2) six (6) mil or greater clear plastic leak-tight layers and dispose of it according to subsection (7.8); and
- 7.1.1.12 After the removal of critical barriers and temporary partitions, the person shall ensure that all surfaces in the work area are free of all visible asbestos debris.

## 7.2 Work Practices For Asbestos Encapsulation Projects.

7.2.1 In some cases encapsulation may control fiber release from friable ACMs on structural items or equipment. The person who performs encapsulation shall meet these requirements:

- 7.2.1.1 The person shall use encapsulation only on ACM that is firmly bound to the underlying surface;
- 7.2.1.2 The person shall not encapsulate friable ACM located in areas subject to abrasive or other physical damage. The person may remove this ACM according to the requirements of subsection (7.1). The person must dispose of the ACM according to the requirements of subsection (7.8);
- 7.2.1.3 Encapsulant materials shall have acceptable adhesive and penetrating characteristics. The person shall test the encapsulant materials by applying the encapsulant to representative samples of the friable surface material and then removing a core sample for physical and visual inspection. The

- person shall repair the core immediately following visual inspection;
- 7.2.1.4 Encapsulant materials shall have acceptable flame retardant characteristics. Encapsulant materials, when dry, shall not be noxious or toxic to applicators or to individuals who occupy the structure after the project is completed;
  - 7.2.1.5 The person who repairs damaged portions of the surface before encapsulation shall use asbestos-free patching materials;
  - 7.2.1.6 The person shall apply encapsulating materials with a sprayer that does not cause the release of fibers from the ACM at the application rates specified by the manufacturer or by the project specifications;
  - 7.2.1.7 After application of the encapsulant, the person shall clean all plastic sheeting covering walls, ceilings, equipment and work surfaces in the area free of visible asbestos residue by wet cleaning methods; and
  - 7.2.1.8 The person who encapsulates friable ACMs located in any enclosed area that will be reoccupied shall conduct the project according to subsection (7.1) and shall dispose of waste according to subsection (7.8).
- 7.3 Work Practices for Outdoor Areas. The department may waive the requirements of paragraph (7.1.1) for a person who removes ACM from structural items and equipment installed in and accessible from outdoor areas. The person must meet these requirements—
- 7.3.1 The person shall secure doors, windows or other openings located within one hundred feet (100') of the work area with plastic sheeting. The person shall use at least four (4) mil thick plastic for this purpose;
  - 7.3.2 The person shall secure the work area by fences or other department-approved means. No individuals other than those engaged in the project shall pass within fifty feet (50') of the work area. The person shall post appropriate warning signs at all entry-ways into the area. Warning signs shall remain until the project meets the requirements of subsections (7.3.4) and (7.3.5) and all applicable requirements;
  - 7.3.3 The person shall wet the friable ACM with a water solution containing an effective wetting agent. The person shall maintain the friable ACM in an adequately wet condition during removal. The person shall maintain all debris in an adequately wet condition. The person shall place the wet debris in a double layer of clear six (6) mil plastic for disposal;
  - 7.3.4 The person shall remove from the work area all friable asbestos-containing debris including accumulations that existed before the project started. Warning signs required by subsection (7.3.2) and access restrictions shall remain in place until the person removes all debris from the work area;
  - 7.3.5 The person shall clean visible asbestos residue from all surfaces. The person shall cover all surfaces from which ACM has been removed with an effective distinguishable sealant. Warning signs required by subsection (7.3.2) and access restrictions shall remain in place until the project meets these requirements; and
  - 7.3.6 Any individual leaving the work area shall remove outerwear prior to leaving the restricted area required by subsection (7.3.2).
- 7.4 Work Practices For Asbestos Dismantling Projects.
- 7.4.1 The person who removes structural or equipment items covered with friable ACM without first stripping the ACM shall conduct the project in the following manner:
    - 7.4.1.1 If the person strips a portion of the surface for the purpose of cutting or mechanically disassembling the equipment, the person shall conduct the project according to subsection (7.1) or (7.7), and before removing

structures or equipment from the work area, the person shall wrap the items in a double layer of six (6) mil plastic sheeting or the person shall place them in leaktight fiber or metal containers. The surface of the wrappings or containers shall be free of all visible asbestos residues. The person shall prevent damage to the containers. If damage to a wrapping or container occurs, the person shall immediately repair or replace the container or wrapping using wet cleaning methods or an HEPA-filtered vacuum.

7.4.2 A person who removes structural or equipment items as described in paragraph (7.4.1) shall comply with disposal requirements of subsection (7.8) and applicable federal requirements or the person shall meet the following requirements:

7.4.2.1 If the person will sell or reuse items treated according to subsection (7.4.1) of this rule, the person shall clean all surfaces free of visible asbestos residue and cover the surfaces with a distinguishable sealing material;

7.4.2.2 If the person removes friable ACM outdoors, the person shall comply with subsection (7.3) and applicable federal requirements; and

7.4.2.3 If the person removes friable ACM indoors, the person shall carry out the project in an area specifically designated for the purpose and shall comply with subsection (7.1).

7.5 Work Practices for Asbestos Removal Prior to and During Demolition.

7.5.1 The person who demolishes a structurally sound and safe structure that contains friable or nonfriable ACM shall meet these requirements:

7.5.1.1 The person shall remove ACM according to subsection (7.4) and all applicable federal requirements; or

7.5.1.2 The person shall remove all friable ACM and nonfriable category II ACM from the building prior to demolition. The person shall remove friable ACM according to the requirements of subsection (7.1) and all applicable federal requirements. The person shall remove nonfriable category I ACM that is likely to release significant quantities of asbestos fibers.

7.5.2 The person who conducts the demolition of unsafe buildings or parts of buildings containing asbestos may use the following procedures on those portions of the buildings that pose imminent danger to public health or safety, or both. All other parts of the buildings which contain asbestos are subject to all applicable laws and rules.

7.5.2.1 A person who demolishes an asbestos-containing building must obtain a copy of the demolition order from the appropriate authority and submit it with an asbestos abatement notification as required in Section (3.0).

7.5.2.2 The person shall ensure that the debris is adequately wet and stays adequately wet until disposal. The person shall ensure that the project activities generate no visible emissions.

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

7.5.2.4 The person shall post signs notifying the public that an emergency exists.

7.5.2.5 The person shall treat all debris generated by the demolition as regulated friable ACM. A registered asbestos abatement contractor shall remove the debris and shall dispose of it in accordance with subsection (7.8). If it is possible to segregate and decontaminate some debris, then the person

may dispose of those materials that do not contain more than one percent (1%) asbestos in a demolition landfill. Certified asbestos abatement workers must perform the segregation and decontamination work.

7.6 Work Practices for Asbestos Related Enclosure Projects. The person who encloses ACM shall follow these procedures:

7.6.1 Before installing hangers, brackets or other enclosure supports, the person shall spray the surface of the ACM with amended water or an encapsulant. The person shall use a sprayer that does not cause release of fibers from the ACM at the application rates specified by the manufacturer or by the project specifications;

7.6.2 If the person uses a power drill or any tool which may disturb the ACM, the tool shall be equipped with a HEPA-filtered vacuum;

7.6.3 Before beginning to build the enclosure, the person shall adequately wet and remove any loose and hanging ACM. The person shall dispose of the material according to subsection (7.8);

7.6.4 After installing hangers, brackets or other supports, and before building the enclosure, the person shall repair the ACM using materials that do not contain asbestos;

7.6.5 The person responsible for maintaining ACM enclosures shall identify the areas by signs, labels, color coding or some other mechanism to warn those who may disturb the enclosure that asbestos is present; and

7.6.6 If the enclosure project disturbs ten (10) square feet or sixteen (16) linear feet or more of ACM, the person must meet the requirements of subsection (7.1).

7.7 Work Practices for Glove Bag Projects. The department limits use of glove bags to projects of less than two hundred sixty (260) linear feet. The department requires precleaning of any loose asbestos debris in the immediate area of the glove bag project. The staff director may require portions of subsection (7.1.1) if the conditions of the asbestos project warrants this action to protect public health and the environment.

7.7.1 The person shall use six (6) mil thick or thicker leak-tight glove bags according to the manufacturer's instructions or an equivalent procedure. The person shall supply a copy of the instructions to the department representative for inspection at the work site. The person shall not use glove bags on surfaces having a temperature of one hundred fifty degrees Fahrenheit (150°F) or greater.

7.7.2 The person shall post appropriate warning signs at all entryways to the work area. The person shall restrict access to the work area to individuals who have responsibilities directly related to the project. The restrictions and the signs shall remain in place until the project meets all applicable requirements.

7.7.3 The person shall tightly enclose in six (6) mil plastic any surface which has loose or damaged ACM attached to it until the person can place a glove bag over the pipe and remove the ACM.

7.7.4 The person shall ensure an airtight seal between the glove bag and the surface until the person removes the glove bag. The person shall not use the same glove bag for more than one (1) section of pipe. The person shall not move the glove bag from one (1) section of pipe to another.

7.7.5 The person shall maintain the ACM in an adequately wet condition while removing it. The person shall maintain the removed ACM in an adequately wet condition while it remains in the glove bag. The person shall use a HEPA-filtered vacuum to evacuate air from the glove bag.

7.7.6 Before the person seals and removes the glove bag for disposal, the person shall

clean all surfaces stripped of ACM until free of visible asbestos residues.

7.7.7 Before removing warning signs and access restrictions to the work area, the person shall apply a distinguishable sealing material to all surfaces stripped of ACM and to any friable ACM exposed as a result of the removal process.

7.7.8 Before removing warning signs and access restrictions to the work area, the person shall ensure that the work area is free of all visible asbestos-containing debris, including accumulations that existed prior to the start of the project, and that air sampling clearance required under subsection (7.9.3.4) has been achieved.

7.7.9 If there is any asbestos contamination of the work area due to damage or improper use of glove bags, the person shall immediately stop the project activities. If damage occurs to any friable ACM within the work area, the person shall immediately stop the project activities. The person shall thoroughly clean with an HEPA-filtered vacuum or by wet cleaning methods all asbestos-contaminated surfaces. Each individual who is contaminated with asbestos fibers from project activities including clean-up operations shall remove or clean clothing with an HEPA-filtered vacuum or by wet cleaning methods before leaving the work area. The person shall notify the department of the date, nature and clean-up measures used for these occurrences before individuals other than those involved in the project occupy the area. The department may require additional cleaning before allowing reoccupation of the area. The person may use mini-containment procedures during glove bag operations if they are necessary to provide increased protection for public health and environment.

#### 7.8 Asbestos Waste Disposal Work Practices.

7.8.1 All solid waste materials containing friable asbestos that result from an asbestos abatement project shall be handled in the following manner:

7.8.1.1 All friable asbestos-containing waste shall be placed in leak-tight containers in an adequately wet condition before it is removed from the work area. Waste containers shall consist of not less than two (2) six (6) mil thick leak-tight clear plastic bags unless the waste contains rigid or heavy objects that are likely to tear the bags. If bag damage is likely to occur, the waste shall be placed in fiber or metal containers that are equipped with a plastic bag liner and a leak-tight lid which can be firmly fastened in position. Large sections of structural items, such as pipe or duct work that has been removed with friable ACMs left in place, shall be tightly wrapped in not less than a double layer of six (6) mil thick clear plastic sheeting for disposal purposes if they cannot be placed in containers. All ACM exposed during cutting or disjoining operations shall be adequately wet when wrapped.

7.8.1.2 The exterior surface of each container or individually wrapped object shall be free of all visible asbestos debris. An asbestos caution label and a source identification label shall be securely attached to each container or wrapping before it leaves the work area.

7.8.1.3 Each waste container shall be carefully handled and transported in order to prevent breaking or opening. Whenever a container breaks or otherwise becomes unable to completely contain the waste, the container shall be immediately repaired or replaced. Any friable asbestos-containing waste materials that come out of the original container shall be

immediately cleaned up after being wetted with water and placed in the replacement container;

7.8.1.4 Friable and category II nonfriable asbestos containing solid waste that is disposed of in Missouri shall be disposed of in a sanitary landfill having a state permit to operate. Category I nonfriable asbestos shall be disposed of in a demolition landfill or a sanitary landfill having a state permit to operate.

7.8.1.5 Waste shall be transported in enclosed roll-offs or dumpsters, vehicles that have completely enclosed cargo areas, or a four (4)-sided cargo area which shall be completely covered with six (6) mil thick plastic sheeting or other equivalent covering while the waste is being transported. All visible debris remaining in the vehicle cargo area after the waste has been deposited at the disposal area shall be immediately removed by wet cleaning methods and disposed of in accordance with the requirements of subsection (7.8). If asbestos waste is handled in a rented vehicle, the owner of the vehicle shall be notified that the vehicle will be used to transport asbestos waste.

7.8.1.6 Waste filters. Waste water from asbestos projects shall be filtered through a filter not to exceed 0.5 micron pore size prior to disposal.

## 7.9 Air Sampling.

7.9.1 The department shall require final clearance air monitoring for all enclosed asbestos abatement work areas. The department shall require third-party final clearance air monitoring for all asbestos abatement projects of a magnitude of one hundred sixty (160) square feet or two hundred sixty (260) linear feet or greater conducted in an indoor work area. Air sampling shall be conducted by air sampling professionals (ASP) or by trained air sampling technicians under the direction of an ASP. Projects less than one hundred sixty (160) square feet or two hundred sixty (260) linear feet need not have air sampling clearance conducted by a third party ASP. The contractor shall conduct air sampling clearance in compliance with 7.9.3. and may employ his own ASP when the project is less than one hundred sixty (160) square feet or two hundred sixty (260) linear feet. In-house projects conducted by state-exempt business entities using their own trained employees are exempt from this provision.

7.9.2 The department shall require the following air samples:

7.9.2.1 When the department requires third party air sampling, the samplers will collect samples inside and outside the work area to determine the effectiveness of work practices and control measures used to contain asbestos fibers inside the project at a frequency of at least once every forty (40) hours of active abatement work. The ASP will determine the location of the samples. The department may require third-party air monitoring on a case by case basis for any asbestos abatement project; and

7.9.2.2 After removal and clean-up activities are complete the abatement contractor shall ensure that ASPs conduct aggressive air sampling on all projects described in subsection (7.1). Aggressive air samples will consist of at least eleven hundred (1,100) liters each of air drawn through a filter.

Glove bag projects are exempt from aggressive air sampling. Glove bag projects shall employ nonaggressive area sampling during operations.

7.9.3 Clearance criteria.

7.9.3.1 An indoor work area of one thousand (1000) cubic feet or greater shall be available for reoccupancy when the results of five (5) phase contrast microscopy (PCM) or transmission electron microscopy (TEM) samples are all less than one-hundredth (.01) fibers per cubic centimeter (f/cc). The microscopists shall perform PCM according to the National Institute for Occupational Safety and Health (NIOSH) 7400 method or TEM according to the NIOSH 7402 method or an equivalent method approved by the Department. If any one (1) of the five (5) samples reveals an airborne fiber count of one-hundredth (.01) f/cc or greater the asbestos abatement contractor shall clean the area again. ASPs or their technicians shall conduct aggressive final clearance air sampling again. This process shall continue until the air sampling results are below one-hundredth (.01) f/cc.

7.9.3.2 Indoor asbestos abatement work areas of less than one thousand (1000) cubic feet shall require two (2) PCM or TEM samples taken from each work area. Both samples must be less than one-hundredth (.01) f/cc before the ASP can clear the area for reoccupancy.

7.9.3.3 If all sample results done on PCM are one-hundredth (.01) f/cc or higher, then the air sampling professional may choose to direct the laboratory to perform TEM using the NIOSH 7402 method on the highest sample. If the TEM analysis indicates the asbestos fiber level is less than one-hundredth (.01) f/cc, the ASP may clear the area for reoccupancy.

7.9.3.4 Clearance for glove bag projects will be achieved when all sample results of non-aggressive area sampling are less than one-hundredth (.01) f/cc by PCM or TEM per the method(s) described in subsection (7.9.3.1.).

7.9.3.5 The ASP may request a waiver of the one-hundredth (.01) f/cc clearance level required by subsections (7.9.3.1-7.9.3.4) for an asbestos abatement project where the sampler can demonstrate that the background levels exceed the one-hundredth (.01) f/cc enforcement level. The department may require the ASP to document that the background interference is from sources not associated with the asbestos abatement project. The background air samples shall be of sufficient number and strategic placement to be acceptable by the department.

7.9.4 The ASP shall have the following responsibilities.

7.9.4.1 Utilize trained air sampling technicians;

7.9.4.2 Assure that the microscopist employs the NIOSH 7400 method when performing PCM on air samples from an asbestos abatement project;

7.9.4.3 Assure that the microscopist employs the NIOSH 7402 or an equivalent method when performing TEM on non-AHERA air samples; and

7.9.4.4 Assure that laboratories utilized have the proper accreditation. The accreditation organizations are the American Industrial Hygiene Association (AIHA) and the National Voluntary Laboratory Accreditation Program (NVLAP). The ASP may utilize persons on the Asbestos Analysts Registry.

7.9.5 The contractor and the owner shall keep the air monitoring results for three (3) years. The person shall make the results available to representatives of the

department upon request. The contractor shall provide final clearance air monitoring results to the department within sixty (60) days of the close of the project. All AHERA projects shall comply with EPA air monitoring requirements in 40 CFR part 763.

#### 7.10 Additional Provisions.

- 7.10.1 The person who uses any technology not identified in this rule shall list that technology on the asbestos abatement notification. The person shall receive written approval for the use of the technology prior to the start of the project. Failure to comply with this section shall be a violation of this rule.
- 7.10.2 An asbestos abatement supervisor shall be available at the work site during the hours that a project is being conducted.
- 7.10.3 Waiver. The department may waive any individual requirements of Section (7.0) of this rule. To request a waiver, the person must complete Part B, number 2 of the notification form which appears in Section (8.0) of this rule. Except in cases where the department waives the ten (10) working day-waiting period, the person must receive departmental approval of the waiver before the project begins.
- 7.10.4 Asbestos inspectors shall utilize laboratories accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) for bulk sample analysis. Alternatively, asbestos inspectors may utilize Industrial Hygiene Laboratories accredited by the American Industrial Hygiene Association (AIHA) and deemed proficient in the Bulk Asbestos Proficiency Analytical Testing Program (BAPAT). Asbestos inspectors may utilize other laboratories for bulk sample analysis that voluntarily participate in and are deemed proficient in the AIHA BAPAT. This subsection shall be effective one (1) year from date of promulgation.

#### 8.0 Appendices.

##### 8.1 Appendix A. Official Forms.

###### 8.1.1 Notification.

###### 8.1.2 Post-Notification.

#### SAINT LOUIS COUNTY DEPARTMENT OF HEALTH AIR POLLUTION CONTROL PROGRAM ASBESTOS PROJECT NOTIFICATION

Any person who intends to perform an asbestos abatement project subject to the regulations of the Saint Louis County Department of Health (DOH) must provide the information requested in this form in order to comply with the requirements of Chapter 643 RSMo, the Missouri Air Conservation Law. Except as otherwise provided in Section 612.530 this form is to be completed and returned to the Saint Louis County – DOH not less than ten (10) working days before the intended starting date of the project. Each building or structure at the work site, including projects conducted outdoors, must be reported on a separate notification, submitted on photocopies of this form.

Any notification specifying work practices in violation of the applicable regulations will be considered invalid, as will notifications that are incomplete or illegible. Parts A, B, C, D & E must be completed for each notification. Notifications lacking the required information will be returned for completion and the ten (10) working day review period specified in Section 612.530 will be recalculated from the postmark date of the re-submitted notification.

Attach consecutively numbered supplemental pages as necessary to provide the information required in this notification form. Each supplemental page must refer to the part number and item to which it pertains, and must identify the project site and notification date. Failure to provide this identifying information will render a notification incomplete.

Mail completed notification and fee to:

SAINT LOUIS COUNTY DEPARTMENT OF HEALTH  
AIR POLLUTION CONTROL PROGRAM  
111 S. MERAMEC AVENUE  
ST. LOUIS, MO 63105



**ST. LOUIS COUNTY  
AIR POLLUTION CONTROL PROGRAM  
ASBESTOS PROJECT NOTIFICATION**

- ORIGINAL       REVISION  
 EMERGENCY       CANCELLATION

Greater than or equal to 160 square feet or 260 linear feet of friable asbestos-containing material.  
 Less than 160 square feet or 260 linear feet of friable asbestos containing material.  
 NOTE: A non-refundable permit as required by St. Louis County Air Pollution Control Code Section 612.260 (9) must be submitted for any asbestos abatement project involving 10 square feet (SF) or more or 16 linear feet (LF) or more of friable asbestos-containing material, and for planned renovation projects as defined in U.S. EPA Regulation 40 CFR 61 Subpart M. Fee schedule: <1,000 SF or <1,500 LF = \$106.00; >=1,000 SF and <5,000 SF or >=1,500 LF and <5,500 LF = \$159.00; >=5,000 SF or >=5,500 LF = \$212.00.  
 Make checks payable to: St. Louis County Air Pollution Control Program

**PART A AUTHENTICATION**

1. ASBESTOS CONTRACTOR

2. ASBESTOS CONTRACTOR ADDRESS      CITY      STATE      ZIP      TELEPHONE NUMBER

3. MISSOURI REGISTRATION NUMBER      REGISTRATION EXPIRATION DATE

4a. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF FEDERAL REGULATION (40 CFR PART 61 SUBPART M) WILL BE ON-SITE DURING THE PROJECT AND PROOF THAT THIS PERSON HAS COMPLETED THE REQUIRED TRAINING WILL BE AVAILABLE FOR INSPECTION BY THE DEPARTMENT.

4b. BY MY SIGNATURE, I ATTEST THAT ALL ASBESTOS ABATEMENT PROCEDURES SHALL BE PERFORMED IN COMPLIANCE WITH ALL APPLICABLE STATE AND FEDERAL REGULATIONS AND THE ASBESTOS CONTROL MEASURES PRACTICED ON THIS PROJECT WILL COMPLY WITH ST. LOUIS COUNTY AIR POLLUTION CONTROL CODE AND THE STANDARDS FOR WORKER PROTECTION ESTABLISHED BY OSHA IN 29 CFR 1926.1101 AND 1910.1001.

4c. I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING, THE INFORMATION PROVIDED IN THIS NOTIFICATION IS TRUE AND CORRECT.

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

PRINTED NAME AND TITLE \_\_\_\_\_

**PART B ADDITIONAL INFORMATION**

1. IF AN UNSAFE STRUCTURE IS BEING DEMOLISHED UNDER ORDER OF A STATE OR LOCAL GOVERNMENTAL AGENCY. GIVE NAME, TITLE, AND AUTHORITY OF INDIVIDUAL WHO ORDERED THE DEMOLITION. INCLUDE COPY OF SIGNED ORDER.

NAME      TITLE      AUTHORITY OF INDIVIDUAL      TELEPHONE NUMBER

2. IF A WAIVER OF ANY PORTION OF ST. LOUIS COUNTY AIR POLLUTION CONTROL CODE SECTION 612.530 IS REQUESTED, INDICATE THE WAIVER DESIRED AND THE JUSTIFICATION FOR SUCH A WAIVER. IDENTIFY ITEM NUMBER. USE SUPPLEMENTAL SHEET TO DESCRIBE PROPOSED ALTERNATIVE WORK PRACTICE.

WAIVER      JUSTIFICATION

3. NAME OF AIR SAMPLING PROFESSIONAL PERFORMING CLEARANCE AIR MONITORING FOR THIS PROJECT.

ADDRESS      CITY      STATE      ZIP      TELEPHONE NUMBER

**PART C PROJECT DESCRIPTION**

1. COUNTY WHERE PROJECT IS TO BE PERFORMED  
 St. Louis County      2. PROJECT NAME OR NOTIFICATION NUMBER

3. CONTRACTOR'S ON-SITE SUPERVISOR      4. PROJECT SITE TELEPHONE NUMBER

5. PROJECT SITE ADDRESS      CITY      STATE      ZIP

6. OWNER NAME      OWNER CONTACT PERSON      TELEPHONE NUMBER

7. OWNER ADDRESS

**PART C PROJECT DESCRIPTION (CONTINUED)**

8. PROJECT TYPE  
 REPAIR       RENOVATION       OPERATIONS AND MAINTENANCE       REMOVAL       ENCLOSURE  
 DEMOLITION       DISMANTLING       ENCAPSULATION

9. DESCRIBE PROCEDURE USED FOR THE DETECTION OF RACM INCLUDING ANALYTICAL METHOD EMPLOYED IF APPROPRIATE.

**10. DESCRIPTION AND QUANTITY OF FRIABLE ASBESTOS MATERIALS TO BE DISTURBED. (REPORT ONLY DEBRIS IN CUBIC FEET.)**

MATERIAL	SQUARE FEET	LINEAR FEET	CUBIC FEET
MATERIAL	SQUARE FEET	LINEAR FEET	CUBIC FEET
MATERIAL	SQUARE FEET	LINEAR FEET	CUBIC FEET
MATERIAL	SQUARE FEET	LINEAR FEET	CUBIC FEET
<b>TOTAL FRIABLE ACM</b>		SQUARE FEET	CUBIC FEET

**NOTE** If project is NESHAPS size attach laboratory sample analysis for all friable asbestos materials to be disturbed. Per St. Louis County Air Pollution Control Code Section 612.530, OSHA Material Safety Data Sheet, OMB #1218-0072, may be substituted if it lists percent asbestos content.

**11. QUANTITY OF MATERIAL WHICH WILL BE ABOVE 150°F. WHEN DISTURBED. A WAIVER MUST BE REQUESTED AND WORK PRACTICES SUBMITTED FOR WORK OF THIS NATURE.**

MATERIAL	SQUARE FEET	LINEAR FEET	CUBIC FEET
MATERIAL	SQUARE FEET	LINEAR FEET	CUBIC FEET

**12. DESCRIPTION AND QUANTITY OF NON-FRIABLE ASBESTOS MATERIALS TO BE DISTURBED**

MATERIAL	SQUARE FEET	LINEAR FEET	CUBIC FEET
MATERIAL	SQUARE FEET	LINEAR FEET	CUBIC FEET
MATERIAL	SQUARE FEET	LINEAR FEET	CUBIC FEET

**NOTE** If chemical mastic removers are to be used to remove floor covering mastics, attach Material Safety Data Sheet for the remover to be used.

13a. DESCRIBE ABATEMENT WORK INCLUDING LOCATION IN BUILDING. PLANNED DEMOLITION/RENOVATION, AND METHODS TO BE USED.

13b. DESCRIBE WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSION OF ASBESTOS.

13c. DESCRIBE THE CONTINGENCY PLAN IF UNEXPECTED RACM IS DISCOVERED

14. APPROXIMATE AGE OF STRUCTURE      15. PRESENT USE OF STRUCTURE      16. FORMER USE OF STRUCTURE IF KNOWN

**PART D PROJECT SCHEDULE**

No phase of the project may begin during the 10 working day notification review period without explicit waiver from the department.

	START DATE	COMPLETE DATE	TIME
1. Preparation Phase			
2. Abatement Phase			
3. Daily Work Schedule	START TIME	QUIT TIME	LUNCH BREAK

4. DAYS OF WEEK WORK WILL TAKE PLACE

**PART E DISPOSAL**

1. NAME OF WASTE HAULER IF OTHER THAN ASBESTOS CONTRACTOR

ADDRESS

2. NAME OF DISPOSAL SITE

ADDRESS

PHONE

**PART F SUPPLEMENTAL INFORMATION**

PROJECT SITE

NOTIFICATION DATE

PART NUMBER

ITEM NUMBER



ST. LOUIS COUNTY DEPARTMENT OF HEALTH  
AIR POLLUTION CONTROL PROGRAM  
**ASBESTOS POST-NOTIFICATION FORM**

ST. LOUIS COUNTY  
NOTIFICATION NO.

**GENERAL INSTRUCTIONS**

Asbestos abatement projects of a magnitude of ten (10) square feet, sixteen (16) linear feet or greater are required to submit post-notification to the department within sixty (60) days of the completion date submitted on your initial notification or application form to the department. This post-notification shall include a signed and dated receipt of the asbestos disposal slip(s) as well as the final clean air results. These documents as well as the completed post-notification form shall be mailed to the following address:

St. Louis County Department of Health  
Air Pollution Control Program (Asbestos)  
111 S. Meramec Avenue  
Clayton, MO 63105

**PART A ASBESTOS PROJECT INFORMATION**

1. NAME OF CONTRACTOR

2. CONTRACTOR CONTACT PERSON

3. BUILDING/STRUCTURE OWNER NAME

STREET ADDRESS

CITY	STATE	ZIP
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4. START DATE OF PROJECT	COMPLETION DATE OF PROJECT
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**PART B AIR SAMPLING AND LABORATORY INFORMATION**

NAME OF ANALYTIC LABORATORY UTILIZED FOR FINAL AIR RESULTS

STREET ADDRESS

CITY	STATE	ZIP
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TELEPHONE	CONTACT PERSON
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**NOTE**    **INCLUDE A COPY OF THE FINAL CLEARANCE AIR RESULTS.**

## 9.0 Definitions for the Saint Louis County Department of Health Asbestos Abatement Rules and Regulations

(A) All terms beginning with "A."

1. Abatement project designer--An individual who designs or plans Asbestos Hazard Emergency Response Act (AHERA) asbestos abatement.
2. Adequately wet--To sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.
3. Administrator--The regional administrator for Region VII, United States Environmental Protection Agency (EPA).
4. Aggressive air sampling--Sweeping of floors, ceilings and walls and other surfaces with the exhaust of a minimum of one (1) horsepower leafblower or equivalent immediately prior to air monitoring.
5. AHERA--Asbestos Hazard Emergency Response Act of 1986 (P.L. 99-519).
6. Air cleaning device—Any method, process or equipment which removes, reduces or renders less obnoxious air contaminants discharged into the ambient air.
7. Air contaminant—Any particulate matter or any gas or vapor or any combination of them that pollutes, or makes air impure.
8. Air contaminant source—Any and all sources of emission of air contaminants.
9. Air pollution--The presence in the ambient air of one or more air contaminants in quantities, of characteristics and of a duration which directly cause or contribute to injury to human, plant or animal life or health, or to property or which interfere with the enjoyment of life or use of property.
10. Air sampling professional—An individual who by qualifications and experience is proficient in asbestos abatement air monitoring. The individual shall conduct, oversee or be responsible for air monitoring of asbestos abatement projects before, during and after the project has been completed.
11. Air sampling technician—An individual who has been trained by an air sampling professional to do air monitoring. That individual conducts air monitoring of an asbestos abatement project before, during and after the project has been completed.
12. Ambient air--All space outside of buildings, stacks or exterior ducts.
13. Applicable requirement-- Any standard or requirement established in sections 643.225 - 643.245, RSMo of the Missouri Air Conservation Law and rules adopted under them.
14. Appropriate warning sign--Any asbestos hazard warning sign that complies with the asbestos regulations of the United States Occupational Safety and Health Administration (OSHA) or the EPA rules.
15. Approved waste disposal site--A solid waste disposal area that is authorized by MDNR to receive friable asbestos containing solid wastes.
16. Asbestos--The asbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite and actinolite.
17. Asbestos abatement--The encapsulation, enclosure or removal of asbestos-containing materials, in or from a building, or air contaminant source; or preparation of friable asbestos-containing material prior to demolition or renovation.
18. Asbestos abatement contractor--Any person who by agreement, contractual or otherwise, conducts asbestos abatement projects at a location other than his/her own place of business.

19. Asbestos abatement project--An activity undertaken to encapsulate, enclose or remove ten (10) square feet or sixteen (16) linear feet or more of friable asbestos-containing materials from buildings and other air contaminant sources, or to demolish buildings and other air contaminant sources containing ten (10) square feet or sixteen (16) linear feet or more of friable asbestos-containing materials.
20. Asbestos abatement supervisor--An individual who directs, controls or supervises others in asbestos abatement projects, and has taken the appropriate qualifying training courses.
21. Asbestos abatement worker--An individual who engages in asbestos abatement projects, and who has received the appropriate required training.
22. Asbestos caution label--A label that complies with applicable EPA, Department of Transportation (DOT) and OSHA rule requirements and is to be securely affixed to a waste container that contains friable asbestos materials.
23. Asbestos-containing material (ACM)--Any material or product which contains more than one percent (1%) asbestos, as determined using the polarized light microscopy method described in 40 CFR Part 763, subpart F, Appendix A. Section 1.
24. Asbestos debris--Material that results from removal or deterioration of asbestos-containing material.
25. Asbestos dismantling project--An asbestos abatement project that includes the disassembling, handling and moving of the components of any structural or equipment item that has been coated with friable asbestos-containing material without first removing this material.
26. Asbestos encapsulation project--An asbestos abatement project involving the coating of a friable asbestos-containing surface material with a sealing substance with the intended purpose of preventing the continued release of asbestos fibers from the material into the air. This definition shall not include:
- A. The repainting of a previously painted asbestos-containing surface primarily for the purpose of improving appearance;
  - B. The application of a sealing material to a surface subsequent to the removal of asbestos from it;
  - C. The application of an encapsulant to asbestos-containing material while the material is being removed;
  - D. The application of a sealing substance to less than ten (10) square feet or less than sixteen (16) linear feet of friable asbestos-containing material;
  - E. The application of a sealing substance to asbestos-containing material that has previously been enclosed or encapsulated; or
  - F. The painting of nonfriable asbestos-containing material.
27. Asbestos enclosure project--An asbestos abatement project that involves the construction of an airtight impact resistant barrier to isolate a surface coated with asbestos-containing material.
28. Asbestos maintenance operation--Any operation that involves the removal or cleanup of less than ten (10) square feet or less than sixteen (16) linear feet of friable asbestos-containing material from any type of structural or equipment item in order to repair, replace or maintain the item and anything attached to it.
29. Asbestos projects--An activity undertaken to remove or encapsulate one hundred sixty (160) square feet or two hundred sixty (260) linear feet or more of friable asbestos-containing materials or demolition of any structure or building or a part of it containing the previously mentioned quantities of asbestos-containing materials.

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

(B) All terms beginning with "B."

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

(C) All terms beginning with "C."

1. Category I nonfriable ACM--Asbestos-containing packings, gaskets, resilient floor covering and asphalt roofing products containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR part 763, subpart F, Appendix A, section 1, Polarized Light Microscopy that, when dry cannot be crumbled, pulverized or reduced to powder by hand pressure.

2. Category II nonfriable ACM--Any material, excluding category I Nonfriable ACM, containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR part 763, subpart F, Appendix A, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.

3. Circumvention—Building, erecting, installing or using any article, machine, equipment, process or method, which, when used would conceal an emission that would otherwise constitute a violation of an applicable standard or requirement. That concealment includes, but is not limited to, the use of gaseous adjuncts to achieve compliance with a visible emissions standard, and the piecemeal carrying out of an operation to avoid coverage by a standard that applies only to operations larger than a specific size.

4. Clean room--An uncontaminated area or room which is a part of the worker decontamination enclosure system.

5. Commission—The Missouri Air Conservation Commission established pursuant to section 643.040, RSMo.

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

7. Control curtain--Any of the three (3) following types of closure devices that are to be constructed of not less than four (4) mil thick plastic sheeting material and installed in an entryway of an area that is considered to be contaminated with free asbestos fibers.

A. A ventilation curtain that allows unrestricted air flow movement into a contaminated area when it is being ventilated with an exhaust fan. This curtain consists of a single flap that opens into the contaminated area and is securely fastened across the top of the entryway framework so that it overlaps both sides of the entryway by not less than twelve inches (12") and the base of the entryway by not less than three inches (3");

B. A confinement curtain that restricts the movement of air into, and from, an unventilated and contaminated area. This curtain consists of three (3) constructed baffles that cover the entire area of the entryway and are securely fastened along the top of the entryway framework and along alternate sides of locations in a manner that will allow two (2) of the curtains to fully cover the entryway opening while a person passes through the third curtain. An airlock arrangement consisting of two (2) confinement curtain entryways that are located at least three feet (3') apart may be substituted for the triple baffle arrangement; or

C. A closure device for which written department approval is required.

(D) All terms beginning with "D."

1. Decontamination facility--The serial arrangement of rooms or spaces for the purpose of separating the work site from the building environment upon entering the work site and for the cleaning of persons, equipment and contained waste prior to returning to the clean environment.
2. Demolition project--The wrecking, razing, burning, pulling down or removing of any load-supporting structural member or portion of a structure together with any related handling operation.
3. Department-approved in-house project--An asbestos abatement project in a person's own facility using their own trained facility employees; the project has received departmental approval as part of planned renovation operations.
4. Department—refers to Missouri Department of Natural Resources or their designated agent, such as, Saint Louis County Department of Health.
5. Director or department director—"Director of the Saint Louis County Department of Health".

(E) All terms beginning with "E."

1. Emergency asbestos abatement project--An asbestos abatement project that must be undertaken immediately to prevent a public health hazard from exposure or to restore essential facility operation.
2. Emission—The release or discharge, whether directly or indirectly, into the atmosphere of one (1) or more air contaminants.

(F) All terms beginning with "F."

1. Friable asbestos-containing material--Any material that contains more than one percent (1%) asbestos as determined using the method specified in 40 CFR part 763, subpart F, Appendix A, section 1, Polarized Light Microscopy, which is applied to ceilings, walls, structural members, piping, ductwork or any other part of a building or facility and which, when dry, may be crumbled, pulverized or reduced to powder by hand pressure.
2. Furnishings—Removable furniture, drapes, rugs and decorative items.

(G) All terms beginning with "G."

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

(H) All terms beginning with "H."

1. Hazardous air pollutant--Any of the air pollutants listed in Table 1 of this rule.
2. High efficiency particulate air filter--A HEPA filter found in respirators and vacuum systems capable of filtering three-tenths (0.3) micron particles with at least ninety-nine and ninety-seven hundredths percent (99.97%) efficiency.
3. Homogeneous area--An area of surfacing material, thermal system insulation material or miscellaneous material that is the same in structure, quality, color and texture.

(I) All terms beginning with "I."

1. Inspector--An individual, AHERA certified as an inspector by Missouri Department of Natural Resources (MDNR), who collects and assimilates information used to determine whether asbestos-containing material is present in a building or other air contaminant sources.

(J) All terms beginning with "J."

(K) All terms beginning with "K."

(L) All terms beginning with "L."

(M) All terms beginning with "M."

1. Management planner--An individual, under AHERA, who devises and writes plans for asbestos abatement, and has received appropriate required training.

(N) All terms beginning with "N."

1. NIOSH—National Institute of Occupational Safety and Health.

(O) All terms beginning with "O."

1. Outside air--Air outside the containment area.

2. Owner or operator of a demolition or renovation activity —Any person who owns, leases, operates, controls or supervises the building being demolished or renovated. Any person who owns, leases, operates, controls or supervises the demolition, renovation operation, or both.

(P) All terms beginning with "P."

1. Person--Any individual, partnership, association, corporation including the parent company of a wholly-owned subsidiary, municipality, subdivision or agency of the state, trust, estate or other legal entity either public or private. This shall include any legal successor, employee or agent of the previous entities.

2. Pollutant—An air contaminant listed in 10 CSR 10-6.020(3)(A), Table 1 without regard to levels of emission or air quality impact.

(Q) All terms beginning with "Q."

(R) All terms beginning with "R."

1. Refuse—The garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes or other wastes; anything thrown away as worthless.

2. Regulated air pollutant--All air pollutants or precursors for which any standard has been promulgated.

3. Regulated asbestos-containing material (RACM)--friable asbestos material; category I nonfriable asbestos-containing material (ACM) that has become friable; category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this rule.

4. Regulated pollutant--Any regulated air pollutant except carbon monoxide and pollutants regulated exclusively under section 112(r) or Title VI of the Act.

5. Repair--The restoration of asbestos material that has been damaged. Repair consists of the application of rewettable glass cloth, canvas, cement or other suitable material. It may also involve filling damaged areas with nonasbestos substitutes and reencapsulating or painting previously encapsulated materials.

(S) All terms beginning with "S."

1. Salvage operation--Any business, trade, industry or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material.

2. Sealing material--A liquid substance that does not contain asbestos which is used to cover a surface that has previously been coated with a friable asbestos-containing material for the intended purpose of preventing any asbestos fibers remaining on the surface from being disbursed into the air. This substance shall be distinguishable from the surface to which it is applied.

3. Shower room--A room between the clean room and the equipment room in the worker decontamination enclosure. This room shall be equipped with running hot and cold water that is suitably arranged for complete showering during decontamination.
4. Shutdown--The cessation of operation of any air pollution control equipment or process equipment, excepting the routine phasing out of process equipment.
5. Staff director—Director, Environmental Protection Division of the Saint Louis County Department of Health and/or Manager, Air Pollution Control Program of the Saint Louis County Department of Health.
6. Structural item—Roofs, walls, ceilings, floors, structural supports, pipes, ducts, fittings and fixtures that have been installed as an integral part of any structure.
  - (T) All terms beginning with “T.”
  1. Third-party air monitoring—Air monitoring conducted in accordance with Chapter 643, RSMo and 10 CSR 10-6.250 by a person who is not under the direct control of the person carrying out the asbestos abatement project and who has been selected by the owner or operator of the property on which the project is conducted.
    - (U) All terms beginning with “U.”
    - (V) All terms beginning with “V.”
    - (W) All terms beginning with “W.”
    1. Waste generator—The business entity that is directly responsible for the supervision of activities that result in the accumulation of friable asbestos-containing waste materials.
    2. Wet cleaning—The process of using water or other non-hazardous liquid and a wet brush, mop, cloth, sponge or similar wet cleaning device to completely remove any residue of asbestos-containing materials from surfaces on which they may be located. This definition does not include the use of a wet vacuum cleaner.
    3. Wetting agent—Any chemical that is added to water to decrease its surface tension and allow it to spread more easily over or penetrate into friable asbestos-containing materials.
    4. Work area – A specific room or physically isolated portion of a room, other than the space enclosed within a glove bag, in which a friable asbestos-containing material is required to be handled in accordance with St. Louis County Air Pollution Control Code Section 612.530. The area is designated as a work area from the time that the room, or portion of it, is secured and access restrictions are in place. The area remains designated as a work area until the time that it has been cleaned in accordance with any requirements applicable to these operations.
  - (X) All terms beginning with “X.”
  - (Y) All terms beginning with “Y.”
  - (Z) All terms beginning with “Z.”

Table 1—Hazardous Air Pollutants

CAS # 1332214      Asbestos

