

**ST. LOUIS COUNTY
AIR POLLUTION CONTROL CODE
ST. LOUIS COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION DIVISION**

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

(314) 615-8923 / 8924

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ST. LOUIS COUNTY, MISSOURI
AIR POLLUTION CONTROL CODE
St. Louis County, Mo. Ordinances, Chapter 612
(rev. 3/00)

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**RULES OF THE MISSOURI DEPARTMENT OF NATURAL
RESOURCES, AIR CONSERVATION COMMISSION**

Chapter 5 - Air Quality Standards and Air Pollution
Control Regulations for the St. Louis
Metropolitan Area [Appendix A](#)

Chapter 6 - Air Quality Standards, Definitions,
Sampling, and Reference Methods, and Air
Pollution Control Regulations for the
State of Missouri [Appendix B](#)

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. "Minor source" means any source with actual emissions greater than a de minimus source but less than one hundred (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. "VOC" is defined in 10 CSR 10-6.020. "PSD" is defined in the Code of Federal Regulations, 42 USC Chapter 85, Part C. "NSPS" is described in the Code of Federal Regulations, 40 CFR Part 60.

(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:

	<i>Fee</i>
De minimis source, including service station	\$655.00
Minor source	1,529.00
Major source	2,184.00
Major (VOC, PSD, NSPS)	5,461.00

(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 two hundred eighteen dollars (\$218.00) 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:

TABLE INSET:

<i>Site</i>	<i>Fee</i>
<i>Less than 10 acres.....</i>	<i>\$100.00</i>
<i>10 acres to 50 acres.....</i>	<i>150.00</i>
<i>More than 50 acres.....</i>	<i>200.00</i>

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

TABLE INSET:

<i>Sq. Ft. or</i>	<i>Lin. Ft.</i>	<i>Fee</i>
<i>Less than 1000</i>	<i>Less than 1500</i>	<i>\$106.00</i>
<i>Between 1000 and 5000</i>	<i>Between 1500 and 5500</i>	<i>159.00</i>
<i>More than 5000</i>	<i>More than 5500</i>	<i>212.00</i>

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

TABLE INSET:

<i>Source</i>	<i>Fee</i>	<i>Plus, Per Emission Point</i>
<i>De minimis source</i>	<i>\$114.00</i>	<i>\$22.00</i>
<i>Minor source</i>	<i>1,138.00</i>	<i>55.00</i>
<i>Major source</i>	<i>3,414.00</i>	<i>113.00</i>

(O. No. 21900, 6-22-04)

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 Health, 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

CO₂ = 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, 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.	8500
Type 1 - A mixture of combustible waste such as paper, cardboard, woodscrap, foliage, floor sweepings and up to 20% cafeteria waste. Commercial and industrial sources.	6500
Type 2 - Rubbish and garbage. Residential sources.	4300
Type 3 - Animal and vegetation waste from restaurants, cafeterias, hotels, etc. Institutional, club and commercial sources.	2500
Type 4 - Human and animal remains consisting of carcasses, organs and solid tissue wastes from farms, laboratories and animal pounds.	1000
Type 5 - Medical waste including sharps, pathological, surgical and associated infectious waste materials.	10000
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 which have variable or unknown BTU content that must be verified.

Determined on a case by 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)

612.540 Rules and Regulations

1. The Director shall promulgate rules and regulations for the purpose and intent of protecting the public health from the risk of asbestos contamination associated with asbestos abatement projects. The rules and regulations shall become effective upon approval by the County Council and shall be filed with the Administrative Director. The rules and regulations may provide for:

(1) Registration, exemption from registration and revocation of registration of persons conducting asbestos abatement projects.

(2) Abatement procedures and practices for the conduct of asbestos abatement projects.

(3) Such other rules and regulations as the Director deems necessary for the health and safety of the public as the same pertains to asbestos abatement projects.

(O. No. 19884 – 3/30/00)

612.550 Method of Approval of Rules and Regulations

Prior to presentation of any rule or regulation for approval to the County Council, the Director shall give appropriate notice of the proposed rule or regulation, set the time and place of a public hearing, and conduct a public hearing on the proposed rule and regulation. Any hearing required or authorized herein may be conducted by the Director or the Director's duly authorized agents. Any such rule or regulation may be amended or repealed in the same manner as provided for approval.

(O. No. 19884 – 3/30/00)