

SECOND REGULAR SESSION

# HOUSE BILL NO. 1727

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BIVINS (Sponsor), HOLSMAN,  
GRILL AND DARROUGH (Co-sponsors).

Read 1st time January 17, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4183L.01I

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### AN ACT

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

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Section A. Section 643.020, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 643.020 and 643.630, to read as follows:

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

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

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

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

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

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

(6) "Air pollution", the presence in the ambient air of one or more air contaminants in quantities, of characteristics and of a duration which directly and proximately cause or contribute

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.

14 to injury to human, plant, or animal life or health or to property or which unreasonably interferes  
15 with the enjoyment of life or use of property;

16 (7) "Ambient air", all space outside of buildings, stacks, or exterior ducts;

17 (8) "Area of the state", any geographical area designated by the commission;

18 (9) "Asbestos", the asbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite,  
19 tremolite and actinolite;

20 (10) "Asbestos abatement", the encapsulation, enclosure or removal of asbestos  
21 containing materials in or from a building or air contaminant source, or preparation of friable  
22 asbestos containing material prior to demolition;

23 (11) "Asbestos abatement contractor", any person who by agreement, contractual or  
24 otherwise, conducts asbestos abatement projects at a location other than his own place of  
25 business;

26 (12) "Asbestos abatement projects", an activity undertaken to encapsulate, enclose or  
27 remove ten square feet or sixteen linear feet or more of friable asbestos containing materials from  
28 buildings and other air contaminant sources, or to demolish buildings and other air contaminant  
29 sources containing ten square feet or sixteen linear feet or more;

30 (13) "Asbestos abatement supervisor", an individual who directs, controls, or supervises  
31 others in asbestos abatement projects;

32 (14) "Asbestos abatement worker", an individual who engages in asbestos abatement  
33 projects;

34 (15) "Asbestos air sampling professional", an individual who by qualifications and  
35 experience is proficient in asbestos abatement air monitoring. The individual shall conduct,  
36 oversee or be responsible for air monitoring of asbestos abatement projects before, during and  
37 after the project has been completed;

38 (16) "Asbestos air sampling technician", an individual who has been trained by an air  
39 sampling professional to do air monitoring. Such individual conducts air monitoring of an  
40 asbestos abatement project before, during and after the project has been completed;

41 (17) "Asbestos containing material", any material or product which contains more than  
42 one percent asbestos, by weight;

43 (18) "Class A source", either a class A1, A2 or A3 source as defined in this section;

44 (19) "Class A1 source", any air contaminant source with the potential to emit equal to  
45 or greater than one hundred tons per year of an air contaminant;

46 (20) "Class A2 source", any air contaminant source, which is not a class A1 source, and  
47 with the potential, air cleaning devices not considered, to emit equal to or greater than one  
48 hundred tons per year of an air contaminant;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**8 (3) "Missouri protected place" or "Missouri protected places", includes:**

**9 (a) Missouri state parks and state historic sites that allow overnight camping;**

**10 (b) Wilderness areas belonging to the National Wilderness Preservation System;**

**11 (c) Squaw Creek National Wildlife Refuge; or**

**12 (d) Ozark National Scenic Riverways;**

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

**14 3. Light emissions shall be uniformly regulated to achieve the following standards:**

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

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

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

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

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24 **The commission shall determine the natural nighttime sky luminance for each Missouri**  
25 **protected place based on environmental conditions.**

26           **4. The commission shall develop a plan for the reduction in night sky luminance**  
27 **over the next year, five years, and ten years. The commission shall also annually report to**  
28 **the department the sky luminance of Missouri protected places in microcandela per square**  
29 **meter.**

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

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