

Chapter 16 Health and Sanitation

Article II Air Pollution Control

DIVISION I GENERALLY

SECTION 16-46 DEFINITIONS

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

A. Definitions

AIR CLEANING DEVICE is any method, process, or equipment which removes, reduces, or renders less noxious contaminants discharged into the atmosphere.

AIR CONTAMINANT is particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any combinations thereof.

AIR CONTAMINANT SOURCE is any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops, and stores, heating and power plants and stations, building and other structures of all types, including multiple family residences, apartment houses, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings; automobiles, trucks, tractors, buses and other motor vehicles; garages; vending and service locations and stations, railroad locomotive; ships, boats and other water borne craft; portable fuel burning equipment; incinerators of all types, indoor and outdoor; and refuse dumps.

AIR CURTAIN DESTRUCTOR is a unit consisting of a combustion pit and an air blower designed to produce a curtain of high velocity air above the fire and thus retain the products of combustion (smoke & ash) in the pit.

AIR POLLUTION is the presence in the outdoor atmosphere of one or more air contaminants in such quantities, characteristics, or duration as is or tends to be injurious to human health or welfare, or animal or plant life or health, or property, or would interfere with the enjoyment of life and property or the conduct of business.

ALTERNATIVE METHOD is any method of sampling and/or analyzing for an air contaminant which is not a reference method but which has been demonstrated to the Health Officer's satisfaction to produce results adequate for determination of compliance, or any method so designated by these regulations.

AMBIENT AIR is that portion of the atmosphere external to buildings.

BEST AVAILABLE CONTROL TECHNOLOGY is an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under these rules which would be emitted from any proposed new or modified air contaminant source which the Health Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment and/or innovative fuel combustion techniques for control of such pollutant. In no event shall application of BACT result in emission of any pollutant which would exceed any standard set forth under §16-81 and §16-91 of this code. If the Health Officer determines that technological or economic limitations on the limitations on the application of measurement methodology to a particular

class of sources would make the imposition of an emission standard unfeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead of requiring the application of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, operation or combination thereof, and shall provide for compliance by means which achieve equivalent results.

BOARD is the Air Pollution Control Hearing Board of Memphis and Shelby County.

COMMENCED is the undertaking of a continuous program of construction or modification or the entering into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification by the owner or operator.

CONSTRUCTION is the fabrication, erection, installation or modification of a stationary source.

CONTINUOUS MONITORING is the sampling and analysis of air contaminants in a continuous or timed sequence, using techniques which will adequately reflect actual emission levels or ambient concentrations on a continuous basis.

CUPOLA is a stack-type furnace in which fuel, metal, and fluxing agents are intermixed to produce molten metal. It consists primarily of, but is not limited to the furnace, tuyeres, fans or blowers, tapping ports, charging equipment, gas cleaning devices, and other auxiliary equipment. Cupolas are further categorized as follows:

- (1) ferrous is a cupola in which the major component of the metal produced is iron.
- (2) jobbing is a cupola used in an intermittent operation where the operating time is not in excess of four (4) hours per day and the process weight is not in excess of 20,000 pounds per hour and.
- (3) existing is a cupola placed in operation at its present location prior to April 3, 1972.

EMISSION is the release or discharge of air pollutants into the ambient air from any source.

EQUIVALENT METHOD is any method of monitoring, sampling, and analyzing for an air contaminant which can be demonstrated to have a consistent and quantitatively known relationship to the reference method, under specific conditions, or any method designation within this code.

EXISTING SOURCE is any air contaminant source which is not a new source.

FUEL BURNING EQUIPMENT is any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

FUEL BURNING INSTALLATION is one or more units of fuel burning equipment from which the products of combustion are discharged through one or more stacks with the tendency to merge into a single plume.

FUGITIVE DUST is solid, airborne particulate matter emitted from any source other than through a stack.

HAZARDOUS AIR CONTAMINANT is any air contaminant which may cause, or contribute to, an increase in mortality or an increase in serious, irreversible or incapacitating, reversible illness and has been so designated by the Board.

HEALTH OFFICER is the Health Officer of Memphis Shelby County.

INCINERATOR is any equipment, device or contrivance used for disposal of waste or refuse by burning.

ISOKINETIC SAMPLING is sampling in which the linear velocity of the gas entering the sampling nozzle is equal to that of the undisturbed gas stream at the sampling point.

KRAFT MILL is any pulping process which uses for a cooking liquor an alkaline sulfide solution containing sodium hydroxide and sodium sulfide.

MALFUNCTION is sudden and unavoidable failure of air pollution control equipment or process equipment, or for a process to operate in an abnormal and unusual manner. Failures that are caused by poor maintenance, careless operation or any preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

MODIFICATION is any physical change in, or change in the method of operation of an air contaminant source, which increases the amount of any air contaminant (with an applicable emission standard) emitted by such source or which results in the emission of any air contaminant (with an applicable emission standard) not previously emitted except:

1. Routine maintenance, repair and replacement shall not be considered physical changes, and
2. The following shall not be considered a change in the method of operation:
 - (a) increase in the production rate, if such increase does not exceed the operating design capacity or the stated production rate on the permit of the affected source, or
 - (b) increase in hours of operation, if such increase does not exceed the operating hours stipulated as a permit condition of the source, or
 - (c) use of an alternative fuel, if the source is designed to accommodate such alternative fuel, or
 - (d) required alterations to equipment for the use of an alternative fuel or raw material by reason of an order under Section 2(a) and (b) (of the Energy Supply and Environmental Coordination Act of 1974 or any superseding legislation) or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act.

The burden of proof establishing that a change is excepted under 1. and 2. is

on the owner or operator. The Health Officer shall rule on whether or not a reported change is expected in a timely fashion. Further expansions or restrictions of this definition may be listed in specific chapters or rules.

NEW NITRIC ACID PLANT is any air contaminant source producing weak nitric acid (30 to 70 percent in strength) by either the pressure or atmosphere pressure process.

NEW SOURCE is any air contaminant source the construction or modification of which is commenced on or after the date specified in any section of the Memphis Air Pollution Control Code. When no date is specified, the effective date for each provision of any section will be the cut-off date.

NEW SOURCE PERFORMANCE STANDARD is a standard for the emission of an air contaminant from a new source promulgated by the Administrator of the Environmental Protection Agency and published in the Federal Register.

NEW SULFURIC ACID PLANT is any air contaminant source producing sulfuric acid by the contact process. Sources utilizing conversion to sulfuric acid primarily as a means of reducing the emission of sulfur dioxide or other sulfur compounds are not included.

ODOR is a sensation of smell perceived as a result of olfactory stimulation. An odor is deemed objectionable, and therefore a nuisance, when one-third (1/3) or more of a sample of persons exposed to it believe it to be objectionable in usual places of occupancy. The sample size is to be at least twenty-five (25) persons, or when fewer than twenty-five (25) are exposed one-half (1/2) must believe it to be objectionable.

OPACITY is the measurement of the relative capability of matter to obstruct the transmission of radiant energy. Expressed in percent, opacity is equal to twenty (20) times the Ringelmann number.

OPEN BURNING is the burning of combustible material where no equipment has been provided for use in control of air for combustion.

OWNER, OPERATOR is any person who owns, leases, operates, controls, or supervises an air contaminant source.

PARTICULATE MATTER is any material, except uncombined water, that exists as a solid or a liquid at standard conditions.

PERSON is any individual, public or private corporation, political subdivision, agency, board, department, bureau, municipality, partnership, association, firm, trust, estate, or any other legal entity or their legal representative, agent, or assigns which is recognized by law as the subject of rights and duties.

POINT SOURCE is any source which is identified, described, or defined as being a point source in Title 40, Part 51 of the Code of Federal Regulations.

PORTLAND CEMENT PLANT is any air contaminant source manufacturing portland cement by either the wet or dry process.

PROCESS EMISSION is any emission of an air contaminant to the ambient air from a source except fuel burning equipment, incinerators, wigwam burners, or open burning.

PROCESS WEIGHT is the total weight of all materials introduced into any specific process that may cause any emission of particulate matter. This weight includes all solid fuels, but does not include liquid fuels, gaseous fuels, or combustion air.

PROCESS WEIGHT RATE is determined as follows:

- (1) for continuous operation, the process weight per hour is derived by dividing the total process weight by the entire period of time or typical portion thereof,
- (2) for cyclical or batch operations, the process weight per hour is derived by dividing the total process weight by the total number of hours in one complete operation less any time during which the equipment is idle, and
- (3) where any process, operation or design of equipment permits more than one interpretation of this definition, the interpretation which results in a minimum value for allowable emissions shall apply.

PROPORTIONAL SAMPLING is sampling at a rate that produces a constant ratio of sampling rate to stack gas flow rate.

REFERENCE METHOD is a method of monitoring, sampling, and analyzing for an air contaminant as described in this code.

RINGELMANN CHART is the chart published and described in the U.S. Bureau of Mines Information Circular 8333.

SALVAGE OPERATION is any business, industry, or trade engaged in whole or in part, in reclaiming one or more items of value.

SHUTDOWN is the cessation of operation of an air contaminant source for any purpose.

SMOKE is small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ash, and other combustible material, and present in sufficient quantity to be observable. Water vapor and/or water droplets are not included.

SOURCE is any property, real or personal which emits or may emit any air contaminant.

STACK is any chimney, flue, duct, conduit, exhaust, vent or opening of any kind whatsoever capable of, used for, or arranged to conduct emissions to the ambient air.

STANDARD is a standard of performance promulgated within this code.

STANDARD CONDITIONS are a dry gas temperature of seventy degrees fahrenheit (70°F) and a gas pressure fourteen point seven pounds per square inch absolute (14.7 PSIA).

STATIONARY SOURCE is any building, structure, facility, or installation which emits or may emit any air contaminant.

SUSPENDED PARTICULATES is particulate matter which remains suspended in the air for an appreciable period of time.

WIGWAM (TEPEE) BURNER is a truncated cone, conical burner, or silo type of burner.

(Code 1967, § 3-1(a); Ord. No. 3230, § 1(1), 8-3-82)

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SECTION 16-47 ABBREVIATIONS, ACRONYMS AND SYMBOLS

The following abbreviations, acronyms and symbols, when used in this article, shall have the meanings indicated in the table below:

B. Abbreviations, Acronyms, Symbols

AAM-----	Annual Arithmetic Mean
ACFM-----	Actual Cubic Feet per Minute
AGM-----	Annual Geometric Mean
ASTM-----	American Society for Testing and Materials
BACT-----	Best Available Control Technology
Btu-----	British Thermal Unit
°C-----	Degrees Celsius
cal-----	Calorie (s)
CD-----	Civil Defense
CFR-----	Code of Federal Regulations
CO-----	Carbon Monoxide
CO ₂ -----	Carbon Dioxide
COH-----	Coefficient of Haze
D-----	Diameter
dscf-----	Dry Cubic Foot at Standard Conditions
dscm-----	Dry Cubic Meter at Standard Conditions
EIS-----	Emission Inventory System
EPA-----	Environmental Protection Agency
°F-----	Degrees Fahrenheit
FCAA-----	Federal Clean Air Act
FR-----	Federal Register
ft-----	Foot (Feet)
g-----	Gram (s)
gal-----	Gallon (s)

gr-----	Grain (s)
HC-----	Hydrocarbon (s)
HF-----	Hydrogen Flouride
Hg-----	Mercury
H ₂ S-----	Hydrogen Sulfide
H ₂ SO ₄ -----	Sulfuric Acid
hr-----	Hour (s)
I/M-----	Inspection/Maintenance
in-----	Inch (es)
J-----	Joule (s)
°K-----	Degrees Kelvin
kg-----	Kilogram
LAER-----	Lowest Achievable Emission Rate
lb-----	Pound (s)
m-----	Meter (s)
mg-----	Milligram (s)
mm-----	Millimeter (s)
MPO-----	Metropolitan Planning Office
MSCHD-----	Memphis & Shelby County Health Department
MW-----	Megawatt (s)
NAAQS-----	National Ambient Air Quality Standards
NAMS-----	National Air Monitoring System
NMHC-----	Non-Methane Hydrocarbon (s)
NO-----	Nitric Oxide
NO ₂ -----	Nitrogen Dioxide
NO _x -----	Nitrogen Oxides
O ₃ -----	Ozone
pb-----	Lead

ppb-----	Parts per Billion
ppm-----	Parts per Million
PSD-----	Prevention of Significant Deterioration
psia-----	Pounds per Square Inch Absolute
r-----	Radius
RACT-----	Reasonably Available Control Technology
SCFM-----	Standard Cubic Foot per Minute
sec-----	Second (s)
SIP-----	State Implementation Plan
SLAMS-----	State and Local Air Monitoring System
SMSA-----	Standard Metropolitan Statistical Area
SO ₂ -----	Sulfur Dioxide
T.C.A.-----	Tennessee Code Annotated
TCM-----	Transportation Control Measure
TCP-----	Transportation Control Plan
TDPH-----	Tennessee Department of Public Health
TiO ₂ -----	Titanium Dioxide
TPY-----	Tons per Year
TRS-----	Total Reduced Sulfur
TSP-----	Total Suspended Particulates
ug-----	Microgram (s)
ug/m ³ -----	Microgram (s) per Cubic Meter
VOC-----	Volatile Organic Compound

(Code 1967, § 3-1(b); Ord. No. 3230, § 1(1), 8-3-82)

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**Section 16-48 WORDS, PHRASES SUBSTITUTED IN STATE REGULATIONS ADOPTED BY
REFERENCE**

- (1) For the purpose of enforcement of the City of Memphis Air Pollution Control Code, the following shall apply:
- (a) Wherever the terms Air Pollution Control Board of the State of Tennessee, Tennessee Air Pollution Control Board, or Board appear, they shall be replaced by Memphis and Shelby County Air Pollution Control with the following exceptions:
- (1) 16-53 1200-3-9-.04,
 - (2) 16-86 1200-3-7-.06,
 - (3) 16-87 1200-3-6-.01,
 - (4) 16-90 1200-3-14-.01 (1) (a), and
 - (5) 16-91 1200-3-11-.01 (1)
- (b) Wherever the terms Tennessee, State of Tennessee, or State appear, they shall be replaced by City of Memphis with following exceptions:
- (1) 16-53 1200-3-9-.04,
 - (2) 16-90 1200-3-14-.01 (1) (a),
 - (3) When referring to Tennessee Code Annotated, and
 - (4) When referring to the Tennessee Air Quality Act
- (c) Wherever the terms Technical Secretary of the Tennessee Air Pollution Control Board, Technical Secretary, or Secretary appear, they shall be replaced by Health Officer.
- (d) Wherever the terms Department of Public Health of the State of Tennessee, Tennessee Department of Public Health, Department of Public Health, or Department appear, they shall be replaced by Memphis and Shelby County Health Department.
- (e) Wherever the terms Tennessee Air Pollution Control Division of Air Pollution Control, or Division appear, they shall be replaced by Memphis and Shelby County Health Department, Air Pollution Control Section.
- (f) Wherever the terms Tennessee Air Pollution Control Regulations or Regulations appear, they shall be replaced by City of Memphis Air Pollution Control Code,
- (g) Wherever the term Nashville Office appears, it shall be replaced by Memphis Office.
- (h) Wherever the term State Civil Defense appears, it shall be replaced by Memphis and Shelby County Civil Defense.

(ORD. No. 2921, § 1(5), 10-9-79; Code 1967, § 3-1.1)

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SECTION 16-49 AMBIENT AIR QUALITY STANDARDS

"For the purpose of enforcement of the ambient air quality standards, Chapter 1200-3-3 of the Tennessee Air Pollution Control Regulations is hereby adopted as a portion of this code by reference. Such regulations and all such additions, deletions, changes and amendments as may subsequently be made shall become a part of this Code of Ordinances and shall have the same effect as if set out in full herein".

(Ord. No. 1265, § 1, 4-25-72; Ord. No. 2921, § 1(1), 10-9-79; Code 1967, § 3-6)

Adopted by Reference Pursuant to T.C.A. 68-25-115.

CHAPTER 1200-3-3 AIR QUALITY STANDARDS

S1200-3-3-.01 PRIMARY AIR QUALITY STANDARDS

Primary ambient air quality standards define levels of air quality believed adequate, with an appropriate margin of safety, to protect public health.

Authority T.C.A. Section 68-25-105. Administrative History. Original rule certified June 7, 1974. Amended effective February 9, 1977

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S1200-3-3-.02 SECONDARY AIR QUALITY STANDARDS

Secondary ambient air quality standards define levels of air quality believed adequate, with an appropriate margin of safety, to protect the public welfare from any known anticipated adverse effects of the pollutant.

Authority T.C.A. Section 68-25-105. Administrative History. Original rule certified June 7, 1974. Amended effective February 9, 1977.

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S1200-3-3-.03 TENNESSEE'S AMBIENT AIR QUALITY STANDARDS

Ambient air quality standards as given in Tables I and II are applicable throughout Tennessee.

Authority T.C.A. Section 68-25-105. Administrative History. Original rule certified June 7, 1974. Amended effective February 9, 1977. Amended effective December 5, 1984.

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S1200-3-3-.04 NONDEGRADATION

These ambient air quality standards shall not be construed, applied or interpreted to allow any significant deterioration of the existing air quality in any portion of the state.

Authority T.C.A. Section 68-25-105. Administrative History. Original rule certified June 7, 1974. Amended effective February 9, 1977.

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S1200-3-3-.05 ACHIEVEMENT

The nitrogen dioxide standard in this chapter is to be achieved statewide by July 1, 1975 and maintained thereafter. The total suspended particulate and sulfur dioxide standards, with the exception of those areas identified in Chapter 1200-3-19, are to be achieved by July 1, 1975 and maintained thereafter. For those total suspended particulate and sulfur dioxide areas identified in Chapter 1200-3-19 the primary standards are to be achieved by December 31, 1982 and maintained thereafter. The standard for lead is to be achieved by October 31, 1981 and maintained thereafter. The standards for ozone and carbon monoxide are to be achieved by December 31, 1982 and maintained thereafter except for areas where a five year extension has been granted. The standards in the areas where the extension has been granted are to be achieved by December 31, 1987 and maintained thereafter.

Authority T.C.A. Section 68-25-105. Administrative History. Original rule certified June 7, 1974. Amended effective February 9, 1977. Amended in its entirety June 21, 1979. Amended in its entirety November 16, 1979. Amended December 13, 1982.

TABLE I

TENNESSEE AMBIENT AIR QUALITY STANDARDS for Suspended Particulates, Sulfur Dioxide, Carbon Monoxide, Ozone, Non-Methane Hydrocarbons, Nitrogen Dioxide, and Lead.

Contaminants	Primary Standard	Standard	Secondary
			Conce ntration Avera ging Conce ntration Avera ging Inter val ppm Inter val ug/m ³ by vol.
Suspended			75 -- AGM ⁵ 60 -- AGM ⁸

Particulates				260	--
					24
				hr.	150
				--	
					24
				hr.	
Sulfur					80
					0.03
					AAM ⁶
					1,300
				0.5	3 hr.
Dioxide	365	0.14	24 hr.		
Carbon					10,000
				9.0	
					8 hr.
					10,00
				0	9.0
					8 hr.
Monoxide				40,000	
				35.0	
					1 hr.
				40,00	
				0	35.0
					1 hr.
Ozone ⁹					235
					0.12
					1 hr.
					235
				0.12	1 hr.
Hydro- ⁷					160
					0.24
					3 hr.
					160
				0.24	3 hr.
Carbons					
					6-9
				a.m.	
					6-9
				a.m.	
(non-methane)					
Nitrogen					100
					0.05
					AAM
					100
				0.05	AAM

Dioxide

Lead

1.5

Calen

dar 1.5

--

Calen

dar

quarter

quart

er

Note:

1. All values other than annual values are maximum concentrations not to be exceeded more than once per year except for lead which is a quarterly value not to be exceed.
2. PPM values are approximate only.
3. All concentrations relate to air at standard conditions of 25°C temperature and 760 millimeters of mercury pressure.
4. ug/m³ - Micrograms per cubic meter.
5. AGM - Annual geometric mean.
6. AAM - Annual Arithmetic mean.
7. This value of 60 for an AGM for particulate matter is a guide to be used in addressing implementation plans to achieve the 24 hour standard.
8. The standard is attained when the expected number of days per calendar year with maximum hourly concentration above 0.12 ppm (235 ug/m³) is equal to or less than 1 as determined by the Federal Register, Volume 44, No. 28, February 8, 1979, Part V, Appendix H.

TABLE 2

Tennessee Ambient Air Quality Standards for Gaseous Fluorides
Expressed as HF

Primary Standards			Secondary Standards		
Concentration		Averaging Interval	Concentration		Averaging Interval
ug/m ³	ppb by vol.		ug/m ³	ppb by vol.	
1.2	1.5	30 days	1.2	1.5	30 days
1.6	2.0	7 days	1.6	2.0	7 days
2.9	3.5	24 hr.	2.9	3.5	24 hr.
3.7	4.5	12 hr.	3.7	4.5	12 hr.

Note:

1. All values are maximum not to be exceeded more than once per year.
2. Concentrations in micrograms per cubic meter (ug/m³) are approximate only.
3. All conditions relate to air at standard conditions of 25°C temperature and 760 millimeters of mercury pressure.
4. All averaging intervals are consecutive time periods.

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SECTION 16-50 OPEN BURNING

- (a) No person shall cause, suffer, allow or permit open burning of refuse, garbage, trade waste, trees, limbs, brush, or materials from salvage operations.
- (b) Open burning as listed below may be conducted without permit subject to fire department approval and provided further that no public nuisance is or will be created by the open burning.
 - (1) Fires used for the cooking of food or for ceremonial or recreational purposes including barbecues and outdoor fireplaces.
 - (2) Fires set for the training and instruction of firemen or for research in fire protection or prevention.
 - (3) Smokeless flares or safety flares for the combustion of waste gases provided other applicable sections of this chapter are met.
- (c) Exceptions to subsection (a) may be permitted if all of the following conditions are met.
 - (1) A request is filed with the health officer giving the reason why no method except open burning can be employed to dispose of the material involved, the amount and kind of material to be burned, the exact location where the burning will take place, and the dates when the open burning will be done.
 - (2) Approval is received from the health officer.
 - (3) Permission is secured from the fire department in the jurisdiction involved.
 - (4) The burning will be done between the hours of 9:00 am and 4:00 pm, or as authorized by the health officer.
- (d) This grant of exemption will not relieve the person responsible for such burning from the consequences of any damages, injuries, or claims resulting from such burning.

(Ord. No. 1265, § 1, 4-25-72) Code 1967, § 3-16

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SECTION 16-51 SEVERABILITY OF PARTS OF ARTICLES

- (1) The provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, clauses, or parts be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

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SECTIONS 16-52 TO 16-55 RESERVED