

Sec. 4-7. Powers and duties of the board; delegation.

(a) In addition to any other powers otherwise conferred upon it by law, the board shall have power to:

- (1) Recommend from time to time to the city council that it adopt, promulgate, amend, and repeal provisions of this chapter; provided, however, that prior to making such recommendations a public hearing shall be held on such proposed changes with adequate advance public notice of such hearing.
- (2) Hold hearings relating to any aspect of or matter in the administration of this chapter;
- (3) Make such determinations and issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings;
- (4) Retain, employ, provide for, and compensate, within appropriations available therefor, such consultants, assistants, deputies, clerks and other employees including legal counsel, on a full- or part-time basis as may be necessary to carry out the provisions of this chapter and prescribe the times at which they shall be appointed and their powers and duties consistent with section 4-6 of this chapter;
- (5) Through its bureau, determine by means of field studies and sampling the degree of air contamination and air pollution in the city and various areas therein;
- (6) Recommend ambient air quality standards for the city
- (7) Hold hearings upon appeals from orders of the director, or from the grant or denial by the director, of permits, or from any other actions or determinations of the director hereunder for which provision is made for appeal;
- (8) Institute in the name of the city in the circuit court or the chancery court of the county legal proceedings to compel compliance with any final order or determination entered by the board or the director;
- (9) Settle or compromise in its discretion, with the approval of the city attorney, as it may deem advantageous to the city and in keeping with the purpose and spirit of this chapter, any suit for recovery of any penalty or for compelling compliance with the provisions of any rule or regulation issued hereunder or for compelling compliance with any order or determination entered by the board or the director;
- (10) Require access to records relating to emissions which cause or contribute to air contamination;
- (11) Issue, suspend and revoke installation permits, temporary operating permits and certificates of operation and other permits and licenses provided for in this chapter, and in accordance with provisions of this chapter place conditions of installation and operation upon the permits issued by the board;
- (12) To provide for forfeitures and penalties for any breach of this chapter, such forfeitures and penalties to be imposed upon a violator only after a hearing, or opportunity for hearing, before the board and to provide for forfeitures and penalties upon failure of a violator of this chapter to comply with any order of the board, and to bring legal actions in the name of the city in the appropriate court for the collection of such penalty or forfeiture;
- (13) Promulgate techniques for the sampling of emissions from any source of air contaminants

- and promulgate techniques for predicting the concentration of air pollution at any point.
- (14) The Chattanooga-Hamilton County Air Pollution Control Board shall act as the representative of the City of Chattanooga, Tennessee, in connection with any application to the State for the issuance of a Permit under T.C.A. §68-212-101, et seq. and/or T.C.A. §68-212-201, et seq. or State regulations promulgated pursuant thereto and shall, among other things, discharge the following responsibilities:
- 14.1 Review permit applications and documentation;
 - 14.2 Participate in a community meeting (or meetings);
 - 14.3 Participate in a public hearing (or hearings);
 - 14.4 Act as an official representative for the City at any "community meeting";
 - 14.5 Prepare and present to the local government recommendations for all reports allowed under the state statutes including the reports representing the interpretation of the local government of the concerns of the community;
 - 14.6 Prepare and present within the recommendations for such report(s) draft proposed summary (or summaries) of issues that the local governing body may review for possible adoption;
 - 14.7 Develop and recommend to local government a proposed decision to accept, reject or modify the permit application;
 - 14.8 To consider in making the aforementioned proposal of a decision those criteria set forth in the Tennessee Statutes [T.C.A. §68-212-108(t)(2); T.C.A. §68-212-107(d)(10), etc.];
 - 14.9 Among other things (but without limitation) to determine, and to report upon, whether or not the location, and operation of the proposed facility conforms to the Chattanooga-Hamilton County Hazardous Waste Management Plan and complies with the applicable portions of the City of Chattanooga, Tennessee, Zoning Ordinance;
 - 14.10 Among other things (but without limitation) to determine and report upon whether or not the proposed facility meets all other criteria set forth in the applicable parts of the State statutes;
 - 14.11 To generally monitor the permit process conducted by the State and to maintain liaison with the appropriate state agency (or agencies) during the permitting process, and during the construction process, the start-up and the operation of the facility to assist local government in assuring that the local concerns expressed are adequately considered in the permit process and/or the construction and/or operating process;
 - 14.12 Acting through the Chairman of the Air Pollution Control Board (or his/her designee) to serve as a participant for the City of Chattanooga in any community meeting(s) or any public hearing (s);
 - 14.13 To conduct opinion polls and/or local-government public hearings and to otherwise gather the necessary data for the preparation and report to the Mayor and City Council, of the recommended interpretation of the local government of the concerns of the community and thereafter, if the Mayor and City Council concur in the interpretation, to express (on behalf of local government) the same at all appropriate times and places in the permit process;
 - 14.14 To prepare and report to the Mayor and the City Council a recommendation of the "decision" provided for in T.C.A. §68-212-108(f)(2) of local government to "accept,

reject or modify" the application; and thereafter, to express, on behalf of the City of Chattanooga, Tennessee, (or to support the Mayor and/or Chairperson of the City Council in the expression) at all appropriate times and places the decision (or the decisions) of the City of Chattanooga, Tennessee, as expressed by the City Council and/or the Mayor following the recommendation;

- 14.15 To monitor the State permit process, and to the full extent permissible under the law (or terms of the permit), to monitor the construction and operation of the facility to assure continuing compliance with the provisions-and conditions of the permit and all applicable regulations and statutes; and to maintain close liaison and cooperation with the State of Tennessee in the discharge of the State's responsibility to monitor construction and operation of the facility; and
 - 14.16 To carry out such other duties and responsibilities as may be assigned to it in writing by the Mayor or the City Council (or both) in connection with any application by any person, firm, corporation or other legal entity for a permit to site, construct or operate a "commercial facility" as that term is defined at T.C.A. §68-212-202 for a permit under T.C.A. §68-212-101 et seq.
- (b) The board shall have the following duties with respect to the prevention, abatement, and control of air pollution:
 - (1) Prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution in this city and report upon request of the mayor or chairman of the council or chairman of the board to the mayor and city council of the city on progress being made toward the prevention, abatement, and control of air pollution;
 - (2) Encourage voluntary cooperation by persons and affected groups to achieve the purposes of this chapter;
 - (3) Encourage and conduct studies, investigations, and research relating to air contamination and air pollution and their causes, effects, prevention, abatement, and control;
 - (4) Collect and disseminate information and conduct educational and training programs relating to air contamination and air pollution;
 - (5) Advise, consult, contract, and cooperate with other agencies of the state and this city, other local governments, industries, other States, interstate or interlocal agencies, and the federal government, and with interested persons or groups;
 - (6) Accept, receive, and administer grants or other funds or gifts from public or private agencies, including the state and federal governments, for the purpose of carrying out any of the functions of this chapter. Such funds received by the board pursuant to this subdivision shall be deposited with the city finance officer and held and disbursed by him in accordance with regulations of the board. The board is authorized to purchase or otherwise procure equipment, supplies and services through the general services administration of the federal government, and, when so doing, the board need not comply with the competitive bidding procedures contained in sections 2-341 through 2-367 of this Code relative to purchases, contracts and property disposition. The board is authorized to promulgate such rules for the conduct of its business as it may deem necessary for carrying out the provisions of this chapter.

(c) The board may delegate to the director, and through him to the personnel of the bureau, any powers conferred upon the board by this section with the exception of those enumerated in subdivisions (1), (4), (6), (7) and (9) of subsection (a) of this section. The director shall report to the board at the next board meeting any penalties imposed, upon whom imposed and the amount of such penalty.

(Code 1986, § 4-7; Ord. No. 9654, § 2, 1-6-92; Ord. No. 10226, § 1, 5-23-95; Ord. No. 10786, § 62, 10-27-98)

THIS IS THE FEDERALLY APPROVED REGULATION AS OF MAY 8, 1990

	DATE SUBMITTED to EPA	DATE APPROVED by EPA	FEDERAL REGISTER
Original Reg	JUL 20, 1989	MAY 8, 1990	55 FR 19066
1 st Revision	SEPT 18, 2018	APR 6, 2020	85 FR 19093