



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL
William R. Snodgrass Tennessee Tower, 15th Floor
312 Rosa L. Parks Avenue
Nashville, TN 37243
(615) 532-0554 Voice or (615) 532-0614 FAX

March 1, 2022

Daniel Blackman
Regional Administrator
US EPA, Region IV
Atlanta Federal Center, 12th Floor
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Subject: Request to Incorporate Revisions to the Shelby County and Included Municipalities Ordinance Into the SIP for Tennessee as Response to EPA's SSM SIP Call

Dear Regional Administrator Blackman:

Enclosed are revisions to ordinances for Shelby County and included municipalities. These revisions constitute Shelby County, Tennessee's response to EPA's Startup, Shutdown and Malfunction (SSM) SIP Call.

The table below indicates the adoption dates of the necessary ordinances to respond to EPA's SSM SIP Call by each of the jurisdictions in Shelby County.

Municipality	Adoption Date
Town of Arlington	November 2, 2020
City of Bartlett	December 8, 2020
Town of Collierville	November 23, 2020
City of Germantown	July 12, 2021
City of Lakeland	February 10, 2022
City of Memphis	February 22, 2022
Town of Millington	October 12, 2020
Shelby County	January 13, 2020

More specifically, Shelby County and the included municipalities have adopted by reference the rules of the Air Pollution Control Division's Chapter 1200-03-20 as effective on December 5, 2018. Further, Shelby County held a public comment period and public

hearing requesting comments on the adoption of these regulatory changes as the response to EPA's SSM SIP Call. The public notice for this comment period was noticed on November 2nd, 2021, and the public hearing was held on November 15th, 2021.

The Shelby County Health Department, Pollution Control Section is requesting that these rules be incorporated into the SIP for Shelby County and included municipalities as the Shelby County response to EPA's SSM SIP Call with one exception. The Shelby County Health Department, Pollution Control Section is requesting that 1200-03-20-.06(5) not be incorporated into the SIP for Shelby County and included municipalities.

We are requesting EPA incorporate these regulatory revisions into the Shelby County portion of Tennessee's State Implementation Plan (except for 1200-03-20-.06(5)). Should you need further information, please contact Marc Corrigan (615.532.0616 or Marc.Corrigan@tn.gov) with the Air Pollution Control Division.

Sincerely,



Michelle Owenby
Technical Secretary
Tennessee Air Pollution Control Board

cc: (electronically)
Ms. Lynorae Benjamin, US EPA; Benjamin.Lynorae@epa.gov
Mr. Josue Ortiz Borrero, US EPA; Ortizborrero.Josue@epa.gov
Mr. Brad Akers, US EPA; Akers.Brad@epa.gov
Ms. Karen Cook-Pryor, Shelby County Pollution Control; karen.cook-pryor@shelbycountyttn.gov
Mr. Marc Corrigan, DAPC; Marc.Corrigan@tn.gov

TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION
BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL

IN THE MATTER OF

REGULATORY AMENDMENT TO THE)
SHELBY COUNTY PORTION OF THE)
STATE IMPLEMENTATION PLAN (SIP))
)
)
INCORPORATION OF REVISIONS TO)
1200-03-20 AS RESPONSE TO)
EPA'S SSM SIP CALL)

ORDER NO. 22 - 001

BOARD ORDER

The following matter came before the Tennessee Air Pollution Control Board on January 12, 2022.

On December 22, 2021, the Shelby County Department of Health, Pollution Control Section submitted notification to the Division of regulatory changes to the ordinances in Shelby County and included municipalities. The Shelby County Department of Health, Pollution Control Section is requesting these regulatory changes be submitted to EPA as Shelby County's response to EPA's SSM SIP Call. Details of the revisions are contained in Attachment 1.

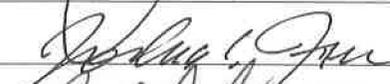
A public hearing notice of the proposed SSM SIP Call response was published in the November 2, 2021 issue of The Daily News. The various municipalities in Shelby County have adopted revisions to Chapter 1200-03-20, with two exceptions. Shelby County is requesting provisional approval of the SSM submittal contingent upon TDEC receiving documentation to supplement the submission to EPA demonstrating adoption in the remaining two municipalities (the City of Memphis and the City of Lakeland). Additional information is available in Attachment 1.

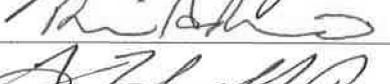
The Division of Air Pollution Control has reviewed the changes to the language in the Shelby County ordinance and finds them acceptable.

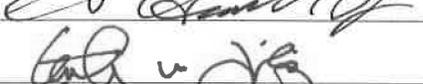
Following the Board's approval, the Shelby County portion of the State Implementation Plan shall be amended, and the regulatory amendment outlined in Attachment 1 incorporated, including additional amendments as indicated above.

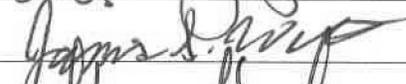
Approved by the following members of the Air Pollution Control Board of the State of Tennessee, and entered on the 12th day of January 2022.

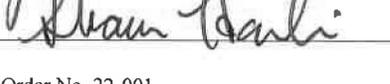






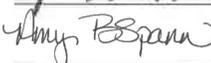




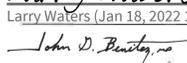


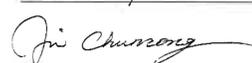







Larry Waters (Jan 18, 2022 14:28 EST)






Stephen Moore (Jan 20, 2022 10:41 EST)

ATTACHMENT 1

STARTUPS, SHUTDOWNS, AND MALFUNCTIONS

STATE IMPLEMENTATION PLAN (SIP)

REVISION

for

SHELBY COUNTY, TENNESSEE

**Submitted to the
Tennessee Department of Environment and Conservation
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243-1531**

**By the
Shelby County Health Department
Pollution Control Section
1826 Sycamore View
Memphis, TN 38134**

January 3, 2022

SIP Submittal Documents

Startup, Shutdown, and Malfunction SIP Revision for Shelby County, TN

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Letter of Submittal – Shelby County, Tennessee Startup, Shutdown, and Malfunction (SSM) SIP Revision

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A2. Tennessee Air Pollution Control Board Order (placeholder)

ATTACHMENT B Evidence of Adoption –

B1. Town of Arlington, Tennessee Ordinance 2020-12

B2. Shelby County, Tennessee Ordinance No. 507

a. Shelby County Air Code Section 3-9 Rule Revision_Redline Copy

b. Shelby County Air Code Section 3-9 Rule Revision_Clean Copy

B3. City of Millington, Tennessee Ordinance 2020-15

B4. Town of Collierville, Tennessee Ordinance 2020-12

B5. City of Bartlett, Tennessee Ordinance (ID#2866)

B6. City of Germantown, Tennessee Ordinance 2021-10

B7. City of Memphis, Tennessee Ordinance (placeholder)

a. City of Memphis Air Code Section 9-12-24 (formerly Section 16-87) Rule Revision_Redline Copy

b. City of Memphis Air Code Section 16-87 Rule Revision_Clean Copy (placeholder)

B8. City of Lakeland, Tennessee Ordinance (placeholder)

B9. TDEC-APC Rule 1200-03-20.20130619 Rule Revision_Redline Copy

B10. TDEC-APC Rule 1200-03-20.20161116 Rule Revision_Clean Copy

ATTACHMENT C Evidence of Legal Authority

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ATTACHMENT D Public Notice – Startup, Shutdown, and Malfunction (Daily News publication number Mqd83146)

ATTACHMENT E Public Hearing held on November 15, 2021

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F1. Response to Public Comments on Pre-Hearing SIP Notice

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- a. A strikethrough copy of Memphis Air Pollution Code Section 9-12-24 (formerly 16-87) is displayed her to show the changes to Chapter 1200-3-20 that have been adopted by Memphis during the 1989-2016 time period

SUMMARY

The information below highlights the some of the events associated with the EPA's Startup, Shutdown, and Malfunction State Implementation Plan (SSM SIP) Call as published in Federal Register on June 12, 2015 (80 FR 33840). In addition, it highlights the Department's efforts to adopt by reference Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns", as effective on December 5, 2018, into the air codes of the municipalities within Shelby County, Tennessee. With the adoption of the regulatory changes to Tennessee's Chapter 1200-3-20, the Department was required to revise the Shelby County portion of the Tennessee State Implementation Plan to address the SSM issue.

The events are as follows:

1. On June 30 2011, the Sierra Club petitioned the U.S. Environmental Protection Agency (EPA) for a rulemaking to find inadequate and correct provisions within State Implementation Plans of a number of states due to inconsistencies with Section 110 of the Clean Air Act pertaining to Startup, Shutdown, Malfunction, and/or Maintenance provisions.
2. On June 12, 2015, the EPA took final action on the Sierra Club petition and issued a Startup, Shutdown, and Malfunction State Implementation Plan (SSM SIP) Call for a number of states, as published in Federal Register on June 12, 2015 (80 FR 33840).
3. The Tennessee Department of Environment and Conservation revised the Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" to resolve the issues that prompted EPA's SSM SIP Call. Subsequently, that regulatory revision was presented to the Tennessee Air Control Control Board on July 13, 2016 and became effective on November 16, 2016.
4. On November 2, 2020, the Town of Arlington, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" as an amendment to Town of Arlington, Section 20-101. This was done to address the issues that prompted EPA's SSM SIP Call relating to Town of Arlington Air Code, Section 20-101.
5. On January 13, 2020, the Board of Commissioners of Shelby County, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" as an amendment to Shelby County Air Code, Section 3-9. This was done to address the issues that prompted EPA's SSM SIP Call relating to Shelby County Air Code, 3-9
6. On October 12, 2020, the City of Millington, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" as an amendment to City of Millington Air Code, Section 20-101. This was done to address the issues that prompted

EPA's SSM SIP Call relating to City of Millington Air Code, 20-101.

7. On November 23, 2020, the Town of Collierville, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" as an amendment to Town of Collierville Air Code, Section 96.02. This was done to address the issues that prompted EPA's SSM SIP Call relating to Town of Collierville Air Code, 96.02.
8. On December 8, 2020, the City of Bartlett, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" as an amendment to City of Bartlett, Section 20-101. This was done to address the issues that prompted EPA's SSM SIP Call relating to City of Bartlett Air Code, Section 20-101.
9. On July 12, 2020, the City of Germantown, Tennessee approved the incorporation by reference (IBR) of Tennessee Rules and Regulations, Chapter 1200-3-20 titled "Limits on Emissions Due to Malfunctions, Startups, and Shutdowns" as an amendment to City of Germantown, Section 9-21(24). This was done to address the issues that prompted EPA's SSM SIP Call relating to City of Germantown Air Code, Section 9-21(24).
10. On December 8, 2021, the City of Lakeland notified the Department that the SSM ordinance to adopt by reference Tennessee's Chapter 1200-3-20 will go to committee on January 6, 2021 for the first reading. Although this item is pending the Department expects approval to occur very soon.
11. On December 13, 2021, the City of Memphis notified the Department that the SSM ordinance to adopt by reference Tennessee's Chapter 1200-3-20 has been placed on the City Council's agenda and is recommended for approval. Although this item is pending the Department expects approval to occur very soon.
13. A State Implementation Plan was developed to revise the Shelby County portion of the Tennessee State Implementation Plan concerning Startup, Shutdown, and Malfunction (SSM) provisions. Upon approval of the Tennessee Air Control Board, the Shelby County SSM SIP revision will be submitted to EPA for a rulemaking.
14. SSM SIP revision Submittal Letter, Public Notice, evidence of Public Hearing, and supporting documents included.

In summary, this revision to the Shelby County portion of the Tennessee State Implementation Plan was undertaken to update air codes in Shelby County and the included municipalities of Memphis, Arlington, Bartlett, Collierville, Germantown, Lakeland, and Millington. In addition, it was done to address the issues outlined in EPA's SSM SIP Call as published in Federal Register on June 12, 2015 (80 FR 33840). This revision removes provisions within local air codes that conflict with sections of the Clean Air Act that address recordkeeping and information available for citizen suits.

LETTER OF SUBMITTAL – Shelby County, Tennessee Startup, Shutdown, and Malfunction
(SSM) SIP Revision



LEE HARRIS
MAYOR

SHELBY COUNTY HEALTH DEPARTMENT

MICHELLE A. TAYLOR, MD, DrPH, MPA
DIRECTOR

BRUCE RANDOLPH, MD, MPH
HEALTH OFFICER



Public Health
Prevent. Promote. Protect.

December 21, 2021

Ms. Michelle Owenby, Division Director
Tennessee Department of Environment and Conservation Division
of Air Pollution Control
William R. Snodgrass Tennessee Tower 312
Rosa L. Parks Avenue, 15th Floor Nashville,
Tennessee 37243

Re: Request to Incorporate a Revision of the Air Codes of Shelby County and the included Municipalities into the Federally Approved SIP for Tennessee

Dear Ms. Owenby,

The Shelby County Health Department (Department) respectfully requests that the Tennessee Air Pollution Control Board approve a revision to the Shelby County portion of the Tennessee State Implementation Plan (SIP). This revision amends the air codes of Shelby County and the included municipalities of Memphis, Arlington, Bartlett, Collierville, Germantown, Lakeland, and Millington through the incorporation by reference (IBR) of Tennessee’s Rules and Regulations, Chapter 1200-03-20 titled “Limits on Emissions Due to Malfunctions, Startups, and Shutdowns”, as effective on December 5, 2018. However, to avoid the issues and concerns that EPA has expressed to TDEC concerning Tennessee’s Chapter 1200-3-20, at this time the Department proposes to adopt everything except 1200-3-20-.06(5). This revision will update local air codes and should address EPA’s Startup, Shutdown and Malfunction (SSM) SIP Call published in the Federal Register on June 12, 2015 (80 FR 33840), as it removes provisions within local air codes that conflict with sections of the Clean Air Act that address recordkeeping and information available for citizen suits.

In accordance with Title 40 CFR Part 51, §51.103 and Appendix V, the Department submits the following administrative materials:

1. Powers of the Tennessee Air Pollution Control Board –

A copy of Tennessee Code Annotated §68-201-115, Powers and Duties of the Board... included in **Attachment A**. Upon approval, the Department respectfully request that the Board Order is put in the “placeholder” in this attachment.

2. Evidence of Adoption -

Copies of the ordinance revisions adopted by each jurisdiction are included in this submittal in **Attachment B** titled “Evidence of Adoption”. The ordinance numbers, adoption dates, and effective dates are provided in the table below.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

Jurisdiction	Ordinance #	Adoption Date	Effective Date
Shelby County	Ordinance No. 507	1/13/2020	1/13/2020
City of Memphis	underway	underway	underway
Town of Arlington	Ordinance 2020-12	11/2/2020	11/2/2020
City of Bartlett	Ordinance 20-08	12/8/2020	12/8/2020
Town of Collierville	Ordinance 2020-12	11/23/2020	11/23/2020
City of Germantown	Ordinance 2021-10	7/12/2021	7/12/2021
City of Lakeland	underway	underway	underway
City of Millington	Ordinance 2020-15	10/12/2020	10/12/2020

As the table indicates, the adoption of Tennessee's Chapter 1200-03-20, as effective on December 5, 2018, in the City of Memphis and City of Lakeland is currently “underway”. On December 13, 2021, the Department received notification from the City of Memphis that the ordinance to adopt Tennessee’s Rules and Regulations, Chapter 1200-03-20 has been placed on the City Council’s agenda and is recommended for approval. A “Draft” of that ordinance is included in this submittal. According to Memphis City Council “Rules of Procedures”, the council meets on the first and the third Tuesday of every month and three readings are required to adopt an ordinance. Considering this timeframe, we anticipate adoption of this ordinance no sooner than late January or early February of 2022.

In the City of Lakeland, the Board of Commissioners meet on the first and second Thursday of each month. According to the Lakeland Municipal Code, the ordinance approval process requires only two readings and can be completed in as little as two to three weeks. On December 8, 2021, the Department received notification from the City of Lakeland, that the ordinance to adopt Tennessee’s Rules and Regulations, Chapter 1200-03-20, as effective on December 5, 2018, will go to committee on January 6, 2021 for the first reading. The Department anticipates that the City of Lakeland could adopt this ordinance by late January or early February of 2022.

All and all, the Department continues to work vigorously to promote the adoption of this version of Tennessee’s Chapter 1200-03-30, as effective on December 5, 2018, into the air codes City of Memphis and City of Lakeland. Furthermore, we anticipate that both of these municipalities will approve the adoption of this ordinance very soon.

3. Evidence of Legal Authority -

Pursuant to Tennessee Code Annotated §68-201-115, the Shelby County Health Department administers a local air pollution program under a Certificate of Exemption. Copies of Tennessee Code Annotated §68-201-115 and the Certificate of Exemption are included in this submittal in **Attachment C** titled “Evidence of Legal Authority”.

4. Redline Strikethrough and Clean Copy –

In general, unless locally developed regulations are as stringent or more stringent than either federal or state air regulations, Shelby County, Tennessee and all included municipalities incorporate by reference air codes taken from Tennessee’s Rules and Regulations. The same is true for Tennessee’s Chapter 1200-03-20, as effective December 5, 2018. This regulation was uniformly adopted by each municipality within Shelby County. Thus, a redline strikethrough

and clean copy of Tennessee's Chapter 1200-03-20 and Shelby County Section 3-9 are provided to demonstrate what was deleted and what was added is included in this submittal in the "Evidence of Adoption - Redline Strikethrough and Clean Copy". Additionally, a redline strikethrough of City of Memphis Section 9-12-24 is also displayed, however, as ordinance adoption in that jurisdiction is still underway, the clean version is not displayed.

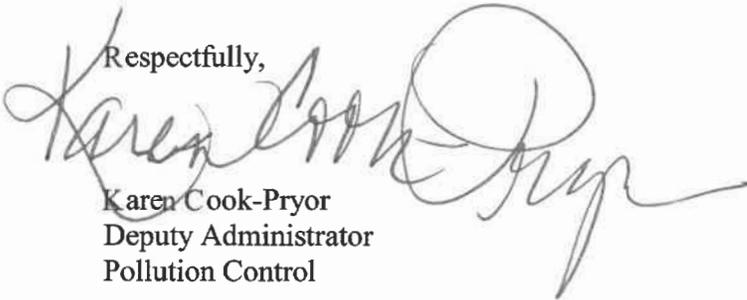
5. Public Notice –

In accordance with 40 CFR 51.102, the Department offered the public 30 days to comment on the proposed SIP revision. A public hearing was held on November 15, 2021. The public hearing notice is included this submittal in **Attachment D** and the meeting minutes are included in **Attachment E**.

The Department has submitted the above referenced plan to your office for distribution to the Tennessee State Air Pollution Control Board. It is anticipated that the Board will approve the plan in the Governor's name for submission to the United States Environmental Protection Agency (EPA), Region IV Headquarters in Atlanta. In keeping with procedural requirements found in 40 CFR 51.103, on approval, we request that you submit the plan to EPA using the State Planning Electronic Collaboration System (SPeCS) for SIPs web-based interface.

The Department appreciates TDEC's assistance in preparing and submitting this important Plan to EPA. If you require anything further, please contact Larry Smith at (901) 222-9578 or by email at larry.smith@shelbycountyttn.gov.

Respectfully,

A handwritten signature in black ink, appearing to read "Karen Cook-Pryor", written over a large, faint circular stamp or watermark.

Karen Cook-Pryor
Deputy Administrator
Pollution Control

ATTACHMENT A

Powers of the Tennessee Air Pollution Control Board

A1. TCA § 68-201-105 Powers of the Board

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Tenn. Code Ann. § 68-201-105 (Copy w/ Cite)

Pages:4

Tenn. Code Ann. § 68-201-105

TENNESSEE CODE ANNOTATED
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*** Current through the 2014 Regular Session and amendments approved at the November 4, 2014 General Election ***

Title 68 Health, Safety and Environmental Protection
Environmental Protection
Chapter 201 Tennessee Air Quality Act
Part 1 Tennessee Air Quality Act

Tenn. Code Ann. § 68-201-105 (2015)

68-201-105. Powers and duties of board -- Notification of vacancy -- Termination due to vacancy -- Conflict of interest policy.

(a) (1) The board has the power and duty to:

(A) Promulgate rules and regulations to effect the intent and purpose of this part, pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Such rules and regulations may include, but are not necessarily limited to, those defining: ambient air quality standards; emission standards; general policies or plans; a system of permits; and a schedule of fees for review of plans and specifications, issuance or renewal of permits or inspection of air contaminant sources. Emission standards for stationary sources adopted by the board shall include regulations based on the weight of materials entering the process causing the emission as an optional alternative to regulations previously adopted;

(B) Promulgate rules that authorize the technical secretary to issue permits that contain all provisions applicable to sources that are necessary under the federal Clean Air Act, compiled in 42 U.S.C. § 7401 et seq., and the effective regulations pursuant to such act, and that are necessary under this chapter and the effective rules of the board. The issuance of a permit by the technical secretary under the rules authorized by this subsection (a) shall not repeal by implication any rules of the board. The board shall monitor regulations under the Clean Air Act that are proposed by the United States environmental protection agency. If the environmental protection agency promulgates a rule that would roll back federal requirements under the Clean Air Act, the board shall initiate rulemaking on that subject and determine whether Tennessee should have a more restrictive rule than the federal rule on that subject;

(2) Hold hearings and issue such orders and determinations as may be necessary to effect the intent and purpose of this part;

(3) Establish, modify, or amend, without hearing, policies, practices, rules or regulations with respect to procedural aspects of board activities; and

(4) Cause legal proceedings to be instituted in a court of competent jurisdiction, to compel compliance with any order issued by the board, requirement of this part, or rule or regulation adopted pursuant to this part.

(b) The department has the power and duty to:

(1) Develop and recommend to the board plans for a comprehensive air pollution control program for the state, to review such plans from time to time and recommend to the board such changes as may be deemed appropriate;

(2) Require that any person furnish the department information required by it in discharge of its duties under this part, if the department has reason to believe such person is, or may be about to, causing or contributing to air pollution; provided, that no such person shall be required to disclose any secret formulae, processes or methods used in any manufacturing operation carried on by such person or under such person's direction. The composition of air contaminants shall not be considered secret unless so declared by the department, and the department shall have the power to issue protection orders to prevent public dissemination;

(3) Enter at all reasonable times in or upon any private or public property except private residences for the purpose of inspecting and investigating any condition which the department shall have reasonable cause to believe to be an air contaminant source;

(4) Provide such technical, scientific and other services as may be required for carrying out this part. The basic personnel for such purposes shall be those employed by the department; however, the department, may, by agreement, secure these or other services from any other agency, and within budgetary limitations may arrange compensation for such services;

(5) Receive, budget, receipt for and administer such moneys as are duly appropriated or granted for the purpose of this part; provided, that all such moneys shall be deposited with the state treasurer;

(6) Represent the state in matters pertaining to plans, procedures or negotiations for interstate compacts relative to air pollution or in matters pertaining to air quality control regions;

(7) Collect and disseminate information relative to air pollution; encourage voluntary cooperation of affected persons or groups in preserving and restoring a reasonable degree of air purity; advise, consult and cooperate with other agencies, persons or groups in matters pertaining to air pollution; and encourage authorized air pollution agencies of political subdivisions to handle air pollution problems within their respective jurisdictions to the greatest extent possible and to provide technical assistance to political subdivisions requesting same; and

(8) Cause to be instituted in a court of competent jurisdiction legal proceedings to compel compliance with any order issued by the board.

(c) In exercising their powers and duties relative to major energy projects, as defined in § 13-18-102, the board and the departments shall participate in the joint review process and expedited review process provided for by the Major Energy Project Act of 1981, compiled in title 13, chapter 18.

(d) (1) If the board incurs a vacancy, it shall notify the appointing authority in writing within ninety (90) days after the vacancy occurs. All vacancies on the board, other than ex officio members, shall be filled by the appointing authority within ninety (90) days of receiving written notice of the vacancy and sufficient information is provided for the appointing authority to make an informed decision in regard to filling such vacancy. If sufficient information has been provided and the board has more than one (1) vacancy that is more than one hundred eighty (180) days in duration, the board shall report to the government operations committees of the house of representatives and the senate as to why such vacancies have not been filled.

(2) If more than one half (1/2) of the positions on the board are vacant for more than one

hundred eighty (180) consecutive days, the board shall terminate; provided, that the board shall wind up its affairs pursuant to § 4-29-112. If the board is terminated pursuant to subdivision (d)(1) it shall be reviewed by the evaluation committees pursuant to the Uniform Administrative Procedures Act before ceasing all its activities. Nothing in subdivision (d)(1) shall prohibit the general assembly from continuing, restructuring, or re-establishing the board.

(e) The board shall adopt and implement rules and regulations to create a conflict of interest policy for board members. The policy shall mandate annual written disclosures of financial interests, other possible conflicts of interest, and an acknowledgement by board members that they have read and understand all aspects of the policy. The policy shall also require persons who are to be appointed to the board to acknowledge, as a condition of appointment, that they are not in conflict with the conditions of the policy.

HISTORY: Acts 1967, ch. 367, § 5; 1971, ch. 321, § 1; 1971, ch. 362, §§ 6, 11; modified; Acts 1979, ch. 299, § 7; 1981, ch. 131, § 27; T.C.A., § 53-3412; Acts 1984, ch. 788, § 4; T.C.A., § 68-25-105; Acts 2000, ch. 835, § 4; 2002, ch. 701, § 1; 2012, ch. 765, § 5.

View

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Tenn. Code Ann. § 68-201-105 (Copy w/ Cite)

Pages:4



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A2.

Tennessee Air Pollution Control Board Order (Place Holder)

ATTACHMENT B

Evidence of Adoption

B1. Town of Arlington, Tennessee Ordinance 2020-12

ORDINANCE 2020-12

AN ORDINANCE TO AMEND TITLE 20, CHAPTER 1, AIR POLLUTION CONTROL CODE OF THE TOWN OF ARLINGTON, TENNESSEE MUNICIPAL CODE.

- WHEREAS,** On June, 30, 1969, the operation of the local air pollution program was established and has served to continuously protect air quality in Arlington and Shelby County and efficiently meet the needs of those regulated by air pollution control laws; and
- WHEREAS,** the Pollution Control Section of the Shelby County Health Department is responsible for administration and enforcement of the Tennessee Air Quality Act, as contained in T.CA § 68-201-101 et seq.; and
- WHEREAS,** The State of Tennessee Air Pollution Control Board on May 14, 2014 approved a certificate of exemption (COE) for Unincorporated Shelby County and all its municipalities to allow for local authority to enforce air pollution regulations in lieu of state control of this environmental program throughout Shelby County; and
- WHEREAS,** The COE stipulated that the local open burning regulations provide and expedited process to grant waivers in order for it to comply with recent legislation amending the Tennessee Code Annotated Section 68-201-115(e) to provide for such expedited approval in limited situations; and
- WHEREAS,** the Shelby County Board of Commissioners have adopted the Shelby County Air Code in order to maintain the Certificate of Exemption from the State of Tennessee that allows local enforcement of air pollution control laws, which has also been adopted in unincorporated Shelby County and all other municipalities in Shelby County; and
- WHEREAS,** it is necessary to amend the Municipal Code to coincide with Shelby County Air Code in its entirety for the code to be enforced. The Town of Arlington has determined that this can best be accomplished by removing the current adopted language and adopting Shelby County Air Pollution Code.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Mayor and Alderman of the Town of Arlington, Tennessee, that all sections of Title 20, Chapter 1 of the Arlington Municipal Code are repealed in their entirety.

BE IT FURTHER ORDAINED, that a new Section 20-101 is adopted to read:

20-101: Shelby County Air Code effective within the Town. The Shelby County Air Code in effect in Shelby County shall also be effective within the corporate limits and shall be enforced by the Shelby County Health Department.

BE IT FURTHER ORDAINED, that a new Section 20-102 is adopted to read:

20-102: Fees for Services. The fees established from time to time by the Shelby County Health Department in order to cover the costs incurred in administering the Shelby County Air Code shall also be effective within the corporate limits and shall be collected and retained by the Shelby County Health Department.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon its final reading and publication in a newspaper of general circulation, the public health, safety and welfare requiring it.

First Reading: October 5th, 2020

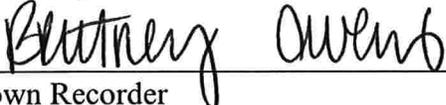
Publication Date: October 13th, 2020

Second Reading: November 2nd, 2020

Public Hearing: November 2nd, 2020



Mayor

Attest:


Town Recorder

Town of Arlington

5854 Airline Road
PO Box 507
Arlington, TN 38002



P: 901.867.2620
F: 901.867.2638

October 9, 2020

To: The Commercial Appeal

From: Brittney Owens, Town Recorder/Treasurer

Please publish on Tuesday October 13, 2020 to read as follows:

PUBLIC NOTICE

The Town of Arlington Board of Mayor and Aldermen will hold a Public Hearing and Second and Final reading on Monday November 2, 2020 at Town Hall, 5854 Airline Road, Arlington, Tennessee, at 6:30 PM for the following:

Second and Final Reading of Ordinance 2020-10 to amend the Arlington Zoning Ordinance, Chapter 4 to remove self-storage uses as a Conditional Use in B-2: General Commercial Zones.

Second and Final Reading of Ordinance 2020-11 to amend the Town of Arlington Zoning Map by rezoning a 61.2-acre lot on the East side of Chester Street, roughly 740 feet South of Pinckley Rd, From E: Estate to RS-22: Low Density Residential.

Second and Final Reading of Ordinance 2020-12 to amend Title 20, Chapter 1, Air Pollution Control Code of the Town of Arlington, Tennessee Municipal Code.

**Board of
Mayor &
Aldermen**

Mike Wissman
Mayor

Harry McKee
Vice Mayor

Larry Harmon
Alderman

Russell Wiseman
Alderman

Jeff McKee
Alderman

Oscar Brooks
Alderman

Jeremy Biggs
Alderman

B2. Shelby County, Tennessee Ordinance No. 507

Item #: 45

Moved by: BRADFORD

Prepared by: Larry J. Smith

Seconded by: BROOKS

Reviewed by: Esther Sykes-Wood

ORDINANCE NO. 507

ORDINANCE BY THE BOARD OF COMMISSIONERS FOR SHELBY COUNTY, TENNESSEE, TO AMEND THE SHELBY COUNTY AIR CODE BY INCORPORATING BY REFERENCE SPECIFIED STATE EMISSION STANDARDS. SPONSORED BY COMMISSIONER VAN D. TURNER, JR.

WHEREAS, The operation of a local air pollution control program by the Shelby County Health Department, which was established in the Shelby County Air Code ("County Air Code"), adopted on June 30, 1969, by the then Shelby County Quarterly Court, and as amended, has served to protect the air quality in Shelby County and efficiently meet the needs of those regulated by air pollution control laws to the present; and

WHEREAS, In order to maintain the Certificate of Exemption from State of Tennessee ("State") supervision granted by the Tennessee Air Pollution Control Board, it is necessary to adopt regulations no less stringent than State standards; and

WHEREAS, Tennessee Code Annotated, Section 68-201-115(a), provides that any municipality or county may adopt an Ordinance or Resolution which incorporates by reference any federal or state regulations when such regulations are properly identified as to date and source, and when at least three (3) copies of such regulations are filed in the office of the county clerk for public use, inspection and examination for a period of thirty

(30) days before adoption of the Ordinance or Resolution incorporating regulations by reference; and

WHEREAS, Shelby County Health Department has caused to be published on October 24, 2018, in a newspaper having general circulation in Shelby County, Tennessee, notice of the availability for public use, inspection, and examination at the office of the Clerk of the Shelby County Commission three (3) copies of State regulations to be incorporated by reference, as well as the date and time of public hearing regarding the adoption of such Ordinance; and

WHEREAS, It is the intent of Shelby County to qualify for receipt of federal funds available for air pollution control programs and to that end, this Ordinance shall be construed to give the authority to so qualify and maintain such qualification; and

WHEREAS, Maintaining up-to-date technical standards promulgated by the Tennessee Department of Environment and Conservation for the control of air pollution prevents the need for State control of Shelby County air pollution sources subject to these controls, specifically certain provisions found in the State Rules and Regulations Chapter 1200-03, as effective on December 5, 2018; and

WHEREAS, The adoption of this Ordinance will require the affirmative vote of the majority of the Shelby County Board of Commissioners as no new fine is established by this adoption and update.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the following sections of the State Rules and Regulations, as effective on December 5, 2018, are incorporated herein by reference and shall be adopted and approved as requirements of this

jurisdiction: Chapter 1200-03-02 titled Definitions, Chapter 1200-03-03 titled Ambient Air Quality Standards, Chapter 1200-03-05 titled Visible Emission Regulations, Chapter 1200-03-06 titled Non-Process Emission Standards, Chapter 1200-03-07 titled Process Emission Standards, Chapter 1200-03-09 titled Construction and Operating Permits, Chapter 1200-03-10 titled Required Sampling, Recording and Reporting, Chapter 1200-03-11 titled Hazardous Air Contaminants, Chapter 1200-3-12 titled Methods of Sampling and Analysis, Chapter 1200-03-14 titled Control of Sulfur Dioxide Emissions, Chapter 1200-03-15 titled Emergency Episode Plan, Chapter 1200-03-16 titled New Source Performance Standards, Chapter 1200-03-18 titled Volatile Organic Compounds, Chapter 1200-03-20 titled Limits on Emissions Malfunctions, Startups and Shutdowns, Chapter, 1200-03-21 titled General Alternate Emission Standards, Chapter 1200-03-22 titled Lead Emission Standards, Chapter 1200-03-24 titled Good Engineering Practices Stack Height Regulations, Chapter 1200-03-25 titled Standards for Infectious Waste Incinerators, Chapter 1200-03-30 titled Acid Precipitation Control, Chapter 1200-03-31 titled Case by Case Determinations of Hazardous Air Pollutant Control Requirements, Chapter 1200-03-32 titled Prevention of Accidental Releases, and Chapter 1200-03-34 titled Conformity.

BE IT FURTHER ORDAINED, That the State Rules and Regulations that had been previously adopted by reference into the County Air Code and are referenced in the second column of this table are deleted and substituted instead with the State Rules and Regulations, effective as of December 5, 2018, that are adopted by this Ordinance and also described in this table:

County Air Code Section	Previously Adopted State Rules and Regulations to Be Deleted in County Air	State Rules and Regulations, Effective as of December 5, 2018, to Be Adopted and Substituted into Corresponding County Air Code Section
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	Code		
3-1A	1200-3-2	Definitions	1200-03-02
3-6	1200-3-3	Ambient Air Quality Standards	1200-03-03
3-17	1200-3-5	Visible Emission Regulations	1200-03-05
3-21	1200-3-6	Non-Process Emission Standards	1200-03-06
3-20	1200-3-7	Process Emission Standards	1200-03-07
3-5	1200-3-9	Construction and Operating Permits	1200-03-09
3-7	1200-3-10	Required Sampling, Recording and Reporting	1200-03-10
3-25	1200-3-11	Hazardous Air Contaminants	1200-03-11
3-8	1200-3-12	Methods of Sampling and Analysis	1200-03-12
3-24	1200-3-14	Control of Sulfur Dioxide Emissions	1200-03-14
3-14	1200-3-15	Emergency Episode Plan	1200-03-15
3-15	1200-3-16	New Source Performance Standards	1200-03-16
3-22	1200-3-18	Volatile Organic Compounds	1200-03-18
3-9	1200-3-20	Limits on Emissions Malfunctions, Startups & Shutdowns	1200-03-20
3-28	1200-3-21	General Alternate Emission Standards	1200-03-21
3-29	1200-3-22	Lead Emissions Standards	1200-03-22
3-40	1200-3-24	Good Engineering Practice Stack Height Regulations	1200-03-24
3-39	1200-3-25	Standards for Infectious Waste Incinerators	1200-03-25
3-36	1200-3-30	Acid Precipitation Control	1200-03-30
3-37	1200-3-31	Case by Case Determinations of Hazardous Air Pollutant Control Requirements	1200-03-31
3-38	1200-3-32	Prevention of Accidental Releases	1200-03-32
3-26	1200-3-34	Conformity	1200-03-34

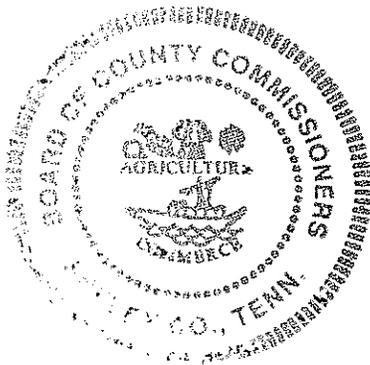
BE IT FURTHER ORDAINED, That Chapter 3 of the Shelby County Code of Ordinances is amended to make such changes as necessary to implement the update of this Code.

BE IT FURTHER ORDAINED, The provisions of this Ordinance are hereby declared to be severable. Should any of these sections, provisions, sentences, clauses,

phrases, words, or parts be held unconstitutional or void, the remaining portions shall continue in full force and effect.

BE IT FURTHER ORDAINED, That except as amended by this Ordinance, the County Air Code shall remain in full force and effect as previously adopted.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect in unincorporated areas of Shelby County in accordance with Shelby County Charter, Article II, Section 2.06(C).



Lee Harris
County Mayor

Date: 1/21/2020

ATTEST:

Clerk of County Commission

FIRST READING: November 18, 2019

SECOND READING: December 9, 2019

ADOPTED
THIRD READING: January 13, 2020

SUMMARY SHEET

I. Description of Item

Request approval of ordinance to adopt by reference pursuant to T.C.A. 68-201-115 the following Tennessee code sections of the Clean Air Act so as to update and align with current State and Federal regulations:

Tennessee Chapter 1200-3-2 titled Definitions, Chapter 1200-3-3 titled Ambient Air Quality Regulations, Chapter 1200-3-5 titled Visible Emissions, Chapter 1200-3-6 titled Non process Emission Standards, Chapter 1200-3-7 titled Process Emissions Standards, Chapter 1200-3-9 titled Construction and Operating Permits, Chapter 1200-3-10 titled Required Sampling, Recording and Reporting, Chapter 1200-3-11 titled Hazardous Air Contaminants, Chapter 1200-3-12 titled Methods of Sampling and Analysis, Chapter 1200-3-14 titled Control of Sulfur Dioxide Emissions, Chapter 1200-3-15 titled Emergency Episode Plan, Chapter 1200-3-16 titled New Source Performance Standards, Chapter 1200-3-18 titled Volatile Organic Compounds, Chapter 1200-3-20 titled Limits on Emissions due to Malfunctions, Startups and Shutdowns, Chapter, 1200-3-21 titled General Alternate Emission Standards, Chapter 1200-3-22 titled Lead Emission Standards, Chapter 1200-3-24 titled Good Engineering Practices Stack Height Regulations, Chapter 1200-3-25 titled Standards for Infectious Waste Incinerators, Chapter 1200-3-30 titled Acid Precipitation Standard, Chapter 1200-3-31 titled National Emission Standards for Hazardous Air Pollutants for Source Categories, Chapter 1200-3-32 titled Prevention of Accidental Releases, Chapter 1200-3-34 titled Conformity.

II. Source and Amount of Funding

None.

III. Contract Items

None. See Certificate of Exemption from the State of TN that allows Shelby County to carry out the administration and enforcement of the TN Clean Air Act. T.C.A. 68-201-115.

IV. Additional Information Relevant to Approval of this Item

Administration recommends approval of this Resolution.



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, January 13, 2020

Commissioner Mark Billingsley, Chairman
Commissioner Eddie S. Jones, Jr. Chairman Pro Tempore
Commissioner David C. Bradford
Commissioner Willie F. Brooks, Jr.
Commissioner Edmund Ford, Jr.
Commissioner Mickell Lowery
Commissioner Amber Mills

Commissioner Reginald Milton
Commissioner Brandon G. Morrison
Commissioner Tami Sawyer
Commissioner Van D. Turner, Jr.
Commissioner Michael Whaley
Commissioner Mick Wright

WQOX – 88.5 FM <http://voiceofscs.com/>
Live streaming <http://www.shelbycountyttn.gov/index.aspx?NID=1218>

3:00 PM	COMMISSION CONVENES	1/17/2020 9:06 AM
CALL TO ORDER	Chairman Mark Billingsley	
OPENING OF THE COMMISSION	Deputy Sheriff Sammie Jones	
INVOCATION	Reverend James A. Jones, Associate Minister Prosperity Missionary Baptist Church	
PLEDGE OF ALLEGIANCE		
ROLL CALL		
ADOPTED AS AMENDED	<u>Approval of Minutes of Previous Session</u> December 9, 2019	

FORD
ADOPTED

- 1A. RECONSIDERATION – ITEM 47 – DECEMBER 9, 2019
Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$5,000.00 to Thistle & Bee Enterprises, a charitable organization. Sponsored by Commissioner Edmund Ford, Jr.

Announcement for Appearance Cards for Public Speaking/Public Comment Pursuant to Rule # 14(b)

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

1. Introduction of Mr. John Brown, the newly appointed Executive Director of the Mid-South Chapter of the American Red Cross by Commissioner Tami Sawyer.
2. Special Resolution honoring Delta Sigma Theta Sorority, Inc., on the occasion of its 107th Anniversary. Sponsored by Commissioners Willie F. Brooks, Jr., Eddie S. Jones, Jr. and Mickell Lowery.

BROOKS
ADOPTED

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

FORD
ADOPTED

3. Resolution approving a contract with CenturyLink Communications, LLC for Information Technology Services West Data Center internet connection for an amount not to exceed \$119,736.00, commencing upon the execution of contract through June 30, 2023, with the option to renew for two (2) additional one (1) year periods. This item requires an annual expenditure of FY 2020 Information Technology Services Internal Service Funds not to exceed \$19,956.00 annually. Sponsored by Commissioner Eddie S. Jones, Jr.

FORD
ADOPTED

4. Resolution to receive and file the Actuary Reports of the Shelby County Retirement System and the Shelby

**FORD
ADOPTED**

- 4. Resolution to receive and file the Actuary Reports of the Shelby County Retirement System and the Shelby County other Post Employment Benefits (OPEB) Trust for the year ending June 30, 2019. Sponsored by Commissioner Eddie S. Jones, Jr.**

**BRADFORD
ADOPTED**

- 5. Resolution approving the issuance of Purchase Orders by Shelby County Government to Southern Tire Mart, LLC and Steepleton Tire Company for the purchase of vehicle tire replacement for the Fiscal Year 2020. This item requires the expenditure of Internal Service Funds (Fleet Services) in an amount not to exceed \$146,624.30 and the expenditure of County General Funds (Sheriff) in an amount not to exceed \$110,000.00, for a total expenditure not to exceed \$256,624.30, commencing upon issuance through June 30, 2020, with the option to renew for two (2) additional one-year periods. Sponsored by Commissioner David C. Bradford, Jr.**

**BRADFORD
ADOPTED**

- 6. Resolution approving a contract with Standard Construction Company in the amount of \$3,622,810.00 for the FY 2020 Asphalt Paving Project for the North Section of Unincorporated Shelby County and amending the FY 2020 General Operating Budget and appropriating said funds. This item requires an expenditure of FY 2020 Roads and Bridges Special Revenue Funds in the amount of \$3,622,810.00. Sponsored by Commissioner David Bradford.**

**BRADFORD
ADOPTED**

- 7. Resolution approving a contract with Standard Construction Company in the amount of \$3,484,473.60 for the FY 2020 Asphalt Paving Project for the south section of Unincorporated Shelby County and amending the FY 2020 General Operating Budget and appropriating said funds. This item requires an expenditure of FY 2020 Roads and Bridges Special Revenue Funds in the amount of \$3,484,473.60. Sponsored by Commissioner David Bradford.**

**BRADFORD
ADOPTED**

8. Resolution approving a contract with Sol Engineering Services, LLC in the amount of \$240,000.00 for Construction Engineering Inspection (CEI) Services of the Wolf River Greenway Phase 10A segment of the National Resilience Disaster Grant. This item requires an expenditure of FY 2020 Resilience Grant Funds in the amount of \$240,000.00. Sponsored by Commissioner David Bradford.

**BRADFORD
ADOPTED**

9. Resolution to grant a twenty foot wide permanent water utility easement, totaling 400 square feet (0.01 ACRES) in size, across a portion of County owned real property, designated for Shelby County Health Department use, to the City of Memphis, for the use and benefit of the Memphis Light, Gas and Water Division, for nominal consideration, for its installation of a permanent water service to the new Health Department Complex, now under construction at 814 Jefferson Avenue. Sponsored by Commissioner David Bradford.

**BROOKS
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

10. Resolution approving a three month contract extension with Wellpath, LLC for the provision of juvenile detainee medical care at the Juvenile Detention Center for the period beginning January 1, 2020 through March 31, 2020, with a 2.1% cost increase over the FY 2019 cost. This item requires the expenditure of FY 2020 General Operating Funds in an amount not to exceed \$225,952.24 for this extension term. Sponsored by Commissioner Van D. Turner, Jr.

**BRADFORD
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

11. Resolution approving a three month contract extension with Wellpath, LLC for the provision of inmate medical care at the Shelby County Jails and the Department of Corrections for the period beginning January 1, 2020 through March 31, 2020, with a 2.1% cost increase over the FY 2019 cost. This item requires the expenditure of FY 2020 General Funds in an amount of \$3,103,068.57 and Enterprise Funds in an amount not to exceed \$1,822,437.09 for a total contract amount not to exceed \$4,925,505.66 for this extension term. Sponsored by Commissioner Van D. Turner, Jr.

**MILLS
ADOPTED**

12. Resolution awarding County Funds from the Fiscal Year 2020 Capital Improvement Plan (CIP) budget in the amount of \$20,000.00 to the City of Lakeland for purposes of installing neighborhood security cameras and appropriating funds for County Commission District #3. This item requires the appropriation and expenditure of FY 2020 CIP Pay-As-You-Go Fund Balance in the amount of \$20,000.00. Sponsored by Commissioner Mick Wright.

**MILLS
ADOPTED**

13. Resolution to approve an amendment to the current contract with Tyler Technologies, Inc., in the amount not to exceed \$305,082.12 for Odyssey maintenance and support services of the Case Management System for General Sessions Criminal Court Clerk, Criminal Court Clerk, and Pretrial Services. This item requires expenditure of FY 2020 General Funds in an amount not to exceed \$235,600.12 and General Sessions Criminal Court Clerk Special Revenue Funds in an amount not to exceed \$69,482.00. Sponsored by Commissioner Amber Mills.

**MILLS
ADOPTED**

14. Resolution to amend the FY 2020 Operating Budget in the amount of \$35,000.00 for the purpose of approving a contract with Avenue Government Systems, LLC in an amount not to exceed \$35,000.00 for Probate Court to acquire and implement Tybera E-Filing. This item requires expenditure of FY 2020 General Funds in an amount not to exceed \$17,500.00 from Information Technology Services General Fund and expenditure and appropriation in an amount not to exceed \$17,500.00 from Probate Court Planned use of Fund Balance. Sponsored by Commissioner Amber Mills.

**MILLS
ADOPTED**

15. Resolution awarding County Funds from the FY 2020 Capital Improvement Plan (CIP) budget in the amount of \$125,000.00 Shelby County Sheriff's Office (\$25,000.00), the City of Memphis (\$25,000.00) and the City of Collierville (\$75,000.00) for the purposes of installing neighborhood security cameras and appropriating funds

for County Commission District 2. This item requires the appropriation and expenditure of FY 2020 CIP Pay-As-You-Go Fund Balance in the amount of \$125,000.00. Sponsored by Commissioner David Bradford.

**BROOKS
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

16. Resolution ratifying amendments by the Shelby County Board of Education increasing their Operating Budget for Fiscal Year 2020 in the amount of \$4,522,469.00, as adopted by the Shelby County Board of Education on December 3, 2019. This Resolution does not increase the approved FY 2020 Funding Level from Shelby County Government. Sponsored by Commissioner Michael Whaley.

**SAWYER
ADOPTED**

17. Resolution to amend the FY 2020 Operating Budget in the amount of \$37,200.00 and to appropriate said funds, and to amend the Position Control Budget to increase the position count by 1.0 FTE for the period of February 1, 2020 through June 30, 2020, to expend grant funds from the Tennessee Department of Health for the Shelby County Crime Victims & Rape Crisis Center to coordinate a Rape Prevention and Education Training Program. This item requires the appropriation and expenditure of FY 2020 Federal thru State Grant Funds in the amount of \$37,200.00. Sponsored by Commissioner Tami Sawyer.

**SAWYER
ADOPTED**

18. Resolution amending the FY 2020 Operating Budget to expend unused grant funds from prior contract year in the amount of \$300,823.00 for the period of July 1, 2019 through June 30, 2020, from the United States Department of Justice and to approve two (2) service provider contracts (University of Tennessee Health Science Center, Center for Addiction Science in the amount of \$475,604.00 and the Public Safety Institute of University of Memphis in the amount of \$140,500.00) from the date of execution through June 30, 2020, with the option to renew for two (2) additional one-year periods beginning July 1st through June 30th to provide professional services to support the county's comprehensive opioid site-based program. This item requires the appropriation of FY 2020 Federal Grant Funds in the amount of \$300,823.00 and expenditure of FY 2020 Federal Grant Funds in the amount not to exceed \$616,104.00. Sponsored by Commissioner Tami Sawyer.

**BILLINGSLEY
ADOPTED**

19. Resolution approving the election of Notaries Public for appointment and/or reappointment for Shelby County, Tennessee. Sponsored by Commissioner Mark Billingsley.

**JONES
(REMOVED
TO REGULAR
AGENDA)
ADOPTED
AS AMENDED**

20. Resolution to approve a grant contract with Riverfront Development Corporation in an amount not to exceed \$3,300,000.00. This grant aligns with the Shelby County Board of Commissioners' Strategic Priorities and directly serves the citizens of Shelby County. This item requires the appropriation and expenditure of FY 2020 Capital Improvement Plan (CIP) Fund in an amount not to exceed \$3,300,000.00. Sponsored by Commissioner Van D. Turner, Jr., Chairman Mark Billingsley, Commissioner Mickell Lowery, Commissioner Brandon Morrison, Commissioner Eddie S. Jones, Jr., and Commissioner Willie F. Brooks, Jr.

**MILLS
ADOPTED**

21. Resolution approving the sale of ONE HUNDRED TWENTY-NINE County-owned Delinquent Tax Parcels acquired from various Shelby County tax sales to identified purchasers at various prices collectively totaling \$268,725.00, pursuant to the sale provisions of

Tennessee Code Annotated, Section 67-5-2507, and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner Eddie F. Jones, Jr.

**WHALEY
ADOPTED**

22. Resolution approving a contract in the amount not to exceed \$214,201.90 between Shelby County Government and Nickson General Contractors, Inc., for construction services for HVAC Replacement at 6449 Haley Road. This item requires an expenditure of FY 2020 Roads & Bridges Funds in the amount of \$214,201.90. Sponsored by Commissioner Michael Whaley.

**WHALEY
ADOPTED**

23. Resolution approving a lease agreement between Shelby County Government and Mary Mitchell, d/b/a Orange Mound Arts Council, for the Operation of a Neighborhood Community Center located at 2471 Park Avenue, Memphis, Tennessee. The sum of said lease is \$1.00 per annum, beginning immediately upon execution of the lease and continuing for twenty-five (25) years, with the option to renew for one (1) additional twenty-five year period, and to authorize the Shelby County Mayor to execute the lease. Sponsored by Commissioner Michael Whaley.

**BROOKS
(REMOVED
TO REGULAR
AGENDA)
ADOPTED
AS AMENDED**

24. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$10,000.00 to Room In the Inn-Memphis, a charitable organization. Sponsored by Chairman Mark Billingsley.

**SAWYER
ADOPTED**

25. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$5,050.00 to Madonna Learning Center, a charitable organization. Sponsored by Commissioner Mark Billingsley.

**SAWYER
ADOPTED**

26. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$5,000.00 to Nation Enrichment Projects, a charitable organization. Sponsored by Commissioner Willie F. Brooks, Jr.

**SAWYER
ADOPTED**

27. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$2,500.00 to Brian Callies Foundation, a charitable organization. Sponsored by Commissioner Willie F. Brooks, Jr.

**SAWYER
ADOPTED**

28. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$25,000.00 to Schoolseed Foundation for White Station Community Court Project, Inc., a charitable organization. Sponsored by Commissioner Brandon Morrison.

**SAWYER
ADOPTED**

29. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$2,500.00 to Abundant Earth Global CDC, a charitable organization. Sponsored by Commissioner Tami Sawyer.

**SAWYER
ADOPTED**

30. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$25,000.00 to Heights CDC, a charitable organization. Sponsored by Commissioner Michael Whaley.

**SAWYER
ADOPTED**

31. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$25,000.00 to Partners in Education, a charitable organization. Sponsored by Commissioner David Bradford.

**SAWYER
ADOPTED**

32. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$10,000.00 to Memphis Jewish Community Center, a charitable organization. Sponsored by Commissioner Brandon Morrison.

**SAWYER
ADOPTED**

- 33. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$5,000.00 to Developing Youth for the Future, a charitable organization. Sponsored by Commissioner Willie F. Brooks, Jr.**

**BILLINGSLEY
(REMOVED TO
REGULAR
AGENDA)
ADOPTED
AS AMENDED**

- 34. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$5,000.00 to The Blues Foundation, a charitable organization. Sponsored by Commissioner Tami Sawyer and Chairman Mark Billingsley.**

**SAWYER
ADOPTED**

- 35. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$2,500.00 to Circuit Playhouse, Inc., a charitable organization. Sponsored by Commissioner Tami Sawyer.**

**SAWYER
ADOPTED**

- 36. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$10,000.00 to Rotary-FYI, Inc., a charitable organization. Sponsored by Commissioner Tami Sawyer.**

**SAWYER
ADOPTED**

- 37. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$12,000.00 to Collierville Education Foundation, a charitable organization. Sponsored by Commissioner David Bradford.**

**JONES
(REMOVED TO
REGULAR
AGENDA)
ADOPTED
AS AMENDED**

- 38. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$6,000.00 to Memphis Urban League, a Charitable Organization. Sponsored by Commissioner Willie F. Brooks, Jr. and Commissioner Eddie S. Jones, Jr.**

**SAWYER
ADOPTED**

- 39. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$8,000.00 to Young Actors Guild, a charitable organization. Sponsored by Commissioner Eddie S. Jones, Jr.**

**SAWYER
ADOPTED**

40. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$3,000.00 to Couture Cares, a charitable organization. sponsored by Commissioner Eddie S. Jones, Jr.

**JONES
(REMOVED
TO REGULAR
AGENDA)
ADOPTED
AS AMENDED**

41. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$5,000.00 to Sidney's Friends, a charitable organization. Sponsored by Commissioner Van D. Turner, Jr., and Commissioner Eddie S. Jones.

**BRADFORD
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

42. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$2,500.00 to Promise Development Corporation, a charitable organization. Sponsored by Commissioner Tami Sawyer.

**SAWYER
ADOPTED**

43. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$4,000.00 to Academy for Youth Empowerment, a charitable organization. Sponsored by Commissioner Reginald Milton and Commissioner Van D. Turner, Jr.

**MORRISON
ADOPTED**

44. Resolution amending the FY 2020 Operating Budget to expend unused funds from a multi-year grant award in the amount \$6,653.00 and to strengthen the Workforce Development System through innovation, alignment and improvement of employment training and education programs for the Greater Memphis Area Workforce Investment Network (WIN) for the period of October 1, 2018 through September 30, 2019. This item requires the appropriation and expenditure of FY 2020 Federal through State grant funds in the amount of \$6,653.00. Sponsored by Commissioner Brandon Morrison.

**MILLS
ADOPTED**

APPROVAL OF CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

Ordinances

**BRADFORD
ADOPTED**

45. **ORDINANCE -- THIRD READING** -- Ordinance by the Board of Commissioners for Shelby County, Tennessee, to amend the Shelby County Air Code by incorporating by reference specified State Emission Standards. Sponsored by Commissioner Van D. Turner, Jr.

**TURNER
APPROVED**

46. **ORDINANCE -- FIRST READING** -- Ordinance to create a dedicated capital investment in transportation to support environmentally sustainable, clean energy and hybrid energy capital projects. Sponsored by Commissioner Van D. Turner, Jr., Commission Chairman Mark Billingsley, Commissioner Willie F. Brooks, Jr., Commissioner Mickell Lowery, Commissioner Tami Sawyer, Commissioner Brandon Morrison and Commissioner Michael Whaley.

**LOWERY
APPROVED**

47. **ORDINANCE -- SECOND READING** -- Ordinance to rescind Ordinance No. 113 entitled "Ordinance to adopt Supplement No. 1 to the Code of Shelby County, Tennessee", adopted on November 23, 1992, solely as it pertains to Chapter 19, Article II, Music Commission. Sponsored by Commissioner Mickell Lowery.

Zoning and Subdivisions

**WHALEY
ADOPTED**

48. Resolution pursuant to Chapter 9.8 of the Unified Development Code of the County of Shelby and the City of Memphis, Tennessee, accepting the physical closure of McCalla Road Public Right-Of-Way from its intersection with Austin Peay Highway (TN Hwy 14) at the Northwest side of Austin Peay Highway (TN Hwy 14) and McCalla Road, known as Case No. S.A.C. 19-09 CO. Sponsored by Commissioner Edmund Ford, Jr.

Reports and/or Resolutions for Standing Committees

**BRADFORD
ADOPTED**

49. Resolution amending the Fiscal Year (FY) 2020 Capital Improvement and Operating Budgets and approving the purchase of modular furniture and installation services from Spaces, Inc., in an amount not to exceed \$273,568.00 for the relocation of the Criminal Court Clerk's Office from 201 Poplar Avenue, Suite 4-01 Memphis, Tennessee, to 201 Poplar Avenue, Suite 3-01 Memphis, Tennessee, with an expected move of January 2020. This item requires the transfer, appropriation and expenditure of one-time, non-recurring Pay-As-You-Go Fund Balance in an amount not to exceed \$273,568.00. Sponsored by Commissioner Mickell Lowery.

**BRADFORD
ADOPTED**

50. Resolution approving a contract with Wagner General Contractors, Inc., in the amount of \$119,271.80 and \$10,000.00 for an extra work allowance, for a total amount not to exceed \$129,271.80, for construction of fencing along the Wolf River Greenway Trail Phase 8 from the National Disaster Resilience Grant. This item requires an expenditure of FY 2020 Resilience Block Grant Funds in the amount of \$129,271.80. Sponsored by Commissioner David Bradford.

**BROOKS
ADOPTED
AS AMENDED**

51. Resolution to amend Rule 6 of the Board of Commissioners' Permanent Rules of Order to include language regarding the County's commitment to sustainable Living Wage. Sponsored by Commissioner Van D. Turner, Jr., Commissioner Willie F. Brooks, Jr., Commissioner Tami Sawyer, and Commissioner Eddie S. Jones, Jr.

**JONES
ADOPTED**

52. Resolution to approve a one-time, non-recurring grant contract with Life Together Inc., grant in an amount not to exceed \$100,000.00. This grant aligns with the Shelby County Board of Commissioners' Strategic Priorities and directly serves the citizens of Shelby County. This item requires the expenditure of FY 2020 General Funds in an amount not to exceed \$100,000.00. Sponsored by Commissioner Mickell Lowery.

**BROOKS
(REFERRED
BACK TO
COMMITTEE)**

- 53. Resolution amending Resolution No. 40, adopted on August 27, 2001, to increase the County-Wide Motor Vehicle Tax by \$20.00 and amending Resolution No. 4 adopted on June 29, 2016, designating revenue generated by the \$20.00 increase to the benefit of Memphis Area Transit Authority (MATA) and such other public causes as approved by the Shelby County Commission. Sponsored by Commissioner Willie F. Brooks, Jr., Commissioner Tami Sawyer and Commissioner Van D. Turner, Jr.**

**BRADFORD
ADOPTED**

- 54. Resolution approving program guidelines for the Board of County Commissioners ("Commission") Summer Youth Program 2020. Sponsored by Chairman Mark Billingsley and Commissioner Willie F. Brooks, Jr.**

**BRADFORD
ADOPTED**

- 55. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$7,000.00 to Tennessee Masonic Foundation, a Charitable Organization. Sponsored by Commissioner Willie F. Brooks, Jr. and Commissioner David Bradford.**

**BRADFORD
ADOPTED**

- 56. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$20,000.00 to Women's Foundation for a Greater Memphis, a charitable organization. Sponsored by Commissioner Mick Wright, Commissioner Willie F. Brooks, Jr., Commissioner Mickell Lowery, Commissioner Eddie S. Jones, Jr., and Commissioner Michael Whaley.**

**BRADFORD
ADOPTED**

- 57. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$27,000.00 to Schoolseed, a charitable organization. Sponsored by Commissioner Edmund Ford, Jr. and Commissioner David Bradford.**

**BRADFORD
ADOPTED**

58. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$10,000.00 to RegionSmart, a charitable organization. Sponsored by Commissioner David Bradford.

**BRADFORD
ADOPTED**

59. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$1,000.00 to South Side Wildcats Organization, a charitable organization. Sponsored by Commissioner Mickell Lowery and Commissioner Amber Mills.

**BRADFORD
ADOPTED**

60. Resolution awarding County Funds from the FY 2020 Operating Budget in the amount of \$10,000.00 to Community Project, Inc., a charitable organization. Sponsored by Commissioner Willie F. Brooks, Jr. and Commissioner Eddie S. Jones, Jr.

Announcements/Statements

Adjournment

61. Adjournment to Monday, January 27, 2020; at 3:00 p.m.

a. Shelby County Air Code Section 3-9 Rule Revision_Redline Copy

Shelby County Air Code Section 3-9 Malfunctions, Startups and Shutdowns
REDLINE STRIKEOUT

For the purpose of enforcement of malfunction, startups and shutdowns, Chapter 1200-3-20 of the Tennessee Air Pollution Control Regulations, as effective on ~~June 30, 2003~~ **December 5, 2018**, is hereby adopted by reference as a portion of this Code. Such regulations shall become a part of this Code and shall have the same effect as if set out in full herein.

(Shelby County Ord. No. 9, adopted October 15, 1979. Shelby County Ord. No. 159, effective 5-14-95. Amended by Shelby County Ord. No. 203, effective 9-18-98. Amended by Shelby County Ord No. 241, effective 8-23-01. Amended by Shelby County Ord. No. 265, effective September 30, 2002. Amended by Shelby County Ord. No. 276, effective December 16, 2003. **Amended by Shelby County Ord. No. 507, effective January 13, 2020.** Pursuant to T.C.A. 68-201-115.)

b. Shelby County Air Code Section 3-9 Rule Revision_Clean Copy

Shelby County Air Code Section 3-9

Malfunctions, Startups and Shutdowns

For the purpose of enforcement of malfunction, startups and shutdowns, Chapter 1200-3-20 of the Tennessee Air Pollution Control Regulations, as effective on December 5, 2018, is hereby adopted by reference as a portion of this Code. Such regulations shall become a part of this Code and shall have the same effect as if set out in full herein.

(Shelby County Ord. No. 9, adopted October 15, 1979. Shelby County Ord. No. 159, effective 5-14-95. Amended by Shelby County Ord. No. 203, effective 9-18-98. Amended by Shelby County Ord. No. 241, effective 8-23-01. Amended by Shelby County Ord. No. 265, effective September 30, 2002. Amended by Shelby County Ord. No. 276, effective December 16, 2003. Amended by Shelby County Ord. No. 507, effective January 13, 2020. Pursuant to T.C.A. 68-201-115.)

B3. City of Millington, Tennessee Ordinance 2021-15

ORDINANCE 2020-15

ORDINANCE AMENDING CHAPTER 1 OF TITLE 20 OF THE MILLINGTON MUNICIPAL CODE TO ADOPT THE SHELBY COUNTY AIR CODE

WHEREAS, The Board of Mayor and Aldermen have previously adopted various air pollution control requirements, which are codified in Chapters 1 of Title 20 of the Millington Municipal Code; and

WHEREAS, The Pollution Control Section of the Shelby County Health Department is responsible for administration and enforcement of the Tennessee Air Quality Act, as contained in T.CA § 68-201-101 et seq.; and

WHEREAS, The Shelby County Board of Commissioners have adopted the Shelby County Air Code in order to maintain the Certificate of Exemption from the State of Tennessee that allows local enforcement of air pollution control laws; and

WHEREAS, In order to enforce the Shelby County Air Code in local municipalities, each local municipality must adopt the Code into its City Code; and

WHEREAS, It has been determined that this can best be accomplished by adopting whatever Code is effective for Shelby County is effective in Millington; and

WHEREAS, It is necessary to amend the Millington Municipal Code to accomplish this change.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that all sections of Chapter 1 of Title 20 of the Millington Municipal Code are repealed in their entirety.

BE IT FURTHER ORDAINED, that a new Section 20-101 is adopted to read:

20-101. Shelby County Air Code effective within City. The Shelby County Air Code in effect in Shelby County shall also be effective within the corporate limits and shall be enforced by the Shelby County Health Department.

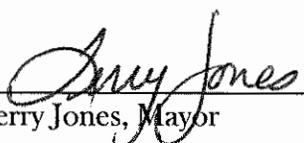
BE IT FURTHER ORDAINED, that a new Section 20-102 is adopted to read:

20-102. Fees for Services. The fees established from time to time by the Shelby County Health Department in order to cover the costs incurred in administering the Shelby County Air Code shall also be effective within the corporate limits and shall be collected and retained by the Shelby County Health Department.

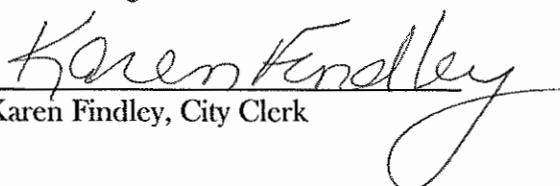
BE IT FURTHER ORDAINED, that all previous ordinances or portions thereof that are in conflict with this Ordinance are hereby repealed.

BE IF FURTHER ORDAINED, that this Ordinance shall take effect upon its adoption, the public welfare requiring it.

Public Hearing: October 12, 2020
First Reading: September 14, 2020
Second Reading: October 12, 2020



Terry Jones, Mayor



Karen Findley, City Clerk

B4. Town of Collierville, Tennessee Ordinance 2020-12

AN ORDINANCE TO AMEND SECTION 96.02 OF THE CODE OF ORDINANCES OF THE TOWN OF COLLIERVILLE.

- WHEREAS, the operation of a local air pollution control program by the Shelby County Health Department, which was established by the Shelby County Air Code, adopted on June 30, 1969, by the then Shelby County Quarterly Court, and as amended, has served to protect the air quality in Shelby County and efficiently meets the needs of those regulated by air pollution control laws to the present; and,
- WHEREAS, in order to maintain the Certificate of Exemption from the State of Tennessee ("State") supervision granted by the Tennessee Air Pollution Control Board on June 10, 2020, it is necessary for Shelby County and its municipalities, including the Town of Collierville, to adopt regulations no less stringent than State standards; and,
- WHEREAS, maintaining up-to-date technical standards promulgated by the Tennessee Department of Environment and Conservation ("TDEC") for the control of air pollution prevents the need for State control of Shelby County and Town air pollution sources subject to these controls, specifically certain provisions found in the State/TDEC Rules and Regulations, Chapter 1200-03; and,
- WHEREAS, Tenn. Code Ann. § 68-201-115(a) provides that any Tennessee municipality or county may, *inter alia*, enact either an ordinance or resolution that adopts and incorporates by reference any applicable federal or state air pollution control regulations, when such regulations are properly identified as to date and source, and when at least three (3) copies of such regulations are filed in the office of the county clerk and there kept for public use, inspection, and examination for a period of thirty (30) days before the adoption of the ordinance or resolution incorporating such regulations by reference; and,
- WHEREAS, Tenn. Code Ann. § 6-54-502(a) provides that any Tennessee municipality is authorized and empowered to adopt by reference the provisions of any public records, including State rules or regulation, provided that one (1) copy of such public records are kept on file in the office of the clerk of the municipality for a period of fifteen (15) days prior to adoption of the ordinance that incorporates such public records by reference; and,
- WHEREAS, the Town has complied with the filing requirements of Tenn. Code Ann. §§ 6-54-502(a) and 68-201-115(a); and,
- WHEREAS, the Town has caused to be published on October 29, 2020, in a newspaper having a general circulation in the Town a copy of this Ordinance, as well as notice of the availability for public use, inspection, and examination at the office of the Shelby County Clerk three (3) copies of the State regulations to be incorporated by reference and the date and time of public hearing regarding the adoption of this Ordinance; and,
- WHEREAS, it is the intent of the Town to qualify for receipt of federal funds available for air pollution control programs and, to that end, this Ordinance shall be construed to provide the authority to so qualify and maintain such qualification; and,
- WHEREAS, it is deemed in the public interest to amend the Collierville Code of Ordinances from time to time to ensure that they comport with applicable State and federal law; and,
- WHEREAS, a public hearing before the Board of Mayor and Aldermen was held on November 9, 2020, pursuant to notice thereof being published in a newspaper of general circulation within the Town of Collierville on October 29, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE TOWN OF COLLIERVILLE, TENNESSEE, THAT THE TOWN CODE BE AMENDED IN THE FOLLOWING RESPECTS:

Section 1. The Town Code is amended by deleting the existing provisions of Town Code § 96.02 and inserting the following:

The following chapters of the State of Tennessee/TDEC Compilation of Rules and Regulations, as effective on December 5, 2018, are adopted and incorporated herein by reference as if set out in their entirety and approved as part of the Town Air Pollution Control Code:

- Chapter 1200-03-02 Definitions
- Chapter 1200-03-03 Ambient Air Quality Standards
- Chapter 1200-03-05 Visible Emissions Regulations
- Chapter 1200-03-06 Non-Process Emission Standards
- Chapter 1200-03-07 Process Emission Standards
- Chapter 1200-03-09 Construction and Operating Permits
- Chapter 1200-03-10 Required Sampling, Recording, and Reporting
- Chapter 1200-03-11 Hazardous Air Contaminants
- Chapter 1200-03-12 Methods of Sampling and Analysis
- Chapter 1200-03-14 Control of Sulfur Dioxide Emissions
- Chapter 1200-03-15 Emergency Episode Plan
- Chapter 1200-03-16 New Source Performance Standards
- Chapter 1200-03-18 Volatile Organic Compounds
- Chapter 1200-03-20 Limits on Emissions Due to Malfunctions, Startups, and Shutdowns
- Chapter 1200-03-21 General Alternate Emission Standards
- Chapter 1200-03-22 Lead Emission Standards
- Chapter 1200-03-24 Good Engineering Practice Stack Height Regulations
- Chapter 1200-03-25 Standards for Infectious Waste Incinerators
- Chapter 1200-03-30 Acid Precipitation Control
- Chapter 1200-03-31 Case by Case Determinations of Hazardous Air Pollutant Control Requirements
- Chapter 1200-03-32 Prevention of Accidental Releases
- Chapter 1200-03-34 Conformity

Section 2. BE IT FURTHER ORDAINED that, except as amended by this Ordinance, the remaining provisions of Chapter 96 of the Town Code shall remain undisturbed and in full force and effect.

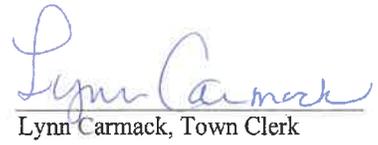
Section 3. BE IT FURTHER ORDAINED that this ordinance shall become effective immediately on its passage on third and final reading, in accordance with the Charter of the Town of Collierville, the public welfare requiring it.

Passed First Reading: October 26, 2020

Passed Second Reading: November 9, 2020

Passed Third Reading: November 23, 2020


Stan Joyner, Mayor


Lynn Carmack, Town Clerk

B5. City of Bartlett, Tennessee Ordinance (ID#2866)



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

ADOPTED

ORDINANCE (ID # 2866)

Meeting: 12/08/20 06:00 PM

Department: Administration

Category: Amendment

Prepared By: Penny Medlock

Initiator: Mark Brown

Sponsors:

DOC ID: 2866

Ordinance 20-08, an ordinance amending Title 20, Chapter 1, Section 20-101, Air Pollution Control Code, of the Code of Ordinances of the City of Bartlett, Tennessee.

WHEREAS, the operation of a local air pollution control program by the Shelby County Health Department, which was established in the Shelby County Air Code ("County Air Code"), adopted on June 30, 1969 by the then Shelby County Quarterly Court, as amended, and as adopted by the Board of Mayor and Aldermen of the City of Bartlett on April 22, 2003, has served to protect the air quality in the City of Bartlett and efficiently meet the needs of those regulated by air pollution control laws to the present; and

WHEREAS, in order to maintain the Certificate of Exemption from State of Tennessee ("State") supervision granted by the Tennessee Air Pollution Control Board, it is necessary to adopt regulations no less stringent than State standards; and

WHEREAS, Tennessee Code Annotated, Section 68-201-115(a) provides that any municipality or county may adopt an Ordinance or Resolution which incorporates by reference any federal or state regulations when such regulations are properly identified as to date and source, and when at least three (3) copies of such regulations are filed in the office of the county clerk for public use, inspection and examination for a period of thirty (30) days before adoption of the Ordinance or Resolution incorporating regulations by reference; and

WHEREAS, Shelby County Health Department has caused to be published on October 24, 2018, in a newspaper having general circulation in Shelby County, Tennessee, notice of the availability for public use, inspection, and examination at the office of the Shelby County Clerk three (3) copies of the State regulations to be incorporated by reference and has filed three (3) copies of such State regulations in the office of the Shelby County Clerk more than thirty (30) days before the adoption of this Ordinance which incorporates such regulations by reference; and

WHEREAS, the Bartlett City Clerk has caused to be published, in a newspaper having a general circulation in Shelby County, Tennessee, a copy of this Ordinance at least thirty (30) days before the adoption of this Ordinance; and

WHEREAS, it is the intent of the City of Bartlett to qualify for receipt of federal funds available for air pollution control programs and to that end, this Ordinance shall be construed to give the authority to so qualify and maintain such qualification; and

WHEREAS, maintaining up-to-date technical standards promulgated by the Tennessee Department of Environment and Conservation for the control of air pollution prevents the need for State Control of Shelby County air pollution sources subject to these controls,

specifically certain provisions found in State Rules and Regulations Chapter 1200-03, as effective on December 5, 2018; and

WHEREAS, the Board of Mayor and Aldermen for the City of Bartlett, Tennessee wishes to amend Title 20, Chapter 1, Section 20-101, of the Code of Ordinances of the City of Bartlett, to incorporate therein by reference specific sections of the State Rules and Regulations, as effective on December 5, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BARTLETT, TENNESSEE that Title 20, Chapter 1, Section 20-101, Words and phrases substituted in state regulations adopted by reference, shall be amended as follows:

SECTION 1. That Section 20-101, formerly Subsection 05(1), of the Code of Ordinances of the City of Bartlett, Words and phrases substituted in state regulations adopted by reference, be amended to add a new subsection (j) to read as follows:

20-1-101(j). That Rules and Regulations of Tennessee Chapter 1200-03-02 titled Definitions; Chapter 1200-03-03 titled Ambient Air Quality Regulations; Chapter 1200-03-05 titled Visible Emission Regulations; Chapter 1200-03-06 titled Nonprocess Emission Standards; Chapter 1200-03-07 titled Process Emissions Standards; Chapter 1200-03-09 titled Construction and Operating Permits; Chapter 1200-03-10 titled Required Sampling, Recording and Reporting; Chapter 1200-3-11 titled Hazardous Air Contaminants; Chapter 1200-03-12 titled Methods of Sampling and Analysis; Chapter 1200-03-14 titled Control of Sulfur Dioxide Emissions; Chapter 1200-03-15 titled Emergency Episode Plan; Chapter 1200-03-15 titled Emergency Episode Plan; Chapter 1200-03-16 titled New Source Performance Standards; Chapter 1200-03-18 titled Volatile Organic Compounds; Chapter 1200-03-20 titled Limits on Emissions due to Malfunctions, Startups and Shutdowns; Chapter 1200-03-

21 titled General Alternate Emission Standards; Chapter 1200-3-22 titled Lead Emission Standards; Chapter 1200-03-24 titled Good Engineering Practices Stack Height Regulations; Chapter 1200-03-25 titled Standards for Infectious Waste Incinerators, Chapter 1200-03-30 titled Acid Precipitation Standard; Chapter 1200-03-31 titled National Emission Standards for Hazardous Air Pollutants for Source Categories; Chapter 1200-03-32 titled Prevention of Accidental Releases; Chapter 1200-03-34 titled Conformity, are incorporated herein by reference as if set out in their entirety and shall be approved as requirements of this jurisdiction upon adoption by the Board of Mayor and Aldermen. Section nomenclature for these regulations is identified in accordance with the table located in Section 2 of this ordinance. (Ord. #03-06, April 22, 2003).

SECTION 2. That the State Rules and Regulations that had previously been adopted by reference in to the Bartlett Air Pollution Control Code and are referenced in the second column of this table are deleted and substituted instead with the State Rules and Regulations, effective as of December 5, 2018, that are adopted by this Ordinance and described in the fourth column of this table:

Bartlett Air Pollution Control Code Section	Previously adopted State Rules and Regulations to be deleted in Bartlett Air Pollution Control Code		State Rules and Regulations Effective as of December 5, 2018 and substituted in Bartlett Air Pollution Control Code Section

05(102)	1200-3-2	Definitions	1200-03-02
05(103)	1200-3-3	Ambient Air Quality Standards	1200-03-03
	1200-3-5	Visible Emission Regulations	1200-03-05
05(106)	1200-3-6	Non-Process Emission Standards	1200-03-06
05(107)	1200-3-7	Process Emission Standards	1200-03-07
05(109)	1200-3-9	Construction and Operating Permits	1200-03-09
05(110)	1200-3-10	Required Sampling, Recording and Reporting	1200-03-10
05(111)	1200-3-11	Hazardous Air Contaminants	1200-03-11
05(112)	1200-3-12	Methods of Sampling and Analysis	1200-03-12
05(114)	1200-3-14	Control of Sulfur Dioxide Emissions	1200-03-14
05(115)	1200-3-15	Emergency Episode Plan	1200-03-15
05(116)	1200-3-16	New Source Performance Standards	1200-03-16
05(118)	1200-3-18	Volatile Organic Compounds	1200-03-18
Bartlett Air Pollution Control Code Section	Previously adopted State Rules and Regulations to be deleted in Bartlett Air Pollution Control Code		State Rules and Regulations Effective as of December 5, 2018 and substituted in Bartlett Air Pollution Control Code Section
05(120)	1200-3-20	Limits on Emissions Malfunctions, Startups & Shutdowns	1200-03-20
05(121)	1200-3-21	General Alternate Emission Standards	1200-03-21
05(122)	1200-3-22	Lead Emissions Standards	1200-03-22
05(124)	1200-3-24	Good Engineering Practice Stack Height Regulations	1200-03-24
05(125)	1200-3-25	Standards for Infectious Waste Incinerators	1200-03-25
05(130)	1200-3-30	Acid Precipitation Control	1200-03-30
05(131)	1200-3-31	Case by Case Determinations	1200-0 :31

		of Hazardous Air Pollutant Control Requirements	
05(132)	1200-3-32	Prevention of Accidental Releases	1200-03-32
05(134)	1200-3-34	Conformity	1200-03-34

(Ord. #03-06, April 22, 2003).

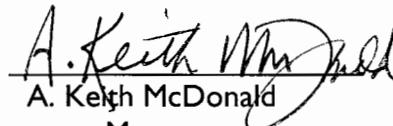
SECTION 3. Severability

Should any provision of this Ordinance be rendered unconstitutional or null and void by a Court of Law, legislative act or otherwise, all other provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Effective Date. BE IT FURTHER ORDAINED that this ordinance shall take effect upon its passage on third and final reading, the public welfare requiring it.

First Reading: October 27, 2020
 Second Reading: November 10 2020
 Third Reading: December 8, 2020


 W. C. Pleasant Register to the Board
 of Mayor and Aldermen


 A. Keith McDonald
 Mayor

ATTEST: 
 Penny Medlock
 City Clerk

HISTORY:

10/27/20 Board of Mayor and Aldermen APPROVED ON FIRST READING
 Next: 11/10/20

Chief Administrative Officer, Mark Brown, explained that the State of Tennessee had amended the Air Quality Ordinance. Rules and regulations state that local ordinance can be no less stringent than the State. This ordinance reflects those changes and brings City into compliance.

11/10/20 Board of Mayor and Aldermen APPROVED ON SECOND READING
 Next: 12/08/20

COMMENTS - Current Meeting:

Chief Administrative Officer, Mark Brown, stated that the State of Tennessee and Shelby County had made changes to their Air Quality Ordinance and our ordinance cannot be less stringent. These changes make us compliant.

RESULT:	APPROVED [5 TO 0]
MOVER:	Emily Elliott, Alderman
SECONDER:	Jack Young, Vice Mayor
AYES:	Pleasant, Elliott, Parsons, Young, Sedgwick
ABSTAIN:	Bobby Simmons

B6. City of Germantown, Tennessee Ordinance 2020-10

ORDINANCE 2021-10

AN ORDINANCE TO AMEND SECTION 9-21 OF THE CODE OF ORDINANCES OF THE CITY OF GERMANTOWN:

WHEREAS, the operation of a local air pollution control program by the Shelby County Health Department, which was established by the Shelby County Air Code, adopted on June 30, 1969, by the then Shelby County Quarterly Court, and as amended, has served to protect the air quality in Shelby County and efficiently meets the needs of those regulated by air pollution control laws to the present; and,

WHEREAS, in order to maintain the Certificate of Exemption from the State of Tennessee ("State") supervision granted by the Tennessee Air Pollution Control Board on June 10, 2020, it is necessary for Shelby County and its municipalities, including the City of Germantown ("City"), to adopt regulations no less stringent than State standards; and,

WHEREAS, maintaining up-to-date technical standards promulgated by the Tennessee Department of Environment and Conservation ("TDEC") for the control of air pollution prevents the need for State control of Shelby County and City air pollution sources subject to these controls, specifically certain provisions set forth below and found in the State/TDEC Rules and Regulations; and,

WHEREAS, Tenn. Code Ann. § 68-201-115(a) provides that any Tennessee municipality or county may, *inter alia*, enact either an ordinance or resolution that adopts and incorporates by reference any applicable federal or state air pollution control regulations, when such regulations are properly identified as to date and source, and when at least three (3) copies of such regulations are filed in the office of the county clerk and there kept for public use, inspection, and examination for a period of thirty (30) days before the adoption of the ordinance or resolution incorporating such regulations by reference; and,

WHEREAS, Tenn. Code Ann. § 6-54-502(a) provides that any Tennessee municipality is authorized and empowered to adopt by reference the provisions of any public records, including State rules or regulations, provided that one (1) copy of such public records are kept on file in the office of the clerk of the municipality for public use, inspection, and examination for a period of fifteen (15) days prior to adoption of the ordinance that incorporates such public records by reference; and,

WHEREAS, the City has complied with the filing requirements of Tenn. Code Ann. §§ 6-54-502(a) and 68-201-115(a); and,

WHEREAS, the City has caused to be published on June 4, 2021, in a newspaper having a general circulation in the City a copy of this Ordinance, as well as notice of the availability for public use, inspection, and examination at the office of the Shelby County Clerk three (3) copies of the State regulations to be incorporated by

reference and the date and time of public hearing regarding the adoption of this Ordinance; and,

WHEREAS, it is the intent of the City to qualify for receipt of federal funds available for air pollution control programs and, to that end, this Ordinance shall be construed to provide the authority to so qualify and maintain such qualification; and,

WHEREAS, it is deemed in the public interest to amend the Germantown Code of Ordinances from time to time to ensure that they comport with applicable State and federal law; and,

WHEREAS, a public hearing before the Board of Mayor and Aldermen was held on June 28, 2021, pursuant to notice thereof being published in a newspaper of general circulation within the City of Germantown on June 4, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF GERMANTOWN, TENNESSEE, THAT THE CITY CODE BE AMENDED IN THE FOLLOWING RESPECTS:

Section 1. The City Code is amended by deleting the existing provisions of City Code § 9-21(24)(a) and inserting the following:

(24) *State technical standards.*

(a) *Rules and regulations adopted.* The following chapters of the State of Tennessee/TDEC Compilation of Rules and Regulations, as effective on December 5, 2018, are adopted and incorporated herein by reference as if set out in their entirety and approved as part of the City Air Pollution Control Code:

Chapter 1200-03-02 Definitions

Chapter 1200-03-03 Ambient Air Quality Standards

Chapter 1200-03-05 Visible Emissions Regulations

Chapter 1200-03-06 Non-Process Emission Standards

Chapter 1200-03-07 Process Emission Standards

Chapter 1200-03-09 Construction and Operating Permits

Chapter 1200-03-10 Required Sampling, Recording, and Reporting

Chapter 1200-03-11 Hazardous Air Contaminants

Chapter 1200-03-12 Methods of Sampling and Analysis

Chapter 1200-03-14 Control of Sulfur Dioxide Emissions

- Chapter 1200-03-15 Emergency Episode Plan
- Chapter 1200-03-16 New Source Performance Standards
- Chapter 1200-03-18 Volatile Organic Compounds
- Chapter 1200-03-20 Limits on Emissions Due to Malfunctions, Startups, and Shutdowns
- Chapter 1200-03-21 General Alternate Emission Standards
- Chapter 1200-03-22 Lead Emission Standards
- Chapter 1200-03-24 Good Engineering Practice Stack Height Regulations
- Chapter 1200-03-25 Standards for Infectious Waste Incinerators
- Chapter 1200-03-30 Acid Precipitation Control
- Chapter 1200-03-31 Case by Case Determinations of Hazardous Air Pollutant Control Requirements
- Chapter 1200-03-32 Prevention of Accidental Releases
- Chapter 1200-03-34 Conformity

Section nomenclature is identified in accordance with the following table:

Germantown Code Nomenclature	State/TDEC Rules and Regulations	Title
9-21(102)	1200-03-02	Definitions
9-21(103)	1200-03-03	Ambient Air Quality Standards
9-21(105)	1200-03-05	Visible Emissions
9-21(106)	1200-03-06	Non-Process Emission Standards
9-21(107)	1200-03-07	Process Emission Standards
9-21(109)	1200-03-09	Construction and Operating Permits
9-21(110)	1200-03-10	Required Sampling, Recording, and Reporting
9-21(111)	1200-03-11	Hazardous Air Contaminants
9-21(112)	1200-03-12	Methods of Sampling and Analysis
9-21(114)	1200-03-14	Control of Sulfur Dioxide

		Emissions
9-21(115)	1200-03-15	Emergency Episode Plan
9-21(116)	1200-03-16	New Source Performance Standards
9-21(118)	1200-03-18	Volatile Organic Compounds
9-21(120)	1200-03-20	Limits on Emissions Due to Malfunctions, Startups, and Shutdowns
9-21(121)	1200-03-21	General Alternate Emission Standards
9-21(122)	1200-03-22	Lead Emission Standards
9-21(124)	1200-03-24	Good Engineering Practice Stack Height Regulations
9-21(125)	1200-03-25	Standards for Infectious Waste Incinerators
9-21(130)	1200-03-30	Acid Precipitation Control
9-21(131)	1200-03-31	Case by Case Determinations of Hazardous Air Pollutant Control Requirements
9-21(132)	1200-03-32	Prevention of Accidental Releases
9-21(134)	1200-03-34	Conformity

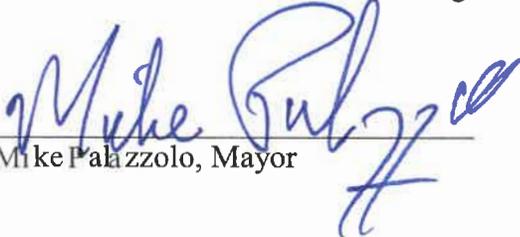
Section 2. BE IT FURTHER ORDAINED that, except as amended by this Ordinance, the remaining provisions of City Code § 9-21, including all subsections, shall remain undisturbed and in full force and effect.

Section 3. THE PROVISIONS OF THIS ORDINANCE ARE HEREBY DECLARED to be severable. Should any of the above sections, provisions, sentences, clauses, words, phrases, or parts be held unconstitutional, void, unenforceable, or of no effect, the remaining portions shall continue in full force and effect.

Section 4. BE IT FURTHER ORDAINED that this ordinance shall become effective immediately on its passage on third and final reading, in accordance with the Charter of the City of Germantown, the public welfare requiring it.

Passed First Reading
 Passed Second Reading
 Passed Third Reading

May 24, 2021
June 28, 2021
July 12, 2021


 Mike Palazzolo, Mayor

ATTEST: 
 Michele Betty, City Clerk

B7. City of Memphis Ordinance (placeholder)

a. City of Memphis Air Code Section 16-87 Rule Revision_Redline Copy (placeholder)

~~Section 16-87.~~ Sec. 9-12-24 Malfunctions, Startups and Shutdowns

For the purpose of enforcement of the control of the emissions that occur during malfunctions, startups and shutdowns, Chapter 1200-3-20 of the Tennessee Air Pollution Regulations, as effective ~~December 31, 2000~~ December 6, 2018, is ~~hereby adopted as portion of this Code~~ by reference as a portion of this code. Such regulations and/or 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, S1, 4-25-72; Ord. No. 2021, S1(4), 10-9-79; Code 1967, S3-9. Shelby County Ord. No. 9, adopted October 15, 1979. City of Memphis Ord. No. 4320, effective 6-7-95. Amended by City of Memphis Ord. No. 4636, effective 1-7-99. Amended by City of Memphis Ord. No. 4867, effective 7-18-01. Amended by City of Memphis Ord. No. 4981, effective January 28, 2003. Amended by City of Memphis Ord. 5041, effective April 5, 2004. Pursuant to T.C.A. 68-201-115.)

b. City of Memphis Air Code Section 16-87 Rule Revision_Clean Copy (placeholder)

B8. City of Lakeland Ordinance (placeholder)

B9. TDEC-APC Rule 1200-03-20.20130619 Rule Revision_Redline Copy

**RULES
OF
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL**

**CHAPTER 1200-03-20
LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, STARTUPS, AND SHUTDOWNS**

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1200-03-20-.01	Purpose	1200-03-20-.06	Report Required Upon the Issuance of a
1200-03-20-.02	Reasonable Measures Required		Notice of Violation
1200-03-20-.03	Notice Required When Malfunction Occurs	1200-03-20-.07	Special Reports Required
1200-03-20-.04	Logs and Reports	1200-03-20-.08	Rights Reserved
1200-03-20-.05	Copies of Logs Required	1200-03-20-.09	Additional Source Covered

1200-03-20-.01 PURPOSE.

- (1) The purpose of this chapter is to place reasonable limits on the amount of emissions an air contaminant source can emit due to a malfunction or during startup or shutdown of said source. Without such limits in many parts of the state and specifically in nonattainment areas, air quality standards will not be met and public health and welfare will be endangered.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.02 REASONABLE MEASURES REQUIRED.

- (1) Air contaminant sources must take all reasonable measures to keep emissions to a minimum during startups, shutdowns, and malfunctions. These measures may include installation and use of alternate control systems, changes in operating methods or procedures, cessation of operation until the process equipment and/or air pollution control equipment is repaired, maintaining sufficient spare parts, use of overtime labor, use of outside consultants and contractors, and other appropriate means. Failures that are caused by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed September 21, 1988; effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994. Amendment filed August 26, 1997; effective November 11, 1997.

1200-03-20-.03 NOTICE REQUIRED WHEN MALFUNCTION OCCURS.

- (1) When any air contaminant source malfunctions in such a manner as to cause the emission of air contaminants in excess of the applicable emission standards contained in Division 1200-3 or any permit issued thereto, or of sufficient duration to cause damage to property or public health, the owner or operator of the air contaminant source shall promptly notify the Technical Secretary of such malfunction and provide a statement giving all pertinent facts, including the estimated duration of the malfunction. Violations of the visible emission standard (excluding visible emissions caused by hazardous air pollutants named in Chapter 1200-3-11) which occur for less than 20 minutes in one day (midnight to midnight) need not be reported. Prompt notification will be within 24 hours of the malfunction and shall be provided by telephone to the Division's Nashville office. The Technical Secretary shall be notified when the malfunction has been corrected. In attainment and unclassified areas if

(Rule 1200-03-20-.03, continued)

emissions other than from sources designated as significantly impacting on a nonattainment area in excess of the standards will not and do not occur over more than a 24-hour period (or will not recur over more than a 24-hour period) and no damage to property and or public health is anticipated, notification is not required. Any malfunction that creates an imminent hazard to health must be reported by telephone immediately to the Division's Nashville office and to the State Civil Defense.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed September 4, 1981; effective October 19, 1981. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.04 LOGS AND REPORTS.

- (1) (a) A log of all malfunctions, startups, and shutdowns resulting in emissions excess of the standards in Division 1200-3 or any permit issued thereto must be kept at the plant. This log must record at least the following:
 1. Stack or emission point involved.
 2. Time malfunction, startup, or shutdown began and/or when first noticed.
 3. Type of malfunction and/or reason for shutdown.
 4. Time startup or shutdown was complete or time the air contaminant source returned to normal operation.
 5. The company employee making entry on the log must sign, date, and indicate the time of each log entry.
 - (b) The information under parts (a) 1. and 2. of this paragraph must be entered into the log by the end of the shift during which the malfunction or startup began.
 - (c) All information shall be entered in the log no later than twenty-four (24) hours after the startup or shutdown is complete, or the malfunction has ceased or has been corrected.
 - (d) Any later discovered corrections can be added in the log as footnotes with the reason given for the change.
- (2) Reserved.

Authority: T.C.A. §§ 68-201-101 et seq., 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed September 21, 1988; effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994. Amendment filed March 21, 2013; effective June 19, 2013.

1200-03-20-.05 COPIES OF LOG REQUIRED.

The Technical Secretary may require the owner or operator of any air contaminant source to submit a copy of the upset log required under rule .04 of this chapter to him ten (10) days after the request is received. The Technical Secretary can require submission of copies of the entire log.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.06 REPORT REQUIRED UPON THE ISSUANCE OF A NOTICE OF VIOLATION.

- (1) In the event excess emissions are emitted from any air contaminant source, a notice of violation shall automatically be issued except for visible emission levels included as a startup and/or shutdown permit condition under Paragraph 1200-3-5-.02(1) or determined to be de minimis under Rule 1200-03-20-.06.
- (2) The owner or operator of the violating air contaminant source shall submit within twenty (20) days after receipt of the notice of violation, the data required in paragraph (3) ~~to assist the Technical Secretary in deciding whether to excuse or validate the violation of this rule.~~ If the data required in ~~1200-03-20-.06 paragraph~~ (3) ~~of this rule~~ has previously been available to the Technical Secretary ~~or the Technical Secretary's representative~~ prior to the issuance of the notice of violation no further action is required of the violating source. However, if the source desires to submit additional information, then this shall be submitted within the twenty (20) day time period.
- (3) Each report required in paragraph 1200-03-20-.06(2) shall include as a minimum:
 - (a) The identity of the stack and/or other emission point where the excess emission(s) occurred;
 - (b) The magnitude of the excess emissions expressed in pounds per hour and the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
 - (c) The time and duration of the emissions;
 - (d) The nature and cause of such emissions;
 - (e) For malfunctions. The steps taken to correct the situation and the action taken or planned to prevent the recurrence of such malfunctions;
 - (f) The steps taken to limit the excess emissions during the occurrence reported, and
 - (g) If applicable, documentation that the air pollution control equipment, process equipment, or processes were at all time maintained and operated in a manner consistent with good operating practices for minimizing emissions.
- (4) Failure to submit the report required in paragraph (3) ~~of this rule~~ within the twenty (20) day period specified in ~~Paragraph paragraph~~ (2) ~~of this rule~~ shall preclude the admissibility of the data for ~~consideration of excusal for malfunctions determination of potential enforcement actions, and for any air contaminant source not having startup or shutdown levels as a permit condition.~~
- (5) Where the violations are determined from properly certified and operated continuous emission monitors, no notice of violation(s) will be automatically issued unless the specified de minimis levels are exceeded:

(Rule 1200-03-20-.06, continued)

<u>Source Type</u>	<u>De Minimis Pollutant Monitored</u>	<u>De Minimis Level</u>
(a) Fuel Burning Installations subject to Rule 1200-3-5-.01 or Rule 1200-3-5-.05 and having fuel burning equipment of input capacity greater than 600 x 106 Btu/hr.	Opacity	Two (2) percent of the time during calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place
	Sulfur Dioxide	One (1) 24-hour exceedance per calendar year
(b) Fuel Burning Installations subject to Rule 1200-3-5-.05, Rule 1200-3-5-.10, or Rule 1200-3-6-.05.	Opacity	One (1) percent of the time during a calendar quarter (Excluding period of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place
	Opacity	One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place.
(c) Fuel Burning Equipment subject to Rule 1200-3-16-.02 or Rule 1200-3-16-.59.	Opacity	One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place.
	Sulfur Dioxide	One (1) 3-hour exceedance per year and/or one 24-hour exceedance per year (applicable to sources having three hour standard only)
(d) Kraft Recovery Furnaces subject to either Rule 1200-3-5- .09 or Rule 1200-3- 16.29.	Opacity	Six (6) percent of the time (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place.

(Rule 1200-03-20-.06, continued)

(e) Kraft Recovery Furnaces subject to either Rule 1200-3-7-.07 or Rule 1200-3-16-.29.	Total Sulfur	Reduced	One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions).
(f) Lime Kilns subject to Rule 1200-3-7-.07(4).	Total Sulfur	Reduced	Two (2) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions).
(g) Sulfuric Acid Plants subject to Rule 1200-3-16-.06 and Liquid Sulfur Dioxide Plants subject to Rule 1200-3-19-.19.	Sulfur Dioxide		One (1) exceedance greater than 3 hours duration per year (Excluding periods of excused malfunctions).
(h) Primary Zinc Smelters subject to Rule 1200-3-16-.24.	Sulfur Dioxide		One (1) exceedance of greater than 3 hours duration but less than 24-hour duration per calendar year and/or one 24-hour exceedance per year (Excluding periods of startup, shutdown, or excused malfunction).
(i) Electric Arc Furnaces subject to Rule 1200-3-16-.26.	Opacity		One (1) percent of the time during a calendar quarter (Excluding time periods of startup, shutdown, or excused malfunction) so long as no more than one (1) 24-hour exceedance per calendar year takes place.
(j) Sulfur Dioxide Abatement System Serving Facilities Producing Organophosphate Compounds.	Sulfur Dioxide		One (1) exceedance of greater than 3 hours duration per calendar year (Excluding periods of excused malfunctions).
(k) Secondary Lead Furnaces subject to Rule 1200-3-16-.12.	Opacity		One half (1/2) percent of the time during a calendar quarter (Excluding time periods of startup,

(Rule 1200-03-20-.06, continued)

shutdown, or excused
malfunction).

- | | | |
|---|-----------------|--|
| (l) Any source type
utilizing a thirty day
rolling average. | Nitrogen Oxides | None (Excluding periods of
startup, shutdown, or excused
malfunction.) |
|---|-----------------|--|

For purposes of this Paragraph, the term 24-hour exceedance means a continuous exceedance of an emission standard having a total duration of greater than 24 hours (midnight to midnight).

- (6) ~~Irrespective of the startup and shutdown exemptions set forth on the operating permit of any air contaminant source, no~~ No emission during periods of malfunction, start-up, or shutdown that are in excess of the standards in Division 1200-03 or any permit issued thereto shall be allowed which can be proved ~~by the Technical Secretary~~ to cause or contribute to any violations of the Ambient Air Quality Standards contained in Chapter ~~1200-3-3~~ 1200-03-03 or the National Ambient Air Quality Standards.

Authority: T.C.A. §§ 68 -201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed October 28, 1981; effective December 14, 1981. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.07 SPECIAL REPORTS REQUIRED.

- (1) The Technical Secretary may require any air contaminant source to submit a report within thirty (30) days after the end of each calendar quarter in a format he specifies containing as a minimum the following information:
 - (a) The dates on which malfunctions, startups, and shutdowns resulted in emissions greater than those allowed by the emission standards in this Division 1200-3.
 - (b) The estimated amount of air contaminants emitted in excess of the emission standards in units of pounds of air contaminant per hour and pounds of air contaminant per day.
 - (c) Other emission characteristics such as stack exit temperature, stack height and diameter, stack exit velocities, and other similar information.
 - (d) Information needed to evaluate the possibility of instituting measures to eliminate or reduce the number of malfunctions and/or the amount of emissions from malfunctions, startups, and shut downs.
 - (e) Information to determine if the excess emissions truly result from a malfunction.
 - (f) Information to evaluate the impact of the emissions on the surrounding area.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed October 28, 1981; effective December 14, 1981. Amendment filed September 21, 1988; effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.08 RIGHTS RESERVED.

- (1) Nothing in this chapter shall be construed to limit the obligation of the air contaminant source to attain and maintain the ambient air quality standards nor the authority of the Technical Secretary and/or Board to institute actions under other Chapters of these rules and the Tennessee Air Quality Act.

(Rule 1200-03-20-.08, continued)

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.09 ADDITIONAL SOURCES COVERED.

- (1) The Technical Secretary may order the owner or operator of other air contaminant sources to report in accordance with the requirement of this chapter for those sources in nonattainment areas or significantly impacting on nonattainment areas when he has reason to believe that an ambient air quality standard may be violated in the general vicinity where the source is located. There is sufficient reason (for purposes of this rule) to believe a standard may be violated if a value not to be exceeded more than once in a year is equalled or exceeded once and/or if individual readings have a mean excess of ninety per cent of a standard set for any given averaging interval regardless of the acceptability of the monitoring site, calibration of the monitor, and other similar matters. Even if there are no monitors in an area, if mathematical modelling and/or physical damage in the area indicate the standards may be violated, he may order such reporting.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

**B10. TDEC-APC Rule 1200-03-20.20161116 Rule Revision_Clean
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**RULES
OF
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL**

**CHAPTER 1200-03-20
LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, STARTUPS, AND SHUTDOWNS**

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1200-03-20-.02	Reasonable Measures Required		
1200-03-20-.03	Notice Required When Malfunction Occurs	1200-03-20-.07	Special Reports Required
1200-03-20-.04	Logs and Reports	1200-03-20-.08	Rights Reserved
1200-03-20-.05	Copies of Logs Required	1200-03-20-.09	Additional Source Covered

1200-03-20-.01 PURPOSE.

- (1) The purpose of this chapter is to place reasonable limits on the amount of emissions an air contaminant source can emit due to a malfunction or during startup or shutdown of said source. Without such limits in many parts of the state and specifically in nonattainment areas, air quality standards will not be met and public health and welfare will be endangered.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.02 REASONABLE MEASURES REQUIRED.

- (1) Air contaminant sources must take all reasonable measures to keep emissions to a minimum during startups, shutdowns, and malfunctions. These measures may include installation and use of alternate control systems, changes in operating methods or procedures, cessation of operation until the process equipment and/or air pollution control equipment is repaired, maintaining sufficient spare parts, use of overtime labor, use of outside consultants and contractors, and other appropriate means. Failures that are caused by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed September 21, 1988; effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994. Amendment filed August 26, 1997; effective November 11, 1997.

1200-03-20-.03 NOTICE REQUIRED WHEN MALFUNCTION OCCURS.

- (1) When any air contaminant source malfunctions in such a manner as to cause the emission of air contaminants in excess of the applicable emission standards contained in Division 1200-03 or any permit issued thereto, or of sufficient duration to cause damage to property or public health, the owner or operator of the air contaminant source shall promptly notify the Technical Secretary of such malfunction and provide a statement giving all pertinent facts, including the estimated duration of the malfunction. Violations of the visible emission standard (excluding visible emissions caused by hazardous air pollutants named in Chapter 1200-03-11) which occur for less than 20 minutes in one day (midnight to midnight) need not be reported. Prompt notification will be within 24 hours of the malfunction and shall be provided by telephone to the Division's Nashville office. The Technical Secretary shall be notified when the malfunction has been corrected. In attainment and unclassified areas if

(Rule 1200-03-20-.03, continued)

emissions other than from sources designated as significantly impacting on a nonattainment area in excess of the standards will not and do not occur over more than a 24-hour period (or will not recur over more than a 24-hour period) and no damage to property and or public health is anticipated, notification is not required. Any malfunction that creates an imminent hazard to health must be reported by telephone immediately to the Division's Nashville office and to the State Civil Defense.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed September 4, 1981; effective October 19, 1981. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.04 LOGS AND REPORTS.

- (1) (a) A log of all malfunctions, startups, and shutdowns resulting in emissions excess of the standards in Division 1200-03 or any permit issued thereto must be kept at the plant. This log must record at least the following:
 1. Stack or emission point involved.
 2. Time malfunction, startup, or shutdown began and/or when first noticed.
 3. Type of malfunction and/or reason for shutdown.
 4. Time startup or shutdown was complete or time the air contaminant source returned to normal operation.
 5. The company employee making entry on the log must sign, date, and indicate the time of each log entry.
 - (b) The information under parts (a) 1. and 2. of this paragraph must be entered into the log by the end of the shift during which the malfunction or startup began.
 - (c) All information shall be entered in the log no later than twenty-four (24) hours after the startup or shutdown is complete, or the malfunction has ceased or has been corrected.
 - (d) Any later discovered corrections can be added in the log as footnotes with the reason given for the change.
- (2) Reserved.

Authority: T.C.A. §§ 68-201-101 et seq., 68-201-105, and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed September 21, 1988; effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994. Amendment filed March 21, 2013; effective June 19, 2013.

1200-03-20-.05 COPIES OF LOG REQUIRED.

The Technical Secretary may require the owner or operator of any air contaminant source to submit a copy of the upset log required under rule .04 of this chapter to him ten (10) days after the request is received. The Technical Secretary can require submission of copies of the entire log.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.06 REPORT REQUIRED UPON THE ISSUANCE OF A NOTICE OF VIOLATION.

- (1) In the event excess emissions are emitted from any air contaminant source, a notice of violation shall automatically be issued except for visible emission levels included as a startup and/or shutdown permit condition under Paragraph 1200-03-05-.02(1) or determined to be de minimis under Rule 1200-03-20-.06.
- (2) The owner or operator of the violating air contaminant source shall submit within twenty (20) days after receipt of the notice of violation, the data required in paragraph (3) of this rule. If the data required in paragraph (3) of this rule has previously been available to the Technical Secretary or the Technical Secretary's representative prior to the issuance of the notice of violation no further action is required of the violating source. However, if the owner or operator of the source desires to submit additional information, then the additional information must be submitted within the twenty (20) day time period.
- (3) Each report required in paragraph 1200-03-20-.06(2) shall include as a minimum:
 - (a) The identity of the stack and/or other emission point where the excess emission(s) occurred;
 - (b) The magnitude of the excess emissions expressed in pounds per hour and the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
 - (c) The time and duration of the emissions;
 - (d) The nature and cause of such emissions;
 - (e) For malfunctions. The steps taken to correct the situation and the action taken or planned to prevent the recurrence of such malfunctions;
 - (f) The steps taken to limit the excess emissions during the occurrence reported, and
 - (g) If applicable, documentation that the air pollution control equipment, process equipment, or processes were at all time maintained and operated in a manner consistent with good operating practices for minimizing emissions.
- (4) Failure to submit the report required in paragraph (3) of this rule within the twenty (20) day period specified in paragraph (2) of this rule shall preclude the admissibility of the data for determination of potential enforcement actions.
- (5) Where the violations are determined from properly certified and operated continuous emission monitors, no notice of violation(s) will be automatically issued unless the specified de minimis levels are exceeded:

(Rule 1200-03-20-.06, continued)

<u>Source Type</u>	<u>De Minimis Pollutant Monitored</u>	<u>De Minimis Level</u>
(a) Fuel Burning Installations subject to Rule 1200-03-05-.01 or Rule 1200-03-05-.05 and having fuel burning equipment of input capacity greater than 600 x 106 Btu/hr.	Opacity	Two (2) percent of the time during calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place
	Sulfur Dioxide	One (1) 24-hour exceedance per calendar year
(b) Fuel Burning Installations subject to Rule 1200-03-05-.05, Rule 1200-03-05-.10, or Rule 1200-03-06- .05.	Opacity	One (1) percent of the time during a calendar quarter (Excluding period of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place
	Opacity	One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place.
(c) Fuel Burning Equipment subject to Rule 1200-03-16-.02 or Rule 1200-03-16- .59.	Opacity	One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) as long as no more than one (1) 24-hour exceedance per calendar year takes place.
	Sulfur Dioxide	One (1) 3-hour exceedance per year and/or one 24-hour exceedance per year (applicable to sources having three hour standard only)
(d) Kraft Recovery Furnaces subject to either Rule 1200-03- 05-.09 or Rule 1200- 03-16-.29.	Opacity	Six (6) percent of the time (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place.

(Rule 1200-03-20-.06, continued)

(e) Kraft Recovery Furnaces subject to either Rule 1200-03-07-.07 or Rule 1200-03-16-.29.	Total Sulfur	Reduced	One (1) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions).
(f) Lime Kilns subject to Rule 1200-03-07-.07(4).	Total Sulfur	Reduced	Two (2) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions).
(g) Sulfuric Acid Plants subject to Rule 1200-03-16-.06 and Liquid Sulfur Dioxide Plants subject to Rule 1200-03-19-.19.	Sulfur Dioxide		One (1) exceedance greater than 3 hours duration per year (Excluding periods of excused malfunctions).
(h) Primary Zinc Smelters subject to Rule 1200-03-16-.24.	Sulfur Dioxide		One (1) exceedance of greater than 3 hours duration but less than 24-hour duration per calendar year and/or one 24-hour exceedance per year (Excluding periods of startup, shutdown, or excused malfunction).
(i) Electric Arc Furnaces subject to Rule 1200-03-16-.26.	Opacity		One (1) percent of the time during a calendar quarter (Excluding time periods of startup, shutdown, or excused malfunction) so long as no more than one (1) 24-hour exceedance per calendar year takes place.
(j) Sulfur Dioxide Abatement System Serving Facilities Producing Organophosphate Compounds.	Sulfur Dioxide		One (1) exceedance of greater than 3 hours duration per calendar year (Excluding periods of excused malfunctions).
(k) Secondary Lead Furnaces subject to Rule 1200-03-16-.12.	Opacity		One half (1/2) percent of the time during a calendar quarter (Excluding time periods of startup,

(Rule 1200-03-20-.06, continued)

shutdown, or excused
malfunction).

- | | | |
|---|-----------------|--|
| (l) Any source type
utilizing a thirty day
rolling average. | Nitrogen Oxides | None (Excluding periods of
startup, shutdown, or excused
malfunction.) |
|---|-----------------|--|

For purposes of this Paragraph, the term 24-hour exceedance means a continuous exceedance of an emission standard having a total duration of greater than 24 hours (midnight to midnight).

- (6) No emission during periods of malfunction, start-up, or shutdown that is in excess of the standards in Division 1200-03 or any permit issued thereto shall be allowed which can be proved to cause or contribute to any violations of the Ambient Air Quality Standards contained in Chapter 1200-03-03 or the National Ambient Air Quality Standards.

Authority: T.C.A. §§ 68-201-101 et seq., 68-201-105, and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed October 28, 1981; effective December 14, 1981. Repealed and new rule filed July 13, 1994; effective September 26, 1994. Amendments filed August 18, 2016; effective November 16, 2016.

1200-03-20-.07 SPECIAL REPORTS REQUIRED.

- (1) The Technical Secretary may require any air contaminant source to submit a report within thirty (30) days after the end of each calendar quarter in a format he specifies containing as a minimum the following information:
- (a) The dates on which malfunctions, startups, and shutdowns resulted in emissions greater than those allowed by the emission standards in this Division 1200-03.
 - (b) The estimated amount of air contaminants emitted in excess of the emission standards in units of pounds of air contaminant per hour and pounds of air contaminant per day.
 - (c) Other emission characteristics such as stack exit temperature, stack height and diameter, stack exit velocities, and other similar information.
 - (d) Information needed to evaluate the possibility of instituting measures to eliminate or reduce the number of malfunctions and/or the amount of emissions from malfunctions, startups, and shut downs.
 - (e) Information to determine if the excess emissions truly result from a malfunction.
 - (f) Information to evaluate the impact of the emissions on the surrounding area.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Amendment filed October 28, 1981; effective December 14, 1981. Amendment filed September 21, 1988; effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.08 RIGHTS RESERVED.

- (1) Nothing in this chapter shall be construed to limit the obligation of the air contaminant source to attain and maintain the ambient air quality standards nor the authority of the Technical

(Rule 1200-03-20-.08, continued)

Secretary and/or Board to institute actions under other Chapters of these rules and the Tennessee Air Quality Act.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

1200-03-20-.09 ADDITIONAL SOURCES COVERED.

- (1) The Technical Secretary may order the owner or operator of other air contaminant sources to report in accordance with the requirement of this chapter for those sources in nonattainment areas or significantly impacting on nonattainment areas when he has reason to believe that an ambient air quality standard may be violated in the general vicinity where the source is located. There is sufficient reason (for purposes of this rule) to believe a standard may be violated if a value not to be exceeded more than once in a year is equalled or exceeded once and/or if individual readings have a mean excess of ninety per cent of a standard set for any given averaging interval regardless of the acceptability of the monitoring site, calibration of the monitor, and other similar matters. Even if there are no monitors in an area, if mathematical modelling and/or physical damage in the area indicate the standards may be violated, he may order such reporting.

Authority: T.C.A. §§ 68-201-105 and 4-5-201 et seq. **Administrative History:** Original rule filed February 5, 1979; effective March 21, 1979. Repealed and new rule filed July 13, 1994; effective September 26, 1994.

ATTACHMENT C
Evidence of Legal Authority

C1. Tennessee Code Annotated § 68-201-115

Tenn. Code Ann. § 68-201-115

Current through the 2021 First Extraordinary and the 2021 Regular Sessions.

- [TN - Tennessee Code Annotated](#)
- [Title 68 Health, Safety and Environmental Protection](#)
- [Environmental Protection](#)
- [Chapter 201 Tennessee Air Quality Act](#)
- [Part 1 Tennessee Air Quality Act](#)

68-201-115. Local pollution control programs — Exemption from state supervision — Applicability of part to air contaminant sources burning wood waste — Open burning of wood waste.

(a) Any municipality or county in this state may enact, by ordinance or resolution respectively, air pollution control regulations not less stringent than the standards adopted for the state pursuant to this part, or any such municipality or county may also adopt or repeal an ordinance or resolution which incorporates by reference any or all of the regulations of the board, or any federal regulations including any changes in such regulations, when such regulations are properly identified as to date and source. Copies of air pollution regulations shall be made available to any interested party, and the city or municipality may charge reasonable compensatory fees for providing such copies. At least three (3) copies of such regulations that are incorporated by reference shall be filed in the office of the county clerk and there kept for public use, inspection and examination. The filing requirements shall not be deemed to be complied with, unless the required copies of such regulations are filed with the clerk for a period of thirty (30) days before the adoption of the ordinance or resolution which incorporated such regulations by reference. No ordinance or resolution incorporating regulations by reference shall be effective until published in a newspaper having a general circulation in the municipality or county.

(b) Before such ordinances or resolutions enacting air pollution control regulations becomes effective, such municipality or county must apply for and receive from the board a certificate of exemption by the following procedure:

- (1) Any political subdivision desiring to be exempted from this part may file a petition for certificate of exemption with the technical secretary. The technical secretary shall promptly investigate such petition and make recommendation to the board as to its disposition;
- (2) Upon receiving the recommendation of the technical secretary, the board may, if such recommendation is for the granting of the petition, do so without hearing. If the recommendation of the technical secretary is against the granting of the petition or the board, in its discretion, concludes

that a hearing would be advisable, then a hearing shall be held not later than sixty (60) days after receipt of recommendation of the technical secretary by the board;

(3) The certificate of exemption shall be granted if the board determines that:

(A) The municipality or county has enacted provisions for the control of air pollution not less stringent than this part;

(B) The enactments referenced in subdivision (b)(3)(A) are being, or will be, adequately enforced; and

(C) The granting of the certificate will not interfere with the state's goal of maintaining the purity of the air resources of the state;

(4) The board may grant a certificate of exemption, in whole or in part, may prescribe a time schedule for various parts of an exemption to become effective, and may make a certificate of exemption conditional or provisional as is deemed appropriate;

(5) In granting any certificate of exemption, there is reserved to the state the right to initiate proceedings to enforce any applicable resolution, ordinance or regulation of the municipality or county should it fail to obtain compliance with the resolution, ordinance or regulation. Such proceedings shall be the same as for enforcement of any duly promulgated rule or regulation of the board;

(6) In granting any certificate of exemption, the exemption is to be strictly construed as limited to the language of the exemption. No power or authority that is not expressly stated in the certificate of exemption may be implied. The municipality or county may further petition the board for such power or authority; and

(7) The department shall frequently determine whether or not any exempted municipality or county meets the terms of the exemption granted and continues to comply with this section. If a determination is made that the municipality or county does not meet the terms of the exemption granted or does not comply with this section, the department shall so notify the board, and the board, upon reasonable notice to the municipality, may suspend the exemption in whole or in part until such time as the municipality or county complies with the state standards.

(c)

(1) All new certificates of exemption shall be for a fixed term not to exceed two (2) years. This part does not apply to emissions from any air contaminant source, as defined in this part, which burns wood waste solely for the disposition of such wood waste; provided, however, that open burning of wood waste within two hundred feet (200') of an occupied building by any person other than an occupant of the building shall only be conducted as follows:

(A) At least one (1) person shall be constantly present at the burning during the entire time of the burn;

(B) Each burn shall not exceed forty-eight (48) hours in duration;

- (C) Burning shall not occur more than twice in any thirty-day period; and
- (D) If the burning occurs within one hundred feet (100') of an occupied building, it may only occur if an adult occupant of the building gives written authorization for the burn to occur and has not rescinded the authorization in writing.
- (2) Provided further, however, that, if a local government has enacted or enacts more stringent requirements concerning such open burning of wood waste, those provisions shall control over the requirements of this subsection (c).
- (d) Local government actions taken in accordance with this section shall be conducted in accordance with the Major Energy Project Act of 1981, compiled in title 13, chapter 18, when the action includes a major energy project, as defined in § 13-18-102.
- (e)
- (1) If a municipality or county has received a certificate of exemption pursuant to this section, then the municipality or county shall offer a process to grant waivers from its open burning regulations.
- (2) Open burning waivers may be approved by the director of the municipal or county air pollution program, if there is no other practical, safe, and lawful method of disposal; provided, that the burning is conducted in a manner to protect public health and the environment.
- (3) Nothing in this subsection (e) shall be construed as eliminating or limiting the sanctions or obligations imposed by title 39, chapter 14, part 3.
- (f) No municipality or county shall include land use or zoning requirements in its air pollution control regulations or the municipality's or county's certificate of exemption granting the municipality or county the authority to enact the regulations.
- (g) No municipality or county shall request that the board include land use or zoning requirements in the state implementation plan submitted to the United States environmental protection agency pursuant to 42 U.S.C. § 7410.

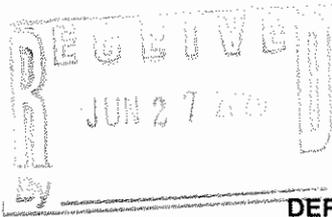
History

Acts 1967, ch. 367, § 15; 1971, ch. 266, § 1; 1971, ch. 365, §§ 1, 2; 1972, ch. 787, § 1; 1973, ch. 325, §§ 4, 6; 1974, ch. 598, § 1; 1975, ch. 359, § 1; 1977, ch. 116, § 1; 1977, ch. 169, § 2; impl. am. Acts 1978, ch. 934, §§ 22, 36; Acts 1979, ch. 299, § 7; 1981, ch. 131, § 29; T.C.A., § 53-3422; Acts 1984, ch. 788, § 12; T.C.A., § 68-25-115; Acts 1994, ch. 658, §§ 1-3; 2007, ch. 559, § 1; 2013, ch. 156, § 1; 2017, ch. 284, §§ 1, 2.

TENNESSEE CODE ANNOTATED

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C2. Certificate of Exemption



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243

June 18, 2020

Bob Rogers, Technical Manager
Air Pollution Control Program
Shelby County Health Department
814 Jefferson Avenue
Memphis, TN 38105

Certified Article Number

9414 7266 9904 2154 5117 89

SENDER'S RECORD

Dear Bob Rogers,

Enclosed is the Certificate of Exemption and a copy of the associated Board Order approved by the Tennessee Air Pollution Control Board on June 10th, 2020. The certificate is effective July 1, 2020 and expires on June 30, 2022 as authorized by TCA 68-201-115.

In our review, we noticed that some of the local program websites that have multiple jurisdictions do not have a copy of the ordinances/regulations for each local jurisdiction. As this could potentially complicate your enforcement efforts, we encourage having the local ordinances/regulations for all jurisdictions accessible from your website (or links to those jurisdictions' ordinances/regulations). Keeping easy access to applicable local ordinances/regulations, and keeping those current, is an important aspect to achieving compliance with your local air ordinances/regulations.

Also, we would like to request that you include Marc Corrigan with a copy to Paul LaRock as recipients of all public notices for any air related rule-making your agency undertakes. We generally prefer to provide any comments during the public comment period, or before, rather than at some point later, if possible.

A copy of these documents will be forwarded to the Environmental Protection Agency, Region 4, for informational purposes. If you have any questions or if you need further assistance, please contact Marc Corrigan (marc.corrigan@tn.gov or 615.532.0616).

Sincerely,

Michelle Owenby
Technical Secretary

Enclosures (2)

DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL

CERTIFICATE OF EXEMPTION

By authority of Tennessee Code Annotated Section 68-201-115,
the Tennessee Air Pollution Control Board Declares that

**Memphis and Shelby County, Tennessee
and all Included Municipalities**

are
exempt from the provisions of the
Tennessee Air Quality Act as found in
Tennessee Code Annotated Title 68, Chapter 201,
subject to such limitations as established by the Board pursuant
to Board Order No. 26-019, passed
by the Board on this the 10th day of June 2020

Air Pollution Control Board Members of the State of Tennessee

Ronnie Adkins

Dr. Ronné Adkins, Ph.D.

John G. Bonitez MD, MPH

John G. Bonitez, MD, MPH (Jun 11, 2020 07:30 CDT)

Dr. John Bonitez

Karen Cislér

Karen Cislér (Jun 17, 2020 19:51 CDT)

Karen Cislér

Joshua Fu

Joshua Fu (Jun 10, 2020 20:14 EDT)

Dr. Joshua Fu, Ph.D.

Stephen R. Gossett

Stephen R. Gossett (Jun 11, 2020 07:40 EDT)

Stephen R. Gossett

Mike Haverstick

Mike Haverstick (Jun 11, 2020 08:27 CDT)

Michael Haverstick

Shawn Hawkins

Shawn Hawkins (Jun 11, 2020 11:26 EDT)

Dr. Shawn A. Hawkins

Richard Holland

Richard Holland (Jun 10, 2020 21:25 CDT)

Richard Holland

Calvin Jennings

Calvin Jennings (Jun 10, 2020 17:02 CDT)

Calvin Roberts Jennings

Ken Moore

Ken Moore (Jun 10, 2020 17:09 CDT)

The Honorable Ken Moore, City of

Franklin Spenn

Amy Spenn, P.E.

Greer Tidwell

Greer Tidwell (Jun 15, 2020 12:14 CDT)

Greer Tidwell Jr.

Larry Waters

Larry Waters (Jun 11, 2020 15:08 EDT)

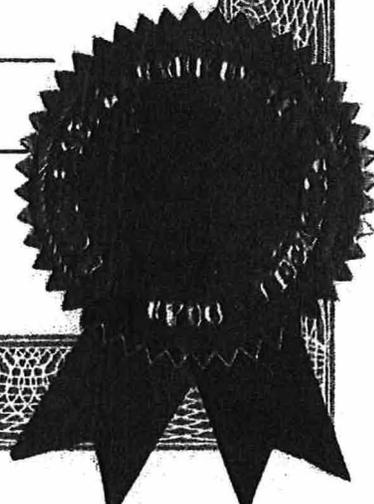
The Honorable Larry Waters, Sevier

Jimmy West

Jimmy West (Jun 10, 2020 18:51 CDT)

Jimmy West

Expiration Date: June 30, 2022



II.

In accordance with Section 68-201-115(b)(3), the Shelby County Air Pollution Control Program does enforce regulations and/or ordinances for the control of air pollution that are not less stringent than the State's. Therefore, the Air Pollution Control Board of the State of Tennessee does hereby grant a Certificate of Exemption to Shelby County and all included municipalities for a two (2) year period. The certificate goes into effect on **July 1, 2020**, and expires on **June 30, 2022** as authorized by T.C.A. Section 68-201-115(c). During this period, Shelby County and all included municipalities shall be exempt from the provisions of the Tennessee Air Quality Act with respect to the power and authority to enforce the following as set forth in the ordinances, regulations or other rules where indicated below:

1. Ambient air quality standards;
2. Open burning regulations;
3. Visible emission standards;
4. Non-process emission limitations;
5. Process emission limitations;
6. Fugitive dust regulations;
7. Permitting requirements:
 - A. Construction Permits:
 - (1) New Source Review – Growth Policy
 - (2) PSD authority
 - (3) Minor Source Permits
 - B. Operating Permits:
 - (1) Initial and Renewal
 - (2) Federally Enforceable
 - C. Part 70 Operating Permits

D. Asbestos Demolition and Renovation Projects

8. All National Emission Standards for Hazardous Air Pollutants, and Maximum Achievable Control Technology Standards and other standards and regulations for hazardous air pollutants (including authority to determine Maximum Achievable Control Technology Standards) and authority to incorporate them into permits to comply with all provisions of Section 112 of the Federal Clean Air Act and enforcement of these standards and regulations;
9. Methods of sampling and analysis;
10. Enforcement and Compliance provisions:
 - Determining that any decision of the local Board or of any order, final order, determination, rule, regulation or ordinance of the Director of the Shelby County Health Department or of her designated representative, or of any included governmental entity, where applicable, has been violated, that such violation constitutes a public nuisance, and abating such a public nuisance in the manner provided by the general law relating to the abatement of public nuisances, and instituting legal proceedings to abate a public nuisance on behalf of a municipality or a county;
 - Instituting, or causing to be instituted in a court of competent jurisdiction, legal proceedings to compel compliance with any decision of the local Board or with any order, final order, determination, rule, regulation or ordinance of the Director of the Shelby County Health Department or her designated representative, or of any included governmental entity where applicable;
 - Obtaining compliance with air pollution control rules and regulations by conference, conciliation, persuasion, issuance of formal notices of violation and prosecution thereof; including when appropriate, holding hearings and issuing orders to assess civil penalties for each violation where each day of violation is a separate offense, and including, when appropriate, judicial proceedings or referral to the U.S. Environmental Protection Agency or district attorney general for prosecution;
 - Providing for appellate review by the local air board of decisions, rulings, determinations, failure to act, or to act within a reasonable timeframe, by the Shelby County Health Department;
11. Control of emissions of particulate matter including PM10, and PM2.5 and precursors;
12. Control of emissions of carbon monoxide;

13. Control of emissions of the precursors to ozone including volatile organic compounds and nitrogen oxides;
14. Control of emissions of sulfur oxides, emissions of sulfuric acid and sulfur trioxide (combined);
15. Control of emissions of lead;
16. Emergency episode regulations including emergency stop orders;
17. New Source Performance Standards (NSPS) as set forth in Chapter 1200-3-16 and 40 CFR Part 60 and Emission Guidelines as set forth in 40 CFR Part 60, after adoption as local laws, as listed below:
 - General Provisions;
 - Fossil fuel-fired steam generating units of more than 250 million Btu/hr heat input rate which commenced construction after August 17, 1971;
 - Fuel-fired steam generators for which construction commenced after April 3, 1972;
 - Electric utility steam generating units for which construction commenced after September 18, 1978;
 - Incinerators;
 - Municipal waste combustors;
 - Portland cement plants;
 - Sulfuric acid plants;
 - Nitric acid plants;
 - Asphalt concrete plants (hot mix asphalt facilities);
 - Petroleum refineries;
 - Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973 and prior to May 19, 1978;
 - Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978 and prior to July 23, 1984;
 - Secondary lead smelters;

- Secondary brass and bronze ingot production plants;
- Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;
- Sewage treatment plants, incinerators;
- Phosphate fertilizer industry for:
 - Wet process phosphoric acid plants;
 - Super phosphoric acid plants;
 - Diammonium phosphate plants;
 - Triple superphosphate plants;
- Granular triple superphosphate storage facilities;
- Primary aluminum reduction plants;
- Coal preparation plants;
- Primary copper smelters;
- Primary zinc smelters;
- Primary lead smelters;
- Steel plant electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;
- Ferroalloy production;
- Lime Manufacturing plants;
- Kraft pulp mills;
- Grain elevators;
- Stationary gas turbines;
- Ammonium sulfate manufacture;
- Glass manufacturing plants;

- Automobile and Light-duty truck surface coating operations;
- Asphalt processing and asphalt roofing manufacture;
- Industrial surface coating: large appliances;
- Surface coating of metal furniture;
- Metal coil surface coating;
- Graphic arts industry: Publication Rotogravure Printing;
- Beverage can surface coating industry;
- Metallic mineral processing plants;
- Pressure sensitive tape & label surface coating operations;
- Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;
- Bulk-gasoline terminals;
- Synthetic fiber production facilities;
- Lead-acid battery manufacturing plants;
- Equipment leaks of VOC in petroleum refineries;
- Flexible vinyl & urethane coating and printing;
- Petroleum dry cleaners;
- Phosphate rock plants;
- Equipment leaks of VOC from onshore natural gas processing plants;
- Electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983;
- Onshore natural gas processing: SO₂ emissions;
- Non-metallic mineral processing plants;

- Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;
- Wool fiberglass insulation manufacturing plants;
- Industrial Surface Coating: plastic parts for business machines;
- Industrial-commercial-institutional steam generating units;
- Rubber Tire Manufacturing Industry;
- Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed on or after July 23, 1984;
- Calciners and Dryers in Mineral Industries;
- Municipal Solid Waste Landfills;
- Small industrial-commercial-institutional steam generating units;
- Hospital/medical/infectious waste incineration;
- Volatile organic compound (VOC) emissions from the polymer manufacturing industry;
- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;
- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) distillation operations;
- Volatile organic compound (VOC) emissions from petroleum refinery wastewater systems;
- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) reactor processes;
- Magnetic tape coating facilities;
- Polymeric coating of supporting substrates facilities;
- Commercial and industrial solid waste incineration units for which construction is commenced after November 30, 1999 or for which modification or reconstruction is commenced on or after June 1, 2001;

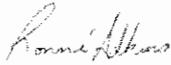
18. Emission limitations for hospital/medical/infectious waste incineration;

19. Administrative procedures including emissions credit banking and emissions trading policy statements;
20. Emissions limitations and monitoring;
21. Regulation of malfunctions, start-ups, and shutdowns;
22. Alternate emissions limitations;
23. General policies or plans; [Ozone Attainment and Maintenance Plans (SIP); * Program Operating Procedures; Carbon Monoxide Maintenance Plan (SIP); Lead Maintenance Plan (SIP); Particulate Matter Control Plan (PM_{2.5});
24. System of permits and/or certificates and emission fees to include the Title V Permit Program;
25. Scheduling and collecting of fees for review of plans and specifications, issuance or renewal of permits or certificates (including Title V permit fees), inspection of air pollutant sources, including building demolition and renovation, and computer and research time;
26. Developing and recommending a comprehensive air pollution control program, reviewing such program, and recommending changes as may be deemed appropriate;
27. Requiring the furnishing of information from persons causing, or who may be about to cause air pollution;
28. Entering in or upon private or public property for the purpose of inspecting and investigating any air contaminant source;
29. Receiving, budgeting, receipting for and administering such monies as are appropriated or granted for carrying out the program of the local Board;
30. Collecting and disseminating information relative to air pollution; encouraging voluntary cooperation in preserving and restoring a reasonable degree of air purity; and advising, consulting and cooperating with other agencies, persons or groups in matters pertaining to air pollution;
31. Handling correspondence, keeping records, preparing reports and performing such duties as are necessary or authorized;
32. Granting or denying petitions for variances after first submitting variances to be issued to the Tennessee Division of Air Pollution Control for review;

33. Regulation of Infectious Waste Incinerators;
34. Regulation of good engineering practice stack height requirements;
35. Abatement of air contaminants, uncombined water, or a combination which reduces visibility across any road to cause a hazard;
36. Transportation Conformity Rule requirements;
37. Confidentiality determinations.

III.

Approved by the following members of the Air Pollution Control Board of the State of Tennessee and entered on this 10th day of June, 2020.



Dr. Ronnè Adkins, Ph.D.

John G. Benitez, MD, MPH

John G. Benitez, MD, MPH (Jun 11, 2020 07:38 CDT)

Dr. John Benitez

Karen Cisler

Karen Cisler (Jun 17, 2020 19:51 CDT)

Karen Cisler

Joshua Fu

Joshua Fu (Jun 10, 2020 20:14 EDT)

Dr. Joshua Fu, Ph.D.

Stephen R Gossett

Stephen R Gossett (Jun 11, 2020 07:40 EDT)

Stephen R. Gossett

Mike Haverstick

Mike Haverstick (Jun 11, 2020 08:27 CDT)

Michael Haverstick

Shawn Hawkins

Shawn Hawkins (Jun 11, 2020 11:28 EDT)

Dr. Shawn A. Hawkins

Richard Holland

Richard Holland (Jun 10, 2020 21:25 CDT)

Richard Holland

Caitlin Roberts Jennings

Caitlin Roberts Jennings (Jun 10, 2020 17:02 CDT)

Caitlin Roberts Jennings

Ken Moore

Ken Moore (Jun 10, 2020 17:09 CDT)

The Honorable Ken Moore, City of Franklin

Amy Spann

Amy Spann, P.E.

Greer Tidwell

Greer Tidwell (Jun 15, 2020 12:14 CDT)

Greer Tidwell Jr.

Larry Waters

Larry Waters (Jun 11, 2020 15:08 EDT)

The Honorable Larry Waters, Sevier County

Jimmy West

Jimmy West (Jun 10, 2020 18:51 CDT)

Jimmy West

ATTACHMENT D

Public Notice – Startup, Shutdown, and Malfunction

(The Daily News, Nov. 2, 2021, publication number Mqd83146)

Public Notices

Court Notices

Continued from Page 13

named Court on or before the earlier of the dates prescribed in (1) or (2), otherwise their claims will be forever barred.

(1)(A) Four (4) months from the date of the first publication (or posting, as the case may be) of this notice if the creditor received an actual copy of this Notice to Creditors at least sixty (60) days before the date that is four (4) months from the date of the first publication (or posting); or

(B) Sixty (60) days from the date the creditor received an actual copy of the Notice to Creditors, if the creditor received the copy of the notice less than sixty (60) days prior to the date that is four (4) months from the date of first publication (or posting) as described in (1)(A); or

(2) Twelve (12) months from the decedent's date of death.

This 29th day of October, 2021.

Jeffrey Jay Willingham Executor

Attorney for the Estate:

Warren P. Campbell

Nov. 2, 9, 2021

Cqd83165

ORDER OF PUBLICATION In the CHANCERY COURT of Shelby County, Tennessee

No.CH-21-0548

JENNIFER STEWART

Plaintiff(s)

SHELBY COUNTY TRUSTEE, JOANN LOONEY, BILLY R. LOONEY, WARREN LOONEY, AND ALL PREVIOUS OWNERS, KNOWN AND UNKNOWN.

Defendants(s)

It appearing from the complaint in this cause which is sworn to that:

There are parties with unknown addresses as prayed for in the Amended Petition to Quiet Title filed on October 29, 2021, as to all previous owners of 1485 Saint Charles Cove, Memphis, TN 38127.

It is therefore ordered that they make themselves appearance herein at the court House of Shelby County, in the city of Memphis, Shelby County, TN on December 31, 2021 and answer plaintiffs' complaint for Petition to Quiet Title or the same will be taken for confessed as to defendant(s), and set for hearing ex parte, and that a copy of this order be published once a week for four successive weeks in the Daily News.

This 29th day of October, 2021.

A True Copy - Attest:

W. Aaron Hall, Clerk & Master

By Alex Graham, D.C. & M.

Jocelyn V. Henderson

Attorney for Petitioner

Nov. 2, 9, 16, 23, 2021

Cqd83172

ORDER OF PUBLICATION In the CHANCERY COURT of Shelby County, Tennessee

No.CH-21-0766

JOCELYN V. HENDERSON

Plaintiff(s)

SHELBY COUNTY TRUSTEE, NATHANIEL RUCKER, AND ALL PREVIOUS OWNERS, KNOWN AND UNKNOWN.

Defendants(s)

It appearing from the complaint in this cause which is sworn to that:

There are parties with unknown addresses as prayed for in the Amended Petition to Quiet Title filed on October 29, 2021, as to all previous owners of 624 Bethel Avenue, Memphis, TN 38107.

It is therefore ordered that they make themselves appearance herein at the court House of Shelby County, in the

city of Memphis, Shelby County, TN on December 31, 2021 and answer plaintiffs' complaint for Petition to Quiet Title or the same will be taken for confessed as to defendant(s), and set for hearing ex parte, and that a copy of this order be published once a week for four successive weeks in the Daily News.

This 29th day of October, 2021.

A True Copy - Attest:

W. Aaron Hall, Clerk & Master

By Alex Graham, D.C. & M.

Jocelyn V. Henderson

Attorney for Petitioner

Nov. 2, 9, 16, 23, 2021

Cqd83173

Bid Notices

Shelby County

MEMPHIS LIGHT, GAS AND WATER DIVISION CITY OF MEMPHIS MEMPHIS, TENNESSEE MAIL OPERATIONS SHIPPING AND RECEIVING SOLUTION CONTRACT NO. 12332 NOTICE TO BIDDERS

Sealed Bids and Qualifications will be received from bidders on Tuesday, November 2, 2021 at the Contracts Management Office, Memphis Light, Gas and Water Division ("MLGW" or "Division"), Room 323, 220 South Main Street, Memphis, Tennessee (mailing address: P.O. Box 430, Memphis, Tennessee 38101-0430), **prior to 4:00 PM CDT/CST.** If you bring your bid to MLGW, please allow 30 minutes prior to 4:00 PM CDT/CST for MLGW security clearance and delivery of bids to the Contracts Management Department. The official time of receipt will be established in the Contracts Management Department and not at the main floor security desk. Bids will be publicly opened and read on **Wednesday, November 3, 2021 at 2:00 PM CDT/CST.** The project scope covers the rental and installation of a new shipping and receiving solution for MLGW's Communication Production and Distribution Department which includes four (4) parts: Inbound Parcel Processing System; Outbound Parcel Processing System; Address Hygiene/Postal Sorting Softly; and an Address Printer as well as four (4) hand-held devices; one (1) wireless wedge scanner; media guide; parts; repairs; service calls; software updates; and maintenance and support services covering a 24-month period in accordance as outlined in the Contract Documents and Specifications.

***Electronic Submission of Bids via email is acceptable to aorr@mlgw.org. Bids received after the bid due date will not be accepted.**

NOTE: It is the responsibility of the Bidder to confirm MLGW has received your electronic submission. If MLGW does not confirm receipt, it is possible that your bid was not received.

***Due to the COVID-19 Pandemic, bids will be publicly opened and read via teleconference on Wednesday, November 3, 2021 at 2:00 PM CDT/CST. Call in Number: 901-729-8200; Conference ID: 4020#; Personal Code 1111#.**

Oct. 27, 29, Nov. 2, 2021 Bqd82766

LEGAL NOTICE

Sealed bids or proposals will be received, from participants by Memphis Light, Gas and Water Division (MLGW) prior to **4:00 PM CDT/CST Tuesday, November 2, 2021 via MLGW's iSupplier Portal.** Bidders must perform a commercially useful function in the performance of the agreement. Bids (RFQ's) will be publicly opened and read **via Zoom at 2:00 PM CDT/CST Wednesday, November 3, 2021** for furnishing MLGW with:

Morton DPC Control Panels SEALED BID (RFQ) ON MORTON DPC CONTROL PANELS MADE IN ACCORDANCE WITH MLGW DRAWING

MLGW has implemented an iSupplier Portal system in an effort to be more accessible to MLGW's suppliers. You may access the system via MLGW's website, www.mlgw.com or at www.mlgw.com/bids. You may contact the Purchasing Department at (901) 528-4701 for assistance. Suppliers **MUST** be registered on the iSupplier Portal to submit a bid (RFQ). To register in the iSupplier Portal, click the following and

complete the information listed: [MLGW iSupplier Portal \(New Suppliers\)](#) or call MLGW Purchasing Department for assistance. To respond to an open RFQ, send an email to the corresponding Procurement Specialist and request an invite. Suppliers may continue to view available bid openings on the Online Bid Notification System but must submit quotes via iSupplier Portal. For questions, please email isupplier@mlgw.org.

MEMPHIS LIGHT, GAS AND WATER DIVISION CAMELA MITCHELL, SUPERVISOR OF PURCHASING CONTACT: A'RICKA JACKSON SENIOR PROCUREMENT SPECIALIST (901) 528-4701

Oct. 27, 29, Nov. 2, 2021 Bqd82925

LEGAL NOTICE TO BIDDERS

Sealed bids (or Request for Proposals, where indicated as RFP) will be received at the Office of the City of Memphis Purchasing Agent, Room 354, City Hall, 125 N. Main St., Memphis, TN 38103, until 12:00 noon Wednesday, on the dates indicated below, for furnishing the City of Memphis with the following:

PRODUCTS AND/OR SERVICES

DUE NOVEMBER 17, 2021

(1) RFQ #52463
BIOHAZARD/MEDICAL WASTE REMOVAL SERVICES

(2) RFQ #52465
EMS MEDICAL SUPPLIES

DESIGNATED AS SBE BID(S) PER ORDINANCE #5366 AND DUE NOVEMBER 17, 2021

(3) RFQ #52461
OVERHEAD DOOR PARTS, SUPPLIES & SERVICES

(4) RFQ #52466
EXTREME NETWORK PRODUCTS RENEWAL

REQUEST FOR PROPOSALS

DUE DECEMBER 1, 2021

(5) RFP #52470
CMAR FOR THE NEW WHITEHAVEN BANQUET FACILITY

Project Note: A Mandatory Pre-Proposal Conference will be held via ZOOM on Tuesday, November 9, 2021 at 10:00 AM. For further information please contact Craig Hodge by email at craig.hodge@memphistn.gov or by phone at (901) 636-6248.

DUE DECEMBER 8, 2021

(6) RFP #52334
VEGETATION MANAGEMENT PROGRAM

The above RFP's can be downloaded from the City's website: www.memphistn.gov Under RFPs & RFQs.

CONSTRUCTION PROJECTS:

All bidders, if required, must be licensed contractors as required by Title 62, Chapter 6, of the Tennessee Code Annotated. Bidders' license number, expiration date and that part of the classification applying to the bid must appear on the envelope containing the bid; otherwise the bid will not be opened - except if the bid amount is under \$25,000.00.

CERTIFICATION BY EACH BIDDER MUST BE MADE WITH RESPECT TO NON-DISCRIMINATION IN EMPLOYMENT. THE CITY OF MEMPHIS ENCOURAGES THE PARTICIPATION OF SMALL AND MINORITY BUSINESSES IN THE PURCHASING PROCESS.

DUE NOVEMBER 17, 2021

(7) RFQ #52458
CONSTRUCTION OF: INSTALLATION OF CURED IN PLACE PIPE IN VARIOUS LOCATIONS (CIIP ANNUAL FY22)

PLANS, SPECIFICATIONS AND DEPOSIT INFORMATION AVAILABLE FROM: Gary Vaden at the Division of

Public Works located at 125 N. Main, Ste 620, Memphis, TN, 38103. He can be contacted by email at gary.vaden@memphistn.gov or by phone at (901) 636-7123.

By Order of the Mayor of the City of Memphis, Tennessee.

Jim Strickland

Mayor

Tim Boyles, City Purchasing Agent
Nov. 2, 3, 2021 Bqd83157

ALL INTERESTED RESPONDERS

The Shelby County Board of Education will accept written proposals for IFB 11192021LJS Raleigh Egypt HS Track Replacement. A mandatory pre-bid meeting is scheduled for this project at Raleigh Egypt High School, 3970 Voltaire, Memphis, TN 38128 on November 5, 2021 at 9:30am CST.

Bidders must wear appropriate PPE gear upon entering any SCS location and sign in.

Visit our website for additional information: www.scsk12.org (Click 'Doing Business with SCS') Click on Bids & RFPs.

Nov. 2, 2021 Bqd83177

Misc. Notices

Shelby County

NOTICE OF SALE

GARAGE KEEPER PURSUANT TO TCA-66—19-103, THIS IS TO GIVE NOTICE THAT BLUFF CITY JAGUAR, INC. WILL ON NOVEMBER 15, 2021 AT 10:00 AM AND AT 6335 WHEEL COVE, MEMPHIS, TN. 38119, SELL TO THE HIGHEST AND BEST BIDDER FOR CASH THE FOLLOWING VEHICLE.

2002 JAGUAR S-TYPE
SAJDA01PX2GM23433
THE ABOVE DESCRIBED VEHICLE WAS LEFT AT BLUFF CITY JAGUAR, INC. FOR REPAIRS
BY: DENNIS FRY
GENERAL MANAGER
Oct. 27, 29, Nov. 2, 3, 5, 9, 2021
Mqd83114

NOTICE

THESE VEHICLES WILL BE SOLD @ AUCTION ON: **11/16/2021** @ 9:00 AM IN LIEU OF STORAGE CHARGES AND TOWING. 788 S. MAIN ST., MEMPHIS, TN. 38106
1998 HONDA ACCORD
VIN#1HGCG1652WA008042
DAVID COX
2009 KAWASAKI
VIN#JKAEXVD189A115304
KYLE SALZGEBER
2013 HONDA ACCORD
VIN#1HGCT1B77DA021854
MIKHAILA LENOIR
2015 FORD FUSION
VIN#3FA6P0K91FR196742
BRENDA HAMPTON
ALLY FINANCIAL
2007 DODGE CALIBER
VIN#1B3HB48B87D588003
KOOL'S AUTO SALES & TRANSPORT
2012 FORD FOCUS
VIN#1FAHP3F26CL444050
NO RECORD
2019 DODGE JOURNEY
VIN#3C4PDCEG3KT717380
LUPITA CHAPA
CARMAX BUSINESS SVCS LLC
1994 LEXUS
VIN#JT8GK13T7R0057537
JODECI DAVIS
TMX FINANCE
2015 NISSAN MURANO
VIN#5N1AZ2MH6FN284859
WILLIE G BENNTT JR
SUMMIT CREDIT UNION
Nov. 2, 2021 Mqd83102

NOTICE

The Shelby County Health Department (Department), Pollution Control Section has received applications to construct or modify air contaminant sources at the following locations and of the following descriptions. These permitting actions are **not** subject to the Prevention of Significant Air Quality Deterioration (PSD) requirements, as described in the Rules and Regulations of the State of Tennessee, Section 1200-3-9.01 (4)(a)2.

**Construction
DHL Supply Chain**
3387 Tchulatech Drive

Requesting a permit to install a seed repackaging operation.

A copy of the application materials used by the Department is available for public inspection at the Pollution Control Section office, during normal business hours (8:00 am – 4:30 pm). Interested parties are invited to review these materials and provide written comments. Written comments will be accepted for a period of thirty (30) calendar days after the date of this public notice at the following address:

Shelby County Health Department
Attn: Larry Smith
Technical Manager
1826 Sycamore View Road
Memphis, TN 38134
Nov. 2, 2021 Mqd83138

PUBLIC NOTICE

Bryce Corporation has applied to the Shelby County Health Department (SCHD), Pollution Control Section, to renew their Title V major source operating permit (Permit No. 00420-01TV). This renewal includes no modifications from the previous permit.

This facility is subject to the provisions of City of Memphis Code Section 16-77 [Reference Rules and Regulations of Tennessee, Rule 1200-3-9.02 (11)] (frequently referred to as the Title V regulations). A Title V operating permit is required by the Federal Clean Air Act and the City of Memphis Code. This Bryce Corporation facility is located at 4505 Old Lamar Avenue, Memphis, Tennessee. Operations at this facility consist primarily of the manufacture packaging materials for snack food applications.

A copy of the application materials used by the Department and a copy of the draft permit are available for public inspection at the Pollution Control Section office during normal business hours (8:00 am – 4:30 pm) or by visiting the Shelby County Health Department website at <http://www.shelbytnhealth.com/310/Air-Pollution-Control-Public-Notices>. Interested parties are invited to review these materials and provide written comments. In addition, a public hearing may be requested at which written or oral presentations may be made. To be considered, written comments or requests for a public hearing must be made within thirty (30) days after the date of this notice and should be addressed to:

Mr. Larry Smith, Technical Manager
Pollution Control Section
Shelby County Health Department
1826 Sycamore View Road
Memphis, TN 38134
(e-mail larry.smith@shelbycountyttn.gov)

Individuals with disabilities who wish to review this information should contact the Department, Pollution Control Section, to discuss any auxiliary aids or services needed to facilitate such review. Contact may be in person, in writing, by telephone, or other means, and should be made no less than ten days prior to the end of the public comment period to allow time to provide such aid or services.

Questions concerning the source may be addressed to Mr. Wasim Khokhar at the above referenced address or by calling (901) 222-9587 or by e-mail at Wasim.Khokhar@shelbycountyttn.gov.

The United States Environmental Protection Agency (EPA) required 45-day review period has been issued concurrently with this public notice. Although performed concurrently, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended.

The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/caa-permitting/tennessee-proposed-title-v-permits>
Nov. 2, 2021 Mqd83139

PUBLIC NOTICE

The Shelby County Health Department – Pollution Control Section (SCHD-PCS) is requesting public comments on a revision to Tennessee's State Implementation Plan (SIP) specific to Shelby County, Tennessee. This SIP revision requests EPA approval for the incorporation by reference of Tennessee Comprehensive Rules and Regulations,

The Daily
News
Call 523-1561
- Today!

Public Notices

Chapter 1200-3-20 titled "Limits on Emissions due to Malfunctions, Start-ups, and Shutdowns" into the air codes of Shelby County, the City of Memphis, and the included municipalities as a SIP revision to the Shelby County portion of the Tennessee SIP.

A copy of the revised SIP is available for public inspection at the Pollution Control Section office noted below during normal business hours (8:00 am - 4:30 pm). It can also be found at the following web sites: <https://www.shelbytnhealth.com/310/Air-Pollution-Control-Public-Notices> or at www.shelbycountyttn.gov. Interested parties are invited to review these materials and provide written comments. Anyone desiring to make oral comments at the public hearing is requested to prepare a written copy of these comments to be submitted to the hearing officer. All comments received during the public comment period will be distributed to members of the Tennessee Air Pollution Control Board for their review prior to submission to the EPA. The public comment period will end at the close of business 30 days from the date of this publication. Written comments not submitted at the public hearings will be included in the hearing record only if received by the end of the public comment period and must be addressed to:

Larry Smith, Technical Manager
Pollution Control Section
Shelby County Health Department
1826 Sycamore View Road
Memphis, TN 38134
(e-mail larry.smith@shelbycountyttn.gov)

A public hearing to receive oral or written comments has been scheduled at the respective date and location below:

November 15, 2021
Shelby County Health Department
Meeting Room 2, 2:00 PM
1826 Sycamore View Road
Memphis, TN 38134

Individuals with disabilities who wish to review this information should contact the SCHD, Pollution Control Section, to discuss any auxiliary aids, accommodations or services needed to facilitate such review. Contact may be in person, writing, telephone or other means, and should be made no less than ten (10) days prior to the end of the public comment period to allow time to provide such aid or services. Questions concerning these documents may be addressed to Larry Smith at the above referenced address or by calling (901) 222-9575.

Nov. 2, 2021 Mqd83146

PUBLIC NOTICE

I am seeking clear title on a 2010 Cherokee Jeep Compass, 2.4 Engine, VIN # 1J4NT4FBXAD554213. Anyone claiming interested should contact Marcus Lanton by certified mail at 4417 Forest Valley Cove, Memphis, TN 38141 by 10 days.

Nov. 2, 2021 Mqd83151

NOTICE

VEHICLE TO BE AUCTIONED AT 2216 FLORIDA STREET MEMPHIS TN 38109 8AM @ SIMPLE AUTO LLC NOVEMBER 6, 2021 GMC TERRAIN VIN 2CTAL-BEW1A6379415

Nov. 2, 2021 Mqd83152

NOTICE OF PROPOSED SALE OF REAL PROPERTY BY SHELBY COUNTY GOVERNMENT

Notice is hereby given, pursuant to T.C.A. § 67-5-2507, that Shelby County Government has received an Offer to Purchase for the following property:
 Bryce & Brown Home Builders LLC
 Tax Parcel # **07105500000370**
 Tax Sale# 1004
 Price Offered: \$1,125.00
 Terms: Cash
 Additional Offers to Purchase, of at least ten percent (10%) higher may be submitted within Ten (10) working days of this notice. If additional offers are received during this ten (10) day period, all prospective Purchasers must attend a Public "Bid Off" at 2:00 p.m. on November 30, 2021, to be held in the Shelby County Land Bank Office, to determine the highest and best offer. The property shall thereafter be sold to the prospective Purchaser making the highest and best offer without warranties of any sort.

SHELBY COUNTY LAND BANK

584 ADAMS AVENUE, MEMPHIS, TN 38103
MELANIE DRAKE (901)222-1150
 Nov. 2, 2021 Mqd83153

NOTICE OF PROPOSED SALE OF REAL PROPERTY BY SHELBY COUNTY GOVERNMENT

Notice is hereby given, pursuant to T.C.A. § 67-5-2507, that Shelby County Government has received an Offer to Purchase for the following property:
 Nice Comfort, LLC
 Tax Parcel # **07510800000930**
 Tax Sale# 1002
 Price Offered: \$1,013.00
 Terms: Cash

Additional Offers to Purchase, of at least ten percent (10%) higher may be submitted within Ten (10) working days of this notice. If additional offers are received during this ten (10) day period, all prospective Purchasers must attend a Public "Bid Off" at 2:30 p.m. on November 30, 2021, to be held in the Shelby County Land Bank Office, to determine the highest and best offer. The property shall thereafter be sold to the prospective Purchaser making the highest and best offer without warranties of any sort.

SHELBY COUNTY LAND BANK
584 ADAMS AVENUE, MEMPHIS, TN 38103
MELANIE DRAKE (901)222-1150
 Nov. 2, 2021 Mqd83154

SOLICITATION OF APPLICANTS INTERESTED IN SERVING AS BANKRUPTCY CHAPTER 7 PANEL TRUSTEES

The United States Trustee seeks resumes from persons wishing to be considered for appointment to the panel of trustees who administer cases filed under chapter 7 of title 11 of the United States Code (Bankruptcy Code). The appointment is for cases filed in the United States Bankruptcy Court for the Western District of Tennessee, in the Jackson and Memphis divisions. Chapter 7 trustees receive compensation and reimbursement for expenses, in each case in which they serve, pursuant to court order under 11 U.S.C. § 326 and § 330.

The minimum qualifications for appointment are set forth in 28 C.F.R. § 58.3. To be eligible for appointment, an applicant must possess strong administrative, financial and interpersonal skills. Fiduciary and bankruptcy experience is desirable but not mandatory. For additional information, qualification requirements, and application procedures go to <https://www.justice.gov/ust/advertisements-vacancies-private-bankruptcy-estate-trustees/public-notice-appointment-panel-chapter-7-trustees>.

A successful applicant will be required to undergo a background check, and must qualify to be bonded. Although chapter 7 trustees are not federal employees, appointments are made consistent with federal Equal Opportunity policies, which prohibit discrimination in employment.

All resumes must be received by November 30, 2021, by electronic transmission to the following email address: USTP_R08WDTNchapter7applications@ust.doi.gov. Applicants should indicate in the Subject line whether applying for the Jackson Division, Memphis Division, or both.

Nov. 2, 3, 5, 2021 Mqd83155

NOTICE OF PRIVATE SALE

The following property will be sold by written bid by 9:00 a.m. MST on or after 11/11/2021
 2017 Kenworth T680 1XKYDP9X-8HJ127167
 To inquire about this item please call Bret Swenson at 801-624-5864.
 Transportation Alliance Bank 4185 Harrison Blvd Ogden, UT 84403
 Nov. 2, 3, 2021 Mqd83156

NOTICE

Memphis Automart Towing and Recovery
 2161 Lamar Ave.
 The following vehicle will be sold on 11/16/21 @ 9:00 a.m. for storage etc.
 2013 Chevy Sonic
 1G1JC6SH2D4185080
 1998 Chevy Blazer 1
 GNCS18W3WK255512

2009 Audi A4 WAULF78K89N029205
 1998 Ford Mustang
 1FABP40A8KF246692
 1994 GMC 3500
 1GDKC34NORJ522685
 2009 Honda Accord
 1HGCP26339A066444
 1996 Nissan Sentra
 1N4AB41D1TC783071
 2008 Cadillac Escalade
 1GYFK66898R187468
 2010 Chevy Truck Silverado
 1GT121C80BF114232
 2006 Infiniti M35
 JNKAY01E96M115624
 Nov. 2, 2021 Mqd83166

NOTICE OF PROPOSED SALE OF REAL PROPERTY BY SHELBY COUNTY GOVERNMENT

Notice is hereby given, pursuant to T.C.A. § 67-5-2507, that Shelby County Government has received an Offer to Purchase for the following property:
 Bryce & Brown Home Builders LLC
 Tax Parcel # **07102800000070**
 Tax Sale# 1701
 Price Offered: \$8,500.00
 Terms: Cash

Additional Offers to Purchase, of at least ten percent (10%) higher may be submitted within Ten (10) working days of this notice. If additional offers are received during this ten (10) day period, all prospective Purchasers must attend a Public "Bid Off" at 1:00 p.m. on November 30, 2021, to be held in the Shelby County Land Bank Office, to determine the highest and best offer. The property shall thereafter be sold to the prospective Purchaser making the highest and best offer without warranties of any sort.

SHELBY COUNTY LAND BANK
584 ADAMS AVENUE, MEMPHIS, TN 38103
MELANIE DRAKE (901)222-1150
 Nov. 2, 2021 Mqd83167

NOTICE OF PROPOSED SALE OF REAL PROPERTY BY SHELBY COUNTY GOVERNMENT

Notice is hereby given, pursuant to T.C.A. § 67-5-2507, that Shelby County Government has received an Offer to Purchase for the following property:
 Bryce & Brown Home Builders LLC
 Tax Parcel # **07105200000330**
 Tax Sale# 1302
 Price Offered: \$2,250.00
 Terms: Cash

Additional Offers to Purchase, of at least ten percent (10%) higher may be submitted within Ten (10) working days of this notice. If additional offers are received during this ten (10) day period, all prospective Purchasers must attend a Public "Bid Off" at 1:30 p.m. on November 30, 2021, to be held in the Shelby County Land Bank Office, to determine the highest and best offer. The property shall thereafter be sold to the prospective Purchaser making the highest and best offer without warranties of any sort.

SHELBY COUNTY LAND BANK
584 ADAMS AVENUE, MEMPHIS, TN 38103
MELANIE DRAKE (901)222-1150
 Nov. 2, 2021 Mqd83168

NOTICE TO THE PUBLIC

The following person(s) has asked the City of Memphis Alcohol Commission for permission to sell beer for ON premise consumption.

APPLICANT: Apple Nine Hospitality Management Inc.

DBA: Hilton Garden Inn Memphis Downtown

LOCATION: 201 Union Avenue

Anyone desiring to circulate a petition FOR or AGAINST said establishment selling beer at this location must secure the petition blanks from the undersigned Commission at 2714 Union Ave. Extended, 1st Floor.

Must be filed no later than Tuesday, November 16, 2021.

Jared Johnson, Chairman
 Anna Vergos-Blair, Member
 Claudette Boyd, Member
 Barry Chase, Member
 Chad Hampton, Member
 Erma Hayslett, Member
 Renee Poe, Member
 Steven Reid, Member
 Johnsie Wallace-Gault, Member
 Yolanda Fullilove,
 Executive Secretary,
 City of Memphis Alcohol Commission

Nov. 2, 2021 Mqd83169

NOTICE OF PROPOSED SALE OF REAL PROPERTY BY SHELBY COUNTY GOVERNMENT

Notice is hereby given, pursuant to T.C.A. § 67-5-2507, that Shelby County Government has received an Offer to Purchase for the following property:
 Facelift Media Company
 Tax Parcel # **03508300000530**
 Tax Sale# 0903
 Price Offered: \$1,125.00
 Terms: Cash

Additional Offers to Purchase, of at least ten percent (10%) higher may be submitted within Ten (10) working days of this notice. If additional offers are received during this ten (10) day period, all prospective Purchasers must attend a Public "Bid Off" at 9:00 a.m. on December 01, 2021, to be held in the Shelby County Land Bank Office, to determine the highest and best offer. The property shall thereafter be sold to the prospective Purchaser making the highest and best offer without warranties of any sort.

SHELBY COUNTY LAND BANK
584 ADAMS AVENUE, MEMPHIS, TN 38103
MELANIE DRAKE (901)222-1150
 Nov. 2, 2021 Mqd83170

NOTICE

Vehicle Auction on November 27, 2021 at 10:00 a.m. at **Big Tow Towing**, 3135 Austin Peay, Memphis, TN 38120. **2003 Chevrolet** Vin # 1GCJC331X3F172135. Owner: Tony Carroll. Lienholder: TMX Finance of Tennessee, Inc. **2014 Dodge** Vin # 3C4PDCBB3ET142033. Owner: Mercedes McLeod. Lienholder: AF Title Co.

Vehicle Auction on November 25, 2021 at 10:00 a.m. at **Rapid Towing**, 3588 S Goodlett St., Memphis, TN 38118. **2013 Chevrolet** Vin # 2C3C-CAEG9DH606273. Owner: James K Cleveland. Lienholder: Navy Federal Credit Union.

Nov. 2, 2021 Mqd83174

NOTICE

Notice is given that U-STOR auctions will be held November 15th, 2021 (or thereafter) at the below listed locations. Pursuant to Tennessee Code 66-31-101 thru 66-31-107 to satisfy liens due to unpaid rents and charges. The undersigned will sell at public sale by complete bidding the personal property heretofore stored with the undersigned to satisfy the owner's lien. All sales are final. U-Stor reserves the right to refuse any bid. "CONSISTING OF HOUSEHOLD ITEMS UNLESS OTHERWISE NOTED."

Wednesday November 17th, 2021

www.u-stor.com/pages/auctions
Beginning at 9 a.m.

U-STOR LAMAR
 1804 S. Prescott
 (901)743-7900

A4 Key, Stanley W
 A7 Rogers, Patricia A.
 V13 Taylor, Atrina L
 W8 Douglass, Candance J

Following to 2nd Location
U-STOR THIRD STREET
 4000 S. Third Street
 (901)786-1400

O14 Morgan, Ashley
 Q8 BROWN, SHAWANDA
 S17 THOMPSON, MICHAEL
 Z2 HOLST, JAGAYLA V.

3rd Location
U-STOR ELVIS PRESLEY
 5345 Elvis Presley Blvd
 (901)-396-4100

B2 Buckner, Kenisha
 D4 Bryant, Kem J
 D17 JACKSON, MONIQUE
 L1White, Jamica

Q3 McGlothlin, Mary
 Q9 Brooks, Linda

4th Location
U-STOR MILLBRANCH
 4530 Millbranch
 (901)346-7500

A2 Cunningham, Lawandra
 E16 Robertson, Rachelle
 J16 Wright, Marcereious
 U12 Shorter, Willie
 X8 Baker, Allicia
 X12 Tolan, Brittny

5th Location
U-STOR WINCHESTER
 1355 Winchester Rd.
 (901)396-9018

B12 Jones, Kamisha
 B17 Collins, D'Juan
 D3 Pollard, Ricky M
 D15 Pollard, Genial
 E1 Jones, Chandra B
 F12 Williams, Latisha
 H9 Gibson, Isaac
 N10 Rogers, Marquita Y
 Q17 Mathis, Lacrissha

U-STOR PERKINS
 4700 Winchester Rd.
 (901)367-2200

B3 Hobson, Karlisha
 C1 Jones, Chandra B.
 E16 Maclin, Marcus K.
 W1 Love, Laveta O
 W3 Taylor, Tabitha N.

7th Location
U-STOR HICKORY HILL
 5515 Winchester Rd
 (901)367-0290

B13 P. Chism, Anastasia
 J2 L. Watkins, Tasha
 O11 Brown, Ebony
 P7 E. Hammond, Alexis
 S17 Thomas, Alfred
 S21 J. Jarmon, Myrian
 U2 L. Flack, Bridgette
 V4 Brown, China B
 Y10 D. Jones, Brandon

8th Location
U-STOR RIVERDALE
 6900 E Raines Rd.
 (901)363-9400

L15 Jenkins, Deidra R
 Q10 Pierce, Joseph

9th Location
U-STOR SUMMER
 5570 Summer Ave.
 (901)937-0300

C3 Sherita, R Pruitt
 I2 Jones, Benjamin J
 J13 Sears, Christopher

10th Location
U-STOR BARTLETT
 6440 Summer Ave.
 (901)382-5300

A2 Hopper, Kenneth E.
 S1 Bennett, Christopher
 T1 Johnson, Monica

11th Location
U-STOR COVINGTON
 2835 Covington Pike
 (901)382-5600

I3 Love, Raven D.
 L19 Rachel D. Brooks-McFadgon
 N18 Hart, D'Angelus
 R15 McCray, Reginald D.

12th Location
U-STOR STAGE
 3645 Stage James
 (901)386-0600

D14 Davis, Chasity L
 K15 Simpson, Brittnay C
 R9 Nesbitt, Jvaan L
 V4 WALLACE, CAMELIA L

13th Location
U-STOR FRAYSER
 3435 Range Line Rd
 (901)357-7300

E9 Ballard, Ashely
 G1 Garrison, Denise
 G5 Guy, Latanya A
 H18 Marshall, Clarence E. JR
 J16 Green, Jasmine
 O11 Taylor, Arturo
 P8 Armstrong, Sherell

Nov. 2, 2021 Mqd83175

STAY INFORMED OF LOCAL REAL ESTATE ACTIVITY



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PUBLIC NOTICE

The Shelby County Health Department – Pollution Control Section (SCHD-PCS) is requesting public comments on a revision to Tennessee’s State Implementation Plan (SIP) specific to Shelby County, Tennessee. This SIP revision requests EPA approval for the incorporation by reference of Tennessee Comprehensive Rules and Regulations, Chapter 1200-3-20 titled “Limits on Emissions due to Malfunctions, Startups, and Shutdowns” into the air codes of Shelby County, the City of Memphis, and the included municipalities as a SIP revision to the Shelby County portion of the Tennessee SIP.

A copy of the revised SIP is available for public inspection at the Pollution Control Section office noted below during normal business hours (8:00 am – 4:30 pm). It can also be found at the following web sites; <https://www.shelbytnhealth.com/310/Air-Pollution-Control-Public-Notices> or at www.shelbycountyttn.gov. Interested parties are invited to review these materials and provide written comments. Anyone desiring to make oral comments at the public hearing is requested to prepare a written copy of these comments to be submitted to the hearing officer. All comments received during the public comment period will be distributed to members of the Tennessee Air Pollution Control Board for their review prior to submission to the EPA. The public comment period will end at the close of business 30 days from the date of this publication. Written comments not submitted at the public hearings will be included in the hearing record only if received by the end of the public comment period and must be addressed to:

**Larry Smith, Technical Manager
Pollution Control Section
Shelby County Health Department
1826 Sycamore View Road
Memphis, TN 38134
(e-mail larry.smith@shelbycountyttn.gov)**

A public hearing to receive oral or written comments has been scheduled at the respective date and location below:

**November 15, 2021
Shelby County Health Department
Meeting Room 2, 2:00 PM
1826 Sycamore View Road
Memphis, TN 38134**

Individuals with disabilities who wish to review this information should contact the SCHD, Pollution Control Section, to discuss any auxiliary aids, accommodations or services needed to facilitate such review. Contact may be in person, writing, telephone or other means, and should be made no less than ten (10) days prior to the end of the public comment period to allow time to provide such aid or services.

Questions concerning these documents may be addressed to Larry Smith at the above referenced address or by calling (901) 222-9575.

ATTACHMENT E

Public Hearing held on November 15, 2021

A public hearing was held on November 15, 2021 at the Shelby County Health Department located at 1826 Sycamore View Road, Memphis, Tennessee 38134 in Meeting Room 2 from 2:00 pm until 3:00 pm. With the exception of staff members, Larry Smith, Jeff Grill, and Chris Boyd, there were no representatives from the public in attendance. By the conclusion of the hearing, the Department had not received any comments pertaining to the proposed SSM SIP revision from the general public.

On December 2, 2021, the EPA submitted comments pertaining to the proposed SSM SIP revision. Those comments and the Department's response are provided in Attachment F.

Shelby County Startups, Shutdowns, and Malfunctions SIP Revisions Public Participation Log

	Date	Name	Address	Comments
1	11/15/21	JEFF GRILL	1826 SYLAMORE VIEW RD MEMPHIS, TN 38134	
2	" "	Larry J. Smith	681 Cox 38104	none
3	11/15/21	CHRISTOPHER BOYD	7598 OCTOBER ROSE DR MEMPHIS TN 38119	NONE
4				
5				
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Note: As the "Comments" column may not provide enough space to express detailed comments, you are invited to submit a written comment and have it posted with this copy of the SSM SIP Revision Packet.

ATTACHMENT F

Public Participation

F1. Response to Public Comments on Pre-Hearing SIP Notice

The Shelby County Health Department – Pollution Control Section did not receive any comments from the general public pertaining to the proposed Startup, Shutdown, and Malfunction SIP revision submittal. However, on December 2, 2021, the EPA provided comments regarding the proposed Shelby County SSM SIP revision. Those comments and the Departments response are provided in Attachment F.

F2. EPA Comments on Prehearing SIP Submittal

On December 2, 2021, the Department received EPA's comments regarding Shelby County, Tennessee's proposed SSM SIP revision. The comments are displayed here, as follows:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-3104

December 2, 2021

Karen Cook-Pryor, Deputy Administrator
Pollution Control
Shelby County Health Department
814 Jefferson Avenue
Memphis, Tennessee 38105-5041

Dear Ms. Cook-Pryor:

The Region 4 Office of the U.S. Environmental Protection Agency received the Shelby County Health Department (SCHD), Pollution Control's November 2, 2021, Pre-Hearing State Implementation Plan (SIP) revision proposing to respond to the EPA's June 12, 2015, final SIP Call and finding of substantial inadequacy with respect to the treatment of excess emissions during periods of startup, shutdown, and malfunction. We have completed our preliminary review and have enclosed our comments for your consideration.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Ms. Pepa Sassin, Chief of the Air Regulatory Management Section at 404-562-9075, or have your staff contact Mr. Joel Huey at (404) 562-9104.

Sincerely,

Lynorae Benjamin,
Chief, Air Planning and Implementation Branch

Enclosures

cc:

Larry Smith, Pollution Control, SCHD
Chris Boyd, Pollution Control, SCHD
Paul LaRock, Tennessee Department of Environment and Conservation

The U.S. Environmental Protection Agency (EPA) Comments on Tennessee Prehearing Submittal Regarding the Memphis-Shelby County portion of the Tennessee State Implementation Plan (SIP) concerning Startup, Shutdown, and Malfunction (SSM) provisions.

Key Comment

1. The public notice posted November 2, 2021, notes that the pending SIP revision will request the EPA approval “for the incorporation by reference of Tennessee Comprehensive Rules and Regulations, Chapter 1200-3-20 titled ‘Limits on Emissions due to Malfunctions, Startups, and Shutdowns’ into the air codes of Shelby County, the City of Memphis, and the included municipalities as a SIP revision to the Shelby County portion of the Tennessee SIP.” In the final package to support a SIP revision, please include evidence of adoption of this version of Tennessee’s Chapter 1200-3-20 into the air codes of the City of Memphis and the included municipalities in addition to the already-provided Shelby County information.
2. The EPA notes that the last approval of the Memphis-Shelby County adoption of Tennessee’s Chapter 1200-3-20 was completed on June 15, 1989, with a state effective date of July 7, 1986. *See* 54 FR 25456. Therefore, the Memphis-Shelby County adoption of 1200-3-20 as of 2018 includes other intervening changes between the 1989 SIP approval and the 2016 rulemaking effort to respond to EPA’s 2015 SSM SIP Call. For example, Tennessee’s 1993 revision to Chapter 1200-3-20 recodifies certain rules within the Chapter and adopts 1200-3-20-.06(5), consisting of *de minimis* exemptions for periods of SSM. The EPA previously commented on 1200-3-20-.06(5) in response to Tennessee’s June 20, 2016, prehearing submission regarding the State’s response to the 2015 SSM SIP Call in a letter to Michelle Owenby dated June 21, 2016. The EPA is providing those comments here as a second attachment for your reference, as those related to Chapter 1200-3-20 would equally apply to this pending submission. Tennessee withdrew its original adoption of 1200-3-20-.06(5) from the EPA consideration on July 20, 2016.

F3. SCHD-PCS Response to EPA Comments

SCHD-PCS Response to EPA Comments – Shelby County Startup, Shutdown, Malfunction SIP Revision

On December 2, 2021, the EPA submitted comments to the Shelby County Health Department – Pollution Control Section pertaining to the proposed Startup, Shutdown, and Malfunction SIP revision. A listing of those comments and the Department’s response (*in italics*) follows.

EPA Comment 1:

EPA made a comment noting that “to support a SIP revision, please include evidence of adoption of this version Tennessee’s Chapter 1200-3-20 into the air codes of the City of Memphis and the included municipalities in addition to already provided Shelby County information”.

Shelby County Response to EPA Comment 1:

*The Department acknowledges EPA’s comment that evidence of adoption of this version Tennessee’s Chapter 1200-3-20 into the air codes of the City of Memphis and the surrounding municipalities within Shelby County should have been included in the prehearing SSM SIP revision submittal. In response, in support of the SSM SIP revision, the Department will make sure to include **copies of ordinances adopted by each jurisdiction as evidence of adoption of Tennessee’s Chapter 1200-3-20 into the air codes of all municipalities within Shelby County, with the exception of the City of Memphis and City of Lakeland. Although, each of these municipalities has received an SSM ordinance revision packet and are aware of the Department’s intention to have this regulation incorporated into their air codes, this version of Tennessee’s Chapter 1200-3-20 has not been adopted by these municipalities yet.***

In the City of Memphis, the ordinance approval process requires three readings by the members of the Memphis City Council. Typically, this process involves a two-three month timespan. Eight-months ago, the Department conveyed an SSM ordinance revision packet to the office of the City Attorney and the Memphis City Council; however, it was not put on the agenda and never voted on. Subsequently, on November 18, 2021, the Department initiated another effort to get this version of Tennessee’s Chapter 1200-3-20 adopted into the City of Memphis air codes. An SSM ordinance revision packet was again provided to the City of Memphis through the same channels. On December 13, 2021, the Department received notification from the City of Memphis that the ordinance has been placed on the City Council’s agenda and is recommended for approval.

On the other hand, according to the Lakeland Municipal Code, the ordinance approval process in the City of Lakeland requires only two readings by the Board of Commissioners and the ordinance adoption process can be completed in as little as two to three weeks. Approximately one year ago, the Department conveyed an SSM ordinance revision packet to the office of the Lakeland City Manager. At that time, the SSM ordinance revision packet did not make it to committee, and thus, was not put on the agenda and never voted on. On November 19, 2021, the Department met with the Lakeland City Manager to initiate another effort to promote the adoption of this version of Tennessee’s Chapter 1200-3-20 into the City of Lakeland air codes. On December 8, 2021, the Department received notification from the City of Lakeland that the ordinance will go to committee on January 6, 2021 for the first reading by the Board of

Commissioners of City of Lakeland.

Finally, the Department continues to work vigorously to promote the adoption of this version of Tennessee's Chapter 1200-3-20 into the air codes City of Memphis and City of Lakeland. Furthermore, we anticipate that both of these municipalities will approve the adoption of this ordinance very soon. Finally, the Department continues to work vigorously to promote the adoption of this version of Tennessee's Chapter 1200-3-20 into the air codes City of Memphis and City of Lakeland. Furthermore, we anticipate that both of these municipalities will approve the adoption of this ordinance very soon.

EPA Comment 2:

EPA commented on that the last approval of the Memphis-Shelby County adoption of Tennessee's Chapter 1200-3-20 was completed on June 15, 1989, with a state effective date of July 7, 1986 and that there have been intervening changes between the 1989 SIP approval and the 2016 rulemaking.

Additionally, EPA made a comment noting that "EPA previously commented on 1200-3-20-.06(5) in response to the 2015 SSM SIP Call in a letter to Michelle Owenby". In this comment, specific concerns were outlined to illustrate how 1200-3-20-.06(5) was regarded to be inconsistent with and presents the same deficiencies noted in the proposed and final SSM SIP Call.

Shelby County Response to EPA Comment 2:

The Department acknowledges EPA's comment "that the last approval of the Memphis-Shelby County adoption of Tennessee's Chapter 1200-3-20 was completed on June 15, 1989, with a state effective date of July 7, 1986" and "that there have been intervening changes between the 1989 SIP approval and the 2016 rulemaking". In response, the Department submits a strikeout of the Memphis Air Code Section 9-12-24 (formerly Section 16-87) to show the incorporation by reference of Tennessee's Chapter 1200-3-20 in the Memphis Air Codes during the time period from 1989 through 2016 is displayed below. To make Section 9-12-24 easier to read, deletions are red and additions are blue.

Additionally, the Department acknowledges EPA's comment that 1200-3-20-.06(5) is inconsistent with and presents the same deficiencies noted in the proposed and final SSM SIP Call. The Department proposes to request approval of the adoption by reference of Tennessee's Chapter 1200-3-20 into the air codes Shelby County and the included municipalities, with the exception of 1200-3-20-.06(5). When Tennessee amends this part of the regulation, the Department will request a SIP revision to adopt by reference the future version 1200-3-20-.06(5).

a. A strikethrough copy of the City of Memphis Air Pollution Code Section 9-12-24 (formerly Section 16-87) is displayed here to show the changes to Chapter 1200-3-20 that have been adopted by Memphis during the 1989 through 2016 time period

~~Section 16-87.~~ Sec. 9-12-24 Malfunctions, Startups and Shutdowns

For the purpose of enforcement of the control of the emissions that occur during malfunctions, startups and shutdowns, Chapter 1200-3-20 of the Tennessee Air Pollution Regulations, as effective ~~December 31, 2000~~ December 6, 2018, is ~~hereby adopted as portion of this Code~~ by reference as a portion of this code. Such regulations and/or 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, S1, 4-25-72; Ord. No. 2021, S1(4), 10-9-79; Code 1967, S3-9. Shelby County Ord. No. 9, adopted October 15, 1979. City of Memphis Ord. No. 4320, effective 6-7-95. Amended by City of Memphis Ord. No. 4636, effective 1-7-99. Amended by City of Memphis Ord. No. 4867, effective 7-18-01. Amended by City of Memphis Ord. No. 4981, effective January 28, 2003. Amended by City of Memphis Ord. 5041, effective April 5, 2004. Pursuant to T.C.A. 68-201-115.)

RULES
OF
THE TENNESSEE DEPARTMENT OF ~~HEALTH—AND~~ ENVIRONMENT AND
CONSERVATION

BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL

CHAPTER 1200-3-20

LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, START-UPS, AND SHUTDOWNS

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1200-3-20-.01 PURPOSE

(1) The purpose of this chapter is to place reasonable limits on the amount of emissions an air contaminant source (incinerator, fuel burning installation, wood fire boiler or process emission source) can emit due to a malfunction or during startup or shutdown of said source. Without such limits in many parts of the state and specifically in nonattainment areas, air quality standards will not be met and public health and welfare will be endangered.

Authority: T.C.A. Section 68-25-105 and 4-5-20²¹ et seq. Administrative History: Original Rule certified March 21, 1979. Repeal and new rule filed July 13, 1994; effective September 26, 1994.

1200-3-20-.02 REASONABLE MEASURES REQUIRED

(1) Air contaminant sources must take all reasonable measures to keep emissions to a minimum during startups, shutdowns, and malfunctions. These measures may include installation and use of alternate control systems, changes in operating methods or procedures, cessation of operation until the process equipment and/or air pollution control equipment is repaired, maintaining sufficient spare parts, use of overtime labor, use of outside consultants and contractors, and other appropriate means. ~~For sources identified by the Technical Secretary as being in or significantly affecting a nonattainment area (as defined in Rule 1200-3-2-.01(fff)), f~~ Failures that are caused by

poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions, ~~and shall be considered in violation of the emission standard exceeded and this rule.~~

Authority: T.C.A. Section 68-25-105 and 4-5-2021 et seq. Administrative History: Original Rule certified March 21, 1979. Amendment filed September 21, 1988; Amended effective November 6, 1988. Repealed and new rule filed July 13, 1994; effective September 26, 1994. Amendment filed August 28, 1997; effective November 11, 1997.

1200-3-20-.03 NOTICE REQUIRED WHEN MALFUNCTION OCCURS.

(1) When any ~~emission air contaminant~~ source ~~malfunctions, air pollution control equipment, or related facility breaks down~~ in such a manner as to cause the emission of air contaminants in excess of the applicable emission standards contained in ~~these regulations in Division 1200-3 or any permit issued thereto~~, or of sufficient duration to cause damage to property or public health, ~~the person responsible for such equipment~~ the owner or operator of the air contaminant source shall promptly notify the Technical Secretary of such ~~failure or breakdown~~ malfunction and provide a statement giving all pertinent facts, including the estimated duration of the ~~breakdown~~ malfunction. Violations of the visible emission standard (excluding visible emissions caused by hazardous air pollutants named in Chapter 1200-3-11) which occur for less than 20 minutes in one day (midnight to midnight) need not be reported. Prompt notification will be within 24 hours of the malfunction and shall be provided by telephone to the Division's Nashville office. The Technical Secretary shall be notified when the ~~condition causing the failure or breakdown has been corrected and the equipment is again in operation~~ malfunction has been corrected. In attainment and unclassified areas if emissions other than from sources designated as significantly impacting on a nonattainment area in excess of the standards will not and do not occur over more than a 24-hour period (or will not ~~reoccur~~ recur over more than a 24-hour period) and no damage to property and or public health is anticipated, notification is not required. Any malfunction that creates an imminent hazard to health must be reported by telephone immediately to the Division's Nashville office and to the State Civil Defense.

Authority: T.C.A. Section 68-25-105 and 4-5-2021 et seq. Administrative History: Original Rule certified March 21, 1979. Amended: filed September 4, 1981; effective October 19, 1981. Repeal and new rule filed July 13, 1994; effective September 26, 1994.

1200-3-20-.04 LOGS AND REPORTS

(1) (a) A log of all malfunctions, startups, and shutdowns resulting in emissions in excess of the standards in Division 1200-3 or any permit issued thereto must be kept at the plant. This log must record at least the following:

1. Stack or emission point involved.
2. Time malfunction, startup, or shutdown and/or when first noticed.
3. Type of malfunction and/or reason for shutdown.

4. Time startup or shutdown was complete or time the air contaminant source returned to normal operation.

5. The company employee making entry on the log must sign, date and indicate the time of each log entry.

(b) The information under item (a)1. and 2. of this paragraph must be entered into the log by the end of the shift during which the malfunction or startup began.

(c) All information shall be entered in the log no later than twenty-four (24) hours after the startup or shutdown is complete, or the malfunction has ceased or has been corrected.

(d) Any later discovered corrections can be added in the log as footnotes with the reason given for the change.

~~(2) The owner or operator of all sources located in non-attainment areas or having a significant impact on air quality in a nonattainment area (for the pollutant designated by the Technical Secretary) must submit a report to the Technical Secretary within thirty (30) days after the end of each calendar quarter listing the times at which malfunctions, startups and/or shutdowns, which resulted in emissions greater than any applicable emission limits and the estimated amount of emissions discharged during such times. This report should also include total emissions during the quarter and be reported in a format specified by the Technical Secretary. If these emissions are required to be reported under rule 1200-3-10-.02 or under rules of Chapter 1200-3-16 then the report required by this paragraph is waived [Reserved](#).~~

Authority: T.C.A. Section 68-25-105 and 4-5-2021 [et seq.](#) Administrative History: Original Rule certified March 21, 1979. Amended effective November 6, 1988. [Repeal and new rule filed July 13, 1994; effective September 26, 1994. Amendment filed March 21, 2013; effective June 19, 2013.](#)

1200-3-20-.05 COPIES OF LOG REQUIRED

The Technical Secretary may require the owner or operator of any air contaminant source to submit a copy of the upset log required under rule .04 of this chapter to him ten (10) days after the request is received. The Technical Secretary can require submission of copies of the entire log.

Authority: T.C.A. Section 68-25-105 and 4-5-2021 [et seq.](#) Administrative History: Original Rule certified March 21, 1979. [Repeal and new rule filed July 13, 1994; effective September 26, 1994.](#)

~~1200-3-20-.06 SCHEDULED MAINTENANCE~~

~~(1) GENERAL~~

~~In the case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Technical Secretary at least twenty-four~~

~~hours prior to the planned shutdown where such equipment will result in the discharge of emissions in excess of the standards in this Division 1200-3. Such prior notice shall include, but is not limited to the following:~~

~~—(a) Identification of the specific source (permit unit) to be taken out of service, as well as its location and permit number.~~

~~—(b) The length of time that the air pollution control equipment will be out of service.~~

~~—(c) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.~~

~~—(d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the emissions during the shutdown period.~~

~~(2) EXCEPTIONS TO SHUTDOWN REPORTING REQUIREMENTS~~

~~When shutdowns referred to in paragraph (1)(a) of this rule are on a routine schedule, the report to the Technical Secretary may be furnished on an annual basis and shall list the dates and times of the routine scheduled shutdowns during the upcoming year, with the other information required in paragraph (1) of this rule.~~

~~Authority: T.C.A. Section 68-25-105 and 4-5-202. Administrative History: Original Rule certified March 21, 1979.~~

1200-3-20-.076 REPORT REQUIRED UPON THE ISSUANCE OF NOTICE OF VIOLATION

(1) In the event excess emissions are emitted from any air contaminant source ~~(permit unit) subject to the rules and regulations~~, a notice of violation shall automatically be issued except for visible emissions levels included as a startup and/or shutdown permit condition under Paragraph 1200-3-5-.02(1) or determined to be de minimis under Rule 1200-3-20-.076.

(2) The owner or operator of the violating source shall submit within twenty (20) days after receipt of the notice of violation, the data required in paragraph (3) to assist the Technical Secretary in deciding whether to excuse or validate the violation. If the data required in 1200-3-20-.076(3) has previously been available to the Technical Secretary prior to the issuance of the notice of violation no further action is required of the violating source. However, if the source desires to submit additional information, then this shall be submitted within the twenty (20) day time period.

(3) Each report required in 1200-3-20-.076(2) shall include as a minimum:

(a) The identity of the stack and/or other emission point where the excess emission(s) occurred;

(b) The magnitude of the excess emissions expressed in pounds per hour and the units of the

applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(c) The time and duration of the emissions;

(d) The nature and cause of such emissions;

(e) For malfunctions the steps taken to correct the situation and the action planned to prevent the recurrence of such malfunctions;

(f) The steps taken to limit the excess emissions on the occurrence reported, and

(g) If applicable, documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions.

(4) Failure to submit ~~this~~ [the](#) report required in paragraph (3) within the twenty (20) day period specified in paragraph (2) shall preclude the admissibility of the data for consideration of excusal for malfunctions, and for any [air contaminant](#) source (~~permit-unit~~) not having startup or shutdown levels as a permit condition.

(5) Where the violations are determined from properly certified and operated continuous emission monitors, no notice of violations(s) will be automatically issued unless the specified de minimis are violated:

<u>Source Type</u>	<u>De Minimis Pollutant Monitored</u>	<u>De Minimis Level</u>
(a) Fuel Burning Installations subject to Rule 1200-3-5-.01 or Rule 1200-3-5-.05 and having fuel burning equipment of input capacity greater than 600 x 10 ⁶ Btu/hr.	Opacity	Two (2) percent of the time during a calendar quarter (Excluding periods of permitted startup or shutdown and excused malfunctions) so long as no more than one (1) 24-hour exceedance per calendar year takes place.
	Sulfur Dioxide	One (1) 24-hour exceedance per calendar year.
(b) Fuel Burning Installations subject to Rule 1200-3-5-.05 or Rule 1200-3-5-.10 or Rule 1200-3-6-.05	Opacity	One (1) percent of the time during a calendar quarter (e Excluding periods of permitted startup or

(c) Fuel Burning ~~Equipment~~ Install-
ations subject to Rule
1200-3-16-.02 or Rule 1200-
3-16-.59

Opacity

shutdown and excused
malfunctions) ~~as so~~ long as
no more than one (1) 24-
hour exceedance per
calendar year takes place.

One (1) percent of the
time during a calendar
quarter (~~e~~Excluding periods
of permitted startup or
shutdown and excused
malfunctions) ~~as so~~ long as
no more than one (1) 24-
hour exceedance per
calendar year takes place.

Sulfur
Dioxide

One (1) 3-hour exceedance
per year and/or one 24-
hour exceedance per year
(applicable to sources
having three hour
standard only).

(d) Kraft Recovery Furnaces
subject to either Rule 1200-
3-5-.09 or 1200-3-16-.29

Opacity

Six (6) percent of the
time (~~e~~Excluding periods of
permitted startup or
shutdown and excused
malfunctions) so long as
no more than one (1) 24-
hour exceedance per
calendar year takes place.

<u>Source Type</u>	<u>De Minimis Pollutant Monitored</u>	<u>De Minimis Level</u>
(e) Kraft Recovery Furnaces subject to either Rule 1200-3-7-.07 or 1200-3-16-.29	Total Reduced Sulfur	One (1) percent of the time during a calendar quarter (eExcluding periods of permitted startup or shutdown and excused malfunctions).
(f) Lime Kilns subject to Rule 1200-3-7-.07(4).	Total Reduced Sulfur	Two (2) percent of the time during a calendar quarter (eExcluding periods of permitted startup or shutdown and excused malfunctions).
(g) Sulfuric Acid Plants subject to Rule 1200-3-16-.06 and Liquid Sulfur Dioxide Plants subject To Rule 1200-3-19-.19.	Sulfur Dioxide	One (1) exceedance greater than 3 hours duration per year (excluding periods of excused malfunctions).
(h) Primary Zinc Smelters subject to Rule 1200-3-16-.24.	Sulfur Dioxide	One (1) exceedance of greater than 3 hours duration but less than 24-hour duration per calendar year and/or one 24-hour exceedance per year (eExcluding periods of startup, shutdown, or excused malfunction).
(i) Electric Arc Furnaces subject to Rule 1200-3-16-.26.	Opacity	One (1) percent of the time during a calendar quarter (eExcluding time periods of startup, shutdown, or excused malfunction) so long as no more than one (1) 24-hour exceedance per calendar year takes place.
(j) Sulfur Dioxide Abatement Systems Serving Facilities Producing Organophosphate Compounds.	Sulfur Dioxide	One (1) exceedance of greater than 3 hours duration per calendar year (eExcluding periods of excused malfunctions).

[\(k\) Secondary Lead Furnaces subject to Rule 1200-3-16-.12](#)

[Opacity](#)

[One half \(1/2\) percent of the time during a calendar quarter \(Excluding time periods of startup, shutdown or excused malfunction\).](#)

[\(l\) Any source type utilizing a thirty day rolling average](#)

[Nitrogen Oxides](#)

[None \(Excluding periods of startup, shutdown, or excused malfunction\).](#)

For purposes of this Paragraph the term 24-hour exceedance means a continuous exceedance of an emission standard having a total duration of greater than 24 hours (midnight to midnight).

(6) Irrespective of the startup and shutdown exemptions set forth on the operating permit of any [air contaminant](#) source, no emission shall be allowed which can be proved by the Technical Secretary to cause or contribute to any violations of the Ambient Air Quality Standards contained in Chapter 1200-3-3.

Authority: T.C.A. Section 68-25-105 and [4-5-2021 et seq.](#) Administrative History: Original Rule certified March 21, 1979. Amended effective December 14, 1981. Amended effective November 6, 1988. [Repeal and new rule filed July 13, 1994; effective September 26, 1994. Amendments filed August 18, 2016; effective November 16, 2016.](#)

1200-3-20-.087 SPECIAL REPORTS REQUIRED

(1) The Technical Secretary may require any air contaminant source to submit a report within thirty (30) days after the end of each calendar quarter in a format he specifies containing as a minimum the following information:

(a) The dates on which malfunctions, startups, and shutdowns resulted in emissions greater than those allowed by the emission standards in this Division 1200-3.

(b) The estimated amount of air contaminants emitted in excess of the emission standards in units of pounds of air contaminant per hour and pounds of air contaminant per day.

(c) Other emission characteristics such as stack exit temperature, stack height and diameter, stack exit velocities, and other similar information.

(d) Information needed to evaluate the possibility of instituting measures to eliminate or reduce the number of malfunctions and/or the amount of emissions from malfunctions, startups, and shutdowns.

(e) Information to determine if the excess emissions truly result from a malfunction.

(f) Information to evaluate the impact of the emissions on the surrounding area.

Authority: T.C.A. Section 68-25-105 and 4-5-20~~2~~1 et seq. Administrative History: Original Rule certified March 21, 1979. [Repeal and new rule filed July 13, 1994; effective September 26, 1994.](#)

1200-3-20-.0~~9~~8 RIGHTS RESERVED

(1) Nothing in this chapter shall be construed to limit the obligation of the source to attain and maintain the ambient air quality standards nor the authority of the Technical Secretary and/or Board to institute actions under other Chapters of these rules and the Tennessee Air Quality Act.

Authority: T.C.A. Section 68-25-105 and 4-5-202. Administrative History: Original Rule certified March 21, 1979. [Repeal and new rule filed July 13, 1994; effective September 26, 1994.](#)

1200-3-20-.~~10~~9 ADDITIONAL SOURCES COVERED

(1) The Technical Secretary may order the owner or operator of other air contaminant sources to report in accordance with the requirements in this chapter for those sources in nonattainment areas or significantly impacting on nonattainment areas when he has reason to believe that an ambient air quality standard may be violated in the general vicinity where the source is located. There is sufficient reason for (purposes of this rule) to believe a standard may be violated if a value not to be exceeded more than once in a year is equaled or exceeded once and/or if individual readings have a mean excess of ninety per cent of a standard set for any given averaging interval regardless of the acceptability of the monitoring site, calibration of the monitor, and other similar matters. Even if there are no monitors in an area, if mathematical modeling and/or physical damage in the area indicate the standards may be violated, he may order such reporting.

Authority: T.C.A. Section 68-25-105 and 4-5-20~~2~~1 et seq. Administrative History: Original Rule certified November 16, 1979. [Repeal and new rule filed July 13, 1994; effective September 26, 1994.](#)

Revised November, 1988

STARTUPS, SHUTDOWNS, AND MALFUNCTIONS

STATE IMPLEMENTATION PLAN (SIP)

REVISION SUPPLEMENT

for

SHELBY COUNTY, TENNESSEE

**Submitted to the
Tennessee Department of Environment and Conservation
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243-1531**

**By the
Shelby County Health Department
Pollution Control Section
1826 Sycamore View
Memphis, TN 38134**

February 25, 2021

Supplemental SIP Submittal Documents

Startups, Shutdowns, and Malfunctions SIP Revision for Shelby County, TN

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Attachments

ATTACHMENT B Evidence of Adoption (cont.) –

B7. City of Memphis, Tennessee Ordinance

City of Memphis Air Code Section 16-87 Rule Revision_Clean Copy

B8. City of Lakeland, Tennessee Ordinance

LETTER OF SUBMITTAL – Shelby County, Tennessee Startups,
Shutdowns, and Malfunctions (SSM) SIP Revision Supplement



LEE HARRIS
MAYOR

SHELBY COUNTY HEALTH DEPARTMENT

MICHELLE A. TAYLOR, MD, DrPH, MPA
DIRECTOR

BRUCE RANDOLPH, MD, MPH
HEALTH OFFICER



Public Health
Prevent. Promote. Protect.

February 28, 2022

Ms. Michelle Owenby, Division Director
Tennessee Department of Environment and Conservation
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243

Re: Supplement to the Startup, Shutdown, and Malfunction Revision for Shelby County Portion of the Tennessee State Implementation Plan

Dear Ms. Owenby,

The Shelby County Health Department (Department) respectfully requests the acceptance of this supplemental information for inclusion in the Startups, Shutdowns, and Malfunctions (SSM) rule revision for the Shelby County portion of the Tennessee State Implementation Plan. This supplement includes ordinances from the City of Memphis and the City of Lakeland that adopt by reference Tennessee’s Chapter 1200-3-20 titled “Limits on Emissions Due to Malfunctions, Startups, and Shutdowns”, as effective on December 5, 2018. The ordinances listed in the table below were not included in the previous SSM submittal because the rule adoption process in these jurisdictions was still underway.

Jurisdiction	Ordinance #	Adoption Date	Effective Date
City of Memphis	Ordinance 5817	02/15/2022	02/22/2022
City of Lakeland	Ordinance O-2-2022	02/10/2022	02/10/2022

As required for “evidence of adoption”, the Department submits these remaining ordinances to demonstrate that the SSM rule change is effective in all municipalities throughout Shelby County, Tennessee.

As previously indicated, to avoid issues and concerns that EPA has expressed concerning Tennessee’s Chapter 1200-3-20, at this time the Department proposes to adopt everything except 1200-3-20-.06(5). This revision will update local air codes and should address EPA’s Startup, Shutdown and Malfunction (SSM) SIP Call published in the Federal Register on June 12, 2015 (80 FR 33840), as it removes provisions within local air codes that conflict with sections of the Clean Air Act that address recordkeeping and information available for citizen suits.

Mission

To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

In accordance with Title 40 CFR Part 51, §51.103 and Appendix V, the Department submits the following administrative materials:

1. Evidence of Adoption -

Copies of the ordinance revisions adopted by each jurisdiction are included in this submittal in **Attachment B** titled "Evidence of Adoption". The ordinance numbers, adoption dates, and effective dates are provided in the table above.

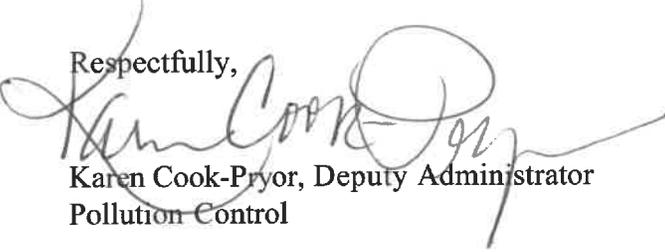
2. Redline Strikethrough and Clean Copy –

In general, unless locally developed regulations are more stringent than either federal or state air regulations, Shelby County, Tennessee and all included municipalities incorporate by reference air codes taken from Tennessee's Rules and Regulations. The same is true for Tennessee's Chapter 1200-03-20, as effective December 5, 2018. This regulation was uniformly adopted by each municipality within Shelby County. A clean copy of City of Memphis Section 9-12-24 is provided to demonstrate what was added in this submittal in the "Evidence of Adoption - Redline Strikethrough and Clean Copy".

The Department has submitted the above referenced plan to your office for submission to the United States Environmental Protection Agency (EPA), Region IV Headquarters in Atlanta. In keeping with procedural requirements found in 40 CFR 51.103, on approval, we request that you submit the plan to EPA using the State Planning Electronic Collaboration System (SPeCS) for SIPs web-based interface.

The Department appreciates TDEC's assistance in preparing and submitting this important Plan to EPA. If you require anything further, please contact Larry Smith at (901) 222-9578 or by email at larrysmith@shelbycountyttn.gov.

Respectfully,


Karen Cook-Pryor, Deputy Administrator
Pollution Control

Mission

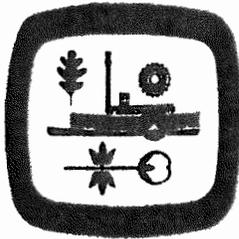
To promote, protect and improve the health and environment of all Shelby County residents.

814 Jefferson Avenue ♦ Memphis, TN 38105 ♦ 901 222-9000 ♦ www.shelbytnhealth.com

ATTACHMENT B

Evidence of Adoption

B7. City of Memphis Ordinance



ORDINANCE No. 5817

AN ORDINANCE TO AMEND CHAPTER 9-12. – AIR POLLUTION CONTROL OF THE CITY OF MEMPHIS, CODE OF ORDINANCES TO ADD THE SHELBY COUNTY AIR CODE.

WHEREAS; the operation of a local air pollution control program by the Shelby County Health Department, which was established by the Shelby County Air Code, adopted on June 30, 1969, by then Shelby County Quarterly Court, and as amended, has served to protect the air quality in Shelby County and efficiently meets the needs of those regulated by air pollution control laws to the present; and

WHEREAS, in order to maintain the Certificate of Exemption from the State of Tennessee (“State”) supervision granted by the Tennessee Air Pollution Control Board on June 10, 2020, it is necessary for Shelby County and its municipalities, including the City of Memphis (“City”), to adopt regulations no less stringent than State standards; and

WHEREAS, the Pollution Control Section of the Shelby County Health Department is responsible for administration and enforcement of the Tennessee Air Quality Act, as contained in the Tennessee Code Annotated, Section 68-201-115(a); and

WHEREAS, the Shelby County Board of Commissioners have adopted the Shelby County Air Code in order to maintain the Certificate of Exemption from the State of Tennessee that allows local enforcement of air pollution control laws; and

WHEREAS, in order to enforce the Shelby County Air Code in local municipalities, each local municipality must adopt the Code into its City Code; and

WHEREAS, the City seeks to enact an Ordinance that conforms with State law as set forth by Shelby County Air Code and enforced by Shelby County Health Department; and

WHEREAS, it has been determined that this can best be accomplished by adopting whatever Code is effective for Shelby County is effective within the City, which has also been adopted in unincorporated Shelby County and other municipalities in Shelby County; and

WHEREAS, it is necessary to amend the City of Memphis Municipal Code to incorporate the Shelby County Air Code in its entirety for the code to be enforced and accomplish this change.

SECTION 1. NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 9-12. Air Pollution Control of the City of Memphis, Code of Ordinances is hereby amended with corresponding changes made to include in Municode the Shelby County Air Code Effective within the City to be enforced by Shelby County Health Department.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be added as Article 6, entitled "Shelby County Air Code Effective within the City," of the Code as maintained by Municode.

SECTION 3. BE IT FURTHER ORDAINED, that a new Article is adopted to read:
Shelby County Air Code in effect in Shelby County shall also be effective within the City and shall be enforced by the Shelby County Health Department. Fees established from time to time by the Shelby County Health Department in order to cover costs incurred by administering the Shelby County Air Code shall also be effective within the City and shall be collected and retained by the Shelby County Health Department.

SECTION 4. BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of May in writing by the Comptroller and become effective as otherwise provided by law.

APPROVED: _____
Chairman of Council

Date Signed: _____

ATTEST: _____

APPROVED: _____
Mayor, City of Memphis

Date Signed: _____

THE FOREGOING ORDINANCE
5817 PASSED

1st Reading 1/4/2022

2nd Reading 1/18/2022

3rd Reading 02/01/2022

Approved: [Signature]
Chairman of Council

Date Signed: 2/15/22

APPROVED: [Signature]
Mayor, City of Memphis

Date Signed: 2/22/22

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

[Signature]
Comptroller

City of Memphis Air Code Section 16-87 Rule Revision_Clean Copy

Sec. 9-12-24. Malfunctions, Startups and Shutdowns

For the purpose of enforcement of the control of the emissions that occur during malfunctions, startups and shutdowns, Chapter 1200-3-20 of the Tennessee Air Pollution Regulations, as effective December 5, 2018, is adopted by reference as a portion of this code. Such regulations and/or all such additions, deletions, changes and amendments as may subsequently be made shall become a part of this code and shall have the same effect as if set out in full herein.

(Ord. No. 1265, S1, 4-25-72; Ord. No. 2021, S1(4), 10-9-79; Code 1967, S3-9. Shelby County Ord. No. 9, adopted October 15, 1979. City of Memphis Ord. No. 4320, effective 6-7-95. Amended by City of Memphis Ord. No. 4636, effective 1-7-99. Amended by City of Memphis Ord. No. 4867, effective 7-18-01. Amended by City of Memphis Ord. No. 4981, effective January 28, 2003. Amended by City of Memphis Ord. 5041, effective April 5, 2004. Amended by City of Memphis Ord. 5817, effective February 22, 2022. Pursuant to T.C.A. 68-201-115.)

B8. City of Lakeland Ordinance

ORDINANCE O-2-2022

ORDINANCE BY THE BOARD OF COMMISSIONERS OF LAKELAND,
TENNESSEE, TO AMEND TITLE 20 CHAPTER 1, SECTION 20-101, AIR
POLLUTION CONTROL CODE OF THE CODE OF ORDINANCES OF
THE CITY OF LAKLAND, TENNESSEE

WHEREAS, the operation of a local air pollution control program by the Shelby County Health Department, which was established in the Shelby County Air Code ("County Air Code"), adopted on June 30, 1969, by the then Shelby County Quarterly Court, and as amended, has served to protect the air quality in Shelby County and efficiently meet the needs of those regulated by air pollution control laws to the present; and

WHEREAS, in order to maintain the Certificate of Exemption from State of Tennessee ("State") supervision granted by the Tennessee Air Pollution Control Board, it is necessary to adopt regulations no less stringent than State standards; and

WHEREAS, Tennessee Code Annotated, Section 68-201-115(a) provides that any municipality or county may adopt an ordinance or resolution which incorporates by reference any federal or state regulations when such regulations are properly identified as to date and source, and when at least three (3) copies of such regulations are filed in the office of the county clerk for public use, inspection and examination for a period of thirty (30) days before adoption of the ordinance or resolution incorporating regulations by reference; and

WHEREAS, Shelby County Health Department has caused to be published on October 24, 2018, in a newspaper having general circulation in Shelby County, Tennessee, notice of the availability for public use, inspection, and examination at the office of the Clerk of the Shelby County Commission three (3) copies of State regulations to be incorporated by reference, as well as the date and time of public hearing regarding the adoption of such ordinance; and

WHEREAS, it is the intent of the City of Lakeland to qualify for receipt of federal funds available for air pollution control programs and to that end, this ordinance shall be construed to give the authority to so qualify and maintain such qualification; and

WHEREAS, maintaining up-to-date technical standards promulgated by the Tennessee Department of Environment and Conservation for the control of air pollution prevents the need for State control of Shelby County air pollution sources subject to these controls, specifically certain provisions found in the State Rules and Regulations Chapter 1200-03, as effective on December 5, 2018; and

WHEREAS, the Board of Commissioners for the City of Lakeland, Tennessee wishes to amend Title 20, Chapter 1, Section 20-101 of the Code of Ordinances of the City of Lakeland, to incorporate therein by reference specific sections of the State Rules and Regulations, as effective on December 5, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF LAKELAND, TENNESSEE that the following sections of the State Rules and Regulations, as effective on December 5, 2018, are incorporated herein by reference and shall be adopted and approved as requirements of this jurisdiction: Chapter 1200-03-02 titled Definitions, Chapter 1200-03-03 titled Ambient Air Quality Standards, Chapter 1200-03-05 titled Visible Emission Regulations, Chapter 1200-03-06 titled Non-Process Emission Standards, Chapter 1200-03-07 titled Process Emission Standards, Chapter 1200-03-09 titled Construction and Operating Permits, Chapter 1200-03-10 titled Required Sampling, Recording and Reporting, Chapter 1200-03-11 titled Hazardous Air Contaminants, Chapter 1200-3-12 titled Methods of Sampling and Analysis, Chapter 1200-03-14 titled Control of Sulfur Dioxide Emissions, Chapter 1200-03-15 titled Emergency Episode Plan, Chapter 1200-03-16 titled New Source Performance Standards, Chapter 1200-03-18 titled Volatile Organic Compounds, Chapter 1200-03-20 titled Limits on Emissions Malfunctions, Startups and Shutdowns, Chapter, 1200-03-21 titled General Alternate Emission Standards, Chapter 1200-03-22 titled Lead Emission Standards, Chapter 1200-03-24 titled Good Engineering Practices Stack Height Regulations, Chapter 1200-03-25 titled Standards for Infectious Waste Incinerators, Chapter 1200-03-30 titled Acid Precipitation Control, Chapter 1200-03-31 titled Case by Case Determinations of Hazardous Air Pollutant Control Requirements, Chapter 1200-03-32 titled Prevention of Accidental Releases, and Chapter 1200-03-34 titled Conformity.

BE IT FURTHER ORDAINED, That the State Rules and Regulations that had been previously adopted by reference into the County Air Code and are referenced in the second column of this table are deleted and substituted instead with the State Rules and Regulations, effective as of December 5, 2018, that are adopted by this Ordinance and also described in this table:

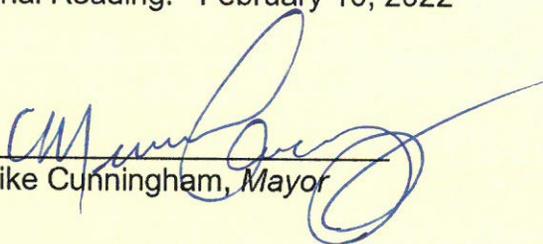
County Air Code Section	Previously Adopted State Rules and Regulations to Be Deleted in County Air Code	State Rules and Regulations, Effective as of December 5, 2018, to Be Adopted and Substituted into Corresponding County Air Code Section	
3-1A	1200-3-2	Definitions	1200-03-02
3-6	1200-3-3	Ambient Air Quality Standards	1200-03-03
3-17	1200-3-5	Visible Emission Regulations	1200-03-05
3-21	1200-3-6	Non-Process Emission Standards	1200-03-06
3-20	1200-3-7	Process Emission Standards	1200-03-07
3-5	1200-3-9	Construction and Operating Permits	1200-03-09
3-7	1200-3-10	Required Sampling, Recording and Reporting	1200-03-10
3-25	1200-3-11	Hazardous Air Contaminants	1200-03-11
3-8	1200-3-12	Methods of Sampling and Analysis	1200-03-12
3-24	1200-3-14	Control of Sulfur Dioxide Emissions	1200-03-14
3-14	1200-3-15	Emergency Episode Plan	1200-03-15
3-15	1200-3-16	New Source Performance Standards	1200-03-16
3-22	1200-3-18	Volatile Organic Compounds	1200-03-18
3-9	1200-3-20	Limits on Emissions Malfunctions, Startups & Shutdowns	1200-03-20
3-28	1200-3-21	General Alternate Emission Standards	1200-03-21
3-29	1200-3-22	Lead Emissions Standards	1200-03-22
3-40	1200-3-24	Good Engineering Practice Stack Height Regulations	1200-03-24
3-39	1200-3-25	Standards for Infectious Waste Incinerators	1200-03-25
3-36	1200-3-30	Acid Precipitation Control	1200-03-30
3-37	1200-3-31	Case by Case Determinations of Hazardous Air Pollutant Control Requirements	1200-03-31
3-38	1200-3-32	Prevention of Accidental Releases	1200-03-32
3-26	1200-3-34	Conformity	1200-03-34

BE IT FURTHER ORDAINED, the provisions of this Ordinance are hereby declared to be severable. Should any of these sections, provisions, sentences, clauses, phrases, words, or parts be held unconstitutional or void, the remaining portions shall continue in full force and effect.

First Reading: January 13, 2022

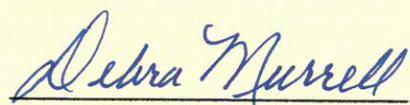
Public Hearing: February 10, 2022

Final Reading: February 10, 2022



Mike Cunningham, Mayor

ATTEST:



Debra Murrell, City Recorder