

CHAPTER X

DEMOLITION ACTIVITY COMPLIANCE REQUIREMENTS

This chapter covers the compliance requirements for a CDBG demolition-only project and demolition activity in other project categories. In a demolition project, all compliance areas apply: environmental review, documenting slum and blight national objective, citizen participation, procurement, contract management, equal opportunity, fair housing, (sometimes acquisition, and labor standards). Labor standards apply when there will be an immediate, subsequent redevelopment project on the site of the cleared property.

In addition, this chapter will cover those regulations and requirements that are unique to demolition activities such as DNR asbestos compliance, DNR proper waste disposal, and HUD/CDBG land reuse compliance. Follow the specific compliance rules in this chapter that are applicable to your project. These rules apply to your project whether it is a CDBG funded demolition-only, community facility, or public facility.

Essentially, There Are Two Types of Demolition Projects:

- 1) Residential-Only: The primary objective is to assist a grantee with the demolition of its dilapidated, abandoned residential housing stock. This type of project may also include up to 5 commercial structures.

Basic Project Requirements are:

- a. Every structure must have a DED Environmental Clearance prior to the demolition of the structure. If structures are added to a project after the initial demolitions are cleared, those added structures are subject to DED's amended Environmental Review process.
 - b. All residential structures must be vacant for a minimum of one-year and must have a clear title (no liens). **LIEN SEARCHES MUST BE DONE BY A TITLE COMPANY.**
 - c. The structures must meet the grantee's unsafe building ordinance or nuisance ordinance "criteria." (see sample ordinance)
 - d. All demolitions must have the owner's written consent. CDBG funds may not be used for involuntary demolitions/condemnations. (see sample consent form)
 - e. The owner retains possession of their cleared lot.
 - f. All demolitions must be done in compliance with DNR asbestos and demolition waste disposal landfill requirements.
- 2) Commercial Demolitions: These projects may consist of demolishing one or more commercial structures, such as a downtown building or store front, or some other type of dilapidated commercial structure. These demolition activities must also meet the above requirements.

NATIONAL OBJECTIVE: SLUM & BLIGHT CRITERIA

Slum & Blight: A grantee must document that each structure meets one of the below slum and blight criteria's or the local adopted definition of slum and blight, i.e., adopted dangerous building code criteria.

Eliminating a specific instance of slum and blight on a spot basis: {24 CFR 570.208(b)(2)}:

1. Local Unsafe Building or Nuisance Ordinance:

A grantee may demolish any building that meets their local dangerous building code or nuisance ordinance criteria. Our program considers a structure that has been determined to meet the criteria of a local ordinance as substandard for meeting the HUD/CDBG spot slum and blight criteria. A grantee should use that criteria to document any residential or commercial structure proposed for demolition meets the HUD slum and blight national objective. Prior to the initiation of the demolition of any structure with the use of CDBG funds, a grantee must have documentation in their project files for each structure to show that an official determination has been made that shows that the condition of the structure violates their local ordinance. The grantee must have a copy of that official determination (citation checklist) in each property owner's project file. That official determination will suffice to document that the structure should be demolished, and therefore, meets the HUD slum and blight national objective requirement.

Infeasible to Rehabilitate. A house or structure that is officially determined not feasible to rehabilitate to a HQS code or standard will meet the HUD spot slum and blight national objective. To meet this criterion, the costs to rehabilitate the house or structure to DED's health and safety rehabilitation standards must exceed \$15,000, or \$15 per square foot. Generally, grantees will have identified these houses at the time of application submission, for each house in a demolition-only project. A work specification write-up inclusive of a cost estimate must be used to document the infeasibility to rehabilitate the structure. It must show the costs to rehabilitate the house to DED HQS health and safety standards. Include the number of square feet in the house. This information plus the estimate will be reviewed to determine whether the house is infeasible to rehabilitate.

Eliminating Slum & Blight on an Area Basis:

2. **HUD Area Slum & Blight Definition:** At least 25% of the properties throughout the area has one or more of the following conditions (570.208(b)(1):

- i. physical deterioration of buildings or improvements
- ii. abandonment of properties
- iii. chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings
- iv. significant declines in property values or abnormally low property value relative to other areas in the community
- v. known or suspected environmental contamination
- vi. public improvements throughout the area are in a general state of deterioration

Under Missouri Statute Chapter 353(2): Blighted Area means that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, has become an

economic and social liability, and that such conditions are conducive to ill health, transmission of disease, crime, or inability to pay reasonable taxes. Documentation of a council's or commissions formal ordinance that declares the area blighted must be maintained in the grantee's project file.

Re-use: When a grantee acquires ownership of a cleared lot using CDBG funds, the subsequent use of the cleared lot may require the grantee to also document the national objective as LMI benefit for the grantee's planned redevelopment (re-use) of the cleared lot.

PROCUREMENT AND EQUAL OPPORTUNITY

Grantees must follow the procurement requirements in Procurement Chapter of the Administrative manual to procure a demolition contractor, asbestos contractor and professional service providers, such as a demolition inspector, and asbestos inspector. Always thoroughly check references. Should in-kind labor and equipment be used to conduct the demolition activities, the grantee must still comply with State and Federal waste disposal requirements, including OSHA worker protection requirements, and EPA/DNR asbestos inspection and disposal requirements. MBE, WBE, and Section 3 firms must be directly solicited for all project activities.

Demolition and Asbestos Inspector Procurement: A grantee must follow the competitive proposal procurement method to procure for these professional services. For the procurement of demolition inspectors and a licensed asbestos inspector, a grantee must develop a list of at least 7-10 qualified inspectors in your geographic area, and directly solicit them with a Request For Proposal (RFP). Refer to the Procurement Chapter for a sample RFP. For asbestos inspectors, a grantee must first make sure that they are licensed by the Missouri Department of Natural Resources. A list of licensed asbestos inspectors may be found under the title "building inspectors" at:

<http://www.dnr.mo.gov/env/apcp/asbestos.htm>. **The demolition inspector cannot be the demolition contractor and the asbestos inspector cannot be the asbestos abatement contractor.**

Asbestos Contractor Procurement: A grantee has two options to procure an asbestos contractor.

- 1) The first option is that a grantee may bid two separate contracts: one for asbestos removal by a licensed asbestos contractor of all of the structures where asbestos must be removed, and a separate bid for the demolition of all of the structures after the asbestos has been removed. The grantee's demolition inspector and asbestos inspector must collaborate to develop the work specification for both contracts. **For all commercial structures the asbestos abatement must be a stand-alone contract. If the contract is in excess of \$2,000 and being paid with CDBG funds, Davis-Bacon is applicable.**
- 2) The second option is for a grantee to bid single demolition contract, inclusive of the asbestos inspector's recommendations in the demolition specifications. The general demolition contractor would be required to subcontract the asbestos removal work to a licensed asbestos contractor based on the demolition and asbestos inspector's work specifications. After the removal of the asbestos by the licensed asbestos contractor, the demolition contractor would complete the demolition of the structure(s). **Again, for commercial structures the asbestos abatement must be a stand-alone contract. If the contract is in excess of \$2,000 and being paid with CDBG funds, Davis-Bacon is applicable.**

A list of licensed asbestos contractors may be found under the classification of "contractor" at <http://www.dnr.mo.gov/env/apcp/asbestos.htm>

Demolition-Only Contractor Procurement: We require a grantee to bid all or a substantial number of the demolitions at one time. This requirement exists to promote the cost effective expenditure of CDBG funds. For example, if a grantee was funded to demolish 15 structures, all 15 should be bid to result in one contract with one contractor. If a grantee was funded to demolish 35 structures, the grantee might bid 20 structures in the first round and 15 in the second. This could result in the grantee having two contractors; one for each of the two rounds or the same contractor for both rounds. This procurement method has resulted in substantially lowering the average demolition cost per structure. Do not bid each house separately to individual contractors because this results in higher project cost. Follow our procurement requirements in the Procurement Chapter. Contractors must provide documentation of the successful completion of the ten (10) hour Occupational Safety and Health Administration (OSHA) course.

LABOR REQUIREMENTS

1. Davis-Bacon and the State's prevailing wage laws are **not** applicable to a project's CDBG funded demolition activities if:
 - The demolition work, is not directly related to a subsequent construction project, see 7-5 below.
 - Less than eight units will subsequently be constructed on the cleared site(s)/lot(s)
 - The grantee pays for materials and land, but the subsequent construction is solely private, i.e., no federal funds are used to pay for either the construction work or the land. Also, the mere payment for land with CDBG funds would not trigger Davis Bacon and Related Acts (DBRA) where federal funds are not used in the project to also pay for construction work.
 - Please Note: Subsequent construction or subsequent redevelopment of lots cleared with CDBG funded "demolition-only" projects is not allowed under that program application.
 - If the asbestos abatement contract for commercial structures is **not** in excess of \$2,000.

HUD Handbook 1344.1, Rev.1, Appendix #3:

"7-5: DEMOLITION. Demolition work, which is not related to construction, is not subject to the prevailing wage requirements of DBRA. For example, the demolition of a building because such structure is no longer needed would not in itself be a covered construction activity. However, where an existing building is being demolished as a phase of a construction project subject to DBRA, the demolition would also be covered, as in the case of demolition performed to permit construction of a new building."

2. When the Davis-Bacon/prevailing wage rate is Applicable to a Demolition Project:
 - Rule 1: The Davis-Bacon Act requires the payment of prevailing wages only when federal funds are used to pay for construction work for more than \$2,000. The state's prevailing wage law applies to any construction work for public use or benefit that involves any public funds. The State law does not have a dollar threshold amount.
 - For example, if future construction is on the lot acquired by the grantee with CDBG funds and more than eight residential units will be constructed, the state prevailing wage requirements apply.
 - If the demolition is part of a privately funded construction project that is completed under one contract, and the construction will result in the construction of 8 or more residential units or the rehabilitation of 12 or more units under one-contract, then Davis-Bacon requirements will also apply to the related demolition contract.

- **Rule 2: Existing Community Plan:** Davis-Bacon may apply where a grantee has an existing community plan that addresses the use of property acquired with CDBG funds. The grantee must sign a re-use agreement with the State to ensure compliance with Davis-Bacon and with the HUD national objective requirements based on the plan's specific stated re-use of the cleared site.
- **Rule 3:** In a CDBG project, Davis-Bacon and/or the state's prevailing wage law applies to demolition work if the grantee plans to use government funds for construction work on the acquired lot. For example, if the grantee uses CDBG funds to build a restroom for a city park on the lot that was acquired and cleared with CDBG funds, then the restroom construction will trigger the use of the Federal and State's prevailing wage building rates.
- **Rule 4:** Davis-Bacon wage rates are applicable to a demolition project that is part of a "Turnkey" project. Here, the grantee would have a developer pay for the entire construction of a single-family or multi-family project and the supporting public facilities on the land acquired with CDBG funds. Once the grantee determines that the completed construction work is acceptable, then the grantee would reimburse the developer and pay the contractor at the prevailing wage rates. A re-use agreement would also be required prior to the project to ensure either 51% LMI benefit for public facility work or for housing construction to ensure 100% LMI benefit.

DEMOLITION WASTE DISPOSAL REQUIREMENTS AND ASBESTOS COMPLIANCE

1. **Waste Disposal Requirements:** CDBG grantees must comply with all state and Federal waste disposal laws, when conducting demolition activities with grant funds. When residential or commercial structures are approved for demolition, grantees must ensure that the demolition wastes are properly disposed of at a permitted/licensed sanitary or demolition landfill. Specify the applicable DNR disposal requirements in the demolition bid and contract.

See the DNR technical assistance bulletins in this chapter. Asbestos waste materials must be disposed of in accordance with state regulations at 10 CSR 10-6.240. Those regulations require the name of the landfill and that the waste disposal records are maintained for inspection. Hazardous waste must be disposed of in an authorized facility that specializes in hazardous waste, e.g., paint residue that fails the TCLP test. The failure to ensure compliance could result in the contractor and/or the grantee incurring fines and penalties, so have your grant administrator and demolition inspector include disposal specifications in both the demolition bid and contract documents. Obtain and maintain copies of all landfill receipts from your asbestos and demolition contractors.

DISPOSAL OPTIONS FOR DEMOLITION WASTES FROM RESIDENTIAL PROPERTIES

Type of Waste	Type of Landfill
Paint residue (if passes TCLP)	Sanitary landfill or special waste
Paint residue (if fails TCLP)	Hazardous Waste facility or leas smelter
Demolition debris	Sanitary or Demolition landfill
Asbestos roofing – friable & non friable	Sanitary landfill
Asbestos siding – friable & non friable	Sanitary landfill

Asbestos flooring – friable & non friable	Sanitary landfill
Scrap metal	Salvage yard for recycling, or sanitary or demolition landfill

For proper guidance on waste disposal compliance, contact the following agencies:

MO DNR Main Office – 1/800/361-4827; 751-3443; <http://www.dnr.mo.gov>

MO DNR Hazardous Waste Program - 573/751-3176

Provides disposal compliance information

MO DNR Solid Waste Management Program - 573/751-5401

Provides a list of landfills in Missouri that have been issued operating permits

Provides compliance information and technical bulletins

MO DNR Air Pollution Control Program (Asbestos) – 573/751-4817

Provides Asbestos compliance and certification information

<http://www.dnr.mo.gov/env/apcp/asbestos.htm>

MO Department of Health - Lead Program 1-888/837-0927; 573/526-5873

Provides licensing and compliance information

<http://health.mo.gov/safety/leadlicensing/>

U.S. Occupational Safety and Health Administration (OSHA) - 800/321-6742

OSHA Kansas City Office: 816/483-9531; OSHA St. Louis Office: 314/425-4249

KC Office Toll Free: 1-800/892-2674 St. Louis Toll Free: 1-800/392-7743

The DED Compliance Team strongly urges you to call each of the above agencies with your compliance and disposal questions. We also stress the importance of disposing project waste at a landfill that has been issued a permit by DNR to operate. Grantees will avoid fines by properly disposing of project waste in accordance with State and Federal regulations. **Original landfill receipts must be in project file for monitoring review.**

2. Asbestos Removal and Disposal: Grantees must contact DNR for guidance at the phone numbers listed above. For specific requirements, please see the DNR technical assistance bulletin, Asbestos Requirements for Demolition and Renovation Projects in this chapter or at: <http://www.dnr.mo.gov/env/apcp/Asbestos.htm>. A licensed asbestos abatement contractor must perform any asbestos abatement work that may be necessary prior to the demolition of any structure. Grantee must ensure compliance with OSHA worker protection requirements.
3. Open Burning: The open burning of a house, that is to be demolished, is prohibited under 10 CSR 10-3. However, under that state code of regulations, a grantee may burn a house for fire training purposes. The grantee must submit a written request to the appropriate DNR regional office through the fire district that will conduct the burning. The DNR regional office will then review the request and issue an open burning permit. Asbestos containing materials must be removed prior to the fire training exercise. CDBG funds may be used for the asbestos removal activity. Please review the DNR open burning fact sheet, or at: www.dnr.mo.gov/pubs/pub2047.pdf

DEMOLITION MONITORING FILE REQUIREMENT LIST

1. Authority to Use Grant Funds letter from DED to complete Environment Review process, inclusive of SHPO review.
2. Lot Owner's Signed Consent form for the demolition of their structure
 - a. Lot Owner's Ownership Documentation, i.e., deed
 - b. Documentation of clear title
3. a) Spot Slum & Blight documentation/official determination:
 - i. Infeasible to rehabilitate documentation, or
 - ii. Building Inspector's write up of a violation of grantee's Dangerous Building Ordinance or Nuisance Ordinanceb) Area Slum & Blight – A State Statutory or HUD Regulatory official action by the grantee, i.e., official declaration of a blighted area based on meeting HUD or state blight requirements.
4. Demolition Bid Specifications, inclusive of asbestos removal, and procurement documentation
 - a. Licensed Asbestos Inspector Procurement documentation
 - b. Licensed Asbestos Contractor Procurement documentation
5. Grantee's Contract with Asbestos Inspector and Asbestos Contractor, or
6. Demolition Contract with Asbestos Subcontractor
7. Asbestos Inspection Report and Asbestos Removal compliance documentation
8. Demolition Contract for **each individual structure** signed by the lot owner, and contractor. See sample demolition contract in the appendix of this chapter.
9. Landfill Receipts and Demolition Certificate of Completion **for each structure**
10. Documentation of inspection and remediation of hazardous waste - if applicable
11. DNR Open Burning Permit - if applicable
12. Financial Management – copies of demolition contractor's grantee approved pay requests

DEMOLITION PROGRAM ORDINANCE/RESOLUTION - SAMPLE

Bill No. _____ Ordinance/Resolution No. _____

An Ordinance/Resolution of the City/County of _____, Missouri, Implementing the Housing Site Demolition and Re-Use Program

WHEREAS, the City/County of _____ has received a Community Development Block Grant which provides funds for the demolition of residential and/commercial structures which have been declared blighted by action of the Council/Commission; and

WHEREAS, the City/County of _____ desires to implement the Housing Demolition and Re-Use Program; and

WHEREAS, the City/County of _____ desires to set forth specific provisions and guidelines concerning the Residential and Commercial Building Demolition and Re-Use Program.

BE IT ORDAINED BY THE CITY COUNCIL/COUNTY COMMISSION OF _____ AS FOLLOWS:

SECTION 1. The City/County shall implement a Demolition and Re-Use Program with funds received from a CDBG grant for the demolition of residential (and commercial) structures, which have been declared blighted by action of the City Council/County Commission.

SECTION 2. The County's/City's grant administrator is hereby authorized and directed to execute for and on behalf of the City/County of _____ an agreement with any owners of property which has been declared blighted by action of the City Council/County Commission.

SECTION 3. The agreement shall be substantially the same in form and content as that agreement attached hereto as Exhibit "A" and incorporated herein as it fully and completely set out herein.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and approval by the City Council/county Commission of _____.

DULLY READ TWO TIMES AND PASSED THIS _____ DAY OF _____, 20__.

APPROVED THIS _____ DAY OF _____, 20__.

(Mayor or Presiding Commissioner)

ATTEST: _____ (SEAL)

Approved as to Contents and Form: _____

(Grantee's Counselor)

(Date)

MODEL UNSAFE BUILDING ORDINANCE

AN ORDINANCE OF THE (CITY/VILLAGE) OF _____, MISSOURI, REGARDING DANGEROUS BUILDINGS AS NUISANCES AND THEIR REMOVAL OR RECONDITIONING, PROVIDING FOR THEIR DEMOLITION OR REPAIR BY THE (CITY/VILLAGE) AND PERTAINING TO INSURANCE PROCEEDS FROM DAMAGE OR LOSS TO BUILDINGS OR STRUCTURES.

BE IT ENACTED BY THE COUNCIL OF THE (CITY/VILLAGE) OF _____, MISSOURI, AS FOLLOWS:

Section 1. Purpose and scope.

It is the purpose of this ordinance to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public, and this ordinance shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the (city/village) of _____, Missouri.

Section 2. Dangerous buildings defined.

All buildings that are detrimental to the health, safety or welfare of the residents of the (city/village) and that have any or all of the following defects shall be deemed "dangerous buildings":

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three (33) percent or more damage or deterioration of the supporting member or members, or fifty (50) percent damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the city.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other adequate means of evacuation.
8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.
9. Those that because of their conditions are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this city.

Section 3. Dangerous buildings declared nuisance.

All dangerous buildings, as defined by Section 2, are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as provided herein.

Section 4. Standards for repair, vacation, or demolition.

The following standards shall be followed in substance by the building inspector and the building commissioner in ordering repair, vacation, or demolition of any dangerous building.

1. If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this ordinance, it shall be ordered repaired.
2. If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated and repaired.
3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this ordinance, it shall be demolished.
4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of this (city/village) or statute of the State of Missouri, it shall be repaired or demolished.

Section 5. Building inspector.

All city police officers and all other (city/village) employees so designated by the (mayor, city manager/administrator) shall be building inspectors within the meaning of this ordinance.

Section 6. Duties of building inspector; procedure and notice.

The building inspector shall have the duty under this ordinance to:

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such places a dangerous building when he has reasonable grounds to believe that any such building is dangerous.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this ordinance, and the building inspector determines that there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall, or structure reported by the fire or police departments of this (city/village) as probably existing in violation of this ordinance.
4. Notify in writing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of _____ County, of any building found by him to be a dangerous building within the standards set forth in Section 2. The notice required shall state that:
 - a. The owner must vacate, vacate and repair or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this ordinance;

- b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession;
 - c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the county wherein the land is located, may, at his own risk, repair, vacate, or demolish the building and clean up the property or have such work done, provided that any person notified under this subsection to repair, vacate or demolish any building, or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work;
5. The notice provided for in this section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building and an order requiring the designated work to be commenced within the time provided for in the above subsection;
 6. Report in writing to the city building commissioner the noncompliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay;
 7. Appear at all hearings conducted by the building commissioner and testify as to the condition of dangerous buildings.
 8. Immediately report to the building commissioner concerning any building found by him to be inherently dangerous and that he determined to be a nuisance per se. The building commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of _____ County. It is unlawful to remove this notice until such notice is complied with."

Provided, however, that the order by the building commissioner and the posting of said notice, shall not be construed to deprive all persons entitled thereto by this ordinance to the notice and hearing prescribed herein.

Section 7. Building Commissioner.

The (mayor, city manager/administrator, city council/board of aldermen, board of trustees or other designated officer or officers) shall act as building commissioner under this ordinance.

Section 8. Duties of the building commissioner.

The building commissioner shall have the power pursuant to this ordinance to:

1. Supervise all inspections required by this ordinance, and cause the building inspector to make inspections and perform all the duties required of him by this ordinance. Upon receiving a complaint or report from any source, that a dangerous building exists in the city, the building commissioner shall cause an inspection to be made forthwith. If the building commissioner deems it necessary to the performance of his duties and responsibilities imposed herein, the building commissioner may request an inspection and report be made by any other city department or retain services of an expert whenever the building commissioner deems such service necessary.

2. Upon receipt of a report from the building inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other person(s) having interest in said building to commence work of reconditioning or demolition within the time specified by this ordinance or upon failure to proceed continuously with work without unnecessary delay, the building commissioner shall hold a hearing giving the affected parties full and adequate hearing on the matter.

Written notice, either by personal service or by certified mail, return receipt requested, or by publication for two (2) successive weeks, in a newspaper qualified to publish legal notices, at least ten (10) days in advance of a hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the recorder of deeds of the county wherein the land is located, to appear before the building commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building inspector's notice as provided herein.

Any party may be represented by counsel and all parties shall have an opportunity to be heard.

3. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 2.
4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the building commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other person(s) having an interest in said building as shown by the land records of the county wherein the land is located, to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified, shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this (city/village) or the owner or any person having an interest in said building as shown by the land records of the county wherein the land is located, may vacate and demolish said dangerous building at his own risk to prevent the acquiring by the (city/village) of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.
5. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the building commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant; and the building commissioner shall certify the cost of the work borne by the (city/village) for such repair, vacation or demolition or cleaned up to the (city/village) clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon said property and shall be deemed a personal debt against the property owner(s) unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the (city/village) and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360 Revised Statutes of Missouri. Except as provided in subsection 6 of this section, at the request of the taxpayer this special tax bill may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of _____ percent per annum until paid.
6. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the building commissioner as provided in subsection 5 of this section, and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure

caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five (25) percent of the insurance proceeds, as set forth in subdivisions a and b of this subsection. This subsection shall apply only to a covered claim payment that is in excess of fifty (50) percent of the face value of the policy covering a building or other structure:

- a. The insurer shall withhold from the covered claim payment up to twenty-five (25) percent of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the ordinance.
 - b. The (city/village) shall release the proceeds and any interest that has accrued on such proceeds received under subdivision a of this subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance moneys, unless the (city/village) has instituted legal proceedings under the provisions of subsection 5 of this section. If the (city/village) has proceeded under the provisions of subsection 5 of this section, all moneys in excess of that necessary to comply with the provisions of subsection 5 of this section for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
7. If there are no proceeds of any insurance policy as set forth in subsection 6 of this section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
 8. Subsection 6 of this section shall apply to fire, explosion, or other casualty loss claims arising on all buildings and structures.
 9. Subsection 6 of this section does not make the (city/village) a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
 10. The building commissioner may certify in lieu of payment of all or part of the covered claim under subsection 6 that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the building commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to subsection 6 of this section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this subsection.

Section 9. Appeal.

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the recorder of deeds of the county wherein the land is located, may, within thirty (30) days from the receipt of the order of the building commissioner, appeal such decision to the circuit court of the county wherein the land is located, pursuant to the procedure established in Chapter 536 of the Revised Statutes of Missouri.

Section 10. Emergencies.

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the building inspector shall report such facts to the building

commissioner and the building commissioner may cause the immediate repair, vacation or demolition of such dangerous building and clean up of the property. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 7(5).

Section 11. Violations; disregarding notices or orders.

1. The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the building commissioner shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in Section 12.
2. Any person removing any notices provided for in this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with Section 12.

Section 12. Penalties.

Any person violating the provisions of this ordinance is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500). Each day that a person fails to comply with an order of the building commissioner may be deemed a separate offense.

**PROPERTY OWNER'S DEMOLITION CONSENT, RELEASE, AND
AGREEMENT TO MAINTAIN CLEARED LOT (FORM)**

I, the undersigned, being the owner of the land and all structures located at _____, realizing that the building or buildings located thereon are substandard, hazardous, and dangerous to the public health and welfare, do hereby grant the City/County of _____ permission to demolish, destroy, or burn the above specified structures and to dispose of all resulting demolition debris.

I, the undersigned, do hereby grant the City/County of _____, its agents, servants, employees and assigns, for a period of three months from the date of this document, permission to enter upon the above identified land to accomplish said demolition or burning and disposal.

In consideration of the benefit conferred on me by the City/County of _____, in said demolition or burning and disposal, I, the undersigned, do hereby release and forever discharge the City/County of _____, its agents, servants, employees and assigns from any and all claims, demands, or actions for damages for any and all personal injuries, or loss or damage to property sustained in or growing out of said demolition or burning and disposal, and from complications arising therefrom.

I also hereby agree to fully comply with the City's/County's property maintenance Ordinance/Resolution No. _____ and the property reuse provisions as specified below:

It is understood that the above mentioned benefit is the full consideration for this settlement that the terms of the Release are fully understood and voluntarily accepted.

I HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTAND IT. IN WITNESS WHEREOF, I have hereunder set my hand this _____ day of _____, 20____.

Signature

Name Printed

Witness

COMMUNITY DEVELOPMENT BLOCK GRANT REGULATIONS
BONDING AND INSURANCE REQUIREMENTS

A state or local unit of government receiving a grant from the Federal government, which requires contracting for construction or facility improvement shall follow its own requirements relating to bid guarantees, performance bonds, and payment bonds, except for contracts or subcontracts exceeding \$25,000. For contracts or subcontracts exceeding \$25,000, the Federal agency may accept the bonding policy and requirements of the grantee provided the Federal agency has made a determination that the Government's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

A bid guarantee from each bidder equivalent to five percent of the bid price. The bid guarantee shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

A performance bond on the part of the contractor for 100 percent of the contract price. A performance bond is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

A payment bond on the part of the contractor for 100 percent of the contract price. **IF CONTRACT PRICE EXCEEDS \$50,000.** A payment bond is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, _____
as Principal, and _____ as Surety, are hereby held and firmly bound unto
_____ as owner in the penal sum of _____ for
the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our
heirs, executors, administrators, successors and assigns, this _____ day of _____,
20 _____.

The condition of the above obligation is such that whereas the Principal has submitted to
_____ a certain Bid, attached hereto and hereby made a part hereof to enter
into a contract in writing, for the _____

_____.

NOW, THEREFORE,

If said Bid shall be rejected, or in the alternate,

If said Bid shall be accepted and the Principal shall execute and deliver a contract in the Form of
Contract attached hereto (properly completed in accordance with said Bid) and shall furnish a
bond for his faithful performance of said contract, and for the payment of all persons performing
labor or furnishing materials in connection therewith, shall in all other respects perform the
agreement created by the acceptance of said Bid, then this obligation shall be void, otherwise the
same shall remain in force and effect; it being expressly understood and agreed that the liability
of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this
obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its
bond shall be in no way impaired or affected by the extension of the time within which the Owner may
accept such Bid; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and
such of them as are corporations have caused their corporate seals to be hereto affixed and these
presents to be signed by their proper officers, the day and year first set forth above.

Principal (L.S.)

SEAL

By: _____

NOTICE TO PROCEED

Issued to: _____

RE: **City of**
CDBG Project Number:
Address:

Enclosed is your executed copy of the Contract dated _____ for the demolition of the property located at _____ pursuant to the provision of the Contract, you are hereby given notice to proceed with the work. Your attention is invited to the requirement that the work shall be completed within ____ calendar days of this Notice.

Please acknowledge receipt of the Notice to Proceed as shown below and return a signed copy. You are not to proceed with the work until such time as this Notice is returned to and received by the City.

Signature of Authorized Official
City of _____

The above Notice was received on _____ which establishes the completion date of _____.

Contractor Signature

DEMOLITION CONTRACT

THIS AGREEMENT made and entered into this _____ day of _____, 20____, by and between _____, hereinafter called the "Contractor," _____, hereinafter called the "Owner." In consideration of the mutual promises and agreements contained herein, the undersigned Contractor and Owner agree as follows:

The Contractor shall comply with the following provisions:

1. **LABOR, MATERIALS AND WORK WRITE-UP:** Contractor will furnish all labor, materials, supervision, and services necessary to do the work specified in the "Work write-up" attached and made a part hereof for the total sum of \$ _____.
2. **NOTICE TO PROCEED:** Contractor shall not begin the work to be performed until receipt of written Notice to Proceed, after which the Contractor shall begin the work within ten calendar days of the date of said Notice, and shall complete said work within _____ calendar days thereafter.
3. **INSURANCE:** Contractor shall purchase and maintain, at their own expense insurance that will protect him from claims set forth below which may arise out of or result from the Contractor's or by an Subcontractor's work:
 - i. Claims under workers compensation, disability benefit and other similar employee benefit acts
 - ii. Claims for damages because of bodily injury, occupational sickness or diseases, or death of his employees
 - iii. Claims for damages because of bodily injury, sickness or disease, or death of any person other than his employees
 - iv. Claims for damages insured by usual personal injury liability coverage which are sustained 1) by any person as a result of an offense directly or indirectly related to the employment of such person by the Contractor, or 2) by any other person
 - v. Claims for damages because of injury to or destruction of tangible property, including loss of use resulting there from
 - vi. Bodily injury insurance shall be, at a minimum, in the amount of \$100,000
- c. The Contractor shall procure and maintain, at his own expense, during the contract time, public liability insurance as required by the Owner, at a minimum, in the amount of \$300,000
- d. Certificates of Insurance shall be filed with the Owner prior to commencement of work. Certificates shall contain a provision that coverage will not be cancelled unless at least fifteen (15) days prior written notice has been given
4. **SPECIFICATIONS, CODES AND REGULATIONS:** Contractor shall comply with all appropriate specifications and codes referred to and with all regulations, ordinances and laws of the Owner, the State of Missouri, and the Federal Government, and permit reasonable inspection of all work by authorized inspectors
5. **ASBESTOS COMPLIANCE:** Contractor shall comply with the Missouri Air Conservation law, Rs.Mo.643, Sections 225-250, Missouri regulation 10 CFR 10.6.080, 10 CFR 6.240, and 10 CFR

6.250, EPA regulations at 40 CFR Part 61 governing asbestos, and OSHA worker protection regulations

6. **PERMITS AND LICENSES**: Contractor will obtain and pay for all permits and licenses necessary for the completion and execution of the work and labor to be performed.

7. **DEBRIS AND MATERIAL REMOVAL**: Contractor shall keep the premises clean and orderly during the course of the work and remove all debris as it accumulates. Materials and equipment that have been removed and replaced as part of the work shall belong to the contractor, unless specifically spelled-out in the "Work write-up". Dispose of demolition debris in compliance with State and Federal laws.

7. **ASSIGNMENTS AND SUBCONTRACTS**: Contractor shall not assign any interest on this Contract, and shall not transfer any interest in the same (whether by assignment or invitation), without prior written consent of the Owner thereto: Provided, however, that the claims for money by Contractor from the Owner under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the Owner.

8. **TERMINATION OF CONTRACT FOR CAUSE**: If through any cause, Contractor shall fail to fulfill in a timely and proper manner their obligations under this Contract, or if Contractor shall violate any of the covenants, agreements, or stipulations of this Contract, the Owner shall thereupon have the right to terminate this Contract by giving written notice to Contractor of such termination and specifying the effective date thereof, at least five days before the effective date of such termination. In such event, all finished or unfinished documents and reports prepared by Contractor under this Contract shall, at the option of the Owner, become its property and Contractor shall be entitled to receive just and equitable compensation for any work satisfactorily completed thereunder.

Notwithstanding the above, Contractor shall not be relieved of liability to the Owner for damages sustained by the Owner by virtue of any breach of Contract by Contractor, and the Owner may withhold any payments to Contractor for the purpose of set-off until such time as the exact amount of damages due to the Owner from Contractor is determined.

9. **TERMINATION FOR CONVENIENCE BY THE OWNER**: The Owner may terminate this Contract at any time by giving at least ten (10) days notice in writing to Contractor. If the Contract is terminated by the Owner as provided herein. Contractor will be paid for the time provided and expenses incurred up to the termination date. If this Contract is terminated due to the fault of the Contractor, Paragraph 1 hereof to termination shall apply.

10. **PAYMENTS TO CONTRACTOR**: Owner may authorize a draw at the completion of each individual property, with 10% retainage withheld in emergency situations. However, normally the Owner will make a single payment upon completion of each property. Lien releases must be provided prior to any payment being made to the Contractor.

11. **ACCEPTANCE OF FINAL PAYMENT AS RELEASE**: Contractor's acceptance of final payment shall be a release to the Owner of all claims and all liability to the Contractor.

12. **CHANGES**: Owner may, from time to time request changes in the scope of the work without invalidating the Contract. If such changes increase or decrease the amount due under the Contract, or in the time required for performance of the work, an equitable adjustment shall be authorized by Change Order. The Owner shall review and give final approval to all Change Orders.

13. **TIME FOR COMPLETION AND LIQUIDATED DAMAGES:** If the Contractor fails to complete the work within the Contract Time or extension of time granted by the Owner, then the Contractor may be required to pay to the Owner the amount of \$____/day for liquidated damages for each calendar day that the Contractor shall be in default after the time stipulated in the Contract Documents.

14. **PROTECTION OF LIVES AND HEALTH:** Contractor shall exercise proper precaution at all times for the protection of persons and property and shall be responsible for all damages to persons or property, either on or off the site, which occur as a result of his prosecution of the work. The safety provisions of applicable laws and building and construction codes, in addition to specific safety and health regulations described by Chapter XIII, Bureau of Labor Standards, Department of Labor, Part 1518, Safety and Health Regulations for Construction, as outlined in the Federal Register, Volume 36, No. 75, Saturday, April 17, 1971. Title 29 - LABOR, shall be observed and the Contractor shall take or cause to be taken, such additional safety and health measures as the Contracting Authority may determine to be reasonably necessary.

Safety Training

- a. Contractor shall provide a ten (10) hour Occupational Safety and Health Administration (OSHA) construction safety program for all employees who will be on-site at the Project. The construction safety program shall include a course in construction safety and health that is approved by OSHA or a similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program as required by Section 292.675, RSMo.
- b. Contractor shall require its on-site employees to complete a construction safety program within sixty (60) days after the date work on the Project commences.
- c. Contractor acknowledges and agrees that any of Contractor's employees found on the Project site without documentation of the successful completion of a construction safety program shall be required to produce such documentation within twenty (20) days, or will be subject to removal from the Project.
- d. Contractor shall require all of its Subcontractors to comply with the requirements of this Section and Section 292.675, RSMo.

Notice of Penalties for Failure to Provide Safety Training

- a. Pursuant to Section 292.675, RSMo, Contractor shall forfeit to City as a penalty two thousand five hundred dollars (\$2,500), plus one hundred dollars (\$100.00) for each on-site employee employed by Contractor or its Subcontractor, for each calendar day, or portion thereof, such on-site employee is employed without the construction safety training required in above Paragraph.
- b. The penalty described in Subsection a. of this Section shall not begin to accrue until the time periods described in Paragraph b and c above have elapsed.
- c. Violations of above Paragraph and imposition of the penalty described in this Section shall be investigated and determined by the Missouri Department of Labor and Industrial Relations.

15. **REGULATIONS PURSUANT TO SO-CALLED "ANIT-KICKBACK ACT" Title 18, U.S.C.**

874 Kickbacks from public works employees: Whoever, by force, intimidation, or threat of procuring dismissal from employment, or by any other manner whatsoever induces any person employed in the construction, prosecution, completion or repair of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, to give up any part of the compensation to which he is entitled under his contract of employment, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

16. **AUTHORIZED EMPLOYEES:** Contractor acknowledges that Section 285.530, RSMo, prohibits any business entity or employer from knowingly employing, hiring for employment, or continuing to employ an unauthorized alien to perform work within the state of Missouri. Contractor therefore covenants that it is not knowingly in violation of subsection 1 of Section 285.530, RSMo, and that it will not knowingly employ, hire for employment, or continue to employ any unauthorized aliens to perform work on the Project, and that its employees are lawfully to work in the United States.

PERFORMANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS: that

(Name of Contractor)

(Address of Contractor)

a _____, hereinafter called Principal, and
(Corporation, Partnership or Individual)

(Name of Surety)

(Address of Surety)

hereinafter called Surety, are held and firmly bound unto

(Name of Owner)

(Address of Owner)

hereinafter called OWNER in the total aggregate penal sum of _____

Dollars (\$ _____) in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the Principal entered into a certain CONTRACT with the OWNER, dated the _____ day of _____ 20 _____, a copy of which is hereto attached and made a part hereof for the construction of:

NOW, THEREFORE if the Principal shall well, truly and faithfully perform its duties, all the undertakings, covenants, terms, conditions and agreements of said CONTRACT during the original term thereof, and any extensions thereof which may be granted by the OWNER with or without notice to the SURETY and during the one year guaranty period and if the PRINCIPAL shall satisfy all claims and demands incurred under such CONTRACT, and shall fully indemnify and save harmless the OWNER from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the OWNER all outlay and expense which the OWNER may incur in making good any default, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED, FURTHER, that the said SURETY, for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the CONTRACT or to WORK to be performed thereunder or the SPECIFICATIONS accompanying same shall in any way affect its obligation on this BOND, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the CONTRACT or to the WORK or to the SPECIFICATIONS.

PROVIDED, FURTHER, that it is expressly agreed that the BOND shall be deemed amended automatically and immediately, without formal and separate amendments hereto, upon amendment to the CONTRACT not increasing the CONTRACT price more than 20 percent, so as to bind the PRINCIPAL and the SURETY to the full and faithful

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performance of the CONTRACT as so amended. The term "Amendment", wherever used in this BOND, and whether referring to this BOND, the CONTRACT or the Loan Documents shall include any alteration, addition, extension, or modification of any character whatsoever.

PROVIDED, FURTHER that no final settlement between the OWNER and the PRINCIPAL shall abridge the right of the other beneficiary hereunder, whose claim may be unsatisfied. The OWNER are the only beneficiaries hereunder.

IN WITNESS WHEREOF, this instrument is executed in _____ counterparts, each one of which
(Number)

shall be deemed an original, this the _____ day of _____.

ATTEST:

Principal

(Principal) Secretary

(SEAL)

By _____

(Witness as to Principal)

(Address)

(Address)

Surety

ATTEST:

Witness to Surety

BY _____
Attorney-in-Fact

(Address)

(Address)

NOTE: Date of BOND must not be prior to date of CONTRACT.

If CONTRACTOR is partnership, all partners should execute BOND.

IMPORTANT: Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

PAYMENT BOND

KNOW ALL PERSONS BY THESE PRESENTS: that

(Name of Contractor)

(Address of Contractor)

a _____, hereinafter called Principal, and
(Corporation, Partnership or Individual)

(Name of Surety)

hereinafter called Surety, are held and firmly bound unto

(Name of Owner)

(Address of Owner)

hereinafter called OWNER, and unto all persons, firms and corporations who or which may furnish labor, or who furnish materials to perform as described under the CONTRACT and to their successors and assigns in the total aggregate penal sum of _____

Dollars (\$ _____) in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the PRINCIPAL entered into a certain CONTRACT with the OWNER, dated the _____ day of _____ 20 _____, a copy of which is hereto attached and made a part hereof for the construction of:

NOW, THEREFORE, if the PRINCIPAL shall promptly make payment to all persons, firms and corporations furnishing materials for or performing labor in the prosecution of the WORK provided for in such CONTRACT, and any authorized extensions or modification thereof, including all amounts due for materials, lubricants, oil, gasoline, coal, repairs on machinery, equipment and tools, consumed or used in connection with the construction of such WORK and for all labor cost incurred in such WORK including that by a SUBCONTRACTOR, and to any mechanic or materialman lienholder whether it acquires its lien by operation of State or Federal law; then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED, that beneficiaries or claimants hereunder shall be limited to the SUBCONTRACTORS, and persons, firms, and corporations having a direct contract with the PRINCIPAL or its SUBCONTRACTORS.

PROVIDED, FURTHER, that the said SURETY for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the CONTRACT or to the WORK to be performed thereunder or the SPECIFICATIONS accompanying the same shall in any way affect its obligation on this

BOND, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of this CONTRACT or to the WORK or to the SPECIFICAITONS.

PROVIDE, FURTHER, that no suit or action shall be commenced hereunder by any claimant: (a) Unless claimant, other than one having a direct CONTRACT with the PRINCIPAL (or with the GOVERNMENT in the event the GOVERNMENT is performing the obligations of the OWNER), shall have given written notice to any two of the following: the PRINCIPAL, the OWNER, or the SURETY above named within ninety (90) days after such claimant did or performed the last of the WORK or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials were furnished, or for whom the WORK or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to the PRINCIPAL, OWNER, or SURETY, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the state in which the aforesaid project is located, save that such service need not be made by a public officer. (b) After the expiration of one (1) year following the date of which PRINCIPAL ceased WORK on said CONTRACT, is being understood, however, that if any limitation embodied in the BOND is prohibited by law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

PROVIDED, FURTHER, that it is expressly agreed that this BOND shall be deemed amended automatically and immediately, without formal and separate amendments hereto, upon amendment to the CONTRACT not increasing the CONTRACT price more than 20 percent, so as to bind the PRINCIPAL and the SURETY to the full and faithful performance of the CONTRACT as so amended. The term "Amendment", wherever used in this BOND and whether referring to this BOND, the CONTRACT or the loan Documents shall include any alteration, addition, extension or modification of any character whatsoever.

PROVIDED, FURTHER, that no final settlement between the OWNER or GOVERNMENT and the CONTRACTOR shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS WHEREOF, this instrument is executed in _____ counterparts, each one of which
(Number)

shall be deemed an original, this the _____ day of _____.

ATTEST:

Principal

(Principal) Secretary

(SEAL)

By _____

(Witness as to Principal)

(Address)

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(Address)

Surety

ATTEST:

Witness to Surety

BY _____
Attorney-in-Fact

(Address)

(Address)

NOTE: Date of BOND must not be prior to date of CONTRACT

If CONTRACTOR is partnership, all partners should execute BOND. IMPORTANT: Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State where the Project is located.

**CERTIFICATION OF BIDDER
REGARDING EQUAL EMPLOYMENT OPPORTUNITY**

INSTRUCTIONS

This certification is required pursuant to Executive Order 11246 (30 F. R. 12319-25). The implementing rules and regulations provide that any bidder or prospective contractor, or any of their proposed subcontractors, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause, and, if so, whether it has filed all compliance reports due under applicable instructions.

Where the certification indicates that the bidder has not filed a compliance report due under applicable instructions, such bidder shall be required to submit a compliance report within seven calendar days after bid opening. No contract shall be awarded unless such report is submitted.

CERTIFICATION BY BIDDER

NAME AND ADDRESS OF BIDDER (Include ZIP Code):

Bidder has participated in a previous contract or subcontract subject to the Equal Opportunity Clause.

YES NO

3. Compliance reports were required to be filed in connection with such contract or subcontract.

YES NO

4. Bidder has filed all compliance reports due under applicable instructions.

YES NO

5. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?

YES NO

NAME AND TITLE OF SIGNER (Please type):

SIGNATURE

DATE

**CERTIFICATION BY PROPOSED SUBCONTRACTOR REGARDING
EQUAL EMPLOYMENT OPPORTUNITY**

NAME OF PRIME CONTRACTOR

PROJECT NUMBER

INSTRUCTIONS:

The certification is required pursuant to Executive Order 11246 (30 F.R. 12319-25). The implementing rules and regulations provide that any bidder or prospective contractor, or any of their proposed subcontractors, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; and, if so, whether it has filed all compliance reports due under applicable instructions.

Where the certification indicates that the subcontractor has not filed a compliance report due under applicable instructions, such subcontractor shall be required to submit a compliance report before the owner approves the subcontract or permits work to begin under the subcontract.

SUBCONTRACTOR'S CERTIFICATION

NAME AND ADDRESS OF SUBCONTRACTOR (Include ZIP Code):

Bidder has participated in a previous contract or subcontract subject to the Equal Opportunity Clause.

YES NO

6. Compliance reports were required to be filed in connection with such contract or subcontract.

YES NO

7. Bidder has filed all compliance reports due under applicable instructions.

YES NO

8. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?

YES NO

NAME AND TITLE OF SIGNER (Please type):

SIGNATURE:

DATE:

Certificate of Contemplated Minority, Women, and Section 3 Business Utilization

The undersigned makes this affidavit with full knowledge that its contents will be used in the expenditure of funds provided by the United States Government. Under penalty of perjury, he/she hereby states:

Section 3 Status

I am the (owner, partner, officer, representative, or agent) of _____, the Bidder that has submitted the attached Bid; and whose business concern is:

- 51 percent or more owned by Section 3 residents; or
- Has permanent, full-time employees, at least 30 percent of whom are currently Section 3 residents, or were Section 3 residents within three (3) years of the date of first employment with the business concern; or
- None of the above; no Section 3 preference claimed.

Subcontractors

- I will be utilizing subcontractors of suppliers.
- I will *not* be utilizing subcontractors or suppliers.

If subcontractors or supplies will be utilized, please list all Minority, Women, and Section 3 firms or suppliers that were contacted or that will be utilized for this activity. Use additional sheets if necessary.

Subcontractor _____ MBE WBE Section 3
Address _____ Bid Amount _____
Trade or Supplier _____
Bid Accepted: Yes No If No, explain _____

Subcontractor _____ MBE WBE Section 3
Address _____ Bid Amount _____
Trade or Supplier _____
Bid Accepted: Yes No If No, explain _____

Subcontractor _____ MBE WBE Section 3
Address _____ Bid Amount _____
Trade or Supplier _____
Bid Accepted: Yes No If No, explain _____

Certificate of Contemplated Minority, Women, and Section 3 Business Utilization

Hiring of Additional Workers

- I will be hiring additional workers to complete this activity.
- I will *not* be hiring additional workers to complete this activity.

Listed below are the Section 3 employment opportunities which are herein incorporated and made part of the contract's bid documentation. If new positions will be filled, please complete:

Occupation	Needed	To Be Hired	Apprentices*	Trainees*
Carpenters				
Electricians				
Power Equipment Operations				
Ironworkers				
Laborers				
Plumbers/Pipefitters				
Masons				
Other:				
Other:				

*Attach copies of program and apprentice certifications by the Missouri or U.S. Bureaus of Apprenticeship and Training.

Certification

In Witness Whereof, Contractor has executed his certificate this _____ day of _____ 20____.

Contractor Name _____

Federal ID _____ DUNS _____

Signature of Authorized Agent _____

Printed Name _____ Date _____

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SUPPLEMENTAL GENERAL CONDITIONS

1. SPECIAL EQUAL OPPORTUNITY PROVISIONS

A. Activities and Contracts Not Subject to Executive Order 11246, as Amended.

(Applicable to Federally assisted construction contracts and related subcontracts \$10,000 and under.)

During the performance of this contract, the contractor agrees as follows:

1. The Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor shall take affirmative action to ensure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
2. The Contractor shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by Contracting Officer setting forth the provisions of this non-discrimination clause. The Contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
3. Contractors shall incorporate foregoing requirements in all subcontracts.

B. Executive Order 11246 (Contracts/subcontracts above \$10,000)

1. Section 202 Equal Opportunity Clause

During the performance of this contract, the contractor agrees as follows:

- a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration without regard to race, color, religion, sex, or national origin.
- c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representatives of the contractor's commitment under this section, and shall

post copies of the notice in conspicuous places available to employees and applicants for employment.

- d. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- e. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation, to ascertain compliance with such rules, regulations, and others.
- f. In the event of the contractor's non-compliance with the non-discrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 or September, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- g. The contractor will include the provisions of the sentence immediately preceding paragraph (a) and the provisions of paragraph (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for non-compliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Department the contractor may request the United States to enter into such litigation to protect the interest of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in Federally assisted construction work. Provided, that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government that does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965,

with a contractor debarred from, or who has not demonstrated eligibility for Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee), refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurances of future compliance have been received from such applicant, and refer the case to the Department of Justice for appropriate legal proceedings.

2. Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246). (Applicable to contracts/subcontracts exceeding \$10,000.00.)
 - a. The Offerer's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.
 - b. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate work force in each trade on all construction work in the covered area, are as follows:

Goals for minority participation:	Goals for Female participation:
10%	10%

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or Federally assisted) performed in the covered area. If the contractor performs construction work in a geographic area located outside of the covered area, it shall apply the goals established for such geographic area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its Federally involved and non-Federally involved construction.

The Contractor's compliance with the Executive Order and the regulation in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3 (a), and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

- c. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address, and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.
 - d. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is (insert description of the geographical areas where the contract is to be performed giving the state, county, and city, if any).
3. Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)
- a. As used in these specifications:
 1. "Covered area" means the geographical area described in the solicitation from which this contract resulted
 2. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority
 3. "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941
 4. "Minority" includes:
 - i. Black (all persons having origins in any of the Black African racial groups not of Hispanic origin)
 - ii. Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race)
 - iii. Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands)
 - iv. American Indian or Alaskan Native (all persons having origins in any of the original peoples of North American and maintaining identifiable tribal affiliations through membership and participation or community identification)
 - b. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.
 - c. If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those

trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractors failure to take good faith efforts to achieve the Plan goals and timetables.

- d. The Contractor shall implement the specific affirmative action standards provided in paragraphs g1 through 17 of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. The Contractor is expected to make substantially uniform progress toward its goals in each craft during the period specified. Covered construction contractors performing contracts in geographical areas where they do not have a Federal or Federally-assisted construction contract shall apply the minority and female goals established for the geographic area where the contract is being performed. Goals are published periodically in the Federal Register in notice form and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The contractor is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.
- e. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.
- f. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must make a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.
- g. The Contractor shall take specific affirmative action to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following.
 1. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working

environment, with specific attention to minority or female individuals working at such sites or in such facilities.

2. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.
3. Maintain a current file of the names, addresses, and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the Contractor may have taken.
4. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.
5. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources complied under g2 above.
6. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc., by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
7. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination, or other employment decisions including specific review of these items with on site supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
8. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

9. Direct its recruitment efforts, both oral and written, to minority, female, and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.
 10. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer, and vacation employment to minority and female youth both on the site and in other area of a Contractor's work force.
 11. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.
 12. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.
 13. Ensure that seniority practices, job classifications, work assignments, and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure EEO policy and the Contractor's obligations under these specifications are being carried out.
 14. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
 15. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
 16. Conduct a review, at least annually, of all supervisor's adherence to and performance under the Contractor's EEO policies and affirmative action obligations.
 17. Covered construction contractors performing contracts in geographical area where they do not have a Federal or Federally assisted construction contract shall apply the minority and female goals established for the geographical area where the contract is being performed. Goals are published periodically in the Federal Register in notice form and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The contractor is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.
- h. Contractors are encouraged to participate in voluntary associations, which assist in fulfilling one or more of their affirmative action obligations (g1 through 17). The efforts of a contractor association, joint contractor-union, contractor-community, or

other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under g1 through 17 of these Specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female work force participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation shall not be a defense for the Contractor's non-compliance.

- i. A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).
- j. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.
- k. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.
- l. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination, and cancellation of existing subcontract as may be imposed or ordered pursuant to Executive Order 11246 as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications, and Executive Order 11246, as amended.
- m. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least extensive as those standards prescribed in paragraph g of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall precede in accordance with 41 CFR 60-4.8.
- n. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government, and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate to pay, and locations at

which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

- o. Nothing herein provided shall be construed as a limitation upon the application of other laws, which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

C. Certification of Non-Segregated Facilities (Over \$10,000)

By the submission of this bid, the bidder, offerer, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facility at any of his establishments, and that he does not permit employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for employees any segregated facilities at any of his establishments, and he will not permit employees to perform their services at any location under his control where segregated facilities are maintained. The bidder, offerer, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity Clause of this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work area, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms, and other storage or dressing areas, *transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certification from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause; that he will retain such certification in his files; and that he will forward the following notice to such proposed subcontractors (except where proposed subcontractors have submitted identical certifications for specific time periods).

* Parking lots, drinking fountains, recreation, or entertainment areas.

D. "Section 3" Compliance in the Provision of Training, Employment and Business Opportunities

The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC 1701u. The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3 shall, to the greatest extent feasible, be directed to low and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

The parties to this said contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.

The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a

notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth the minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each, the name and location of the person(s) taking applications for each of the positions, and the anticipated date the work shall begin.

The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.

The contractor will certify that any vacant employment positions including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations in 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligation under 24 CFR Part 135.

The contractor agrees to submit such reports as required to document compliance with 24 CFR Part 135. Noncompliance with the regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

2. CERTIFICATION OF COMPLIANCE WITH AIR AND WATER ACTS

(Applicable to Federally assisted construction contracts and related subcontracts exceeding \$100,000.)

Compliance with Air and Water Acts

During the performance of this contract, the contractor and all subcontractors shall comply with the requirements of the Clean Air Act, as amended, 42 USC 7401 et seq., the Clean Water Act, as amended, 33 USC 1251 et seq., and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR, as amended.

In addition to the foregoing requirements, all nonexempt contractors and subcontractors shall furnish to the owner the following:

- A. A stipulation by the contractor or subcontractors that any facility to be utilized in the performance of any nonexempt contract or subcontract is not listed on the list of Violating Facilities issued by the Environmental Protection Agency (EPA).
- B. Agreement by the contractor to comply with all the requirements of Section 114 of the Clean Air Act, as amended, (42 USC 7413) and Section 308 of the Clean Water Act, as amended, (33 USC 1318) relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder.
- C. A stipulation that as a condition for the award of the contract, prompt notice will be given of any notification received from the Director, Office of Federal Activities, or EPA, indicating that a facility utilized, or to be utilized for the contract, is under consideration to be listed on the EPA List of Violating Facilities.

D. Agreement by the Contractor that he/she will include, or cause to be included, the criteria and requirements in paragraph (A) through (D) of this section in every nonexempt subcontract and requiring that the Contractor will take such action as the Government may direct as a means of enforcing such provisions.

3. SPECIAL CONDITIONS PERTAINING TO HAZARDS SAFETY STANDARDS AND ACCIDENT PREVENTION

A. Lead-Based Paint Hazards

(Applicable to contracts for construction or rehabilitation of residential structures.)

The construction or rehabilitation of residential structures is subject to the HUD Lead-Based Paint regulations, 24 CFR Part 35 and Revised Missouri Statutes 700.300 - 338. The Contractor and Subcontractor shall comply with the provisions for the elimination of lead-based paint hazards under sub-part B of said regulations. The Owner will be responsible for the inspections and certifications required under Section 35.14 (f) thereof.

B. Use of Explosives

When the use of explosives is necessary for the prosecution of the work the Contractor shall observe all local, state, and Federal laws in purchasing and handling explosives. The Contractor shall take all necessary precaution to protect completed work, neighboring property, waterlines, or there underground structures. Where there is danger to structures or property from blasting, the charges shall be reduced and the material shall be covered with suitable timber, steel, or rope mats.

The Contractor shall notify all owners of public utility property of intention to use explosives at least eight hours before blasting is done close to such property. Any supervision or direction of use of explosives by the Engineer does not in any way reduce the responsibility of the Contractor or his Surety for damages that may be cause by such use.

C. Danger Signals and Safety Devices (Modify as required)

The Contractor shall make all necessary precautions to guard against damages to property and injury to persons. The Contractor shall put up and maintain in good condition sufficient red or warning lights at night, suitable barricades, and other devices necessary to protect the public. In case the Contractor fails or neglects to take such precautions, the Owner may have such lights and barricades installed and charge the cost of this work to the Contractor. Such action by the Owner does not relieve the Contractor of any liability incurred under these specifications or contract.

SUMMARY OF CIVIL RIGHTS LAWS, EXECUTIVE ORDERS, AND REGULATION

CDBG grantees must assure that all project activities will be administered in compliance with civil rights laws and regulations. The following are summaries of those parts of the civil rights laws and regulations that are applicable to CDBG activities.

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Title VIII of the Civil Rights Act of 1968, as amended, provides that no person shall, on the basis of race, color, religion, sex, national origin, handicap, or familial status, be discriminated against in housing (and related facilities) provided with Federal assistance or lending practices with respect to residential property when such practices are connected with loans insured or guaranteed by the Federal Government.

Section 109 of the Housing and Community Development (HCD) Act of 1974, as amended, provides that no person in the United States shall, on the ground of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under Title I of the Housing and Community Development Act of 1974.

Section 3 of the Housing and Urban Development Act of 1968, as amended, provides that, to the greatest extent feasible, opportunities for training and employment shall be given to recipients of public housing and lower-income residents of the unit of local government or the metropolitan area (or non-metropolitan county) in which the project is located. Contract work in connection with such projects shall be awarded to business concerns which are owned in substantial part by persons residing in the same metropolitan area (or non-metropolitan county) as the project, employ Section 3 residents in full-time positions, or subcontract with businesses which provide economic opportunities to lower income persons.

Section 503 of the Rehabilitation Act of 1973, as amended, provides for nondiscrimination in contractor employment. All recipients of Federal funds must certify Affirmative Action for Handicapped Workers in all contracts issued:

1. The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices, such as employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
2. The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.
3. In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.
4. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take

affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

5. The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of Section 503 of the Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.
6. The contractor will include the provisions of this clause in every subcontract or purchase order of \$2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to Section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

Section 504 of the Rehabilitation Act of 1973, as amended, provides for nondiscrimination of an otherwise qualified individual solely on the basis of his/her handicap in benefiting from any program or activity receiving Federal financial assistance. All recipients must certify to compliance with all provisions of Section 504.

Age Discrimination Act of 1975 provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Executive Order 11063, as amended, directs all departments and agencies to take all action necessary and appropriate to prevent discrimination in housing and related facilities owned or operated by the Federal Government or provided with Federal financial assistance, and in the lending practices with respect to residential property and related facilities (including land to be developed for residential use) of lending institutions, insofar as such practices relate to loans insured or guaranteed by the Federal Government.

Executive Order 11246, as amended, provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in any phase of employment during the performance of Federal or Federally-assisted construction contracts in excess of \$10,000. Grantees shall comply with Executive Order 11246, as amended by Executive Order 12086, and the regulations issued pursuant thereto (41 CFR Chapter 60), which provide that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in all phases of employment during the performance of Federal or Federally-assisted construction contracts. As specified in Executive Order 11246 and the implementing regulations, contractors and subcontractors on Federal or Federally assisted construction contracts shall take affirmative action to ensure fair treatment in employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training and apprenticeship.

Section 106(d)(5)(B) of Title I of the Housing Community Development Act of 1974, as amended, provides that the grantee will affirmatively further fair housing.

Section 519 of Public Law 101-144 (the 1990 HUD Appropriations Act) requires each unit of general local government which receives Title I funds to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.

Section 906 of the Cranston-Gonzales National Affordable Housing Act, as amended by subsection 104(1) of the HCD Act of 1974, states that no CDBG funds may be obligated or expended to any unit of general local government that fails to adopt and enforce a policy of prohibiting the use of excessive

force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations, or fails to adopt and enforce a policy of applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction.

Interest of Members of a City. No member of the governing body of the City and no other officer, employee, or agent of the City, who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract, and the Consultant shall take appropriate steps to assure compliance.

Interest of Other Local Public Officials. No member of the governing body of the locality and no other public official of such locality, who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract, and the Consultant shall take appropriate steps to assure compliance.

GENERAL PROVISIONS

1. This contract embodies all the representatives, rights, duties and obligations of the parties, and any prior oral or written agreement not embodied herein shall not be binding upon or endure to the benefit of any of the parties.
2. The Contractor agrees to perform the work required by this contract, and the Owner agrees that neither he nor the members of his family, his tenants, agents or employees will hinder the Contractor in his work in carrying out HUD requirements and city codes and policies.
3. No member, officer or employee of the City of _____ or its designees or agents, no member of the Governing Body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under the Agreement.

THIS CONTRACT AND ALL TERMS AND CONDITIONS CONTAINED HEREIN ARE APPROVED AND ACCEPTED AS OF THE DATE FIRST ABOVE WRITTEN.

Contractor

Owner

By

Address

Address

Telephone

Mayor or Authorized City Official

STATE OF MISSOURI))ss
COUNTY OF _____)

AFFIDAVIT
(as required by Section 285.530, Revised Statutes of Missouri)

As used in this Affidavit, the following terms shall have the following meanings:

EMPLOYEE: Any person performing work or service of any kind for hire within the State of Missouri.

FEDERAL WORK AUTHORIZATION PROGRAM: Any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or an equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, under the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603.

KNOWINGLY: A person acts knowingly or with knowledge,

(a) with respect to the person's conduct or to attendant circumstances when the person is aware of the nature of the person's conduct or that those circumstances exist; or

(b) with respect to a result of the person's conduct when the person is aware that the person's conduct is practically certain to cause that result.

UNAUTHORIZED ALIEN: An alien who does not have the legal right or authorization under federal law to work in the United States, as defined in 8 U.S.C. 1324a(h)(3).

BEFORE ME, the undersigned authority, personally appeared _____,

_____, who, being duly sworn, states on his oath or affirmation as follows:

1. My name is _____ and I am currently the President of _____ (hereinafter "Contractor"), whose business address is _____ "and I am authorized to make this Affidavit.

2. I am of sound mind and capable of making this Affidavit and am personally acquainted with the facts stated herein.

3. Contractor is enrolled in and participates in a federal work authorization program with respect to the employees working in connection with the following services contracted between Contractor and _____

4. Contractor does not knowingly employ any person who is an unauthorized alien in connection with the contracted services set forth above.

5. Attached hereto is documentation affirming Contractor's enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services.

Further, Affiant sayeth not.

Affiant

Subscribed and sworn to before me this _____ day of _____, 201_.

Commission #

**CERTIFICATE OF FINAL INSPECTION
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

City of _____, MO

Property Number _____

Property Owner Name: _____

Property Address: _____

.....
CERTIFICATION OF COMPLETION AND FINAL INSPECTION

Final inspection has been made of the property demolished with Community Development Block Grant assistance. The demolition work has been satisfactorily completed in accordance with the CDBG contract. The property now conforms to the requirements of the Work Write-Up and Specification established for this property.

Date

Inspector

The Property Owner hereby accepts as satisfactory the demolition work performed by the contractor authorized by the City of _____, Missouri under the guidelines of the Community Development Block Grant Program.

Date

Property Owner

Date

Demolition Contractor

Date

Authorized City Official

Comments: _____

Demolition Tracking Sheet

Grantee _____ Project # _____

Property Owner _____

Address _____

Demolition Contractor _____

Amount of Contract _____

CDBG amount of contract _____

Property owner amount of contract _____

RFF # & Amount _____

Demolition Inspector _____

Demolition Inspector Contract Amount _____

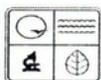
RFF# _____ Amount \$ _____

Asbestos Inspector _____

Asbestos Abatement Contractor _____

Asbestos Abatement Contract Amount _____

RFF # _____ Amount \$ _____



Missouri Department of Natural Resources

Construction and Demolition Waste Guidance

Solid Waste Management Program fact sheet

5/2010

As Missouri communities continue to grow, older buildings are being renovated or demolished to make room for newer, more modern buildings. Properly managing waste during demolition helps prevent threats to human health and the environment.

If a demolition or renovation project is entered with an eye toward the environment and human health, the impact to both can be lessened or even removed. This will allow communities to continue to grow in harmony with the citizens and environment.

Construction and Demolition Waste Regulations

The Missouri Department of Natural Resources regulates demolition and renovation projects for institutional, commercial, public and industrial structures. The department also regulates residential structure projects such as apartment buildings with more than four units or two or more residential structures within 500 feet of each other. Single family residential structures or other residential structures containing four units or less are exempt from most asbestos regulations. However, all construction, demolition and renovation wastes are regulated under the solid waste management law.

All construction, renovation and demolition waste must be properly disposed of at a permitted transfer station or landfill regardless of whether it was generated from a commercial or residential structure. Before a regulated renovation or demolition project begins, the business or entity requesting the work should make the waste disposal a part of the contract. This will deflect liability if the waste is not properly managed and should be considered by the contractors during the bid process.

Demolition or renovation operations can create several different kinds of waste:

- **Clean fill** includes uncontaminated soil, rock, sand, gravel, asphaltic concrete, blocks and bricks, and minimal amounts of wood, metal and inert solids. Minimal means the smallest amount possible. These can be used to fill in excavated holes from demolition or construction projects.
- **Recovered materials** includes doors and windows, which can be removed for reuse, or scrap metal and asphalt shingles, which can be taken to a recycling center.
- **Regulated wastes** are wastes that cannot be used as clean fill and cannot be recovered for reuse or recycling. These wastes must be taken to a permitted landfill or transfer station for proper disposal.
- **Hazardous waste and asbestos containing material** - The most common hazardous materials encountered during demolition and renovation projects are lead paint and objects contaminated by lead paint. There are many rules and regulations regarding management and disposal of hazardous and asbestos containing materials.

For more information about open burning, contact the department's Air Pollution Control Program at 573-751-4817 see the fact sheet *Facts on Open Burning under Missouri's Regulations*, PUB2047 available on the department's website at www.dnr.mo.gov/pubs/pub2047.pdf.

Local Ordinances

There may be local ordinances stricter than the state's rules and regulations. Any business or entity beginning a renovation or demolition project should be aware of all of the ordinances and regulations affecting them before the project starts.

For more information

Missouri Department of Natural Resources
Solid Waste Management Program
P. O. Box 176, Jefferson City, MO 65102-0176
800-361-4827 or 573-751-5401 office
573-526-3902 fax
www.dnr.mo.gov/env/swmp/index.html

Missouri Department of Natural Resources
Air Pollution Control Program
P.O. Box 176, Jefferson City, MO 65102-0176
800-361-4827 or 573-751-2706 fax
www.dnr.mo.gov/env/apcp/index.html



Missouri Department of Natural Resources

Managing Construction and Demolition Waste

Solid Waste Management Program fact sheet

10/2008

This guidance is provided primarily for construction and demolition contractors, waste haulers, roofing contractors, remodeling businesses, homebuilders and homeowners. Cities and counties that issue building permits may also find the information helpful. The guidance covers only wastes commonly produced during building construction, renovation and demolition. Information about managing other wastes is available by contacting the sources listed on the last page of this fact sheet.

This fact sheet is not intended for guidance on the management of surface coatings removed from bridges, water towers or other similar outdoor structures.

Waste types

During construction, renovation and demolition activities, you may produce one or more of the following types of residuals:

- Clean fill.
- Recovered materials.
- Regulated construction and demolition waste.
- Hazardous materials and hazardous wastes.
- Asbestos-containing materials.

Management requirements differ for each of these.

Clean Fill

Clean fill is "uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinder blocks, brick, minimal amounts of wood and metal and inert (non-reactive) solids...for fill, reclamation or other beneficial use" [§260.200(5), RSMo]. Minimal means the smallest amount possible. For example, concrete containing wire mesh or rebar may be used as clean fill. However, exposed rebar must be removed before use. Under no circumstances are roofing shingles, sheet rock, wood waste or other construction and demolition wastes defined as clean fill.

Concrete, cinder blocks, bricks or other clean fill materials that are painted with non-heavy metal-based paints are also considered clean fill. It is the generator's responsibility to determine if the painted materials are hazardous wastes. The most typical contaminants are lead and other heavy metals. This determination can be made by representative sampling or by applying historical knowledge of the materials in question.

If asphaltic concrete is to be used as clean fill it is recommended that it not be crushed or ground any smaller than necessary. This will help to minimize the leaching of chemicals found within the asphaltic material.

Although not regulated as waste, placement of clean fill materials may be subject to requirements of the Missouri Department of Natural Resources' Water Protection Program if it is placed in contact with surface or subsurface waters of the state, or would otherwise violate water quality standards. Contact the Water Protection Program at 573-751-1300 if you have any questions. Local requirements concerning the use of clean fill may apply as well. Contact the Hazardous Waste Program at 573-751-3176 for questions about determining whether materials may be hazardous and for disposal options.

Recovered Materials

Recovered Materials are those removed for reuse (lumber, doors, windows, ceramic tile and glass) and those removed to be recycled into new products. Potentially recyclable construction and demolition wastes may include scrap metals, asphalt shingles, sheet rock, lumber, glass and electrical wire. However, it is important to remember that recovered waste must be used in some way.

Separating out certain wastes to be recycled into new products without having a market for them is expensive and pointless. Storing recovered materials indoors is expensive. Storing them outdoors may lower their value, since most will degrade or deteriorate when exposed to the weather. Depending on how they are stored, they may harbor rodents, provide breeding grounds for insects or be a potential fire hazard. Recyclables may not be collected and dumped on the ground while waiting for markets to develop. Therefore, before you deliver recyclable materials to a processing or recovery facility be sure the facility is legitimate.

The department's Solid Waste Management Program has information about many recycling facilities in Missouri. You may contact the program at 573-751-5401 or available on the Web at www.dnr.mo.gov/env/swmp/rrr/rrr.htm. If you plan to remove reusable or recyclable materials from construction and demolition waste, the sorting must take place at the construction or demolition site. The wastes cannot be hauled from the site and dumped for later sorting, except at a permitted processing facility or at a facility that has received a permit exemption from Solid Waste Management Program. Although the department strongly encourages the recovery or recycling of potential waste materials whenever possible, these activities must be done legally.

Regulated Construction and Demolition Wastes

Regulated construction and demolition wastes are those not classified as clean fill and not being reused or recycled. Regulated non-hazardous construction and demolition wastes must be disposed of at a permitted landfill or transfer station.

To avoid violating air and solid waste laws regulated non-hazardous construction and demolition wastes:

- Cannot be burned. An open burning permit may be applied for to burn untreated wood waste. Contact your nearest regional office for permit information and conditions.
- Cannot be buried (except at a permitted landfill).
- Cannot be hauled to private or public property and dumped, burned or buried, even with the landowner's permission.

If this happens, everyone involved, including the contractor(s), subcontractor(s), the hauler(s) and the landowner(s) can and will be held liable for the illegal disposal (§§260.210, 260.211 and 260.212, RSMo).

If you are a building contractor, you need to know that burying construction waste from a building anywhere on the property is illegal (§260.210.1, RSMo). See page four of this fact sheet for a description of penalties for illegal disposal of construction and demolition waste.

Hazardous Materials and Hazardous Wastes

Although you may find a variety of hazardous materials in old buildings, lead-based paint and asbestos are the most common items dealt with by demolition contractors.

Studies conducted by the U.S. Agency for Toxic Substances and Disease Registry, and by independent researchers, show that the health effects of lead exposure are greater than previously thought. Children are especially vulnerable to the effects of lead poisoning. Because lead and other toxic heavy metals may be contained in the wastes noted above, they require careful management and disposal. For many years, lead-based paint was used in residences and businesses for its stable coating properties. Although lead-based paint was virtually banned by the Consumer Product Safety Commission in 1978 for residential application, it is often encountered when buildings are renovated or demolished. Also, lead-based paint is still manufactured and sold for corrosion or rust inhibition on steel structures and for other industrial purposes. In older buildings, lead was also used for roofs, cornices, tank linings and electrical conduits. In plumbing soft solder, an alloy of lead and tin was used for soldering tinplate and copper pipe joints.

Additional guidance for handling demolition waste containing lead-based paint or other heavy metals, such as cadmium or chromium, is available by calling the department's Hazardous Waste Program at 573-751-3176.

Hazardous waste requirements for demolition wastes - Demolition-related waste categories typically include:

- Paint Residue - Paint chips, paint scrapings and contaminated blast residue from building renovations or demolition projects.
- Demolition Debris - Masonry, metal and boards that have been painted with lead-based or other heavy metal-based paint.
- Scrap Metal - Metal objects that contain lead or other heavy metals.

For households, the following management options apply, whether or not a contractor is doing the work for you:

- Paint Residue - Paint residue may be placed in the household trash. Before disposal, wrap it tightly in a plastic bag or other container. It will be picked up by your trash hauler and taken to a sanitary landfill for disposal.
- Demolition Debris - May be placed in your household trash. It may be picked up by your trash hauler and taken to a sanitary or demolition landfill for disposal.
- Scrap Metal - Scrap metal should be taken to a salvage yard for recycling. If this is not possible, the metal may be placed in your household trash and picked up by your waste hauler for disposal at a sanitary or demolition landfill.

For generators other than households - This category includes commercial and business enterprises, institutions and industrial buildings, and other structures not specifically identified.

Paint Residue must be laboratory tested before disposal. The appropriate test method is the Toxicity Characteristic Leaching Procedure, EPA Method 1311, which is described in Appendix 11 of the Code of Federal Regulations, Title 40, Part 261(40 CFR Part 261). The test must include the eight metals noted in 40 CFR Part 261.24 (arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver). Environmental laboratories capable of conducting a Toxicity Characteristic Leaching Procedure may be found in the telephone directory's *Yellow Pages*. If one or more of analytical limits meets or exceeds the regulatory limit, the waste is hazardous.

Hazardous wastes must be managed, transported and disposed of according to the Missouri Hazardous Waste Management Law and Regulations. This may require the generator to send paint residue to a permitted hazardous waste disposal facility. In some cases, a lead smelter may accept lead-based paints for use in its lead production processes. If laboratory analysis shows that the paint residue is non-hazardous, it must be disposed of at a sanitary landfill as "special waste." Paint residue may not be disposed of in a demolition landfill.

Procedures for managing special wastes are included in the fact sheet titled *Special Waste* (PUB2050) available on the department's Web site at www.dnr.mo.gov/pubs/pub2050.pdf. The landfill may require you to complete a special waste disposal request form, and provide the results of testing on the paint waste to show that it is not hazardous before accepting the waste.

Demolition debris need not be tested before disposal, so long as it is not chipped, shredded, milled, ground, mulched or similarly processed. Processed demolition waste should be evaluated as described for paint residue.

Scrap metal painted with heavy metals may be sent to a salvage yard for recycling. If this is not possible, the metal may be disposed of at a sanitary or demolition landfill.

Asbestos

All public, institutional or commercial buildings, and in some instances, residential structures, must be inspected for asbestos before renovation or demolition activities. Before planning a demolition project, bidding a project, letting a bid or beginning the demolition, it is important to know if the building has any asbestos-containing materials and who is responsible for removing them. Buildings may contain asbestos in materials such as ceiling or floor tile, as insulation or soundproofing on ceilings, pipes, ductwork or boilers, or on the outside as transite siding or in shingles. The presence of asbestos-containing materials cannot be confirmed just by looking. A thorough inspection of any regulated building must be conducted by a Missouri certified asbestos inspector to determine the presence and condition of asbestos-containing materials. Depending upon the results of the inspection, a registered asbestos abatement contractor may be required. Contact the department's Air Pollution Control Program's Asbestos Unit at 573-751-4817 for more specific information about managing asbestos-containing materials. Visit www.dnr.mo.gov/env/apcp/Asbestos.htm for more information about asbestos requirements. If the asbestos-containing materials is to go to a landfill or transfer station, contact the facility in advance to see if they will accept materials and if they have any special handling or packaging requirements.

Penalties for illegal disposal of construction and demolition wastes

The Missouri Solid Waste Management Law provides for civil penalties for persons who dispose of or allow the disposal of regulated construction and demolition wastes in un-permitted areas. The law also contains criminal provisions for some types of illegal construction and demolition waste disposal. There may be additional penalties for violations of air, water pollution and hazardous waste laws depending on the situation and means of disposal.

Solid Waste Management Law Violations:

- **Civil Penalties** - any person who disposes of construction and demolition waste or allows the disposal of construction and demolition waste in an area not permitted for such disposal may be assessed a civil penalty of up to \$5,000 per day per violation (§260.240, RSMo).
- **Criminal Penalties** - any person who purposely or knowingly disposes of or causes the disposal of regulated quantities of construction and demolition waste or other solid waste may be prosecuted for violating the criminal provisions of §§260.211 and 260.212, RSMo. Convictions may include fines of \$20,000 or more, community service, and/or clean up of the

illegally dumped waste. Conviction under §§ 260.211 and 260.212 is a class *D* Felony for the illegal disposal of residential or commercial waste and for accepting construction and demolition wastes for payment, whether in cash or trade, without a permit. In some cases, persons convicted of illegal dumping have served time in jail.

- **The Missouri Air Conservation Law and regulations** provide for civil penalties of up to \$10,000 per day per violation for persons who violate the requirements for handling, packaging, transporting or disposing of asbestos-containing materials. The federal Clean Air Act also contains civil and criminal penalties for violations. The same penalties apply for persons who illegally dispose of construction and demolition waste by burning.

Other requirements

Other legal requirements related to managing construction and demolition wastes include:

- Anyone engaged in building construction, modification or demolition must maintain a record of all sites used for construction and demolition waste disposal for one year. The records must be made available to department staff upon request (§260.210.7, RSMo).
- Cities and counties that issue building permits are required to notify each permittee in writing of the legal requirements for construction and demolition waste disposal (§260.210.8, RSMo).
- A person shall be guilty of conspiracy if he knows or should have known that his agent or employee has violated the civil or criminal provisions of the law related to illegal disposal of construction and demolition waste or other solid waste (§260.212.9, RSMo).
- Anyone selling, conveying or transferring property that contains construction and demolition waste or other solid waste (whether buried or not), must disclose the existence and location of the waste disposal site to a potential buyer early in the negotiation process (§260.213, RSMo).
- Anyone hauling materials that could fall or blow off a vehicle, including construction and demolition waste, must cover the load or secure it so that none of it can become dislodged and fall from the vehicle (§307.010, RSMo). In addition, many landfills and transfer stations in Missouri require all incoming loads to be covered. Some facilities accept open loads, but may charge you extra for them.
- A person commits the crime of littering if they throw or place, or cause to be thrown or placed, any garbage, trash, refuse or rubbish of any kind on the right-of-way of any public road or highway, in or on any waters of the state or the stream banks, and on any public or private property (owned by another without their consent) (§577.070, RSMo).

Additional information

You may obtain additional information about properly managing construction and demolition wastes from the sources listed below.

Missouri Department of Natural Resources

Air Pollution Control Program	573-751-4817
Hazardous Waste Program	573-751-3176
Solid Waste Management Program	573-751-5401
Water Protection Program	573-751-1300

Regional Offices

Kansas City Regional Office	816-622-7000
Northeast Regional Office (Macon)	660-385-8000
St. Louis Regional Office	314-416-2960
Southeast Regional Office (Poplar Bluff)	573-840-9750
Southwest Regional Office (Springfield)	417-891-4300

On the Web

Construction and demolition information www.dnr.mo.gov/env/swmp/index.html
Environmental publications www.dnr.mo.gov/pubs/

Additional considerations and sources

Hazardous waste requirements are found in the Missouri Hazardous Waste Management Laws, Sections 260.345 through 260.575 of the Revised Statutes of Missouri (RSMo). The Missouri Hazardous Waste Regulations are found in Title 10, Division 25 of the Code of State Regulations. Most of the federal environmental requirements in Title 40 of the Code of Federal Regulations is adopted by reference into the Missouri regulations.

Solid waste requirements are found in the Solid Waste Management Law in Sections 260.200 through 260.345 RSMo, and the regulations in Title 10, Division 80 in the Code of State Regulations. Copies of the Revised Statutes of Missouri are available through the Revisor of Statutes at 573-526-1288, or are available online at www.moga.mo.gov.

Copies of the Missouri Code of State Regulations are available through the Missouri Secretary of State at 573-751-4015, or are available online at www.sos.missouri.gov/adrules/csr/csr.asp.

Federal regulations are available at federal depository libraries or may be purchased from a U.S. Government Bookstore, the U.S. Government Printing Office, or from a commercial information service such as the Bureau of National Affairs. Federal Regulations are also available online at www.gpoaccess.gov/cfr/index.html.

Other Guidance

The Missouri Department of Health and Senior Services - Office of Lead Licensing and Accreditation may be contacted for information regarding training, licensure and work practice standards for lead abatement activities. Disposal is an abatement activity. See Missouri Revised Statutes 701.300 and 701.338.

Please note that many municipalities have their own additional requirements that might be more strict than those discussed above.

For more information

Missouri Department of Natural Resources
Solid Waste Management Program
P. O. Box 176, Jefferson City, MO 65102-0176
800-361-4827 or 573-751-5401 office
573-526-3902 fax
www.dnr.mo.gov/env/swmp/index.html

Missouri Department of Natural Resources
Hazardous Waste Program
P.O. Box 176, Jefferson City, MO 65102-0176
800-361-4827 or 573-751-7560 office
573-751-7869 fax
www.dnr.mo.gov/env/hwp/index.html

Missouri Department of Natural Resources
Air Pollution Control Program
P.O. Box 176, Jefferson City, MO 65102-0176
800-361-4827 or 573-751-4817 office
573-751-2706 fax
www.dnr.mo.gov/env/apcp/index.html

Missouri Department of Health and Senior Services
Office of Lead Licensing and Accreditation
P.O. Box 570, Jefferson City, MO 65102-0570
888-837-0927 or 573-526-5873
573-526-0441 fax
www.dhss.mo.gov/Lead/



Missouri Department of Natural Resources

Facts on Open Burning Under Missouri Regulations

Air Pollution Control Program fact sheet

1/2008

Open burning is the burning of any materials in which air contaminants are emitted directly into the air without first passing through a stack or chimney. This fact sheet summarizes allowable and prohibited open burning under Missouri regulations. It does not include open burning restrictions that city or county governments may impose in addition to Missouri's state regulations. Prior to conducting any open burning, businesses and citizens should contact the city or county of jurisdiction for any local restrictions.

The open burning of certain trade wastes and tires is prohibited because the toxic emissions that can be released are harmful to human health. Smoke from fires also typically produces large amounts of small particulate matter that can be inhaled, causing respiratory problems. The burning of common household trash, including paper products and food wastes, can also have severe consequences. Studies have indicated the open burning of an individual household's trash could release pollutants in higher levels than the burning of the trash of thousands of homes by a municipal waste incinerator because the lower combustion temperatures prevent complete incineration. These pollutants can include dioxins, volatile organic compounds, acetaldehyde, formaldehyde, hydrogen chloride and naphthalene. Open burning exposes individuals to toxic emissions that may irritate the eyes, skin and upper respiratory tract. The central nervous system can also be affected causing headaches, dizziness and fatigue.

Because of these potential dangers, the Missouri Department of Natural Resources strongly discourages open burning of any material prior to investigating alternatives. Some rural areas can participate in a "green box" service, which provides a trash collection point near a centrally located county road for local residents to use. Green boxes are usually picked up or emptied once a week. Other options include waste disposal services, waste diversion, recycling and composting. Contact your local Solid Waste Management District for assistance in implementing these safer alternatives to open burning.

Prohibited Open Burning Under State Regulation

Any waste generated by a business, trade, industry, salvage or demolition operation cannot be burned without a permit issued by the Department of Natural Resources or its delegated local agency. Permits will only be considered for untreated wood wastes. Wastes that may not be burned include but are not limited to tires, rubber products, hazardous materials, styrofoam, plastics, petroleum based products, demolition waste, treated wood and any asbestos-containing material.

Allowable Open Burning Under State Regulations

Note: Local governments may have stricter laws and policies

Open Burning of Household Refuse

General Provisions: Missouri allows open burning of household refuse from four dwelling units or less provided it originates and is burned on the same premises. This exemption does not apply to mobile home parks or apartment complexes. Residential waste is solid waste produced by routine household activities, such as paper waste and garbage from daily activities. This does not include home remodeling wastes, wastes from home businesses, durable goods such as old appliances, carpets or furniture, tires or other nonroutine household waste. Materials such as tires or used oil may not be used to start the fires or be burned in the fires.

Kansas City and St. Joseph metropolitan areas: Open burning is allowed provided it occurs within an area zoned for agricultural purposes and outside the portion of the metropolitan areas surrounding the corporate limits of Kansas City and St. Joseph and their bordering municipalities.

Outstate area: No special day, time or location restrictions.

Springfield-Greene County area: Open burning is allowed provided that burning takes place outside the corporate limits of Springfield and only within areas zoned A-1, Agricultural District.

St. Louis metropolitan area: Open burning of household refuse is prohibited in the St. Louis metropolitan area.

Open Burning of Yard Wastes

General Provisions: Missouri allows open burning of yard wastes from sites provided it originates and is burned on the same premises. Materials such as tires or used oil may not be used to start the fires or be burned in the fires. Yard waste includes trees, tree leaves, brush or other vegetation.

Kansas City metropolitan area: Open burning of trees, tree leaves, brush or any other type of vegetation requires an open burning permit.

St. Joseph metropolitan area: Open burning of residential yard wastes is allowed only during a three week period in spring and during a three-week period in fall between 10 a.m. and 3:30 p.m. The two, three-week periods are to be determined by the city along with state agencies and the state fire marshal.

Outstate area: No special day, time or location restrictions.

Springfield-Greene County area: Open burning of trees, brush or any other type of vegetation requires an open burning permit. The open burning of leaves is prohibited.

St. Louis metropolitan area: Open burning of trees, tree leaves or brush is allowed only in areas outside of incorporated municipalities from Sept. 16 to April 14 of each calendar year. These brush piles are limited to a base of 16 square feet and the burning is allowed from 10 a.m. through 4 p.m.

Open Burning for Fire Training Purposes

Missouri allows fires set for the purpose of training fire fighters provided they are conducted in accordance with National Fire Protection Association Standards 600 and 1403. Timely notification should be provided to the appropriate regional office or delegated local agency.

All fire training exercises involving donated or acquired structures must be conducted in compliance with 40 CFR part 61 subpart M, *National Emission Standard for Hazardous Air Pollutants-Asbestos*. The use of donated or acquired structures for training is discussed in Publication 2029. All petroleum based products and asbestos containing materials must be removed from donated or acquired structures prior to any burning.

Open Burning in Agricultural, Natural Resource or Land Management Operations

Missouri allows agricultural burning throughout the state. However, several exceptions apply. Materials such as tires or used oil may not be used to start the fires or be burned in the fires. Any burning that creates a health hazard, nuisance or produces smoke that impairs visibility for those operating motor vehicles or airplanes is prohibited. Contact the St. Louis Regional Office before burning in the St. Louis metropolitan area from April 15 to Sept. 15. Botanical nursery operations (greenhouses) are not considered agricultural operations.

Open Burning in Land Clearing Operations

Open burning of tree trunks, tree limbs and vegetation from land clearing operations is allowed without an ACD or permit in the outstate area if the burning takes place outside the city limits of any incorporated area or municipality and at least 200 yards from the nearest inhabited dwelling. Materials such as tires or used oil may not be used to start the fires or be burned in the fires. Permits containing special conditions may be issued by regional offices or local agencies for sites unable to comply with the requirements above. See the Required Open Burning Permits section below for exceptions in the Springfield-Greene County area, and Kansas City and St. Louis Metropolitan areas.

Open Burning at Wood Processing Facilities

Open burning of untreated wood waste from wood processing facilities is allowed if production is less than 8,000 board-feet per day and the facility was in existence as of March 25, 1976, but has not relocated to a new site. The burning also must be done at least 200 yards from the nearest occupied structure.

Open burning of untreated wood waste from wood processing facilities is allowed if production is less than 8,000 board-feet per day and the facility has relocated or from new wood processing facilities not in existence as of Sept. 18, 1970, and the facility and the burning are at least one mile outside city limits. The burning also must be done at least 200 yards from the nearest occupied structure.

Open Burning for Recreational Purposes

Campfires and other fires used solely for recreational purposes, ceremonial occasions or for outdoor noncommercial preparation of food are allowed in Missouri. Fires shall include only vegetative woody materials or untreated wood products.

Required Open Burning Permits

The open burning of certain trade wastes, primarily untreated wood wastes such as pallets or crates, throughout the state, and vegetation from land clearing operations in the Springfield-Greene County area and the Kansas City and St. Louis Metropolitan areas, may be permitted only when it can be shown that open burning is the only feasible method of disposal and that disposal is in the public interest. In the St. Louis nonattainment area, permits will not be issued

unless it can be shown that emissions from open burning would be less than any other waste management or disposal method. The open burning permit requires the facility, in most cases, to use an air curtain destructor.

Commercial and municipal utility tree trimming operations must submit a request to the appropriate regional office for an annually renewable open burning permit. The request must describe the general size, condition and age of the tree trunks and tree limbs to be open burned. Air curtain destructors are generally required at dedicated sites where burning occurs.

Commercial and municipal utility tree trimming operations must submit an application for an open burning permit to the appropriate regional office or local agency.

The information provided in this fact sheet should not be construed to permit open burning that causes or constitutes a public health hazard, nuisance or a hazard to vehicular or air traffic or violates any other rule or statute.

Definitions

St. Louis metropolitan area: The geographical area comprising St. Louis, St. Charles, Jefferson and Franklin Counties and the city of St. Louis. These counties are also currently a nonattainment area for ground-level ozone.

Springfield-Greene County area: The geographical area contained within Greene County.

Kansas City metropolitan area: The geographical area comprising Jackson, Cass, Clay, Platte, Ray and Buchanan counties.

Outstate area: The geographical area comprising those counties not contained in the St. Louis metropolitan area, the Springfield-Greene County area or the Kansas City metropolitan area.

Air Curtain Destructor: An air pollution control device designed to increase burning efficiency, reducing air contaminant emissions during open burning.

Open Burning Permit: A permit that must be applied for and then granted in order to open burn or open burn with restrictions. Permit applications must be sent to the Regional Office or local agency that has jurisdiction over your area. Applications are available at www.dnr.mo.gov/forms or any regional or local agency office.

Untreated Wood: Lumber and other wooden materials that have not been chemically treated for resistance to moisture, fire, fungi, insects and other pests or has not otherwise been treated or manufactured with chemicals, or that does not contain adhesives or resins. Untreated wood does not include plywood, particleboard, chipboard or wood with other than minimal amounts of paint, coating or finish.

For More Information

Missouri Department of Natural Resources
Air Pollution Control Program
P.O. Box 176, Jefferson City, MO 65102-0176
1-800-361-4827 or (573) 751-4817 office
(573) 751-2706 fax
www.dnr.mo.gov/env/apcp/index.html

Missouri Department of Natural Resources
Solid Waste Management Program
P.O. Box 176, Jefferson City, MO 65102-0176
1-800-361-4827 or (573) 751-5401 office
(573) 526-3902 fax
www.dnr.mo.gov/env/swmp/index.html

Open Burning Permit Application

The open burning permit application is to be completed and then submitted to the Missouri Department of Natural Resources' Regional Office that has jurisdiction over your area. The application is to contain the following:

- The name, address and telephone number of the person submitting the application;
- The type of business or activity involved;
- A description of the proposed equipment and operating practices, the type, quantity and composition of trade wastes and vegetation to be burned and expected composition and amount of air contaminants to be released to the atmosphere, if known;
- The schedule of burning operations;
- The location where the open burning will be performed;
- Reasons why an emergency exists or no method other than open burning is feasible; and
- Evidence that the proposed open burning has been approved by the fire control authority and other local agencies that have jurisdiction over burning in the area.

For more information call or write:

Missouri Department of Natural Resources
Kansas City Regional Office
500 NE Colbern Road
Lee's Summit, MO 64086-4710
(816) 622-7000 office
(816) 622-7044 fax

Missouri Department of Natural Resources
Northeast Regional Office
1709 Prospect Drive
Macon, MO 63552-2602
(660) 385-2129 office
(660) 385-6398 fax

Missouri Department of Natural Resources
St. Louis Regional Office
7545 S Lindbergh, Suite 210
St. Louis, MO 63125
(314) 416-2960 office
(314) 416- 2970 fax

Missouri Department of Natural Resources
Southeast Regional Office
2155 N Westwood Blvd.
P.O. Box 1420
Poplar Bluff, MO 63901-1420
(573) 840-9750 office
(573) 840-9754 fax

Missouri Department of Natural Resources
Southwest Regional Office
2040 W Woodland
Springfield, MO 65807-5912
(417) 891-4300 office
(417) 891-4399 fax

All regional offices can receive mail through the P.O. Box 176, Jefferson City, MO 65102-0176 address, but for faster delivery, please use the direct address listed above.

Missouri Department of Natural Resources
Air Pollution Control Program
P.O. Box 176, Jefferson City, MO 65102-0176
1-800-361-4827 or (573) 751-4817 office
(573) 751-2706 fax
www.dnr.mo.gov/alpd/apcp Program Home Page

Missouri Department of Natural Resources
Solid Waste Management Program
P.O. Box 176, Jefferson City, MO 65102-0176
1-800-361-4827 or (573) 751-5401 office
(573) 526-3902 fax
www.dnr.mo.gov/alpd/swmp Program Home Page



Disposal of Demolition Wastes Contaminated with Lead or Other Heavy Metals

Hazardous Waste Program fact sheet

8/2008

This fact sheet contains guidance for households, property owners, businesses and contractors who must dispose of the following types of waste:

- **Paint Residue** - Paint chips, paint scrapings and paint-contaminated blast residue from building renovations or demolition projects.
- **Demolition Debris** - Masonry, metal and boards painted with lead-based (or other heavy metal-based) paint.
- **Scrap Metal** - Metal objects containing lead or other heavy metals.

This fact sheet is not intended for guidance on the management of surface coatings removed from bridges, water towers or other similar outdoor structures.

Why are these wastes a concern?

Recent studies conducted by the U.S. Agency for Toxic Substances and Disease Registry, and by independent researchers, show the health effects of lead exposure are greater than previously thought. Children are especially vulnerable to the effects of lead poisoning. Because lead and other toxic heavy metals may be contained in the wastes noted above, they require careful management and disposal.

For many years, lead-based paint was used in residences and businesses for its stable coating properties. Although lead-based paint was virtually banned by the Consumer Product Safety Commission in 1978 for residential application, it is often encountered when buildings are renovated or demolished. Also, lead-based paint is still manufactured and sold for corrosion/rust inhibition on steel structures and for other industrial purposes.

In older buildings, lead was also used for roofs, cornices, tank linings and electrical conduits. In plumbing, soft solder, an alloy of lead and tin, was used for soldering tinsplate and copper pipe joints.

How may I dispose of these wastes?

In Missouri, the requirements for waste disposal depend on the kind of waste you need to dispose of, and how you are regulated by the law. In all cases, wastes must be managed and disposed of so as not to adversely affect the health of humans, pose a threat to the environment, or create a public nuisance.

Residential Properties Containing Not More Than Four Family Units

This classification includes owner-occupied family residences, one family rental properties, and owner-occupied, multi-family dwellings of up to four family units. For multi-family dwellings, the owner of the property must occupy at least one of the four units.

All of these management options apply, whether or not a contractor is doing the work for you.

- **Paint Residue** - Paint residue may be placed in the household trash. Before disposal wrap it tightly in a plastic bag or other container. It will be picked up by your trash hauler and taken to a sanitary landfill for disposal.
- **Demolition Debris** - May be placed in your household trash. It may be picked up by your trash hauler and taken to a sanitary or demolition landfill for disposal.
- **Scrap Metal** - Scrap metal should be taken to a salvage yard operator for recycling. If this is not possible, the metal may be placed in your household trash and picked up by your waste hauler for disposal at a sanitary or demolition landfill.

Other Structures

This category includes multi-family dwellings that are not owner occupied, multi-family dwellings containing more than four family units; commercial and business enterprises, institutions and industrial buildings, and other structures not specifically identified.

- **Paint Residue** - Paint residue must be laboratory tested prior to disposal. The appropriate test method is the Toxicity Characteristic Leaching Procedure, or the TCLP, EPA Method 1311, which is described in Appendix 11 of the Code of Federal Regulations, Title 40, Part 261 (40 CFR Part 261). The test must include the eight metals noted in 40 CFR Part 261.24 (arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver). Environmental laboratories capable of conducting a TCLP may be found in the yellow pages of your telephone directory.

If one or more analytical limits meets or exceeds the regulatory limit, the waste is hazardous. Hazardous wastes must be managed, transported and disposed of according to the Missouri Hazardous Waste Management Law and Regulations. This may require that the paint residue be sent to an authorized disposal facility that specializes in hazardous waste. In some cases, a lead smelter may accept lead-based paints for use in their lead production processes.

If laboratory analysis shows that the paint residue is non-hazardous, it must be disposed of at a sanitary landfill as special waste. Paint residue may not be disposed of in a demolition landfill. Procedures for managing special wastes are included in the guidance, titled *Special Waste* fact sheet available on the department's Web site at www.dnr.mo.gov/pubs/pub2050.pdf or by calling the department's Solid Waste Management Program at 800-361-4827 or 573-751-5401.

- **Demolition Debris** - Demolition debris need not be tested prior to disposal, so long as they are not chipped, shredded, milled, ground, mulched or similarly processed to enhance their leachability prior to disposal. Unprocessed wastes may be disposed of in either a sanitary or a demolition landfill in Missouri. Processed demolition waste should be evaluated as described for paint residue.
- **Scrap Metal** - Scrap metal should be sent to a salvage yard for recycling. If this is not possible, the metal may be disposed of at a sanitary or demolition landfill.

About landfill disposal

Please note that a trash hauler or landfill operator has the right to refuse to accept any waste. A landfill may also request that you submit a special waste disposal request (forms available from the Solid Waste Management Program). For this reason, we recommend that you contact the landfill operator for permission prior to shipment. Refusal by one landfill operator does not keep the generator from seeking another landfill operator's permission for disposal.

About recycling scrap metal

The recommended disposal method for scrap metal is recycling rather than disposal. Scrap metal may be sold or given to a salvage yard dealer. Lead scrap metal may also be sent directly to a lead smelter for re-melting and production of new lead and lead products.

Additional considerations and sources

Hazardous waste requirements are found in the Missouri Hazardous Waste Management Laws, Sections 260.345 through 260.575 of the Revised Statutes of Missouri. The Missouri Hazardous Waste Regulations are found in Title 10, Division 25 of the Code of State Regulations. Most of the federal environmental requirements in Title 40 of the Code of Federal Regulations (CFR) are adopted by reference into the Missouri regulations.

Solid waste requirements are found in the Solid Waste Management Law in Sections 260.200 through 260.345 RSMo, and the regulations in Title 10, Division 80 in the CSR.

Copies of the Revised Statutes of Missouri are available through the Revisor of Statutes at 573-526-1288, or are available online at www.moga.mo.gov. Copies of the Missouri Code of State Regulations are available through the Missouri Secretary of State at 573-751-4015, or are available online at www.sos.missouri.gov/adrules/csr/csr.asp.

Federal regulations may be viewed at federal depository libraries or may be purchased from a U.S. Government Bookstore, the U.S. Government Printing Office, or from a commercial information service such as the Bureau of National Affairs. Federal Regulations are also available online at www.gpoaccess.gov/cfr/index.html.

Other Guidance

The Missouri Department of Health and Senior Services' Office of Lead Licensing and Accreditation may be contacted for information regarding training, licensure and work practice standards for lead abatement activities. Disposal is an abatement activity. See Missouri Revised Statutes 701.300 701.338.

Please note that many municipalities have additional requirements in addition to those discussed above.

For More Information

Missouri Department of Natural Resources
Hazardous Waste Program
P.O. Box 176, Jefferson City, MO 65102-0176
800-361-4827 or 573-751-7560
573-751-7869 fax
www.dnr.mo.gov/env/hwp/index.html

Missouri Department of Natural Resources
Solid Waste Management Program
P.O. Box 176, Jefferson City, MO 65102-0176
800-361-4827 or 573-751-5401
573-526-3902 fax
www.dnr.mo.gov/env/swmp/index.html

Missouri Department of Health

Office of Lead Licensing and Accreditation
888-837-0927 or 573-526-5873



Missouri Department of Natural Resources

Asbestos Requirements for Demolition and Renovation Projects

Air Pollution Control Program fact sheet

6/2006

Disclaimer: The statements in this document are intended solely as guidance. This document is not intended, nor can it be relied on, to create any rights enforceable by any party in litigation. This guidance may be revised without public notice to reflect changes in law, regulation or policy.

Introduction

This document is one in a series of fact sheets designed to assist you in becoming aware of the Department of Natural Resources' asbestos requirements. This particular document contains information regarding how to determine if your demolition or renovation project is regulated by the department's air pollution control requirements. It will also help to explain the basic requirements for asbestos inspection, asbestos abatement, and for notification of regulated demolition and renovation projects. Asbestos waste disposal requirements are also covered.

Determining if Your Project Will Involve Regulated Structures

The first step in determining if your demolition or renovation project is regulated is to determine the type of structure that will be affected. The department regulates demolition and renovation projects involving institutional, commercial, public, industrial, or residential structures, installations or buildings. The only exception to this regulation is for a singleresidential structure that contains four dwelling units or less. Projects that involve two or more residential structures are not exempt. If the residential structure has been used during the course of its history for any purpose other than residential, such as being converted from residential to office use or converted from commercial to residential use then it is no longer exempt. Any single residential structure that is used in fire training exercises is not exempt.

Multiple residential structures being demolished as part of an urban or rural unsafe building or nuisance abatement program may be exempt if they are geographically dispersed from the remaining structures. The department residential structure to be geographically dispersed if it is greater than 500 feet from other structures involved in the demolition or renovation project. Also, the structure must have been used exclusively for residential purposes.

Inspection Requirements

Prior to demolition or renovation activities, regulated structures or those areas that will be subject to demolition or renovation activities must be thoroughly inspected to determine if any asbestos containing materials are present. This inspection must be performed by a Missouri-certified asbestos inspector. The inspector should identify all potential asbestos containing materials that may be disturbed by the demolition or renovation activity. Samples of the suspect materials should be collected and submitted for laboratory analysis to determine if they contain asbestos. The asbestos inspector can assume materials to be asbestos containing and avoid additional laboratory analysis. However, an inspector cannot make a determination that a sus-

PUB002157

Recycled Paper



pect material is non-asbestos containing without laboratory analysis. The inspector should generate a report of his findings from the inspection. The report should indicate all suspect materials that were identified, as well as quantify the amount, location, category and condition of all asbestos containing materials. The report should also include a copy of the analytical results and chain of custody for all samples that were collected.

In the event that a building is structurally unsound, it may not be possible to thoroughly inspect the entire structure. An inspection should be performed in all areas of the building where it is safe to do so. The final inspection report should clearly indicate what areas, if any, were not inspected. These areas of the building will require special handling during demolition, which is explained later in this bulletin.

If you need assistance with finding a Missouri certified asbestos inspector, you may find a list of inspectors on the department's Web site at www.dnr.mo.gov/env/apcp/Asbestos.htm

Categories of Asbestos Containing Materials

There are three categories of asbestos containing materials that may be identified by an inspector.

- **Friable asbestos containing material**

Any material containing more than one percent asbestos that, when dry, can be crumbled, pulverized or reduced to powder by hand pressure. Examples of friable materials include sprayed or troweled materials such as acoustical ceiling spray or boiler insulation, paper pipe insulation and drop-in ceiling tile.

- **Category I nonfriable asbestos containing material**

Asbestos containing packings, gaskets, *resilient floor covering and asphalt roofing products containing more than one percent asbestos. *(Any vapor barrier on resilient floor coverings such as sheet vinyl or tile is considered friable asbestos.)

- **Category II nonfriable asbestos containing material**

Any nonfriable material, other than category I materials, that contain more than one percent asbestos. Examples of category II materials include asbestos cement wall or roof shingles and cement pipe.

Depending on the type or category of the asbestos containing materials identified at a project and the forces that will eventually act upon them during demolition and renovation, the materials may or may not be regulated by the department's asbestos requirements. To determine the applicability of the department's asbestos requirements, one must determine if the asbestos from your project will meet the definition of Regulated Asbestos Containing Material (RACM).

Regulated Asbestos Containing Material (RACM) includes friable asbestos containing materials; category I nonfriable materials that have become or will become friable or have been subject to sanding, grinding, cutting, burning, or abrading; or category II nonfriable materials that have a high probability of becoming or that have become crumbled, pulverized or reduced to powder by the work practices utilized during the course of demolition or renovation.

Requirements for Abatement of Regulated Asbestos Containing Material

If the asbestos inspection conducted for your renovation or demolition project indicates 160 square feet, 260 linear feet, 35 cubic feet, or more of RACM (threshold quantities) will be im-

pacted by demolition or renovation activities, then all of the RACM must be removed. This removal must be performed by a Missouri registered asbestos abatement contractor.

Abatement contractors are trained in the proper procedures for safely removing and disposing of asbestos containing material and may only employ workers who are trained and subsequently, certified by the department on their projects.

In the event that a building is structurally unsound and it is unsafe to either inspect the building to confirm that no asbestos is present or to remove any RACM identified, the building can be demolished without being inspected or having the RACM removed. However, the demolition must be performed using wet methods and must be performed by a Missouri registered asbestos abatement contractor. Upon completion of the demolition, the debris must be inspected by a Missouri-certified asbestos inspector or assumed to contain RACM. If the asbestos inspection reveals that no RACM is present in the debris, then the debris can be handled as normal demolition waste and be removed by a general demolition contractor. If the asbestos inspection reveals that RACM is present or it is assumed that RACM is present, then all of the demolition debris must be handled as asbestos containing waste, unless the RACM can be isolated from the rest of the debris. All asbestos containing waste must be kept wet until the debris is properly disposed of at an approved sanitary landfill. A registered asbestos abatement contractor must perform the removal of the debris. Upon completion of the debris removal, a site assessment must be done to determine that the area surrounding the demolition site has not been contaminated with asbestos.

If you need assistance with finding a Missouri registered asbestos abatement contractor, a list of contractors is on the department's Web site at www.dnr.mo.gov/env/apcp/Asbestos.htm

Requirements for Abatement of Nonfriable Asbestos Containing Materials

Most nonfriable materials are not considered RACM unless they are in poor condition or are rendered friable by improper work practices during demolition or renovation. Category I nonfriable materials can generally be left in place during demolition activities provided the method of demolition will not make the material friable. However, for certain types of category I materials, such as floor tile and linoleum, the department generally recommends removal prior to demolition as these materials could easily be rendered friable during the demolition process. Also, leaving these materials in place may increase the amount of material considered as asbestos waste and may increase the cost of disposal. If category I ACM is left in place, work practices must be implemented to ensure the material is not made friable during removal or demolition. Any activity that will result in the material being subject to sanding, grinding, cutting, abrading, or burning may cause the material to become subject to regulation, depending on the quantity of RACM involved.

If threshold quantities of category II materials will be impacted, then they must be removed prior to demolition or renovation activities. This removal must be performed in a manner that does not render the material friable. If the material is crumbled, pulverized or reduced to powder during the demolition or removal process, the material may become subject to regulation depending on the quantity of RACM involved.

The Occupational Safety and Health Administration (OSHA) has specific work practice standards for friable and nonfriable Category I and Category II asbestos containing materials. While the removal of nonfriable materials may not be regulated by the department, the material can still pose a safety risk if handled improperly. For any project involving asbestos, whether regulated by the department or not, the use of trained asbestos professionals that are familiar with the

OSHA standards for any asbestos removal work should be considered.

In addition, nonregulated asbestos containing material is still considered a solid waste and must be properly disposed of at an approved landfill or transfer facility in accordance with the

Solid Waste Management Law. You should contact the facility where you plan to dispose of your asbestos waste for additional information on how the material should be packaged and delivered to their facility for disposal.

Notification Requirements

There are two types of notifications required by the department in regard to demolition and renovation projects, asbestos abatement project notification and demolition project notification. Asbestos abatement project notifications must be submitted to the department at least 10 working days prior to the start of a regulated asbestos abatement project. This notification period allows the department the time it needs to prepare to inspect the project to ensure that it is being performed in compliance with all of the applicable requirements. In the case of emergency situations, the department can waive the 10 working day notification period.

However, verbal notice must be provided to the department within 24 hours of the onset of the emergency that describes the nature and scope of the emergency, the measures that will be taken to mitigate the situation, and a schedule for asbestos removal. A written notice must then be submitted to the department within seven days of the onset of the emergency.

The second type of notification is demolition notification. Demolition notification must be provided to the department at least 10 working days prior to the demolition of any regulated structure. This notice is required even if there is no asbestos identified on your project. This notification period provides the department the opportunity to inspect the structure prior to demolition to ensure that all asbestos issues have been properly addressed. A copy of the asbestos inspection report must accompany this notification. In the event a structure is in danger of imminent collapse and has been ordered demolished by a state or local government agency, the department can waive the 10 working day notification period. In this case, notice should be provided as early as possible before, but no later than the following working day. A copy of the government order must also be included with the notification.

It is the obligation of both the owner and any contractors involved to ensure that these notices are provided to the department. Failure to submit the notification is in violation of the department's requirements. The department will issue an approval letter for all asbestos abatement and demolition project notifications for regulated projects. Owners or contractors performing these types of projects should not proceed with the project without this approval.

You may obtain copies of the required notification forms from the department's Web site at www.dnr.mo.gov/env/apcp/Asbestos.htm

Asbestos Waste Disposal Requirements

Asbestos waste from regulated projects involving threshold quantities of RACM must be handled in strict accordance with the department's requirements for asbestos waste disposal. Wastes from these projects must be handled by registered asbestos abatement contractors, who are trained in the provisions for proper waste disposal. These requirements include packaging the material in leak tight containers or wrapping and properly marking and labeling the bags with an asbestos warning label and the information for the generator of the waste. The material must be taken to an approved sanitary landfill or transfer station that accepts asbestos containing waste.

Nonfriable asbestos containing materials that are not made friable are not regulated by the department's asbestos requirements. However, this material is still considered a solid waste

and must be properly disposed of at an approved landfill or transfer facility in accordance with the Solid Waste Management Law. You should contact the facility where you plan to dispose of your asbestos waste prior to removal to determine any specific procedures for waste delivery (packaging, wetting, etc.).

Asbestos Contact Information

For more information on the department's asbestos requirements, you may contact the department's Air Pollution Control Program or one of the department's other offices with the following contact information:

Missouri Department of Natural Resources
Air Pollution Control Program
P.O. Box 176
Jefferson City, MO 65102
(573) 751-4817 - phone
(573) 751-2706 - fax
www.dnr.mo.gov/env/apcp Program Home Page

Other Department Offices

Kansas City Regional Office	Lee's Summit	(816) 622-7000
Northeast Regional Office	Macon	(660) 385-8000
St. Louis Regional Office	St. Louis	(314) 416-2960
Southeast Regional Office	Poplar Bluff	(573) 840-9750
Southwest Regional Office	Springfield	(417) 891-4300

Local Agencies

In Missouri, there are also four local agencies that have been delegated by the department to enforce the asbestos requirements. These local agencies may also have more stringent local ordinances that they enforce as well. Prior to performing a project in one of the following jurisdictions, you should contact the appropriate local agency to determine if any additional requirements apply.

Jurisdiction	Agency	Telephone
Kansas City proper	Kansas City Health Department, Air Quality Section	(816) 513-6314
St. Louis City proper	St. Louis Division of Air Pollution Control	(314) 613-7300
St. Louis County	St. Louis County Health Department	(314) 615-8923
Springfield proper	Springfield-Greene County Health Department	(417) 864-1662

Additional Asbestos Related Guidance Documents

For more specific information on the department's requirements in regard to asbestos, please reference the additional guidance documents listed below or contact the department or appropriate local agency at the contact information listed above.

These documents are available for free download from the department's Web site at www.dnr.mo.gov/pubs/index.html.

- *Asbestos: What is it and Why is it a Concern?* PUB2077
- *Management of Nonfriable Asbestos Containing Materials* PUB2156
- *Requirements for Fire Training Exercises Involving Structures* PUB2029
- *Natural Disaster Assistance for Missouri Citizens - How to Handle Asbestos Containing Debris* PUB2121



Missouri Department of Natural Resources

Management of Nonfriable Asbestos Containing Materials

Air Pollution Control Program fact sheet

2/2009

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Introduction

This document is one in a series of fact sheets designed to assist you in becoming aware of the department's asbestos requirements. This particular document contains information regarding how to properly remove and dispose of nonfriable asbestos containing materials.

Categories of Asbestos Containing Materials

There are three categories of asbestos containing materials, or ACM. These materials should be identified by a certified inspector prior to any renovation or demolition activities. They are as follows:

- **Friable asbestos containing material**
Any material containing more than one percent asbestos that, when dry, can be crumbled, pulverized or reduced to powder by hand pressure. Examples of friable materials include sprayed or troweled materials such as acoustical ceiling spray or boiler insulation, paper pipe insulation and drop-in ceiling tile.
- **Category I nonfriable asbestos containing material**
Asbestos containing packings, gaskets, *resilient floor covering and asphalt roofing products containing more than one percent asbestos. *(Any vapor barrier on resilient floor coverings is considered friable asbestos.)
- **Category II nonfriable asbestos containing material**
Any nonfriable material, other than category I materials, that contain more than one percent asbestos. Examples of category II materials include asbestos cement wall or roof shingles and cement pipe.

Depending on the type or category of asbestos containing materials present on a project and the work practices used during demolition or renovation to remove them, the materials may or may not be regulated by the department's asbestos requirements. To determine the applicability of the department's asbestos requirements, one must determine if the asbestos from your project will meet the definition of Regulated Asbestos Containing Material, or RACM.

Regulated Asbestos Containing Material includes friable asbestos containing materials; category I nonfriable materials that have become or will become friable or have been subject to sanding, grinding, cutting, abrading or burning; or category II nonfriable materials that have a high probability of becoming or that have become crumbled, pulverized or reduced to powder due to the work practices used during the course of demolition or renovation.

Removal of Category I and II Nonfriable Materials

Most nonfriable materials are not regulated by the department, unless they are in poor condition or are rendered friable by improper work practices during demolition or renovation. Category I nonfriable materials can be left in place during demolition, provided the work practices used will not make the material friable. However, for certain types of category I materials, such as floor tile and linoleum, the department generally recommends their removal prior to demolition as these materials could easily be rendered friable during the demolition. Also, leaving these materials in place may increase the quantity of asbestos waste resulting in increased disposal costs. It should be noted that materials that contain or are coated with asbestos can not be used as clean fill materials. If Category I ACM is left in place, work practices must be implemented to ensure the material is not made friable during removal or demolition. Any activity that will result in the material being subject to sanding, grinding, cutting, abrading, or burning may cause the material to become subject to regulation, depending on the quantity of ACM involved.

If a threshold or regulated quantity of RACM, including Category II materials, will be impacted, they must be removed prior to demolition or renovation activities. Category II materials must be removed in a manner that does not render the material friable. Improper work practices or materials in poor condition are considered RACM. If the material is crumbled, pulverized or reduced to powder during demolition or removal activities, the material may become subject to regulation depending on the quantity of RACM involved.

Any project involving a threshold amount of RACM (160 square feet, 260 linear feet, or 35 cubic feet) must be performed by a registered asbestos abatement contractor. This includes situations where the material was originally nonfriable but is now in poor condition and situations where nonfriable materials will be made friable during demolition, renovation or removal.

Examples of Nonfriable Materials and Acceptable Removal Techniques

- Category I Asphalt Roofing Material is not regulated by the department as long as the material is in good condition and it is not made friable during removal or demolition. This material can generally be left in place during demolition activities, but still must be disposed of at a permitted landfill or transfer station. You should contact your disposal facility to determine how they will require this material to be packaged and delivered. Roofing material may be sliced by a manual cutter or knife, however, the use of mechanical devices such as a rotating blade roof cutter or other equipment will render roofing products friable. The U.S. Environmental Protection Agency has determined that use of this kind of equipment on more than 5,580 square feet of roofing will make the project subject to regulation. If this is the case, then the project must be performed by a registered asbestos abatement contractor in accordance with all applicable asbestos work practice requirements.
- Category I Vinyl or Asphaltic Floor Tile is not regulated by the department as long as the material is in good condition and is not made friable during demolition or renovation activities. Tile can generally remain in place during demolition, but care must be taken to ensure the material is left largely intact. Since it is difficult to control the degree of breakage that may occur, the department generally recommends that floor tile be removed prior to demolition. Tile may be removed from a structure as an unregulated project if manual methods are used and the tile is removed in largely intact pieces. One acceptable nonfriable removal method would be to flood the tiled area with water to loosen the tile and then popping the material from the subfloor with a spud hoe. Breakage of the tile should be minimized. Other methods include the use of mastic reducers or an infrared heating device to loosen the tile from the glue or mastic before removing the tile with manual tools as discussed above. In both cases, the tile

removed largely intact and should be lowered carefully to the ground. The material should be kept wet with amended water to further reduce the possibility of emissions. The material should be wrapped or packaged in accordance with the requirements of the disposal facility that will be used.

Beating, prying and dropping of the panels from an elevated position will likely cause the material to become crumbled and subsequently regulated as RACM. If more than a threshold amount of the material cannot be removed without breaking or crumbling the material, then the project must be performed by a registered asbestos abatement contractor in accordance with all applicable asbestos work practice requirements.

- Category II Asbestos Cement Roofing shingles are not regulated by the department as long as the material is in good condition and is not made friable during demolition or renovation activities. This material must be removed prior to demolition or renovation activities that will result in significant breakage, crumbling or pulverizing of the material. The removal of this material should follow the same protocols as stated above for asbestos cement siding. However, using amended water on the material may not be appropriate if it will compromise the safety of workers removing the material.

Disposal of Nonfriable Materials

Nonfriable asbestos containing materials are not subject to the department's asbestos waste disposal requirements. However, this material is still considered a solid waste and must be properly disposed of at an approved landfill or transfer facility in accordance with the Solid Waste Management Law. You should contact the facility where you plan to dispose of your asbestos waste prior to removal to determine any specific procedures for waste delivery such as packaging, wetting, and labeling.

Nonfriable materials that become RACM must be handled in strict accordance with the requirements for asbestos waste disposal. Projects involving RACM must be performed by registered asbestos abatement contractors who are trained in the provisions for proper handling, packaging and waste disposal. These requirements include packaging the material in leak tight containers or wrapping and properly marking and labeling the bags with an asbestos warning label and information identifying the generator of the waste. The material must be taken to an approved disposal facility, such as a sanitary landfill, that accepts asbestos containing waste.

Notification Requirements

Provided the nonfriable ACM is in good condition and not made friable during the course of removal or demolition, there is no requirement for notification to be provided to the department prior to removal during renovation projects. However, the department encourages courtesy notifications to be submitted for these projects. Notification is required for all demolition projects involving regulated structures, regardless of asbestos content.

In the event that the nonfriable ACM is in poor condition (friable) or will be removed in a manner that will make it regulated as RACM, then notification must be provided 10 working days prior to the start of the project. This notice should be provided by the asbestos abatement contractor who is to perform the removal.

Minimizing Exposure

For individuals working with nonfriable asbestos containing materials, respiratory protection consisting of high efficiency particulate air (HEPA) filtered respirators is recommended. Disposable protective clothing is also advised. An amended water solution consisting of approximately one ounce of liquid detergent to one gallon of water should be used before and

during removal to keep the material adequately wet to minimize fiber release. Amended water should not be used on roofing projects where fall hazards exist or near electrical sources. Waste materials should be promptly bagged or wrapped for disposal and taken to a permitted solid waste landfill or transfer station.

While the removal of nonfriable materials may not be regulated under the department's asbestos requirements, the material can still pose a safety risk if handled improperly. For this reason, the Occupational Safety and Health Administration, or OSHA, also has requirements governing asbestos removal to ensure adequate protection of the workers performing the removal. For any project involving asbestos, whether regulated by the department or not, the department would recommend the use of trained asbestos professionals that are familiar with the OSHA standards for any asbestos removal work. To learn more about OSHA standards for asbestos removal, you may contact OSHA at one of the numbers listed below.

OSHA in St. Louis (eastern Missouri area) - 800-392-7743

OSHA in Kansas City (western Missouri area) – 800-892-2674

Asbestos Contact Information

For more information on the department's asbestos requirements, you may contact the department's Air Pollution Control Program or one of the department's other offices with the following contact information:

Missouri Department of Natural Resources
Air Pollution Control Program
P.O. Box 176
Jefferson City, MO 65102
573-751-4817
573-751-2706 - fax
www.dnr.mo.gov/env/apcp/index.html

Other Department Offices

Kansas City Regional Office	Lee's Summit	816-622-7000
Northeast Regional Office	Macon	660-385-8000
St. Louis Regional Office	St. Louis	314-416-2960
Southeast Regional Office	Poplar Bluff	573-840-9750
Southwest Regional Office	Springfield	417-891-4300
Environmental Services Office	Jefferson City	800-361-4827

Local Agencies

In Missouri, there are also four local agencies delegated by the department to enforce the asbestos requirements. These local agencies may also have more stringent local ordinances that they enforce as well. Prior to performing a project in one of the following jurisdictions, you should contact the appropriate local agency to determine if any additional requirements apply.

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Jurisdiction	Agency	Telephone
Kansas City proper	Kansas City Health Department, Air Quality Section	816-513-6314
St. Louis City proper	St. Louis Division of Air Pollution Control	314-613-7300
St. Louis County	St. Louis County Health Department	314-615-8923
Springfield proper	Springfield-Greene County Health Department	417-864-1662

Additional Asbestos Related Guidance Documents

For more specific information on the department's requirements in regard to asbestos, please reference the additional guidance documents listed below or contact the department or appropriate local agency at the contact information listed above.

- *Asbestos: What is it and Why is it a Concern?*
- *Asbestos Requirements for Demolition and Renovation Projects*
- *Requirements for Fire Training Exercises Involving Structures*
- *Natural Disaster Assistance for Missouri Citizens - How to Handle Asbestos Containing Debris*