

FIRST REGULAR SESSION

SENATE BILL NO. 281

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time February 2, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1558L.011

AN ACT

To repeal section 643.020, RSMo, and to enact in lieu thereof two new sections relating to light pollution.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 643.020, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 643.020 and 643.630, to read as
3 follows:

643.020. When used in this chapter and in standards, rules and
2 regulations promulgated under authority of this chapter, the following words and
3 phrases mean:

4 (1) "AHERA", Asbestos Hazard Emergency Response Act of 1986 (P.L.
5 99-519);

6 (2) "Abatement project designer", an individual who designs or plans
7 AHERA asbestos abatement;

8 (3) "Air cleaning device", any method, process, or equipment which
9 removes, reduces, or renders less obnoxious air contaminants discharged into
10 ambient air;

11 (4) "Air contaminant", any particulate matter or any gas or vapor **or light**
12 or any combination thereof;

13 (5) "Air contaminant source", any and all sources of air contaminants
14 whether privately or publicly owned or operated;

15 (6) "Air pollution", the presence in the ambient air of one or more air
16 contaminants in quantities, of characteristics and of a duration which directly
17 and proximately cause or contribute to injury to human, plant, or animal life or
18 health or to property or which unreasonably interferes with the enjoyment of life
19 or use of property;

- 20 (7) "Ambient air", all space outside of buildings, stacks, or exterior ducts;
- 21 (8) "Area of the state", any geographical area designated by the
22 commission;
- 23 (9) "Asbestos", the asbestiform varieties of chrysotile, crocidolite, amosite,
24 anthophyllite, tremolite and actinolite;
- 25 (10) "Asbestos abatement", the encapsulation, enclosure or removal of
26 asbestos containing materials in or from a building or air contaminant source, or
27 preparation of friable asbestos containing material prior to demolition;
- 28 (11) "Asbestos abatement contractor", any person who by agreement,
29 contractual or otherwise, conducts asbestos abatement projects at a location other
30 than his own place of business;
- 31 (12) "Asbestos abatement projects", an activity undertaken to encapsulate,
32 enclose or remove ten square feet or sixteen linear feet or more of friable asbestos
33 containing materials from buildings and other air contaminant sources, or to
34 demolish buildings and other air contaminant sources containing ten square feet
35 or sixteen linear feet or more;
- 36 (13) "Asbestos abatement supervisor", an individual who directs, controls,
37 or supervises others in asbestos abatement projects;
- 38 (14) "Asbestos abatement worker", an individual who engages in asbestos
39 abatement projects;
- 40 (15) "Asbestos air sampling professional", an individual who by
41 qualifications and experience is proficient in asbestos abatement air
42 monitoring. The individual shall conduct, oversee or be responsible for air
43 monitoring of asbestos abatement projects before, during and after the project has
44 been completed;
- 45 (16) "Asbestos air sampling technician", an individual who has been
46 trained by an air sampling professional to do air monitoring. Such individual
47 conducts air monitoring of an asbestos abatement project before, during and after
48 the project has been completed;
- 49 (17) "Asbestos containing material", any material or product which
50 contains more than one percent asbestos, by weight;
- 51 (18) "Class A source", either a class A1, A2 or A3 source as defined in this
52 section;
- 53 (19) "Class A1 source", any air contaminant source with the potential to
54 emit equal to or greater than one hundred tons per year of an air contaminant;
- 55 (20) "Class A2 source", any air contaminant source, which is not a class

56 A1 source, and with the potential, air cleaning devices not considered, to emit
57 equal to or greater than one hundred tons per year of an air contaminant;

58 (21) "Class A3 source", any air contaminant source which emits or has the
59 potential to emit, ten tons per year or more of any hazardous air pollutant or
60 twenty-five tons of any combination of hazardous air pollutants, or as defined
61 pursuant to section 112 of the federal Clean Air Act, as amended, 42 U.S.C. 7412;

62 (22) "Class B source", any air contaminant source with the potential, air
63 cleaning devices not considered, to emit equal to or greater than the de minimis
64 amounts of an air contaminant established by the commission, but not a class A
65 source;

66 (23) "Commission", the air conservation commission of the state of
67 Missouri created in section 643.040;

68 (24) "Competent person", as defined in the United States Occupational
69 Safety and Health Administration's (OSHA) standard 29 CFR 1926.58 (b). Such
70 person shall also be a certified asbestos abatement supervisor;

71 (25) "Conference, conciliation and persuasion", a process of verbal or
72 written communications consisting of meetings, reports, correspondence or
73 telephone conferences between authorized representatives of the department and
74 the alleged violator. The process shall, at a minimum, consist of one offer to meet
75 with the alleged violator tendered by the department. During any such meeting,
76 the department and the alleged violator shall negotiate in good faith to eliminate
77 the alleged violation and shall attempt to agree upon a plan to achieve
78 compliance;

79 (26) "De minimis source", any air contaminant source with a potential to
80 emit an air contaminant, air cleaning devices not considered, less than that
81 established by the commission as de minimis for the air contaminant;

82 (27) "Department", the department of natural resources of the state of
83 Missouri;

84 (28) "Director", the director of the department of natural resources;

85 (29) "Emergency asbestos project", an asbestos project that must be
86 undertaken immediately to prevent imminent, severe, human exposure or to
87 restore essential facility operation;

88 (30) "Emission", the discharge or release into the atmosphere of one or
89 more air contaminants;

90 (31) "Emission control regulations", limitations on the emission of air
91 contaminants into the ambient air;

92 (32) "Friable asbestos containing material", any asbestos containing
93 material which is applied to ceilings, walls, structural members, piping, ductwork
94 or any other part of a building or other air contaminant sources and which, when
95 dry, may be crumbled, pulverized or reduced to powder by hand pressure;

96 (33) "Inspector", an individual, under AHERA, who collects and
97 assimilates information used to determine whether asbestos containing material
98 is present in a building or other air contaminant sources;

99 (34) "Management planner", an individual, under AHERA, who devises
100 and writes plans for asbestos abatement;

101 (35) "Minor violation", a violation which possesses a small potential to
102 harm the environment or human health or cause pollution, was not knowingly
103 committed, and is not defined by the United States Environmental Protection
104 Agency as other than minor;

105 (36) "Nonattainment area", any area designated by the governor as a
106 "nonattainment area" as defined in the federal Clean Air Act, as amended, 42
107 U.S.C. 7501;

108 (37) "Person", any individual, partnership, copartnership, firm, company,
109 or public or private corporation, association, joint stock company, trust, estate,
110 political subdivision, or any agency, board, department, or bureau of the state or
111 federal government, or any other legal entity whatever which is recognized by law
112 as the subject of rights and duties;

113 (38) "Small business", for the purpose of sections 643.010 to 643.190, a
114 small business shall include any business regulated under this chapter, which is
115 not a class A source and which employs less than one hundred people and emits
116 less than fifty tons of any regulated pollutant per year and less than seventy-five
117 tons of all regulated pollutants or as otherwise defined by the commission by rule.

**643.630. 1. To reduce the amount of light emitted into the
2 nighttime sky to near natural levels for Missouri protected places,
3 there is hereby created the "Night Sky Protection Act".**

4 2. As used in this section, the following words mean:

5 (1) "Light emission", the discharge or release of light into the
6 atmosphere;

7 (2) "Microcandela", the unit of measurement that describes the
8 intensity of a light source;

9 (3) "Missouri protected place" or "Missouri protected places",
10 includes:

11 (a) Missouri state parks and state historic sites that allow
12 overnight camping;

13 (b) Wilderness areas belonging to the National Wilderness
14 Preservation System;

15 (c) Squaw Creek National Wildlife Refuge;

16 (d) Ozark National Scenic Riverways; or

17 (e) Designated military training areas;

18 (4) "Nighttime sky", the sky overhead on a clear night.

19 3. The commission shall develop voluntary guidelines to achieve
20 the following standards:

21 (1) By 2025, no Missouri protected place shall have a night sky
22 luminance twice the natural nighttime sky luminance;

23 (2) By 2025, ninety percent of Missouri protected places shall not
24 have a night sky luminance more than thirty percent of the natural
25 nighttime sky luminance;

26 (3) By 2040, ninety percent of Missouri protected places shall not
27 have a night sky luminance more than twenty percent of the natural
28 nighttime sky luminance;

29 (4) By 2055, ninety percent of Missouri protected places shall not
30 have a night sky luminance more than ten percent of the natural
31 nighttime sky luminance.

32 The commission shall determine the natural nighttime sky luminance
33 for each Missouri protected place based on environmental conditions.

34 4. The commission shall develop a forecast of the night sky
35 luminance over the next year, five years, and ten years. The
36 commission shall also annually report to the department the sky
37 luminance of Missouri protected places in microcandela per square
38 meter.

39 5. The provisions of this section shall not be subject to section
40 643.055 until such time that the provisions of the federal Clean Air Act,
41 as amended, 42 U.S.C. 7401, et seq., are stricter than the provisions of
42 this section.

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