

First Reading: June 20, 2023
Second Reading: June 27, 2023

ORDINANCE NO. 13998

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 4, WHICH CHAPTER IS KNOWN AS “THE CHATTANOOGA AIR POLLUTION CONTROL ORDINANCE,” BY PROVIDING FOR INCORPORATION BY REFERENCE OF CERTAIN FEDERAL REGULATIONS AND FOR CERTAIN HOUSEKEEPING PROVISIONS.

WHEREAS, it is the declared public policy of this city to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, and to foster the comfort and convenience of the people; and

WHEREAS, local regulation of air quality is the most efficient means toward that end; and

WHEREAS, in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board for operating a local air pollution control program, it is necessary to adopt regulations no less stringent than state standards; and

WHEREAS, the adoption of these amendments is required for the protection of the health, safety, and welfare of the citizens of Chattanooga and to insure maintaining the local Certificate of Exemption;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chapter 4 of Part II of the Chattanooga City Code be amended as is hereafter set forth:

SECTION 1. That Chattanooga City Code, Part II, Chapter 4, Section 4-2, is hereby amended so as to delete the definition of “Director” in its entirety and substitute in lieu thereof the following definition of “Director”:

Director: The Executive Director of the Bureau.

SECTION 2. That Chattanooga City Code, Part II, Chapter 4, Section 4-2, is hereby amended so as to delete the definition of “Hazardous air pollutant” in its entirety and substitute in lieu thereof the following definition of “Hazardous air pollutant”:

Hazardous air pollutant: Any air pollutant listed in Title 42 U.S.C. 7412(b)(1), as revised by Title 40 CFR Part 63, Subpart C, which has been incorporated by reference in Chapter 4.

SECTION 3. That Chattanooga City Code, Part II, Chapter 4, Section 4-2, is hereby amended so as to add the following definition of “PM_{2.5}”:

PM_{2.5}: Particulate matter with an aerodynamic diameter of less than or equal to a nominal 2.5 micrometers as measured by a reference method based on Appendix L of Title 40 Code of Federal Regulations Part 50 and designated in accordance with Title 40 Code of Federal Regulations Part 53, by an equivalent method designated in accordance with Part 53, or by an approved regional method designated in accordance with Appendix C of Title 40 Code of Federal Regulations Part 58.

SECTION 4. That Chattanooga City Code, Part II, Chapter 4, Section 4-2, is hereby amended so as to delete the definition of “Volatile organic compounds (VOCs)” in its entirety and substitute in lieu thereof the following definition of “Volatile organic compound (VOC)”:

Volatile organic compound (VOC): Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

- (1) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

methane;

ethane;

methylene chloride (dichloromethane);

1,1,1-trichloroethane (methyl chloroform);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
trichlorofluoromethane (CFC-11);
dichlorodifluoromethane (CFC-12);
chlorodifluoromethane (HCFC-22);
trifluoromethane (HFC-23);
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
chloropentafluoroethane (CFC-115);
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);
1,1,1,2-tetrafluoroethane (HFC-134a);
1,1-dichloro-1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
pentafluoroethane (HFC-125);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
parachlorobenzotrifluoride (PCBTF);
cyclic, branched, or linear completely methylated siloxanes;
acetone;
perchloroethylene (tetrachloroethylene);
3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee);
difluoromethane (HFC-32);
ethylfluoride (HFC-161);
1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
1,1,2,2,3-pentafluoropropane (HFC-245ca);
1,1,2,3,3-pentafluoropropane (HFC-245ea);
1,1,1,2,3-pentafluoropropane (HFC-245eb);
1,1,1,3,3-pentafluoropropane (HFC-245fa);
1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
1,1,1,3,3-pentafluorobutane (HFC-365mfc);

chlorofluoromethane (HCFC-31);
 1-chloro-1-fluoroethane (HCFC-151a);
 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃, HFE-7100);
 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane [(CF₃)₂CFCF₂OCH₃];
 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅, HFE-7200);
 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane [(CF₃)₂CFCF₂OC₂H₅];
 methyl acetate;
 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, HFE-7000);
 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane (HFE-7500);
 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
 methyl formate (HCOOCH₃);
 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-(trifluoromethyl)pentane (HFE-7300);
 propylene carbonate;
 dimethyl carbonate;
trans-1,3,3,3-tetrafluoropropene;
 HCF₂OCF₂H (HFE-134);
 HCF₂OCF₂OCF₂H (HFE-236cal2);
 HCF₂OCF₂CF₂OCF₂H (HFE-338pcc13);
 HCF₂OCF₂OCF₂CF₂OCF₂H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));
trans-1-chloro-3,3,3-trifluoroprop-1-ene;
 2,3,3,3-tetrafluoropropene;
 2-amino-2-methyl-1-propanol;
 t-butyl acetate;
 1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane;
 cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z); and
 perfluorocarbon compounds which fall into these classes:

- a. Cyclic, branched, or linear, completely fluorinated alkanes;
- b. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- d. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

- (2) For purposes of determining compliance with emissions limits, VOC will be measured by the test methods in this chapter or Title 40 Code of Federal Regulations Part 60, Appendix A, which have been incorporated by reference in Chapter 4, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the Director.
- (3) As a precondition to excluding these compounds as VOC or at any time thereafter, the Director may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Director, the amount of negligibly-reactive compounds in the source's emissions.
- (4) For purposes of enforcement for a specific source, the test methods specified in these regulations, in the EPA-approved SIP, or in a permit or certificate issued pursuant to these regulations shall be used.

SECTION 5. That Chattanooga City Code, Part II, Chapter 4, Section 4-3, is hereby amended so as to delete Section 4-3(b) in its entirety and substitute in lieu thereof the following:

- (b) *Procedures for ambient sampling and analysis.* Sampling and analytical procedures required for particulate matter, particulate matter as PM₁₀, particulate matter as PM_{2.5}, ozone, sulfur dioxide, carbon monoxide, nitrogen dioxide, and lead may be found in Title 40 Code of Federal Regulations Part 50, Appendices A-1, A-2, B, C, D, F, G, H, I, J, K, L, N, O, P, Q, R, S, T, and U, which have been incorporated by reference in Chapter 4. The procedure for sampling and analyzing atmospheric fluorides shall conform with the method adopted by the American Society for Testing Materials (ASTM) and found in the Annual Book of ASTM Standards published in the most recent year prior to enactment of this ordinance year by the American Society for Testing Materials bearing ASTM designation D 3266 "Standard Test Method for Automated Separation and Collection of Particulate and Acidic Fluoride in the Atmosphere (Double Paper Tape Sampler Method)." Each ambient monitor sited in the field for the purpose of generating data for the monitoring procedures listed in Section 4-3(b) must have a valid data recovery of at least seventy-five percent (75%). Information that documents the cause of any missing data shall be submitted in writing to the Director.

SECTION 6. That Chattanooga City Code, Part II, Chapter 4, Section 4-3, is hereby amended so as to delete Section 4-3(c)(2) in its entirety and substitute in lieu thereof the following:

- (2) Stack gas flow rate determination. Stack gas flow rate shall be determined by Method 2, 2A, 2B, 2C, 2D, 2E, 2F, 2G, or 2H as set forth in Title 40 CFR Part 60, Appendix A, which has been incorporated by reference in Chapter 4.

SECTION 7. That Chattanooga City Code, Part II, Chapter 4, Section 4-3, is hereby amended so as to delete Section 4-3(c)(5) in its entirety and substitute in lieu thereof the following:

- (5) Determination of particulate emissions. Particulate emissions shall be determined by Method 5, 5A, 5B, 5D, 5E, 5F, 5G, 5H, 5I, or 17 as set forth in Title 40 CFR Part 60, Appendix A, which has been incorporated by reference in Chapter 4, or by Method 201, 201A, or 202 as set forth in Title 40 CFR Part 51, Appendix M, which has been incorporated by reference in Chapter 4. Particulate or gaseous mercury emissions shall be determined by Method 29, 30A, or 30B as set forth in Title 40 CFR Part 60, Appendix A, which has been incorporated by reference in Chapter 4, or by Method 101, 101A, 102, or 105 as set forth in Title 40 CFR Part 61, Appendix B, which has been incorporated by reference in Chapter 4.

SECTION 8. That Chattanooga City Code, Part II, Chapter 4, Section 4-3, is hereby amended so as to delete Section 4-3(c)(13) in its entirety and substitute in lieu thereof the following:

- (13) Determination of fluoride emissions. Fluoride emissions shall be determined by Method 13A, 13B, 14, or 14A as set forth in Title 40 CFR Part 60, Appendix A, which has been incorporated by reference in Chapter 4.

SECTION 9. That Chattanooga City Code, Part II, Chapter 4, Section 4-3, is hereby amended so as to delete Section 4-3(c)(14) in its entirety and substitute in lieu thereof the following:

- (14) (Reserved)

SECTION 10. That Chattanooga City Code, Part II, Chapter 4, Section 4-3, is hereby amended so as to delete Section 4-3(c)(15)a in its entirety.

SECTION 11. That Chattanooga City Code, Part II, Chapter 4, Section 4-3, is hereby amended so as to delete Section 4-3(c)(16) in its entirety and substitute in lieu thereof the following:

- (16) Determination of total reduced sulfur emissions. Total reduced sulfur emissions shall be determined by Method 15A, 16, 16A, 16B, or 16C as set forth in Title 40 CFR Part 60, Appendix A, which has been incorporated by reference in Chapter 4.

SECTION 12. That Chattanooga City Code, Part II, Chapter 4, Section 4-3, is hereby amended so as to delete Section 4-3(c)(25) in its entirety and substitute in lieu thereof the following:

- (25) Determination of organic emissions. Organic emissions shall be determined by Method 25, 25A, 25B, 25C, 25D, or 25E as set forth in Title 40 CFR Part 60, Appendix A, which has been incorporated by reference in Chapter 4.

SECTION 13. That Chattanooga City Code, Part II, Chapter 4, Section 4-3, is hereby amended so as to delete Section 4-3(c)(26) in its entirety and substitute in lieu thereof the following:

- (26) Determination of hydrogen halide and halogen emissions. Hydrogen halide and halogen emissions shall be determined by Method 26 or 26A as set forth in Title 40 CFR Part 60, Appendix A, which has been incorporated by reference in Chapter 4.

SECTION 14. That Chattanooga City Code, Part II, Chapter 4, Section 4-8, is hereby amended so as to delete Section 4-8(c)(11)g in its entirety and substitute in lieu thereof the following:

- g. The Director shall give notice to U.S. EPA and the general public at least thirty (30) days in advance of a public hearing on the issuance of a proposed federally enforceable certificate of operation and shall provide at least thirty (30) days for public comment. A proposed change to the potential to emit air pollutants or hazardous air pollutants of any source previously determined by the Board to be a synthetic minor source and issued one (1) or more federally enforceable certificates of operation that have not yet expired, is not subject to subsequent public participation requirements regarding the proposed change so long as the proposed change would not result in a net increase in the potential-to-emit of any air pollutant or any hazardous air pollutant, as determined by the Director. The Director shall provide U.S. EPA with a copy of a proposed certificate of operation intended to be federally enforceable at the same time notice is provided. Such notice shall be given by publication as an electronic notice (e-notice) on the Bureau website for the duration of the public comment period and by other means designated by the Director, if necessary. Such advance notice must be given and a public hearing must be held prior to issuance of any federally enforceable certificate of operation to any source. The Director shall, in a timely manner, provide U.S. EPA a copy of the final certificate of operation intended to be federally enforceable.

SECTION 15. That Chattanooga City Code, Part II, Chapter 4, Section 4-8, is hereby amended so as to delete Schedule 4-8-F-I of Section 4-8(f)(4) in its entirety and substitute in lieu thereof the following:

SCHEDULE 4-8-F-I

DEMOLITIONS WHERE NO REGULATED ASBESTOS IS PRESENT

Fee: \$200.00 per structure

SECTION 16. That Chattanooga City Code, Part II, Chapter 4, Section 4-8, is hereby amended so as to delete Schedule 4-8-F-II of Section 4-8(f)(4) in its entirety and substitute in lieu thereof the following:

SCHEDULE 4-8-F-II
DEMOLITIONS WHERE REGULATED ASBESTOS IS PRESENT

Linear/Square Feet of ACM	Fee
160 – 299 (square feet)	\$325.00 plus \$200.00 per structure
260 – 299 (linear feet)	325.00 plus \$200.00 per structure
300 – 499	500.00 plus \$200.00 per structure
500 – 999	700.00 plus \$200.00 per structure
1,000 – 1,499	825.00 plus \$200.00 per structure
1,500 – 4,999	1,000.00 plus \$200.00 per structure
5,000 and up	1,250.00 plus \$200.00 per structure

SECTION 17. That Chattanooga City Code, Part II, Chapter 4, Section 4-8, is hereby amended so as to delete Schedule 4-8-F-III of Section 4-8(f)(4) in its entirety and substitute in lieu thereof the following:

SCHEDULE 4-8-F-III
RENOVATIONS WHERE REGULATED ASBESTOS IS PRESENT

Linear/Square Feet of ACM	Fee
160 – 299 (square feet)	\$325.00
260 – 299 (linear feet)	325.00
300 – 499	500.00
500 – 999	700.00
1,000 – 1,499	825.00
1,500 – 4,999	1,000.00
5,000 and up	1,250.00

SECTION 18. That Chattanooga City Code, Part II, Chapter 4, Section 4-8, is hereby amended so as to delete Section 4-8(g) in its entirety and substitute in lieu thereof the following:

- (g) *Public Notice Requirements.* The Bureau shall notify the public, on a monthly basis, by publication as an electronic notice (e-notice) on the Bureau website for the duration of the public comment period and by other means designated by the Director, if necessary, of any applicants seeking to obtain a permit to construct or modify an air contaminant

source. Provided, however, that modifications which do not result in a net emissions increase in the potential emissions of any air pollutant or that qualify as a minor permit modification will not be subject to the notice requirements of this paragraph. The notice shall specify the general vicinity or location of the proposed source or modification, the type of source or modification, and opportunity for public comment. Comments shall be in writing and delivered to the Director within thirty (30) days after the publication of the public notice. If there is no application during a particular month, no notice shall be required for that month. The Bureau may publish the notice for a single application if the source so requests. Any costs for all public notices required to be published, including those for federally-enforceable initial certificates of operation, Part 70 major source operating permits (initial and renewal), installation (construction) permits, PSD permits, and applicable modifications of any permit, shall be assessed to the applicant in addition to the associated permit fee. Where multiple sources are included in the published notice, any costs shall be apportioned equally between or among those multiple sources. The Bureau shall be required to publish notices pursuant to this section only in those months for which an actual application has been received and which is subject to these provisions. Failure to pay these costs shall constitute a violation of this ordinance for which enforcement action may be taken.

SECTION 19. That Chattanooga City Code, Part II, Chapter 4, Section 4-19, is hereby amended so as to delete Section 4-19(a) in its entirety and substitute in lieu thereof the following:

- (a) Upon the filing with the Director of a written request for confidentiality by an owner or operator for any formulae, processes, methods, or information associated with an air pollutant source that are certified by the owner or operator of the source as confidential, the Director shall conduct a review for confidentiality. Records or other information concerning an air pollutant source that are certified by the owner or operator as related to confidential production techniques, production rates, trade secrets, or sales figures or to processes or methods sufficiently unique to the owner or operator or which would affect adversely the competitive position of such owner or operator if made available to the general public are eligible for confidential status. For sources subject to the Part 70 permit provisions at Article III of the Ordinance, the confidential information provisions of Section 4-56(a)(3) shall also apply in reviewing the request for treatment of information as confidential.

SECTION 20. That Chattanooga City Code, Part II, Chapter 4, Section 4-19, is hereby amended so as to delete Section 4-19(b) in its entirety and substitute in lieu thereof the following:

- (b) If the Director determines that any information for which confidentiality has been requested should not be protected as confidential, the Director shall so notify the source owner or operator in writing. All disapproved information will be treated as confidential until forty-five (45) days from the date of such notification. If an appeal to the Board is

received from the owner or operator within this forty-five (45)-day period, applicable information shall be treated as confidential throughout the appeal period. If the Director or Board determines that information should be protected as confidential, then such information shall be reserved only for the confidential use of the Board and Bureau in the administration of this chapter or the Administrator of the U.S. Environmental Protection Agency in the administration of the Federal Clean Air Act. Nothing herein shall be construed to prevent the use of such information by the Bureau or Board in compiling or publishing analyses or summaries relating to the general conditions of the outdoor atmosphere provided that such analyses or summaries do not identify the owner, operator, or business or reveal any information considered confidential under this section.

SECTION 21. That Chattanooga City Code, Part II, Chapter 4, Section 4-20, is hereby amended so as to delete Section 4-20(c)(2) in its entirety and substitute in lieu thereof the following:

- (2) Preplanned Abatement Strategies. Major sources in or significantly impacting a nonattainment area must submit to the Director an acceptable air pollution episode emissions reduction plan to be followed during the alert, warning and emergency levels of an air pollution episode. The term “major source” as used in Section 4-20 means any of the following types of stationary sources of air pollutants which emit, or have the potential to emit, one hundred (100) tons per year or more of any air pollutant: fossil fuel fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input; coal cleaning plants (thermal dryers); draft pulp mills; Portland cement plants; primary zinc smelters; iron and steel mill plants; primary copper smelters; municipal incinerators capable of charging more than fifty (50) tons of refuse per day; hydrofluoric, sulfuric, and nitric acid plants; petroleum refineries; lime plants; coke oven batteries; sulfur plants; phosphate rock processing plants; sulfur recovery plants; carbon black plants (furniture process); primary lead smelters; fuel conversion plants; sintering plants; secondary metal production facilities; chemical process plants; fossil-fuel boilers of more than two hundred fifty million (250,000,000) British thermal units per hour heat input; petroleum storage and transfer facilities with a capacity exceeding three hundred thousand (300,000) barrels; taconite ore processing facilities; glass fiber processing plants; and charcoal production facilities. The term “major source” also includes, for the purposes of Section 4-20, any other source with the potential to emit two hundred fifty (250) tons per year or more of any air pollutant. Only the pollutants for which the air quality planning area is designated nonattainment are considered in determining whether a source is a major source, for the purposes of Section 4-20.

SECTION 22. That Chattanooga City Code, Part II, Chapter 4, Section 4-21, is hereby amended so as to delete Section 4-21(b) in its entirety and substitute in lieu thereof the following:

- (b) No variance or renewal thereof shall be granted pursuant to this section except after public hearing on due notice by publication as an electronic notice (e-notice) on the Bureau website for a period of thirty (30) days prior to the public hearing and by other means designated by the Director, if necessary, and until the Board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

SECTION 23. That Chattanooga City Code, Part II, Chapter 4, Section 4-21, is hereby amended so as to delete Section 4-21(d) in its entirety and substitute in lieu thereof the following:

- (d) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the Board on account of the variance, no renewal thereof shall be granted unless, following public hearing on the complaint notice, the Board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least thirty (30) days prior to the expiration of the variance. Upon receipt of an application for renewal, the Bureau shall provide for public notice by publication as an electronic notice (e-notice) on the Bureau website for a period of thirty (30) days prior to the public hearing and by other means designated by the Director, if necessary.

SECTION 24. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 6.3(4) in its entirety and substitute in lieu thereof the following:

- (4) The size of the piles of material to be burned shall not exceed eight (8) feet by eight (8) feet by eight (8) feet and no pile shall be within one hundred (100) feet of the nearest structure or within fifty (50) feet of wooden or plastic fencing not owned by the permittee. No brush in excess of twelve (12) inches in diameter and no tree stumps shall be burned;

SECTION 25. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 6.3(5) in its entirety and substitute in lieu thereof the following:

- (5) Burning may only be conducted on days of low air pollution potential, as determined by the Director. In addition, burning may not be allowed during periods of high winds, dry conditions, or low humidity, as determined by the Director;

SECTION 26. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 6.3(7) and substitute in lieu thereof the following:

- (7) Burning will only be allowed during the following hours on days approved pursuant to subparagraph (5) above. The burning shall be completed by, and completely extinguished by, the end of the time period set forth below. Dirt shall not be used to attempt to extinguish the burning. No smoke or smoldering is allowed after the termination time;

October 1 through November 3	9:00 a.m. – 4:00 p.m.
November 4 through December 31	9:00 a.m. – 3:30 p.m.
January 1 through February 15	9:00 a.m. – 4:00 p.m.
February 16 through March 13	9:00 a.m. – 5:00 p.m.
March 14 through April 30	9:00 a.m. – 6:00 p.m.

SECTION 27. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 6.4(1) in its entirety and substitute in lieu thereof the following:

- (1) Fires used only for cooking of food or for ceremonial or recreational purposes (recreational fires are limited in size to three (3) feet in diameter and two (2) feet high), including barbecues and outdoor fireplaces, but only if such fires are fueled with clean fuel for that particular purpose (clean seasoned wood, gas, charcoal, wood pellets, or fire logs). Smoke or ash from cooking, ceremonial, or recreational fires shall not create a nuisance beyond the boundary of the property where the burning is occurring. Cooking, ceremonial, or recreational fires shall not be left unattended and shall be completely extinguished when the purpose of the fire is completed;

SECTION 28. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *first paragraph only* of Rule 6.6 and substitute in lieu thereof the following:

Rule 6.6. Controlled Burning. Clearing and burning of two (2) or more acres of vegetation within a one (1)-year period, including burning for silvicultural purposes, requires controlled burning and compliance with the following enumerated conditions. Controlled burning may be permitted by the Director only in the months of October, November, December, January, February, March and April. Controlled burning, other than for silvicultural purposes, requires

the use a pit and an air curtain destructor. Burning for silvicultural purposes requires the use of special equipment designed for that purpose.

SECTION 29. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 6.6(12) and substitute in lieu thereof the following:

(12) Burning will only be allowed during the following hours on days of low air pollution potential, as determined by the Director. In addition, burning may not be allowed during periods of high winds, dry conditions, or low humidity, as determined by the Director. The burning shall be completed by, and completely extinguished by, the end of the time period set forth below. Dirt shall not be used to attempt to extinguish the burning. No smoke or smoldering is allowed after the termination time;

October 1 through November 3	9:00 a.m. – 4:00 p.m.
November 4 through December 31	9:00 a.m. – 3:30 p.m.
January 1 through February 15	9:00 a.m. – 4:00 p.m.
February 16 through March 13	9:00 a.m. – 5:00 p.m.
March 14 through April 30	9:00 a.m. – 6:00 p.m.

SECTION 30. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to change the *name* of Rule 15 to the following:

Rule 15. New Source Performance Standards and Standards for Landfills.

SECTION 31. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 15.1 in its entirety and substitute in lieu thereof the following:

Rule 15.1 The provisions of Title 40 Code of Federal Regulations Part 60 “Standards of Performance for New Stationary Sources,” Subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AAa, BB, BBa, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, OOOOa, QQQQ, and TTTT and Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, and I (Revised as of July 1, 2021) are hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

Subpart A –	General Provisions
Subpart D –	Fossil-Fuel-Fired Steam Generators
Subpart Da –	Electric Utility Steam Generating Units
Subpart Db –	Industrial-Commercial-Institutional Steam Generating Units
Subpart Dc –	Small Industrial-Commercial-Institutional Steam Generating Units
Subpart E –	Incinerators
Subpart Ea –	Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994
Subpart Eb –	Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
Subpart Ec –	Hospital/Medical/Infectious Waste Incinerators
Subpart F –	Portland Cement Plants
Subpart G –	Nitric Acid Plants
Subpart Ga –	Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011
Subpart H –	Sulfuric Acid Plants
Subpart I –	Hot Mix Asphalt Facilities
Subpart J –	Petroleum Refineries
Subpart Ja –	Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
Subpart K –	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
Subpart Ka –	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
Subpart Kb –	Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
Subpart L –	Secondary Lead Smelters
Subpart M –	Secondary Brass and Bronze Production Plants
Subpart N –	Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
Subpart Na –	Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983

Subpart O –	Sewage Treatment Plants
Subpart P –	Primary Copper Smelters
Subpart Q –	Primary Zinc Smelters
Subpart R –	Primary Lead Smelters
Subpart S –	Primary Aluminum Reduction Plants
Subpart T –	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants
Subpart U –	Phosphate Fertilizer Industry: Superphosphoric Acid Plants
Subpart V –	Phosphate Fertilizer Industry: Diammonium Phosphate Plants
Subpart W –	Phosphate Fertilizer Industry: Triple Superphosphate Plants
Subpart X –	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
Subpart Y –	Coal Preparation and Processing Plants
Subpart Z –	Ferroalloy Production Facilities
Subpart AAa –	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983
Subpart BB –	Kraft Pulp Mills
Subpart BBa –	Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013
Subpart CC –	Glass Manufacturing Plants
Subpart DD –	Grain Elevators
Subpart EE –	Surface Coating of Metal Furniture
Subpart GG –	Stationary Gas Turbines
Subpart HH –	Lime Manufacturing Plants
Subpart KK –	Lead-Acid Battery Manufacturing Plants
Subpart LL –	Metallic Mineral Processing Plants
Subpart MM –	Automobile and Light Duty Truck Surface Coating Operations
Subpart NN –	Phosphate Rock Plants
Subpart PP –	Ammonium Sulfate Manufacture
Subpart QQ –	Graphic Arts Industry: Publication Rotogravure Printing
Subpart RR –	Pressure Sensitive Tape and Label Surface Coating Operations
Subpart SS –	Industrial Surface Coating: Large Appliances
Subpart TT –	Metal Coil Surface Coating
Subpart UU –	Asphalt Processing and Asphalt Roofing Manufacture

Subpart VV –	Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006
Subpart VVa –	Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
Subpart WW –	Beverage Can Surface Coating Industry
Subpart XX –	Bulk Gasoline Terminals
Subpart AAA –	New Residential Wood Heaters
Subpart BBB –	Rubber Tire Manufacturing Industry
Subpart DDD –	Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry
Subpart FFF –	Flexible Vinyl and Urethane Coating and Printing
Subpart GGG –	Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006
Subpart GGGa –	Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
Subpart HHH –	Synthetic Fiber Production Facilities
Subpart III –	Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes
Subpart JJJ –	Petroleum Dry Cleaners
Subpart KKK –	Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011
Subpart LLL –	SO ₂ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011
Subpart NNN –	Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
Subpart OOO –	Nonmetallic Mineral Processing Plants
Subpart PPP –	Wool Fiberglass Insulation Manufacturing Plants
Subpart QQQ –	VOC Emissions From Petroleum Refinery Wastewater Systems
Subpart RRR –	Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes

Subpart SSS –	Magnetic Tape Coating Facilities
Subpart TTT –	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
Subpart UUU –	Calciners and Dryers in Mineral Industries
Subpart VVV –	Polymeric Coating of Supporting Substrates Facilities
Subpart WWW –	Municipal Solid Waste Landfills
Subpart XXX –	Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014
Subpart AAAA –	Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001
Subpart CCCC –	Commercial and Industrial Solid Waste Incineration Units
Subpart EEEE –	Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006
Subpart IIII –	Stationary Compression Ignition Internal Combustion Engines
Subpart JJJJ –	Stationary Spark Ignition Internal Combustion Engines
Subpart KKKK –	Stationary Combustion Turbines
Subpart LLLL –	New Sewage Sludge Incineration Units
Subpart OOOO –	Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015
Subpart OOOOa –	Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015
Subpart QQQQ –	New Residential Hydronic Heaters and Forced-Air Furnaces
Subpart TTTT –	Greenhouse Gas Emissions for Electric Generating Units
Appendix A-1 –	Test Methods 1 through 2F
Appendix A-2 –	Test Methods 2G through 3C
Appendix A-3 –	Test Methods 4 through 5I
Appendix A-4 –	Test Methods 6 through 10B
Appendix A-5 –	Test Methods 11 through 15A
Appendix A-6 –	Test Methods 16 through 18
Appendix A-7 –	Test Methods 19 through 25E
Appendix A-8 –	Test Methods 26 through 30B
Appendix B –	Performance Specifications

Appendix C –	Determination of Emission Rate Change
Appendix D –	Required Emission Inventory Information
Appendix F –	Quality Assurance Procedures
Appendix I –	Owner’s Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60

SECTION 32. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 15.3(a)(5)a in its entirety and substitute in lieu thereof the following:

- a. The landfill was never subject to the requirements for a control system under Rule 15.3(b)(2)b.3.; or

SECTION 33. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 15.3(b)(3)b in its entirety and substitute in lieu thereof the following:

- b. The landfill has a design capacity greater than or equal to two million five hundred thousand (2,500,000) megagrams and two million five hundred thousand (2,500,000) cubic meters. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the report; and
- SECTION 34. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 15.3(c)(3)a in its entirety and substitute in lieu thereof the following:
- a. The nitrogen level shall be determined using Method 3C as described in Section 4-3(c) of Chapter 4, unless an alternative test method is established as allowed by Rule 15.3(b)(2)b.1.

SECTION 35. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *first paragraph only* of Rule 15.3(c)(3)b and substitute in lieu thereof the following:

- b. Unless an alternative test method is established as allowed by Rule 15.3(b)(2)b.1., the oxygen shall be determined by an oxygen meter using Method 3A as described in Section 4-3(c) of Chapter 4 except that:

SECTION 36. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *first paragraph only* of Rule 15.3(d)(1)c and substitute in lieu thereof the following:

- c. Tier 2. The landfill owner or operator shall determine the NMOC concentration using the following sampling procedure. The landfill owner or operator shall install at least two (2) sample probes per hectare of landfill surface that has retained waste for at least two (2) years. If the landfill is larger than twenty-five (25) hectares in area, only fifty (50) samples are required. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one (1) sample of landfill gas from each probe to determine the NMOC concentration using Title 40 CFR Part 60, Appendix A, Method 25C or Method 18, which have been incorporated by reference in Chapter 4 and are described in Section 4-3(c). If using Method 18 of Appendix A, the minimum list of compounds to be tested shall be those published in the Fifth Edition January 1995 U.S. Environmental Protection Agency Compilation of Air Pollutant Emission Factors (AP-42). If composite sampling is used, equal volumes shall be taken from each sample probe. If more than the required number of samples are taken, all samples shall be used in the analysis. The landfill owner or operator shall divide the NMOC concentration from Method 25C of Appendix A of Title 40 CFR Part 60 by six (6) to convert from C_{NMOC} as carbon to C_{NMOC} as hexane.

SECTION 37. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *first paragraph only* of Rule 15.3(d)(1)d and substitute in lieu thereof the following:

- d. Tier 3. The site-specific methane generation rate constant shall be determined using the procedures provided in Method 2E of Appendix A of Title 40 CFR Part 60, which has been incorporated by reference in Chapter 4 and is described in Section 4-3(c). The landfill owner or operator shall estimate the NMOC mass emission rate using equations in Rule 15.3(d)(1)a.1. or a.2. and using a site-specific methane generation rate constant k , and the site-specific NMOC concentration as determined in Rule 15.3(d)(1)c. instead of the default values provided in Rule 15.3(d)(1)a. The landfill owner or operator shall compare the resulting NMOC mass emission rate to the standard of fifty (50) megagrams per year.

SECTION 38. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 15.3(d)(2)a in its entirety and substitute in lieu thereof the following:

- a. The flow rate of landfill gas, Q_{LFG} , shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control device using a gas flow measuring device calibrated according to the provisions of Section 4 of Method 2E of Appendix A of Title 40 CFR Part 60, which has been incorporated by reference in Chapter 4 and is described in Section 4-3(c).

SECTION 39. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 15.3(d)(2)b in its entirety and substitute in lieu thereof the following:

- b. The average NMOC concentration, C_{NMOC} , shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in Method 25C or Method 18 of Appendix A of Title 40 CFR Part 60, which have been incorporated by reference in Chapter 4 and are described at Section 4-3(c). If using Method 18, the minimum list of compounds to be tested shall be those published in the Fifth Edition January 1995 U.S. Environmental Protection Agency Compilation of Air Pollutant Emission Factors (AP-42). The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The landfill owner or operator shall divide the NMOC concentration from Method 25C by six (6) to convert from C_{NMOC} as carbon to C_{NMOC} as hexane.

SECTION 40. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *first paragraph only* of Rule 15.3(d)(4) and substitute in lieu thereof the following:

4. For the performance test required in Rule 15.3(b)(2)b.3.(ii), Method 25C or Method 18 of Appendix A of Title 40 CFR Part 60, which have been incorporated by reference in Chapter 4 and are described at Section 4-3(c), shall be used to determine compliance with the ninety-eight (98) weight-percent efficiency or the twenty (20) ppmv outlet concentration level, unless another method to demonstrate compliance has been approved by the Administrator. If using Method 18 of Appendix A of Title 40 CFR Part 60, the minimum list of compounds to be tested shall be those published in the Fifth Edition January 1995 U.S. Environmental Protection Agency Compilation of Air Pollutant Emission Factors (AP-42). The following equation shall be used to calculate efficiency:

SECTION 41. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 15.3(e)(3)c in its entirety and substitute in lieu thereof the following:

- c. Surface emission monitoring shall be performed in accordance with Section 4.3.1 of Method 21 of Appendix A of Title 40 CFR Part 60, which has been incorporated by reference in Chapter 4 and is described in Section 4-3(c) except that the probe inlet shall be placed within five (5) to ten (10) centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.

SECTION 42. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 15.3(e)(4)a in its entirety and substitute in lieu thereof the following:

- a. The portable analyzer shall meet the instrument specifications provided in Section 3 of Method 21 of Appendix A of Title 40 CFR Part 60, which has been incorporated by reference in Chapter 4 and is described at Section 4-3(c), except that “methane” shall replace all references to VOC.

SECTION 43. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to add the following Rule 15.4:

Rule 15.4 The provisions of Title 40 Code of Federal Regulations Part 62 “Approval and Promulgation of State Plans for Designated Facilities and Pollutants,” Subpart OOO “*Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014*” (Revised as of July 1, 2021) is hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 44. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 16.1 in its entirety and substitute in lieu thereof the following:

Rule 16.1 The provisions of Title 40 Code of Federal Regulations Part 61 “National Emissions Standards for Hazardous Air Pollutants,” Subparts A, B, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB, and FF and Appendices A, B, C, D, and E (Revised as of July 1, 2021) are hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

Subpart A –	General Provisions
Subpart B –	Radon Emissions From Underground Uranium Mines
Subpart C –	Beryllium
Subpart D –	Beryllium Rocket Motor Firing
Subpart E –	Mercury
Subpart F –	Vinyl Chloride
Subpart H –	Emissions of Radionuclides Other Than Radon From Department of Energy Facilities
Subpart I –	Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H
Subpart J –	Equipment Leaks (Fugitive Emission Sources) of Benzene
Subpart K –	Radionuclide Emissions From Elemental Phosphorus Plants
Subpart L –	Benzene Emissions from Coke By-Product Recovery Plants
Subpart N –	Inorganic Arsenic Emissions From Glass Manufacturing Plants
Subpart O –	Inorganic Arsenic Emissions From Primary Copper Smelters
Subpart P –	Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities
Subpart Q –	Radon Emissions From Department of Energy Facilities
Subpart R –	Radon Emissions From Phosphogypsum Stacks
Subpart T –	Radon Emissions From the Disposal of Uranium Mill Tailings
Subpart V –	Equipment Leaks (Fugitive Emission Sources)
Subpart W –	Radon Emissions From Operating Mill Tailings
Subpart Y –	Benzene Emissions From Benzene Storage Vessels
Subpart BB –	Benzene Emissions From Benzene Transfer Operations
Subpart FF –	Benzene Waste Operations
Appendix A –	National Emission Standards for Hazardous Air Pollutants, Compliance Status Information
Appendix B –	Test Methods
Appendix C –	Quality Assurance Procedures
Appendix D –	Methods for Estimating Radionuclide Emissions
Appendix E –	Compliance Procedures Methods for Determining Compliance With Subpart I

SECTION 45. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to change the *name* of Rule 16.5 to the following:

Rule 16.5. Emissions Standards for Source Categories.

SECTION 46. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 16.5(c) in its entirety and substitute in lieu thereof the following:

- (c) The provisions of Title 40 Code of Federal Regulations Part 63 “National Emissions Standards for Hazardous Air Pollutants for Source Categories,” Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBB, CCCC, DDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIII, JJJJ, KKKKK, LLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, VVVVV, WWWWW, YYYYY, ZZZZZ, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, JJJJJ, LLLLL, MMMMM, NNNNN, OOOOO, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, VVVVV, WWWWW, XXXXX, YYYYY, ZZZZZ, AAAAAA, BBBBBB, CCCCC, DDDDD, EEEEE, and HHHHHH and Appendices A, B, C, D, and E (Revised as of July 1, 2021) are hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. The following subparts and appendices are included:

- | | |
|-------------|---|
| Subpart A – | General Provisions |
| Subpart B – | Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j) |
| Subpart C – | List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List |
| Subpart D – | Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants |
| Subpart F – | Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry |
| Subpart G – | Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater |
| Subpart H – | Organic Hazardous Air Pollutants for Equipment Leaks |

Subpart I –	Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
Subpart J –	Polyvinyl Chloride and Copolymers Production
Subpart L –	Coke Oven Batteries
Subpart M –	Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
Subpart N –	Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
Subpart O –	Ethylene Oxide Emission Standards for Sterilization Facilities
Subpart Q –	Industrial Process Cooling Towers
Subpart R –	Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
Subpart S –	Pulp and Paper Industry
Subpart T –	Halogenated Solvent Cleaning
Subpart U –	Group I Polymers and Resins
Subpart W –	Epoxy Resins Production and Non-Nylon Polyamides Production
Subpart X –	Secondary Lead Smelting
Subpart Y –	Marine Tank Vessel Loading Operations
Subpart AA –	Phosphoric Acid Manufacturing Plants
Subpart BB –	Phosphate Fertilizers Production Plants
Subpart CC –	Petroleum Refineries
Subpart DD –	Off-Site Waste and Recovery Operations
Subpart EE –	Magnetic Tape Manufacturing Operations
Subpart GG –	Aerospace Manufacturing and Rework Facilities
Subpart HH –	Oil and Natural Gas Production Facilities
Subpart II –	Shipbuilding and Ship Repair (Surface Coating)
Subpart JJ –	Wood Furniture Manufacturing Operations
Subpart KK –	Printing and Publishing Industry
Subpart LL –	Primary Aluminum Reduction Plants
Subpart MM –	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicemical Pulp Mills
Subpart NN –	Wool Fiberglass Manufacturing at Area Sources
Subpart OO –	Tanks – Level 1
Subpart PP –	Containers
Subpart QQ –	Surface Impoundments

Subpart RR –	Individual Drain Systems
Subpart SS –	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
Subpart TT –	Equipment Leaks – Control Level 1
Subpart UU –	Equipment Leaks – Control Level 2 Standards
Subpart VV –	Oil-Water Separators and Organic-Water Separators
Subpart WW –	Storage Vessels (Tanks) – Control Level 2
Subpart XX –	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
Subpart YY –	Generic Maximum Achievable Control Technology Standards
Subpart CCC –	Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants
Subpart DDD –	Mineral Wool Production
Subpart EEE –	Hazardous Waste Combustors
Subpart GGG –	Pharmaceuticals Production
Subpart HHH –	Natural Gas Transmission and Storage Facilities
Subpart III –	Flexible Polyurethane Foam Production
Subpart JJJ –	Group IV Polymers and Resins
Subpart LLL –	Portland Cement Manufacturing Industry
Subpart MMM –	Pesticide Active Ingredient Production
Subpart NNN –	Wool Fiberglass Manufacturing
Subpart OOO –	Manufacture of Amino/Phenolic Resins
Subpart PPP –	Polyether Polyols Production
Subpart QQQ –	Primary Copper Smelting
Subpart RRR –	Secondary Aluminum Production
Subpart TTT –	Primary Lead Smelting
Subpart UUU –	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units
Subpart VVV –	Publicly Owned Treatment Works
Subpart XXX –	Ferroalloys Production: Ferromanganese and Silicomanganese
Subpart AAAA –	Municipal Solid Waste Landfills
Subpart CCCC –	Manufacturing of Nutritional Yeast
Subpart DDDD –	Plywood and Composite Wood Products
Subpart EEEE –	Organic Liquids Distribution (Non-Gasoline)

Subpart FFFF –	Miscellaneous Organic Chemical Manufacturing
Subpart GGGG –	Solvent Extraction for Vegetable Oil Production
Subpart HHHH –	Wet-Formed Fiberglass Mat Production
Subpart IIII –	Surface Coating of Automobiles and Light-Duty Trucks
Subpart JJJJ –	Paper and Other Web Coating
Subpart KKKK –	Surface Coating of Metal Cans
Subpart MMMM –	Surface Coating of Miscellaneous Metal Parts and Products
Subpart NNNN –	Surface Coating of Large Appliances
Subpart OOOO –	Printing, Coating, and Dyeing of Fabrics and Other Textiles
Subpart PPPP –	Surface Coating of Plastic Parts and Products
Subpart QQQQ –	Surface Coating of Wood Building Products
Subpart RRRR –	Surface Coating of Metal Furniture
Subpart SSSS –	Surface Coating of Metal Coil
Subpart TTTT –	Leather Finishing Operations
Subpart UUUU –	Cellulose Products Manufacturing
Subpart VVVV –	Boat Manufacturing
Subpart WWWW –	Reinforced Plastic Composites Production
Subpart XXXX –	Rubber Tire Manufacturing
Subpart YYYYY –	Stationary Combustion Turbines
Subpart ZZZZ –	Stationary Reciprocating Internal Combustion Engines
Subpart AAAAA –	Lime Manufacturing Plants
Subpart BBBBB –	Semiconductor Manufacturing
Subpart CCCCC –	Coke Ovens: Pushing, Quenching, and Battery Stacks
Subpart DDDDD –	Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters
Subpart EEEEE –	Iron and Steel Foundries
Subpart FFFFF –	Integrated Iron and Steel Manufacturing Facilities
Subpart GGGGG –	Site Remediation
Subpart HHHHH –	Miscellaneous Coating Manufacturing
Subpart IIIII –	Mercury Emissions From Mercury Cell Chlor-Alkali Plants
Subpart JJJJJ –	Brick and Structural Clay Products Manufacturing
Subpart KKKKK –	Clay Ceramics Manufacturing
Subpart LLLLL –	Asphalt Processing and Asphalt Roofing Manufacturing

Subpart MMMMM –	Flexible Polyurethane Foam Fabrication Operations
Subpart NNNNN –	Hydrochloric Acid Production
Subpart PTTTT –	Engine Test Cells/Stands
Subpart QQQQQ –	Friction Materials Manufacturing Facilities
Subpart RRRRR –	Taconite Iron Ore Processing
Subpart SSSSS –	Refractory Products Manufacturing
Subpart TTTTT –	Primary Magnesium Refining
Subpart UUUUU –	Coal- and Oil-Fired Electric Utility Steam Generating Units
Subpart WWWW –	Hospital Ethylene Oxide Sterilizers
Subpart YYYYY –	Area Sources: Electric Arc Furnace Steelmaking Facilities
Subpart ZZZZ –	Iron and Steel Foundries Area Sources
Subpart BBBB –	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
Subpart CCCC –	Gasoline Dispensing Facilities
Subpart DDDDD –	Polyvinyl Chloride and Copolymers Production Area Sources
Subpart EEEEE –	Primary Copper Smelting Area Sources
Subpart FFFFF –	Secondary Copper Smelting Area Sources
Subpart GGGGG –	Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium
Subpart HHHHH –	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
Subpart JJJJJ –	Industrial, Commercial, and Institutional Boilers Area Sources
Subpart LLLLL –	Acrylic and Modacrylic Fibers Production Area Sources
Subpart MMMMM –	Carbon Black Production Area Sources
Subpart NNNNN –	Chemical Manufacturing Area Sources: Chromium Compounds
Subpart OOOOO –	Flexible Polyurethane Foam Production and Fabrication Area Sources
Subpart PTTTT –	Lead Acid Battery Manufacturing Area Sources
Subpart QQQQQ –	Wood Preserving Area Sources
Subpart RRRRR –	Clay Ceramics Manufacturing Area Sources
Subpart SSSSS –	Glass Manufacturing Area Sources
Subpart TTTTT –	Secondary Nonferrous Metals Processing Area Sources
Subpart VVVVV –	Chemical Manufacturing Area Sources
Subpart WWWW –	Area Source Standards for Plating and Polishing Operations

Subpart XXXXXX –	Area Source Standards for Nine Metal Fabrication and Finishing Source Categories
Subpart YYYYYY –	Area Sources: Ferroalloys Production Facilities
Subpart ZZZZZZ –	Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries
Subpart AAAAAA –	Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing
Subpart BBBBBB –	Area Sources: Chemical Preparations Industry
Subpart CCCCCC –	Area Sources: Paints and Allied Products Manufacturing
Subpart DDDDDD –	Area Sources: Prepared Feeds Manufacturing
Subpart EEEEEEE –	Gold Mine Ore Processing and Production Area Source Category
Subpart HHHHHHH –	Polyvinyl Chloride and Copolymers Production
Appendix A –	Test Methods
Appendix B –	Sources Defined for Early Reduction Provisions
Appendix C –	Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit
Appendix D –	Alternative Validation Procedure for EPA Waste and Wastewater Methods
Appendix E –	Monitoring Procedure for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions

SECTION 47. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as delete the *first paragraph only* of Rule 17 and substitute in lieu thereof the following:

Rule 17. Emission Standard for Asbestos.

Title 40 Code of Federal Regulations Part 763, Subpart E “*Asbestos-Containing Materials in Schools,*” Appendix E “*Interim Method of the Determinations of Asbestos in Bulk Insulation Samples*” (Revised as of July 1, 2021) is hereby incorporated by reference in Chapter 4 as a requirement of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121.

SECTION 48. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.1(8) in its entirety and substitute in lieu thereof the following:

- (8) *Category I nonfriable asbestos-containing material (ACM)* means asbestos-containing packing, gaskets, resilient floor covering, and asphalt roofing products containing more than one percent (1%) asbestos as determined using the method specified in Title 40 CFR Part 763, Subpart E, Appendix E, Section 1 “*Polarized Light Microscopy*,” which has been incorporated by reference in Chapter 4.

SECTION 49. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.1(9) in its entirety and substitute in lieu thereof the following:

- (9) *Category II nonfriable ACM* means any material, excluding Category I nonfriable ACM, containing more than one percent (1%) asbestos as determined using the method specified in Title 40 CFR Part 763, Subpart E, Appendix E, Section 1 “*Polarized Light Microscopy*,” which has been incorporated by reference in Chapter 4, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

SECTION 50. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.1(17) in its entirety and substitute in lieu thereof the following:

- (17) *Friable asbestos material* means any material containing more than one percent (1%) asbestos as determined using the method specified in Title 40 CFR Part 763, Subpart E, Appendix E, Section 1 “*Polarized Light Microscopy*,” which has been incorporated by reference in Chapter 4, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than ten percent (10%) as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

SECTION 51. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.1(19) in its entirety and substitute in lieu thereof the following:

- (19) *Glove bag* means a sealed compartment with attached inner gloves used for the handling of asbestos-containing materials. Properly installed and used, glove bags provide a small work area enclosure typically used for small-scale asbestos stripping operations. Information on glove-bag installation, equipment and supplies, and work practices is contained in Title 29 CFR Part 1926, Subpart Z, § 1926.1101 “*Asbestos*.”

SECTION 52. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.1(28) in its entirety and substitute in lieu thereof the following:

- (28) *Nonfriable asbestos-containing material* means any material containing more than one percent (1%) asbestos as determined using the method specified in Title 40 CFR Part 763, Subpart E, Appendix E, Section 1 “*Polarized Light Microscopy*,” which has been incorporated by reference in Chapter 4, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

SECTION 53. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.1(37) in its entirety and substitute in lieu thereof the following:

- (37) *Resilient floor covering* means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than one percent (1%) asbestos as determined using the method specified in Title 40 CFR Part 763, Subpart E, Appendix E, Section 1 “*Polarized Light Microscopy*,” which has been incorporated by reference in Chapter 4.

SECTION 54. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *first paragraph only* of Rule 17.5(1) and substitute in lieu thereof the following:

- (1) *Applicability.* To determine which requirements of paragraphs (1), (2), and (3) of Rule 17.5 apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, the owner or operator is required to have the affected facility or part of the facility where the demolition or renovation operation will occur thoroughly inspected for the presence of asbestos, including Category I and Category II nonfriable ACM. Any asbestos survey conducted by or for the owner or operator to determine the applicability of Rule 17.5 shall be conducted by a qualified person who has complied with the training requirements of paragraph (3)h. The requirements of paragraphs (2) and (3) of Rule 17.5 apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:

SECTION 55. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to add the following Rule 17.5(1)e:

- e. *Courtesy notification.* The owner or operator of a renovation activity at any facility being renovated that is not described in paragraph (1)d. of Rule 17.5 shall provide the Director with a written courtesy notification on a form specified by the Director and available from the Bureau before any renovation activity begins. None of the

requirements of paragraphs (2) and (3) of Rule 17.5 are applicable to such renovations.

SECTION 56. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.5(2)a in its entirety and substitute in lieu thereof the following:

- a. Provide the Director with written notice of intention to demolish or renovate on a form specified by the Director and available from the Bureau. In addition, Section 4-8(f) contains requirements for building demolition or renovation permits and related permit fees, including requirements applicable to all demolition projects and to certain renovation projects.

SECTION 57. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.5(2)c in its entirety and substitute in lieu thereof the following:

- c. Assure receipt by the Director of written notice as follows:
 1. At least ten (10) working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the operation is described in paragraphs (1)a. and d. (except (1)d.3. and (1)d.4.) of Rule 17.5.
 2. At least ten (10) working days before any demolition operation described in paragraph (1)b. begins.
 3. At least thirty (30) working days before the end of the calendar year preceding the year for which notice is being given for renovations described in paragraph (1)d.3. of Rule 17.5.
 4. As early as possible before, but not later than the following working day, if the operation is a demolition according to paragraph (1)c. of Rule 17.5 or if the operation is a renovation described in paragraph (1)d.4. of Rule 17.5.
 5. For asbestos stripping or removal work in a demolition or renovation operation, described in paragraphs (1)a. or (1)d. (except (1)d.3. and (1)d.4.) of Rule 17.5, and for a demolition described in paragraph (1)b. of Rule 17.5, that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Director as follows:
 - (i) When the asbestos stripping or removal operation or demolition operation covered by Rule 17.5 will begin after the date contained in the notice, the Director shall be notified of the new start date as soon as possible before, and no later than, the original start date.
 - (ii) When the asbestos stripping or removal operation or demolition operation covered by Rule 17.5 will begin on a date earlier than the date contained

in the notice, the Director shall be notified of the new start date at least ten (10) working days before the asbestos stripping or removal operation or demolition operation begins.

SECTION 58. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.5(2)d.2 in its entirety and substitute in lieu thereof the following:

2. Name, address, and telephone number of the facility owner or operator and the asbestos removal contractor (if applicable) and/or the demolition contractor (if applicable);

SECTION 59. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.5(2)d.3 in its entirety and substitute in lieu thereof the following:

3. Type of operation:
 - (i) Demolition without friable asbestos present;
 - (ii) Demolition with friable asbestos present;
 - (iii) Removal of friable asbestos without demolition;
 - (iv) Emergency demolition;
 - (v) Court ordered demolition; or
 - (vi) Other;

SECTION 60. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.5(2)d.5 in its entirety and substitute in lieu thereof the following:

5. (Reserved)

SECTION 61. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.5(2)d.10 in its entirety and substitute in lieu thereof the following:

10. (Reserved)

SECTION 62. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.5(2)d.11 in its entirety and substitute in lieu thereof the following:

11. (Reserved)

SECTION 63. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.5(2)d.16 in its entirety and substitute in lieu thereof the following:

16. Description of procedures to be followed in the event that unexpected RACM is found or Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder;

SECTION 64. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.5(2)d.17 in its entirety and substitute in lieu thereof the following:

17. Name, address, and telephone number of the waste transporter; and

SECTION 65. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to add the following Rule 17.5(2)d.18:

18. Attach any required asbestos survey, including a diagram showing the location of all identified ACM.

SECTION 66. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to add the following Rule 17.5(3)k:

- k. Any person conducting an asbestos survey or engaged in the removal of asbestos at a facility within Tennessee is required to be in possession of either a valid and appropriate asbestos accreditation certificate or valid and appropriate asbestos accreditation photo identification card as issued by the State of Tennessee in accordance with Chapter 1200-01-20 "*Asbestos Accreditation Requirements*" of the Rules of the Tennessee Department of Health and Tennessee Department of Environment and Conservation. Such accreditation certificate or identification card shall be made available for inspection by representatives or designees of the Director upon request at the facility.

SECTION 67. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.6(1) in its entirety and substitute in lieu thereof the following:

- (1) For spray-on application on buildings, structures, pipes, and conduits, do not use material containing more than one percent (1%) asbestos as determined using the method specified in Title 40 CFR Part 763, Subpart E, Appendix E, Section 1 “*Polarized Light Microscopy*,” which has been incorporated by reference in Chapter 4, except as provided in paragraph (3) of Rule 17.6.

SECTION 68. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete the *first paragraph only* of Rule 17.6(2) and substitute in lieu thereof the following:

- (2) For spray-on application of materials that contain more than one percent (1%) asbestos as determined using the method specified in Title 40 CFR Part 763, Subpart E, Appendix E, Section 1 “*Polarized Light Microscopy*,” which has been incorporated by reference in Chapter 4, on equipment and machinery, except as provided in paragraph (3) of Rule 17.6:

SECTION 69. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 17.13(2) in its entirety and substitute in lieu thereof the following:

- (2) The information required by Rule 17.13(1) must accompany the information submitted to the Administrator of U.S. EPA pursuant to Title 40 CFR Part 61, Subpart A, § 61.10 “*Source reporting and waiver request*,” which has been incorporated by reference in Chapter 4. Active waste disposal sites subject to Rule 17.14 shall also comply with this provision. The information described in Rule 17.13 must be reported using the format required by the Bureau.

SECTION 70. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 18.2(hh)(1)a in its entirety and substitute in lieu thereof the following:

- a. Any of the following stationary sources of air pollutants which emits, or has the potential to emit, one hundred (100) tons per year or more of any regulated NSR pollutant: fossil fuel-fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, Portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than fifty (50) tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combinations thereof) totaling more than two hundred

fifty million (250,000,000) British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;

SECTION 71. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 18.2(hh)(3)h in its entirety and substitute in lieu thereof the following:

- h. Municipal incinerators capable of charging more than fifty (50) tons of refuse per day;

SECTION 72. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 18.8(a)(7)h in its entirety and substitute in lieu thereof the following:

- h. Municipal incinerators capable of charging more than fifty (50) tons of refuse per day;

SECTION 73. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 18.16(b)(3) in its entirety and substitute in lieu thereof the following:

- (3) Notify the public, by publication as an electronic notice (e-notice) on the Bureau website for the duration of the public comment period and by other means designated by the Director, if necessary, of the preliminary determination, the degree of increment consumption that is expected from the source or modification, and the opportunity for comment at a public hearing as well as through written public comment. The notice shall include the draft permit, information on how to access the administrative record for the draft permit, and information on how to request and/or attend a public hearing on the draft permit.

SECTION 74. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 18.20(d) in its entirety and substitute in lieu thereof the following:

- (d) If the Director rescinds a permit under this Rule, the public shall be given adequate notice of the rescission. Publication of an announcement of rescission as an electronic notice (e-notice) on the Bureau website for a period of sixty (60) days prior to the

rescission and by other means designated by the Director, if necessary, shall be considered adequate notice.

SECTION 75. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 27.1 in its entirety and substitute in lieu thereof the following:

Rule 27.1. Particulate Matter Best Available Control Technology. Any new source or modification, alteration or reconstruction the installation of which commences after August 29, 1995, that emits or can potentially emit, prior to being controlled, fifteen (15) tons per year or more of PM₁₀ emissions, or that emits or can potentially emit, prior to being controlled, twenty-five (25) tons per year or more of particulate matter shall utilize “particulate matter best available control technology” (particulate BACT) as defined in Rule 27.2. If test results at a source subject to Rule 27.1 show more than 15.0 tons per year actual emissions of particulate matter, such source shall forward such test results to the Director. In addition, within sixty (60) days after receiving such test results, such source shall complete PM₁₀ emissions testing and forward the results of the PM₁₀ emissions testing to the Director.

SECTION 76. That Chattanooga City Code, Part II, Chapter 4, Section 4-41, is hereby amended so as to delete Rule 27.3 in its entirety and substitute in lieu thereof the following:

Rule 27.3. Reasonable and Proper Emission Limitations. Any new source or modification, alteration or reconstruction the installation of which commences after August 29, 1995, that emits or has the potential to emit at its maximum, prior to being controlled, less than fifteen (15) tons per year of PM₁₀ emissions and less than twenty-five (25) tons per year of particulate matter shall achieve “reasonable and proper emission limitations” as defined in Rule 27.4.

SECTION 77. That Chattanooga City Code, Part II, Chapter 4, Section 4-50, is hereby amended so as to delete Section 4-50(d) in its entirety and substitute in lieu thereof the following:

- (d) Any standard or other requirement pursuant to regulations promulgated under Section 111 of the Act [42 U.S.C. § 7411] in Title 40 CFR Part 60, which has been incorporated by reference in Chapter 4; or

SECTION 78. That Chattanooga City Code, Part II, Chapter 4, Section 4-52, is hereby amended so as to delete Section 4-52(d) in its entirety and substitute in lieu thereof the following:

- (d) The requirements of Title 40 Code of Federal Regulations Part 70 “*State Operating Permit Programs*” (Revised as of July 1, 2021), which are incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of

T.C.A. § 68-201-115 and § 10-7-121, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program) in Title 40 Code of Federal Regulations Part 72 “*Permits Regulation*,” Part 75 “*Continuous Emission Monitoring*,” and Part 76 “*Acid Rain Nitrogen Oxides Emission Reduction Program*” (Revised as of July 1, 2021), which are also incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121. If the provisions or requirements of Title 40 CFR Part 72 conflict with or are not included in this ordinance, the Part 72 provisions and requirements shall apply and take precedence.

SECTION 79. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (2) under the definition of “Applicable requirements” in its entirety and substitute in lieu thereof the following:

- (2) Any term or condition of any preconstruction permits issued pursuant to regulations promulgated under Title I, including parts C and D, of the Act in Title 40 CFR Part 51, Subpart I, or Title 40 CFR Part 60, which have been incorporated by reference in Chapter 4;

SECTION 80. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (3) under the definition of “Applicable requirements” in its entirety and substitute in lieu thereof the following:

- (3) Any standard or other requirement pursuant to regulations promulgated under Section 111 of the Act [42 U.S.C. § 7411] in Title 40 CFR Part 60, which has been incorporated by reference in Chapter 4;

SECTION 81. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (6) under the definition of “Applicable requirements” in its entirety and substitute in lieu thereof the following:

- (6) Any standard or other requirement governing solid waste incineration promulgated under Section 129 of the Act [42 U.S.C. § 7429], including Title 40 CFR Part 60, Subpart Ea “*Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and*

On or Before September 20, 1994,” which have been incorporated by reference in Chapter 4, and standards or other requirements that have been identified in this ordinance by amendment subsequent to the action of the Administrator;

SECTION 82. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (9) under the definition of “Applicable requirements” in its entirety and substitute in lieu thereof the following:

- (9) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act in Title 40 Code of Federal Regulations Part 82 “*Protection of Stratospheric Ozone*” (Revised as of July 1, 2021), which are incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, unless the Administrator has determined that such requirements need not be contained in a Part 70 permit;

SECTION 83. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (11) under the definition of “Applicable requirements” in its entirety and substitute in lieu thereof the following:

- (11) All requirements of Title 40 CFR Part 70, which have been incorporated by reference at Section 4-52(d) of this ordinance;

SECTION 84. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (2)(viii) under the definition of “Major source” in its entirety and substitute in lieu thereof the following:

- (viii) Municipal incinerators capable of charging more than fifty (50) tons of refuse per day;

SECTION 85. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (2) under the definition of “Regulated air pollutant” in its entirety and substitute in lieu thereof the following:

- (2) Any pollutant for which a national ambient air quality standard has been promulgated in Title 40 Code of Federal Regulations Part 50 “National Primary and Secondary Ambient Air Quality Standards” (Revised as of July 1, 2021), the requirements of which are incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121;

SECTION 86. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (3) under the definition of “Regulated air pollutant” in its entirety and substitute in lieu thereof the following:

- (3) Any pollutant that is subject to any standard that has been promulgated under Section 111 of the Act [42 U.S.C. § 7411] in Title 40 CFR Part 60, which has been incorporated by reference in Chapter 4, or Section 4-41, Rule 15 of this ordinance;

SECTION 87. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (4) under the definition of “Regulated air pollutant” in its entirety and substitute in lieu thereof the following:

- (4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act [42 U.S.C. § 7411] in Title 40 CFR Part 82, which has been incorporated by reference at Section 4-53 “Applicable requirements” (9) of this ordinance;

SECTION 88. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete the *first paragraph only* of Item (5) under the definition of “Regulated air pollutant” and substitute in lieu thereof the following:

- (5) Any pollutant subject to a standard that has been promulgated under Section 112 of the Act [42 U.S.C. § 7412] in Title 40 CFR Part 61 or Title 40 CFR Part 63, which have been incorporated by reference in Chapter 4, or Title 40 Code of Federal Regulations Part 68 “*Chemical Accident Prevention Provisions*” (Revised as of July 1, 2021), the requirements of which are incorporated herein by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121, including the following:

SECTION 89. That Chattanooga City Code, Part II, Chapter 4, Section 4-53, is hereby amended so as to delete Item (2) under the definition of “Regulated pollutant (for presumptive fee calculation)” in its entirety and substitute in lieu thereof the following:

- (2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard that has been promulgated under or established by Title VI of the Act [42 U.S.C. § 7411] in Title 40 CFR Part 82, which has been incorporated by reference at Section 4-53 “Applicable requirements” (9) of this ordinance; or

SECTION 90. That Chattanooga City Code, Part II, Chapter 4, Section 4-54, is hereby amended so as to delete Section 4-54(e)(2) in its entirety and substitute in lieu thereof the following:

- (2) Undergo public participation requirements. This requires that notice of a draft initial certificate(s) of operation for a synthetic minor source shall be given to the general public at least thirty (30) days in advance of a public hearing on the draft initial certificate(s) of operation and shall provide at least thirty (30) days for public comment. Such notice shall be given by publication as an electronic notice (e-notice) on the Bureau website for the duration of the public comment period and by other means designated by the Director, if necessary. In addition, a copy of the draft certificate(s) of operation for a synthetic minor source shall be delivered to the U.S. Environmental Protection Agency at least thirty (30) days in advance of a public hearing on the draft certificate(s) of operation. Such advance notice must be given and a public hearing must be held prior to issuance of any certificate of operation to a synthetic minor source. Any certificate of operation issued to a synthetic minor source shall contain a statement of basis comparing the source’s potential to emit with the synthetic limit to emit and a description of the procedures to be followed that will insure that the limit on which the Director bases a determination that a source is a synthetic minor source and not a “major source,” as defined in this ordinance, is not exceeded;

SECTION 91. That Chattanooga City Code, Part II, Chapter 4, Section 4-56, is hereby amended so as to delete the *first paragraph only* of Section 4-56(c)(11) and substitute in lieu thereof the following:

- (11) The following activities, due to de minimis emissions levels, are deemed to be insignificant activities that need not be included in the permit application

provided that potential emissions of each criteria pollutant from an activity listed in § 4-56(c)(11) by a Part 70 source are less than five (5) tons per year; and provided that potential emissions of any single hazardous air pollutant from an activity listed in § 4-56(c)(11) by a Part 70 source are less than one thousand (1,000) pounds per year; and provided that the activity involves no potential emissions of any Class I substance or Class II substance as defined in Title 42 U.S.C. 7671; and further provided that the activity listed in § 4-56(c)(11) is not subject to an applicable requirement, as that term is defined in § 4-53. Potential emissions of any air pollutant that is both a criteria pollutant and a hazardous air pollutant shall be subject to the more stringent threshold of one thousand (1,000) pounds per year for the purposes of § 4-56(c)(11).

SECTION 92. That Chattanooga City Code, Part II, Chapter 4, Section 4-56, is hereby amended so as to delete Section 4-56(c)(11)(xvix [*sic*]) in its entirety and substitute in lieu thereof the following:

- (xix) Laboratory equipment used exclusively for chemical and physical analyses, including ventilating and exhaust systems for laboratory hoods used for air contaminants other than radioactive air contaminants;

SECTION 93. That Chattanooga City Code, Part II, Chapter 4, Section 4-56, is hereby amended so as to delete Section 4-56(c)(11)(il [*sic*]) in its entirety and substitute in lieu thereof the following:

- (xlix) Equipment used for portable steam cleaning;

SECTION 94. That Chattanooga City Code, Part II, Chapter 4, Section 4-56, is hereby amended so as to delete the *first paragraph only* of Section 4-56(c)(11)(lxxxvi) and substitute in lieu thereof the following:

- (lxxxvi) Industrial-Commercial-Institutional Steam Generating Insignificant Activities are as follows:

SECTION 95. That Chattanooga City Code, Part II, Chapter 4, Section 4-56, is hereby amended so as to delete the *first paragraph only* of Section 4-56(c)(12) and substitute in lieu thereof the following:

- (12) The following activities, due to size and production rate, are deemed to be insignificant activities that must be included in the permit application in accordance with § 4-56 of this chapter provided that potential emissions of each criteria pollutant from an activity listed in § 4-56(c)(12) by a Part 70 source are less than five (5) tons per year; and provided that potential emissions of any single hazardous air pollutant from an activity listed in § 4-56(c)(12) by a Part 70 source are less than one thousand (1,000) pounds per year; and provided that the activity involves no potential emissions of any Class I substance or Class II substance as defined in Title 42 U.S.C. 7671; and further provided that the activity listed in § 4-56(c)(12) is not subject to an applicable requirement, as that term is defined in § 4-53. Potential emissions of any air pollutant that is both a criteria pollutant and a hazardous air pollutant shall be subject to the more stringent threshold of one thousand (1,000) pounds per year for the purposes of § 4-56(c)(12).

SECTION 96. That Chattanooga City Code, Part II, Chapter 4, Section 4-56, is hereby amended so as to delete Section 4-56(c)(12)(ii) in its entirety and substitute in lieu thereof the following:

- (ii) A single stack of an air contaminant source that emits no regulated gaseous pollutants or any pollutants defined at Section 4-53 “Regulated Air Pollutant” (5) of this ordinance and which does not have potential emissions, prior to being controlled, of more than 0.50 pound per hour of particulate matter, provided that the total of such emissions at an air contaminant source to which this insignificant activity designation is being applied amounts to less than 2.00 pounds per hour. For the purpose of this subparagraph, an air contaminant source includes all sources located within a contiguous area and under common control. This insignificant activity designation does not apply to incinerators or sources emitting lead or lead compounds.

SECTION 97. That Chattanooga City Code, Part II, Chapter 4, Section 4-56, is hereby amended so as to add the following Section 4-56(c)(12)(xxii):

- (xxii) Surface coating operations using hand-held, non-refillable aerosol containers.

SECTION 98. That Chattanooga City Code, Part II, Chapter 4, Section 4-58, is hereby amended so as to delete Section 4-58(h)(1) in its entirety and substitute in lieu thereof the following:

- (1) Notice shall be given: by publication as an electronic notice (e-notice) on the Bureau website, along with a copy of the draft permit, for the duration of the public comment period; to persons on a mailing list developed by the Bureau, including those who request in writing to be on the list; and by other means designated by the Director, if necessary, to assure adequate notice to the affected public;

SECTION 99. That Chattanooga City Code, Part II, Chapter 4, Section 4-68, is hereby amended so as to delete Section 4-68 in its entirety and substitute in lieu thereof the following:

Sec. 4-68. - Incorporation of documents by reference.

The following documents are hereby incorporated by reference in Chapter 4 as requirements of this municipality pursuant to the provisions of T.C.A. § 68-201-115 and § 10-7-121:

- (a) The following appendices of Title 40 Code of Federal Regulations Part 50 (Revised as of July 1, 2021):
 - (1) Appendix A-1 “*Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)*,”
 - (2) Appendix A-2 “*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)*,”
 - (3) Appendix B “*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*,”
 - (4) Appendix C “*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)*,”
 - (5) Appendix D “*Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere (Chemiluminescence Method)*,”
 - (6) Appendix F “*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)*,”
 - (7) Appendix G “*Reference Method for the Determination of Lead in Total Suspended Particulate Matter*,”
 - (8) Appendix H “*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*,”

- (9) Appendix I “*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone,*”
- (10) Appendix J “*Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere,*”
- (11) Appendix K “*Interpretation of the National Ambient Air Quality Standards for Particulate Matter,*”
- (12) Appendix L “*Reference Method for the Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere,*”
- (13) Appendix N “*Interpretation of the National Ambient Air Quality Standards for PM_{2.5},*”
- (14) Appendix O “*Reference Method for the Determination of Coarse Particulate Matter as PM_{10-2.5} in the Atmosphere,*”
- (15) Appendix P “*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone,*”
- (16) Appendix Q “*Reference Method for the Determination of Lead in Particulate Matter as PM₁₀ Collected From Ambient Air,*”
- (17) Appendix R “*Interpretation of the National Ambient Air Quality Standards for Lead,*”
- (18) Appendix S “*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide),*”
- (19) Appendix T “*Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide),*” and
- (20) Appendix U “*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*”;
- (b) Title 40 Code of Federal Regulations Part 51, Subpart I “*Review of New Sources and Modifications*” (Revised as of July 1, 2021);
- (c) The following appendices of Title 40 Code of Federal Regulations Part 51 (Revised as of July 1, 2021):
 - (1) Appendix M “*Recommended Test Methods for State Implementation Plans,*”
 - (2) Appendix P “*Minimum Emission Monitoring Requirements,*”
 - (3) Appendix S “*Emission Offset Interpretative Ruling,*” Section IV “*Sources That Would Locate in a Designated Nonattainment Area,*” and
 - (4) Appendix W “*Guideline on Air Quality Models*”;
- (d) Title 40 Code of Federal Regulations Part 58 “*Ambient Air Quality Surveillance*” and its Appendix B “*Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring*” (Revised as of July 1, 2021);
- (e) Title 40 Code of Federal Regulations Part 64 “*Compliance Assurance Monitoring*” (Revised as of July 1, 2021);

- (f) Title 40 Code of Federal Regulations § 70.4(b)(3)(viii) (Revised as of July 1, 2021);
- (g) The following appendices of Title 40 Code of Federal Regulations Part 75 (Revised as of July 1, 2021):
 - (1) Appendix A “Specifications and Test Procedures,”
 - (2) Appendix B “*Quality Assurance and Quality Control Procedures,*”
 - (3) Appendix C “*Missing Data Estimation Procedures,*”
 - (4) Appendix D “*Optional SO₂ Emissions Data Protocol for Gas-Fired and Oil-Fired Units,*”
 - (5) Appendix E “*Optional NO_x Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units,*”
 - (6) Appendix F “*Conversion Procedures,*” and
 - (7) Appendix G “*Determination of CO₂ Emissions*”;
- (h) Title 40 Code of Federal Regulations Part 257, Subpart A “*Classification of Solid Waste Disposal Facilities and Practices,*” § 257.2 “*Definitions*” (Revised as of July 1, 2021);
- (i) The following sections of Title 40 Code of Federal Regulations Part 258 “*Criteria for Municipal Solid Waste Landfills*” (Revised as of July 1, 2021):
 - (1) Subpart D “*Design Criteria,*” § 258.40 “*Design criteria,*” and
 - (2) Subpart F “*Closure and Post-Closure Care,*” § 258.60 “*Closure criteria*”;
- (j) American Society for Testing and Materials (ASTM) Designation D 3266-91, Standard Test Method for Automated Separation and Collection of Particulate and Acidic Gaseous Fluoride in the Atmosphere (Double Paper Tape Sampler Method), 1994 Annual Book of ASTM Standards Volume 11.03;
- (k) American Society for Testing and Materials (ASTM) Designation D 323-94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), 1994 Annual Book of ASTM Standards Volume 5.01;
- (l) American Petroleum Institute (API) Bulletin 2517 “Evaporative Loss from External Floating-Roof Tanks” Third Edition with addendum May 1994;
- (m) Tennessee Visible Emissions Evaluation Method 1 – Visual Determination of Opacity of Emissions from Nontraditional Sources (Roads and Parking Areas), Visible Emissions Evaluation Instruction Manual, August 1988 Revised 1995, issued by the Tennessee Department of Health & Environment, Division of Air Pollution Control; and
- (n) National Association of Corrosion Engineers (NACE) Standard RP0294-94 “Recommended Practice Design, Fabrication, and Inspection of Tanks for Storage of Concentrated Sulfuric Acid and Oleum at Ambient Temperatures.”

SECTION 100. BE IT FURTHER ORDAINED, that Chattanooga City Code, Part II, Chapter 4, codifying ordinances as previously adopted be construed to be cumulative in effect, and it is here declared to be the legislative intent that compliance with any one or more provisions of that chapter shall not be construed as defense for non-compliance with any other applicable provisions of the Code or the Ordinance or rules or regulations thereof nor with any applicable provisions of that chapter.

SECTION 101. BE IT FURTHER ORDAINED, that if any section, part of a section, sentence, clause or phrase of this Ordinance is for any reason declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Ordinance, and only such invalid portion shall be elided from this Ordinance.

SECTION 102. BE IT FURTHER ORDAINED, that this Ordinance shall become effective within two (2) weeks from and after its passage.

Passed on second and final reading: June 27, 2023


CHAIRPERSON

APPROVED: DISAPPROVED:


MAYOR