

FIRST REGULAR SESSION

HOUSE BILL NO. 457

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOLSMAN (Sponsor), GRILL, LeVOTA, OXFORD, ROORDA,
ATKINS, HUGHES AND KANDER (Co-sponsors).

0680L.011

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Section 643.020, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 643.020 and 643.630, to read as follows: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 to injury to human, plant, or animal life or health or to property or which unreasonably interferes with the enjoyment of life or use of property;

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

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.

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;

12 (d) Ozark National Scenic Riverways; or

13 (e) Designated military training areas;

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

**15 3. The commission shall develop voluntary guidelines to achieve the following
16 standards:**

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

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

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

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

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

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

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

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