

FIRST REGULAR SESSION

HOUSE BILL NO. 884

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOUGHERTY.

Read 1st time February 15, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2060L.01I

AN ACT

To amend chapter 319, RSMo, by adding thereto one new section relating to blasting vibration levels, with penalty provisions.

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

Section A. Chapter 319, RSMo, is amended by adding thereto one new section, to be
2 known as section 319.400, to read as follows:

**319.400. 1. In any county with a charter form of government and with more than
2 six hundred thousand but fewer than seven hundred thousand inhabitants and in areas
3 where residential properties, schools, or churches are located, the maximum vibration at
4 the property line of such properties shall be 0.20 inches per second or five millimeters per
5 second peak particle velocity. To maintain a reasonable degree of compliance that all
6 vibrations will be below this value, a minimum set back from property lines of one
7 thousand feet shall be maintained so that unknown variables do not significantly alter the
8 vibration level at the property line at areas not monitored. For aboveground blasting, a
9 maximum of one hundred fifteen decibels linear peak air blast shall be allowed.**

**10 2. Monitoring of vibration levels and air blast, including control of seismograph
11 and positioning of such, shall be conducted by an independent seismologist, and the cost
12 of the monitoring shall be paid by the company or entity conducting the blasting. The
13 number of seismographs shall be determined by the seismologist but shall not be fewer
14 than one per one thousand feet of the applicable property line. Weekly reports with no
15 more than a weeks delay of the blast levels shall be given to local government and any**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 neighborhood organizations that have been created to deal with the blasting issue. Any
17 neighborhood organization shall have significant input into the selection of the
18 independent seismologist.

19 3. For violations of this section, single fines shall be imposed. As used in this
20 section, "single fine" means the gross value of half of a single day blast production based
21 on the average production within the past thirty days. Within a one- hundred-twenty-day
22 period, fines for violating this section shall be as follows:

23 (1) A first violation for vibrations between 0.20 inches per second to 0.30 inches per
24 second shall result in a single fine. A violation for vibrations of 0.30 inches per second to
25 0.40 inches per second shall result in a double single fine. A violation for vibrations above
26 0.40 inches per second shall result in a four times single fine and a suspension of blasting
27 for one hundred twenty days.

28 (2) A second violation for vibrations between 0.20 inches per second to 0.30 inches
29 per second shall result in a double single fine. A second violation for vibrations of 0.30
30 inches per second to 0.40 inches per second shall result in a four times single fine and a
31 suspension of blasting for one hundred twenty days.

32 (3) A third violation shall result in a four times single fine and a suspension of
33 blasting for one hundred twenty days.

34 4. A portion of the fines, as determined by local government, shall go to local school
35 districts or neighborhood organizations to provide public benefits, including but not
36 limited to scholarships and community improvements.

37 5. The provisions of this section shall become effective on August 28, 2008. Any
38 payments to entities prior to such date shall remain in effect and are not refundable.

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