

**TENTATIVE AGENDA  
STATE OF TENNESSEE  
REGULAR MEETING  
AIR POLLUTION CONTROL BOARD  
Nashville Room, 3<sup>rd</sup> Floor Tennessee Tower  
312 Rosa L. Parks Avenue  
In Person and  
Remote Access Via WebEx link**

**Wednesday, August 9, 2023  
9:30 A.M.**

**\*\*\*\*Public Comments:** If you wish to speak on a topic(s) shown here, please print your name on the Sign-In Sheet provided at the guest table or type your name into the Webex chat box. Someone will recognize you during the meeting for comments or questions. \*\*\*\*\*

	<b>Item</b>	<b>Presenter</b>	<b>Page</b>
1.	Roll Call		
2.	Approval of the June 14, 2023, Board Meeting Minutes		02
3.	PSD Permit Extension Holston Army Ammunition Plant BO23-004  ** Questions from the Public or Online participants**	Travis Blake	06
4.	General Business:  Regional Haze SIP Revision  Shelby County 4 <sup>th</sup> Quarter Report	Jimmy Johnston  Marc Corrigan	13  19
	Questions from the Public or Online participants.		

Air Pollution Control Board  
of the  
State of Tennessee  
Regular Meeting

On Wednesday June 14, 2023, at 9:35 A.M., the Air Pollution Control Board of the State of Tennessee, (hereinafter, referred to as the “Board”), began its meeting on the 3<sup>rd</sup> Floor of the Tennessee Tower in the Nashville Room. The following Board members were physically present.

Dr. Ronne’ Adkins  
Mr. Mike Haverstick  
Mr. Richard Holland  
Mayor Ken Moore  
Mr. Stephen Moore  
Mr. Nicholas Ramos  
Ms. Amy Spann  
Mayor Larry Waters  
Mr. Jimmy West

The following Board members joined the meeting via WebEx

Dr. John Benitez  
Dr. Joshua Fu  
Dr. Chunrong Jia

The following Board member was absent:

Dr. Shawn Hawkins  
Ms. Caitlyn Jennings

Since the Chairman, David Salyers, P.E., could not attend the meeting, Dr. Ronne’ Adkins represented the Chairman by proxy. Ms. Michelle Owenby, Director, Division of Air Pollution Control, served as Technical Secretary.

The Vice-Chairman, Mayor Larry Waters, called the meeting to order and asked for a roll call and the response was as follows:

Dr. Adkins	Present	Dr. Benitez	Webex
Dr. Fu	Webex	Mr. Haverstick	Present
Dr. Hawkins	Absent	Mr. Holland	Present
Ms. Jennings	Absent	Dr. Jia	Webex
Mayor Moore	Present	Mr. Moore	Present
Mr. Ramos	Present	Ms. Spann	Present
Mayor Waters	Present	Mr. West	Present

Nine (9) Board members were present, Three (3) participated via WebEx and Two (2) were absent.

The next item on the agenda was the approval of the minutes from the May 10, 2023, Board meeting. The Vice-Chairman requested a motion to approve the minutes. Mayor Moore made a motion to approve the minutes and Ms. Amy Spann seconded the motion. The Vice-Chairman asked if there were any additions or corrections to the minutes. Hearing none, the Vice-Chair asked for a roll call and the response was as follows:

Dr. Adkins	Yes	Dr. Benitez	Yes
Dr. Fu	Yes	Mr. Haverstick	Yes
Dr. Hawkins	Absent	Mr. Holland	Yes
Ms. Jennings	Absent	Dr. Jia	Yes
Mayor Moore	Yes	Mr. Moore	Yes
Mr. Ramos	Yes	Ms. Spann	Yes
Mayor Waters	Yes	Mr. West	Yes

The motion carried with Twelve (12) affirmative votes; the minutes were approved as presented.

Mr. James Johnston with the Division of Air pollution Control. Mr. Johnston presented the 2023-2024 Title V Program Workload Analysis, Board Order 23-003. The Workload Analysis provides an estimate of the manpower and funding needed to support the Title V program in state fiscal year 2023-2024 to ensure compliance with federal law.

Mr. Johnston invited Ms. Mary Margret Chandler to the podium.

Ms. Mary Margret Chandler presented the FY 2024 FTE Title V Expense Projections.

The 2023-2024 Workload Analysis, as prepared by the Division of Air Pollution Control, was approved by the following Board Members on June 14, 2023. The Workload Analysis is the mechanism used by the Division of Air Pollution Control to determine the Title V annual fees needed to operate the Title V operating permit program in compliance with federal law for recommendation to the Air Pollution Control Board.

The Vice-Chairman requested a motion to approve the APC 2023-2024 Workload Analysis, Board Order 23-0003. Mayor Moore made a motion to approve, and Mr. Jimmy West seconded the motion.

The Vice-Chair asked for a Roll Call and the response was as follows:

Dr. Adkins	Yes	Dr. Benitez	Yes
Dr. Fu	Yes	Mr. Haverstick	Yes
Dr. Hawkins	Absent	Mr. Holland	Yes
Ms. Jennings	Absent	Dr. Jia	Yes
Mayor Moore	Yes	Mr. Moore	Yes
Mr. Ramos	Yes	Ms. Spann	Yes
Mayor Waters	Yes	Mr. West	Yes

The motion carried with Twelve (12) affirmative votes; the 2023-2024 Workload Analysis, Board Order 23-0003 was approved.

There being no further business to discuss before the Board, nor members of the public wishing to address the Board, the meeting was adjourned at 11:35 am.

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(Signed) Michelle Owenby, Technical Secretary  
Tennessee Air Pollution Control Board

Approved at Nashville, Tennessee on August 09, 2023

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(Signed) Mayor Larry Waters, Vice-Chairman  
Tennessee Air Pollution Control Board

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(Signed) David Salyers, Chairman  
Tennessee Air Pollution Control Board

ORDNANCE SYSTEMS INC.  
4509 West Stone Drive  
Kingsport, Tennessee 37660-9982  
Telephone (423) 578-6000  
Fax (423) 578-6178

July 14, 2023

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

Reference: Extension request for Construction Permit 974192 Reference Number 37-0028-125 at  
BAE Systems Ordnance Systems Inc., Holston Army Ammunition Plant

Dear Ms. Owenby:

BAE Systems Ordnance Systems Inc. (OSI), operating contractor for Holston Army Ammunition Plant (HSAAP) in Kingsport, respectfully requests an extension of Construction Permit 974192 for source 37-0028-125 as listed below.

<b>Description</b>	<b>Recrystallization and Coating</b>
Permit Number	974192
Source Number	37-0028-125
Construction Permit Application	May 31, 2018
Permit Issuance	October 8, 2018
Construction Start	February 2019
First Extension Amendment Date	August 19, 2021
First Extension Expiration Date	December 31, 2022
Second Extension Amendment Date	March 3, 2023
Second Extension Expiration Date	December 31, 2023
Current Projected Completion Date	June 2024



As explained in the first extension request, the project had experienced delays on equipment deliveries. In the second extension request, the project had been able to start mechanical and electrical checkout although arrival of some equipment was still pending. The project was able to finish checkout and start running water trials late last year. However, the agitators failed testing during the water trials, requiring redesign and procurement of different agitators. Completion of new agitator installation is currently anticipated to occur by the end of August. Once the agitator installation is complete, water trials will resume and if successful, commissioning will progress into chemical trials. Project completion is currently expected to occur by the end of June 2024. Therefore, OSI does need additional time to complete successful commissioning and to submit a significant modification to the Title V operating permit. OSI is requesting this third extension to be valid through December 31, 2024.

Mr. James Ogle serves as BAE Systems OSI's primary contact for air program issues and may be reached at (423) 578-6231 or by email at james.ogle@baesystems.com. Please do not hesitate to contact Mr. Ogle should questions arise or additional information be needed.

As the Responsible Official, I certify that to the best of my knowledge, and based on information and belief formed after reasonable inquiry, the statements and information contained in this letter are true, accurate, and complete.

Sincerely,

BAE SYSTEMS Ordnance Systems Inc.



Jeff Russell  
General Manager

cc Environmental Affairs Files 1305/2023  
HSAAP/Reed



ORDNANCE SYSTEMS INC.  
4509 West Stone Drive  
Kingsport, Tennessee 37660-9982  
Telephone (423) 578-6000

August 1, 2023

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

Reference: Additional information regarding extension request for Construction Permit  
974192 Source Reference Number 37-0028-125 at Holston Army Ammunition  
Plant

Dear Ms. Owenby:

BAE Systems Ordnance Systems Inc. (OSI), operating contractor for Holston Army Ammunition Plant (HSAAP) in Kingsport, respectfully submits this letter in response to a July 26, 2023 email from Ms. Jill Pratt requesting additional information regarding the extension request for 37-0028-125 (source 125) from OSI dated July 14, 2023. Ms. Pratt specifically asked for the following information:

- Did construction of source 125 commence within 18 months of permit issuance?
- Did construction of source 125 discontinue for a period of 18 months or more?
- Please provide specific facts and details surrounding why construction of the source cannot be completed. These facts/details should provide dates and specific circumstances to adequately justify the request for extension.

Permit 974192, which included source 125, was issued on October 8, 2018. Construction of source 125 started in February 2019. At that time, the estimated completion for the project was December 2021, based on the fabrication subcontractor's assertion of capabilities. Fabrication of the process vessels took 18 months longer than quoted, primarily due to subcontractor performance and partially due to the Covid-19 pandemic. While waiting on the vessels, construction activities for source 125 proceeded on other equipment and structures. However, the delay in delivery of the process vessels required activities to slow down from the original schedule and required a reduction in construction crew personnel. This delay also resulted in OSI submitting the first extension request which DAPC granted until December 31, 2022.



Water trials on source 125 started in June 2022. During these trials, the project team discovered the agitators did not perform correctly, requiring redesign and rework of the agitators. This issue with the agitators resulted in OSI submitting the second extension request which DAPC granted until December 31, 2023. Redesign work occurred between September and December 2022. Agitators were then removed and returned to the supplier between January and April 2023. When OSI submitted the July 14, 2023 request for a third extension, two reworked agitators had been returned to HSAAP. At that time, the estimated delivery and subsequent installation for the rest of the agitators were expected to be complete by the end of August 2023. The two agitators were reinstalled with testing conducted in July. During the testing, the project team determined further modifications would be needed. The current estimate for the modifications, delivery, and installation of all the agitators is by the end of October 2023. If this round of modifications is found to be acceptable, water trials will continue and then chemical trials will begin. Batches of each product the government has specified for the building will be made for first article testing (FAT). Once the FAT batches are completed, work will pause while the government evaluates the material and information provided. The length of this evaluation time is unpredictable. Once the FAT batches are accepted and the government has approved source 125 for production purposes, the building will be able to produce material for subsequent use.

Construction was not discontinued for 18 months or more. Construction activities continued to occur, just at a slower pace than originally planned.

OSI plans to submit the Title V significant modification after the government approves source 125 for production. This third extension for source 125 of construction permit 974192 is needed to complete construction and allow operation until the Title V significant modification can be submitted.

Mr. James Ogle serves as BAE Systems OSI's primary contact for air program issues and may be reached at (423) 578-6231 or by email at james.ogle@baesystems.com. Please do not hesitate to contact Mr. Ogle should questions arise or additional information be needed.

As the Responsible Official, I certify that to the best of my knowledge, and based on information and belief formed after reasonable inquiry, the statements and information contained in this letter are true, accurate, and complete.

Sincerely,

BAE SYSTEMS Ordnance Systems Inc.

Jeff Russell  
General Manager

Enclosure

cc Environmental Affairs Files 1305/2023  
HSAAP/Reed

**Construction Permit 974192, Source 37-0028-125 Timeline**

<b>Description</b>	<b>Date</b>
Construction Permit Application Submitted	May 31, 2018
Permit Issuance	October 8, 2018
Construction Start	February 2019
First Extension Request Submitted, needed due to longer vessel fabrication times than quoted	August 17, 2021
First Extension Amendment Date	August 19, 2021
Water Trials	June 2022
Agitator Redesign	September – December 2022
Second Extension Request Submitted, needed due to agitators	November 29, 2022
First Extension Expiration Date	December 31, 2022
Agitator Removal and Return to Fabricator	January – April 2023
Second Extension Amendment Date	March 3, 2023
Return of Two Agitators to HSAAP	June 2023
Installation and Testing of Agitators	July 2023
Third Extension Request Submitted	July 14, 2023
Additional Modifications (needed per July 2023 test results), Return, and Installation of all Agitators	End of October 2023 (estimate)
Water Trials, Chemical Trials including production of First Article Testing (FAT) batches, Evaluation and Approval of FAT Batches by Army	November 2023 – February 2024 (estimate)
Second Extension Expiration Date	December 31, 2023
Approval for Use of Building by Army for Production Purposes	March 2024 (estimate)
Current Projected Completion Date	June 2024

Construction activities have occurred since February 2019 and there has not been a period of 18 months or more when construction was discontinued.

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

IN THE MATTER OF )  
 )  
 )  
BAE Systems Ordnance Systems Inc. ) Order Number: 23-004  
(37-0028) )  
 )  
 )  
Request for PSD Permit Extension )

BOARD ORDER

The following matter came before the Tennessee Air Pollution Control Board on August 9, 2023.

On July 14, 2023, BAE Systems Ordnance Systems Inc. (BAE) requested that the Technical Secretary extend the expiration date of PSD construction permit 974192. This permit was issued October 8, 2018, with an expiration date October 7, 2021. Because of delays in equipment deliveries, BAE requested an amendment to extend the expiration date, and Amendment #1 to this permit (issued August 19, 2021) extended the expiration date to December 31, 2022. Amendment #2 to this permit was issued March 3, 2023, to allow the replacement of agitators in emission source 37-0028-125 (recrystallization and coating operations) that failed mechanical or electrical checkout, and that amendment extended permit's the expiration date to December 31, 2023. BAE's July 14 request states that the agitators will be installed by the end of August, and that commissioning and chemical trials will occur following installation. The letter states that project completion is expected by June 2024, and BAE requests an extension of the permit's expiration date to December 31, 2024.

Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-09-.01(4)(a)4 states:

Approval to construct shall become invalid if construction is not commenced within 18 months after issuance of an approved permit, if construction is discontinued for a period of 18 months or more, or if construction is not completed within 18 months of the completion date specified on the construction permit application. The Tennessee Air Pollution Control Board may grant an extension to complete construction of the source provided adequate justification is presented. An extension shall not exceed 18 months in time. The provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

On August 1, 2023, BAE provided a letter, which stated that construction of emission source 37-0028-125 began February 2019 (within 18 months of initial permit issuance) and was not discontinued for a period of 18 months or more. The August 1 letter provided the following justification for the extension request:

- The letter states that at the start of construction, the project completion date was estimated as December 2021 based on the fabrication subcontractor's assertion of capabilities, but fabrication of the process vessels took 18 months longer than quoted due to subcontractor performance and the COVID-19 pandemic.

- During water trials in June 2022, the project team discovered that redesign and rework of the agitators was required, and redesign work occurred between September and December 2022. The agitators were returned to the supplier between January and April 2023, and two reworked agitators had been returned to the facility by July 2023. Delivery and installation of the remaining agitators was expected to be complete by the end of August 2023.
- During testing of the reinstalled agitators in July, the project team determined further modifications would be needed. The current estimate for the modifications, delivery, and installation of all the agitators is by the end of October 2023. If these modifications are acceptable, water trials will continue and chemical trials will begin<sup>1</sup>. This requested extension of construction permit 974192 is needed to complete construction and allow operation until the Title V significant modification can be submitted.

Based on the facts specified above, the Technical Secretary recommends that the Board extend the expiration date of this permit until December 31, 2024.

In consideration of the Technical Secretary's recommendation, the Board grants the permit extension. Entered and approved by the following Board Members on August 9, 2023.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

<sup>1</sup> Batches of each product specified for the building will be made for first article testing (FAT). Once the FAT batches are completed, work will pause while the government evaluates the material and information provided. The length of this evaluation time is unpredictable. Once the FAT batches are accepted and the government has approved source 125 for production purposes, the building will be able to produce material for subsequent use.



# Proposed Revision to Regional Haze Plan

August 9, 2023

# Regional Haze

- Regional haze is pollution that **impairs visibility** over a large region, including certain national parks and wilderness areas identified as **Class I areas**.
- Regional haze is caused by sources and activities emitting **fine particles and their precursors**, often transported over large regions.
- Purpose of Regional Haze program - to develop programs to assure **reasonable progress** toward meeting the national goal of preventing any future, and **remediating any existing, impairment of visibility in mandatory Class I Federal areas** which impairment results from manmade air pollution



**Tennessee's Round 2 Regional Haze Plan Approved by APC Board February 9, 2022, submitted to EPA February 23, 2022. Established Visibility Goals for 2028.**

# Proposed Revision to Regional Haze Plan

- Recently, EPA indicated that Tennessee's plan has two approvability issues:
  - Additional sources needed to be evaluated in relation to nitrates visibility impairment at Mammoth Cave National Park in Kentucky
    - Tennessee's largest point source impact is due to TVA-Cumberland
  - Need further documentation justifying that the adding “wall rings” to existing scrubber to improve sulfur dioxide control efficiency for TVA-Cumberland's coal-fired boilers is not cost effective
  - As an alternative, Tennessee can revise Plan to require that TVA-Cumberland's coal-fired boilers be permanently retired by December 31, 2028.
- On June 20, 2023, Permit 980891 was issued to TVA-Cumberland for the replacement of their two coal-fired boilers with natural gas turbines. That permit requires the company to permanently shut down the coal-fired boilers units by December 31, 2028.
- Proposes Regional Haze SIP revision would incorporate a portion of Permit 980891 into the plan.



# Next Steps

- Pre-draft Regional Haze SIP revision Currently Under Review by EPA and Federal Land Managers (including National Park Service).
- Public Comment Period ~ October-November, 2023
- Board Adoption & Submission to EPA ~ December, 2023 - January, 2024

# Questions





LEE HARRIS  
MAYOR

# SHELBY COUNTY HEALTH DEPARTMENT



**Public Health**  
Prevent. Promote. Protect.  
Shelby County Health Department

MICHELLE A. TAYLOR, MD DRPH, MPA  
DIRECTOR-HEALTH OFFICER

June 28, 2023

Michelle B. Walker  
Technical Secretary  
Air Pollution Control Board  
312 Rosa L. Parks Ave  
Nashville, TN. 37243

**RE:** Fourth Quarterly Report for Board Order 22-008 Shelby County Health Department Air Pollution Control Program

Per Board Order 22-008 related to the conditional Certificate of Exemption (COE) issued June 8, 2022, this report provides the information required for Shelby County's fourth quarter update. This is the final report and it provides resolution to the issues presented in the Board Order.

Sincerely,

Michelle Taylor, MD, DrPH, MPA  
Director-Health Officer  
Division of Health Services, Shelby County Government  
Shelby County Health Department  
814 Jefferson Ave.  
Memphis, TN. 38105  
Office: (901) 222-9080  
Email: [michelle.taylor@shelbycountyttn.gov](mailto:michelle.taylor@shelbycountyttn.gov)

- 1. Findings and Concerns Shelby County Health Department (SCHD) Technical System Audit (TSA) Report** The chart titled “2019 TSA Audit Report Findings/Concerns &SCHD Response” is a list the remaining finding and concerns and their resolution dates. All revised/ updated SOP’s and a revised Quality Assurance Project Plan (QAPP) have been submitted to EPA Region 4 for review. On May 25, 2023 The Shelby County Health Department received its’ close out letter from Region 4 Quality Assurance section for the 2019 TSA.

**Finding 4.5.2 Out of Date Standard Operating Procedures (SOPS)-** The EPA required additional technical information for the SOPs and on October 26, 2022, the technical consulting work with Joel Craig Environmental Consulting began. On October 28, 2022, SCHD received the first revised and updated SOP to evaluate for accuracy and usability. To date, all Standard Operating Procedures used within the SCHD air Monitoring program have been created or revised and been submitted to Region 4 Quality Assurance Section. Each procedure was created or revised by the consultant using EPA guidance documents to meet or exceed requirements and standards. On May 31, 2023 it was advised by the Laboratory Services and Applied Science Division, EPA Region 4 that all revised and updated Standard Operating Procedures (SOP) were in compliance and ready for use in daily operations.

The Quality Assurance Project Plan (QAPP) was updated to include new instrumentation currently being used in the program along with any changes to processes. This revised document was submitted for EPA review March 23, 2023. After minor revisions to the initial document (LSASD Project Number: 23-0213) approval was granted on May 25, 2023 by EPA Region 4 Quality Assurance section.

**Concerns 4.3.1, 4.3.2** All data validation, instrument certification/verification, quality control and any other air monitoring related forms have been updated to capture all pertinent information along with the SOP’s. With staff review, the consultant updated all forms to meet or exceed EPA standards. These forms were reviewed along with the corresponding SOP’s and were also deemed in compliance and ready for daily use as of May 31, 2023.

**Concern 4.4.3** List of Standard Operating Procedures used by the SCHED Air Program

1. Ozone Transfer Standard Verification
2. Mass Flow Controller Calibration/Verification (Teledyne API 700/750 Series Gas Dilution Calibrators)
3. Carbon Monoxide Monitoring using the Teledyne API Models 300U and T300U
4. PM<sub>10</sub> Monitoring using the Thermo Environmental 1405 Tapered Element Oscillating Microbalance
5. PM<sub>10</sub>/PM<sub>2.5</sub>/PM<sub>coarse</sub> Monitoring using the Teledyne Model T640X
6. Sulfur Dioxide (SO<sub>2</sub>) Monitoring using Teledyne API Models 100EU and T100U
7. Ozone (O<sub>3</sub>) Monitoring using Teledyne API Models 400E and T400
8. NO<sub>2</sub> and NO<sub>y</sub> Monitoring Teledyne API Models T200 and T200U
9. Monitoring PM<sub>2.5</sub> Speciation using Met One SASS Sampler
10. Standard Operating Procedure for Sequential Particulate Speciation System URG 300N
11. Monitoring PM<sub>2.5</sub> using the R&P Sequential Model 2025/2025i
12. Monitoring Nitrogen Dioxide (NO<sub>2</sub>) using the Teledyne API T500
13. Standard Operating Procedure for Processing and Validating Air Quality Monitoring Data

Standard Operating Procedures listed above all have been revised and reviewed by current air monitoring staff for accuracy and usability and submitted to EPA Region 4 Quality Support office for review and approval as of March 20, 2023. The attached schedule has been revised to display completion at the time of this report. As stated earlier all the above listed Standard Operating Procedures have been reviewed and accepted by the EPA and are ready for daily use in our air program.

## **2. SCHED's Air Monitoring Branch Staffing Update**

Joonki Yoon (Technical Specialist) was hired 09/19/2022. Xinya Miao (Technical Specialist) began her employment on 01/03/2023. Paul Pratapas (Technical Specialist) has been interviewed, hired and is scheduled to start work on 07/03/2023. Yong Cai (Lead Technical Specialist) last day of work with our Air program was May 31, 2023. Vacant positions remain posted on employment platforms (Indeed, AAPCA weekly, and LinkedIn) and our local website. All qualified applicants are interviewed. The hiring process to fill the vacant positions continues.

Yong Cai (Lead Technical Specialist) continued training new employees and contract workers until his departure. Joonki Yoon has been trained on both Air Monitoring regulations and site operations. He currently can work independently with all filter-based (PM, ozone) analyzers. Training and supervised work continue for the remainder of the pollutants and their respective analyzers. Since Yong's departure Joonki has taken on additional responsibilities. Xinya started 01/03/2023 and continues her training with minimal incidence and a few additional duties as well. Paul will begin training with current staff and an experienced consultant 07/03/2023. After training, each staff member will operate at and be responsible for a specific site. The bid for temporary staffing was awarded to Tioga Environmental Consultants, Inc. On May 8, 2023 temporary staff and an experienced consultant reported to our facility ready to work. Temporary staff will continue to assist in daily operations at least until December 2023. The experienced consultant will return to our facility June 20, 2023 to continue training staff.

The addition of temporary staff has allowed increased coverage at monitoring sites, a timelier data review and decreased work load for current staff. Temporary staff was trained in the same manner as current staff until Yong Cai's departure. Training of both current and temporary staff will continue with the experienced staff provided by the consultant.

In an effort to keep the air monitoring program on track, the air monitoring staff attended the U.S. EPA Region 4 Ambient Air Monitoring Workshop in Chattanooga, TN March 28-30, 2023. Their mission was to learn new information, gain insight on current processes, look for ways to enhance current practices by attending informational sessions and workshops. For program enhancement, a trip is being planned for staff to travel to Nashville to observe their program's day-to-day operations. EPA Region 4 Quality and Support staff also provided guidance documents to staff in order to create and participate in a refresher style training of general air monitoring regulations and commonly used analyzers. This training's creation is in progress and should be complete prior to the upcoming TSA the week of September 11, 2023.

### 3. **Title V Program**

A chart of the Title V permitting activities, which includes progress details, is attached. The ordinance to increase Title V fees was approved and signed by Shelby County Mayor Lee Harris on 10/24/2022. Approved copies of the signed ordinance were distributed to the surrounding municipalities 01/03/2023. A schedule of each municipalities adoption of the ordinance is attached.

Billing for the upcoming year was mailed the week of 01/03/2023. One hundred (100) percent of fees have been received with little or no push back related to the fee increase.

Soda Ly (Engineer B) was hired 02/06/2023. Her training is ongoing. Ms. Ly has completed about fifty (50) percent of her training and is performing permitting duties with assistance. Jianing Li (Engineer B) has been hired and is scheduled to start work 06/16/2023. All permitting activities and inspections are current.

## **FOURTH QUARTER ATTACHMENTS**

1. 2019 TSA Audit Report Findings/Concerns &SCHD Response
2. Schedule of Standard Operating Procedure Revisions and Submissions
3. LSASD Close Out Letter for 2019
4. Quarterly Update (TITLE V) for TN Air Board June 2023
5. Schedule of Ordinance Adoption
6. Revised Organizational Chart- Pollution Control Branch



**2019 TSA Audit Report Findings/Concerns & SCHD Response**

<u>Finding / Concern</u>	<u>How was the item resolved / Status</u>	<u>EPA Concurrence</u>
<p><b>Finding 4.1.1</b> Unapproved fittings were observed in the sampling train of a gaseous pollutant.</p>	<p>Kynar fittings were replaced with Teflon fittings</p> <p><b>Submitted 12/30/19</b></p>	<p><b>Completed and closed</b></p>
<p>Concern 4.1.2 Moisture was observed in the CO and NO<sub>2</sub> sample lines at the STCC site (47-157-0100).</p>	<p>Additional heat tape was added to the sample lines</p> <p><b>Submitted 12/30/19</b></p>	<p><b>Completed and closed</b></p>
<p><b>Finding 4.2.1</b> Logbook records indicate temperature and relative humidity (RH) filter conditioning requirements were not met during some PM<sub>10</sub> filter weighing sessions.</p>	<p>The PM<sub>10</sub> data impacted in 2016 thru 2018 by the temperature and relative humidity was reviewed. Data was invalidated if conditioning requirements were not met. The affected data was resubmitted to the EPA.</p> <p><b>Submitted 04/23/20</b></p>	<p><i>I finally had a chance to review the materials you sent. I appreciate you guys doing all this. The explanation and highlighted logbooks made things much easier. Based on the materials provided, I have closed out 4.2.3 and agree with the 4.2.1 assessment. Once corrections and flags are applied in AQS, please send an AMP 350 and I will close out 4.2.2 and 4.2.3.</i></p> <p><b>Closed 06/03/20</b></p>
<p><b>Finding 4.2.2</b> Traceability of laboratory standards/equipment was not maintained in accordance with SOP requirements.</p>	<p>All Certificates of Calibrations for the balance and weights used for PM<sub>10</sub> weighing were provided. AMP 350 Report was submitted. This finding is related to Finding 4.2.1.</p> <p><i>Certifications submitted 12/30/19</i></p>	<p><i>I finally had a chance to review the materials you sent. I appreciate you guys doing all this. The explanation and highlighted logbooks made things much easier. Based on the materials provided, I have closed out 4.2.3 and agree with the 4.2.1 assessment. Once corrections and flags are applied in AQS, please send an AMP 350 and I will close out 4.2.2 and 4.2.3.</i></p> <p><b>Closed 06/03/20</b></p>
<p>Concern 4.2.3 PM<sub>10</sub> filter conditioning data summary calculations were not calculated properly and no independent validation</p>	<p>Conditioning temperature and RH were recalculated. The conditioning data was labeled as “as found” if the data logger was not available. Any data not meeting requirements were invalidated. The updated</p>	<p><i>I finally had a chance to review the materials you sent. I appreciate you guys doing all this. The explanation and highlighted logbooks made things much easier. Based on the materials provided, I have closed out 4.2.3 and agree with the 4.2.1 assessment. Once</i></p>

was conducted to identify the mistakes.	information was provided and resubmitted into AQS. This concern is related to Finding 4.2.1. (attachment AMP 350 Shelby County TN 2016 PM 10 dataset)  <b>Submitted 04/23/20</b>	<i>corrections and flags are applied in AQS, please send an AMP 350 and I will close out 4.2.2 and 4.2.3.</i>  <b>Closed 06/03/20</b>
<b>Concern 4.3.1</b> Forms used to document verifications and calibrations do not have sufficient information to fully verify and validate data.	Forms are being revised to depict current monitoring practices and to meet EPA standards.	All forms were revised and updated along with all SOP's. They were submitted to EPA for review March 2023. All forms were reviewed and accepted.  <b>CLOSED 05/25/2023</b>
<b>Concern 4.3.2</b> Information recorded on forms and in logbooks was incomplete and/or missing.	Forms are being updated and included in the revised Standard Operating Procedures	All forms were revised and updated along with all SOP's. They were submitted to EPA for review March 2023. All forms were reviewed and accepted.  <b>CLOSED 05/25/2023</b>
Concern 4.3.3 Improvements are needed in electronic records management and storage.	The Shelby County Air Monitoring Branch will continue to work with the IT Department to improve our electronic shared drive.	<b>Closed 07/21/20</b>
Concern 4.3.4 Vulnerabilities were observed in SCHED's PM <sub>2.5</sub> chain of custody.	New COC ("Shelby County Pollution Control PM <sub>2.5</sub> and PM <sub>10</sub> Chain of Custody Form") was developed and implemented.  <b>Submitted 04/15/20</b>	<b>Closed 07/21/20</b>
<b>Finding 4.4.1</b> Not all quality assurance and quality control checks (QA/QC) were reported to AQS.	All nightly checks from 2019 data set were submitted into AQS. The AMP 251 QA Raw Assessment Report (attachment 2019 QA Raw Assessment Report AMP251 1830068 and 2019 QA Raw Assessment Report for criteria	<b>Closed 07/21/20</b>

	<p><i>pollutants and NO AMP 251 1830068) was provided.</i></p> <p><i>Submitted 04/15/20</i></p>	
<p><b>Finding 4.4.2</b> Filter-based PM<sub>2.5</sub> data has not been fully validated.</p>	<p>The 2016 thru 2018 filter-based PM 2.5 data sets have been reviewed and 7 updates were made to the data set due to filters being used that had exceeded the 30 day tare time frame. These dates of the filters affected from Guthrie 1 are June 26, 2016; November 17, 2016; November 20, 2016; November 23, 2016; November 26, 2016 and November 29, 2016. The date of the filter affected from the Shelby Farms POC 2 sampler was June 7, 2018. These previous records were removed and a Null Value Code of AS was inserted into AQS for each respective date. The AMP 350 Report is attached along with the filter reports from Inter-Mountain Laboratories for 2016 through 2018. (attachment <i>updated 2016 thru 2018 Raw Data Report for PM 2.5 AMP 350 1830084</i>)</p> <p><b>Submitted 04/15/20</b></p>	<p><b>Closed 07/21/20</b></p>
<p><b>Concern 4.4.3</b> Data are not being fully validated to ensure all measurement quality objectives are satisfied.</p>	<p>9/1/22 our Staff Meteorologist began assisting with data validation. He has the knowledge and skillset for this task. Once training is complete the two newly hired Data Analyst will also perform this task, adding additional capacity.</p>	<p>New staff has completed training. Three levels of review have been implemented to ensure full validation and satisfactory measures are obtained. SCHD awaits a response/approval and a close out letter.</p> <p><b>Close out letter received 05/25/2023.</b></p>

<p><b>Finding 4.5.1</b> Criteria pollutant data were collected at SLAMS monitoring stations and reported to AQS without a current approved QAPP.</p>	<p>The “6” QA flag has been inserted for all criteria pollutant collected at the SLAMS monitoring stations for the 2016 thru 2018 data set. (see <i>attachment 2016 thru 2018 Raw Data Report with 6 flags except for PM 10 hi vol AMP350 1830086</i>)</p> <p><b>Submitted 04/15/20</b></p>	<p><b>Closed 07/21/20</b></p>
<p><b>Finding 4.5.2</b> Standard operating procedures are out of date and do not reflect current practices. A data handling SOP has not been developed.</p>	<p>SCHD hired Joel Craig Environmental Consultant to complete the creation and revision of the SOP’s 10/26/2022. Please see attached schedule for additional details.</p>	<p>All SCHD air program’s Standard Operating Procedures (SOPs) have been revised and updated. They were submitted per the attached schedule. The Data Handling SOP was created and submitted March 20, 2023. <b>SOP was accepted 05/25/2023. Close out letter received 05/25/2023.</b></p>
<p><b>Concern 4.5.3</b> Additional resources are needed for the quality assurance component of the Department’s monitoring program.</p>	<p>Two Data Analyst have been hired. Start dates are 11/01/22 and 01/03/2023. Salaries were increased and vacant positions remain posted. All qualified applicants will be interviewed.</p>	<p>The Data Analyst have completed training. The air monitoring program now utilizes a tiered review which consist of the site operator, both data analyst and finally the Meteorologist Manager to ensure data integrity and compliance. <b>Accepted 05/25/2023 Close out letter received.</b></p>

**Schedule of Standard Operating Procedure Revision and Submission**

Number	Document	Draft Submitted to SCHD	SCHD Review Completed	Final Completed	Final Submitted to EPA
1	Standard Operating Procedure for Ozone Transfer Standard Verification	10/31/2022	12/8/2022	12/8/2022	12/13/2022
2	Standard Operating Procedure for Mass Flow Controller Calibration/Verification	10/31/2022	12/8/2022	12/8/2022	12/13/2022
3	Standard Operating Procedure for Monitoring Carbon Monoxide (CO) using Teledyne API Models 300E, 300EU and T300U	11/3/2022	12/29/2022	1/2/2023	1/6/2023
12	Standard Operating Procedure for Monitoring PM 10 using Teledyne T640/640X	11/9/2022	12/29/2022	1/2/2023	1/6/2023
7	Standard Operating Procedure for Monitoring Particulate Matter using R&P TEOM 1405	11/12/2022	12/29/2022	1/2/2023	1/6/2023
5	Standard Operating Procedure for Monitoring Sulfur Dioxide (SO <sub>2</sub> ) using Teledyne 100EU	11/22/2022	12/29/2022	1/2/2023	1/6/2023
9	Standard Operating Procedure for Monitoring Ozone (O <sub>3</sub> ) using Teledyne API Model 400E and T400	12/1/2022	12/29/2022	1/2/2023	1/6/2023
6	Standard Operating Procedure for Monitoring Nitrogen Dioxide (NO <sub>2</sub> )/ (NO <sub>y</sub> ) using Teledyne API T200U/200EU	12/13/2022	12/29/2022	1/2/2023	1/6/2023
11	Standard Operating Procedure for Monitoring Nitrogen Dioxide (NO <sub>2</sub> ) using Teledyne T500	12/19/2022	1/2/2023	1/6/2023	1/10/2023
4	Standard Operating Procedure for Monitoring PM <sub>2.5</sub> Speciation using Met One SASS Sampler	12/29/2022	1/12/2023	1/16/2023	1/20/2023
8	Standard Operating Procedure for Sequential Particulate Speciation System URG 300N	1/9/2023	1/23/2023	1/27/2023	1/31/2023
10	Standard Operating Procedure for Monitoring PM <sub>2.5</sub> Using R&P Sequential Model 2025/2025i	1/13/2023	1/27/2023	1/31/2023	2/4/2023
13	Standard Operating Procedure for Processing and Validating Air Quality Monitoring Data	1/20/2023	2/3/2023	2/7/2023	3/20/2023
	QAPP Revisions	3/1/2023	3/15/2023	3/19/2023	3/23/2023



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

**Laboratory Services & Applied Science Division  
Quality Assurance & Program Services Branch  
980 College Station Road  
Athens, Georgia 30605-2720**

May 25, 2023

Ms. Karen Cook-Pryor, MHA, Deputy Administrator  
Environmental Health Services  
Shelby County Health Department (SCHD)  
1826 Sycamore View Road  
Memphis, Tennessee 38134

LSASD Project ID: 19-0317

Dear Ms. Cook-Pryor:

On December 30, 2019, a corrective action plan (CAP) was submitted by the Shelby County Health Department to the EPA Region 4 Laboratory Services & Applied Science Division (LSASD), which addressed the findings and concerns identified in the 2019 SCHD Technical Systems Audit (TSA) report. Over the past several years, SCHD has implemented corrective action measures as described in the CAP, providing EPA with associated supporting documentation as requested. As of May 25, 2023, the findings and concerns identified in the 2019 TSA report have been successfully resolved by your agency.

I appreciate your agency's participation in the TSA, as well as the diligence of your staff to address the issues that were identified. EPA has finalized this TSA in the EPA Air Quality System (AQS) database, entering the date of this letter as the official close-out date. If you have any questions or concerns about this correspondence, please contact Gillian Walshe-Langford of my staff at 706-355-8619.

Sincerely,

Keith Harris, Supervisor  
Quality Assurance Section

Enclosure

cc (by email), with attachment:

Katy Lusky (EPA)  
Michelle Walker (TDEC)

*Mission: To provide sound Science to our customers through superior environmental evaluation.*

*Vision: To be a solutions-oriented organization and seen as a leader in sound science through innovation, responsive customer service, and cutting-edge expertise.*

**Quarterly Update for TN Air Board  
Major Sources Branch  
June 2023**

**1- Plan for Title V fee increase:**

The ordinance was approved and signed by County Mayor Lee Harris on 10/24/22. Copies of the approved ordinance were distributed to the City of Memphis and the surrounding municipalities January 3, 2023. A chart “**Schedule of Ordinance Adoption**” is included in this report.

**2- Plan for hiring an engineer:**

An engineering job was posted on 9/8/22. Soda Ly (Engineer B) was hired 02/06/2023. Jianing Li has been hired and will begin work 06/16/2023.

**3- Progress on inspections:**

All inspections are current and on schedule.

**4- Progress on the current permitting backlog:**

Activity Type	Total Projects		18-Month Old Projects Only	
	Total Completed YTD	Total Current Open Projects	18-M Completed YTD	18-M Open Projects
Renewals (R)	1	9	1	0
Modifications (M)	10	9	5	0
1 <sup>st</sup> Permit (1P)	7	0	0	0
Exemptions (E)	3	1	0	0
Name Change (NC)	1	0	0	0
Roll into TV (RTV)	2	0	0	0
Construction (C)	1	3	0	0
TV Renewal (TVR)	3	1	3	0
Initial Filing (IF)	2	0	3	0

**Activity Type**

**Total Projects** include all projects including the 18-month category.

**Total Completed YTD** refers to all projects (Total Projects) completed in 2022.

**Total Current Open Projects** is referring to all projects (Total Projects) still open in 2022. Expressed in a different way... Total Projects Received YTD 2022 = Total Completed YTD + Total Current Open Projects. **18-Month** term is used in this report to identify projects that are beyond 18-months old timeline measured from the time an application is logged in the system. It is a subpart of the Total Project category.

**18-Month Completed YTD** refers to number of projects in the 18-Month category that were completed in 2022.

**18-Month Open Projects** refers to number of projects in the 18-Month category that are still open.

Below is the list of sources associated with the 18-month-only backlog, engineers who are working to resolve that backlog, and the estimated time for the project completion.

Source	Item	Engineer	Projected Completion Quarter
Valero Refinery	1P, M, R, C, E, RTV	Mark Landry	Complete
Nucor Steel	C, M, E, RTV	Mark Landry	Complete
Covoro	NC, TVR	Gregg Fortunato	Complete
Penn-A-Kem	M	Gregg Fortunato	Complete
Ergon Armor	R, M	Deborah Liu	Complete
Ergon Asphalt & Emulsions, Inc.	R	Deborah Liu	Complete
American Yeast	M, TVR	Jeff Grill	Complete
St. Jude	TVR, E, M, C	Wasim Khokhar	Complete
CCL Labels, Inc.	IF, 1P	Gregg Fortunato	Complete
Mitsubishi	TVR, M	Gregg Fortunato	Complete

#### Permitting Descriptions

**Renewals (R):** Request to renew an operating permit for a conditional major facility.

**Modifications (M):** Changes requested for the operating permits.

**First Permit (1P):** Operating permit requests for a completed construction project of a process within an existing conditional major facility.

**Exemptions (E):** Exemptions requested under Tennessee Rule 1200-3-9-.04.

**Name Change (NC):** Facility name/ownership change request.

**Roll into TV (RTV):** Request to add completed construction projects into an existing TV operating permit.

**Construction (C):** Requests to construct a new pollution related process.

**TV Renewal (TVR):** Request to renew a TV operating permit.

**Initial Filing (IF):** An operating permit request for a previously unpermitted facility.



**Current update for each project:**

Valero Refinery:

A draft permit is going through public notice period. Final permit was issued 03/07/2023.

Nucor Steel Memphis, Inc.:

A consolidated construction permit was issued on 11/18/22, The source submitted an updated TV application on 11/22/22. Final permit was issued 03/09/2023.

Covoro:

The final permit was issued 11/22/22.

Penn-A-Kem:

The draft permit is under EPA review. The draft permit was sent to the EPA on 11/18/22. The final permit was issued 12/23/2022.

Ergon Armor:

The final permit was issued on 11/15/22.

Ergon Asphalt and Emulsions:

The final permit was issued 12/15/22.

American Yeast:

A draft permit is complete for source review. Final permit issued 02/15/2023.

St. Jude:

A draft permit is being developed. Final permit was issued 02/28/2023.

CCL:

A draft permit is being developed. Final Permit was issued 03/01/2023.

Mitsubishi:

The draft permit is going through the public notice period which ends 12/29/22. Final permit issued 02/28/2023.

**Schedule of Ordinance Adoption**

<b>Jurisdiction</b>	<b>Ordinance Received</b>	<b>Date of Adoption</b>
City Of Memphis	01/04/2022	02/22/2022*
Arlington	01/03/2023	11/02/2020*
Bartlett	01/03/2023	06/12/2023* <sup>1</sup>
Collierville	01/03/2023	03/27/2023*
Germantown	01/03/2023	07/17/2023
Lakeland	01/03/2023	Pending**
Millington	01/03/2023	10/12/2020*

**\*Ordinance Attached**

**\*Ordinance passed, not received<sup>1</sup>**

**\*\* Ordinance Adoption process ongoing**



ORDINANCE No. 5817

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED: \_\_\_\_\_  
Chairman of Council

Date Signed: \_\_\_\_\_

ATTEST: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Mayor, City of Memphis

Date Signed: \_\_\_\_\_

THE FOREGOING ORDINANCE  
# 5817 PASSED

1st Reading 1/4/2022

2nd Reading 1/18/2022

3rd Reading 02/01/2022

Approved [Signature]  
Chairman of Council

Date Signed: 2/15/22

APPROVED: [Signature]  
Mayor, City of Memphis

Date Signed: 2/22/22

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

[Signature]  
Comptroller

# Town of Arlington

5854 Airline Road  
PO Box 507  
Arlington, TN 38002



P: 901.867.2620  
F: 901.867.2638

October 9, 2020

To: The Commercial Appeal  
From: Brittney Owens, Town Recorder/Treasurer

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

## PUBLIC NOTICE

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

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

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

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

**Board of  
Mayor &  
Aldermen**

**Mike Wissman  
Mayor**

**Harry McKee  
Vice Mayor**

**Larry Harmon  
Alderman**

**Russell Wiseman  
Alderman**

**Jeff McKee  
Alderman**

**Oscar Brooks  
Alderman**

**Jeremy Biggs  
Alderman**

**ORDINANCE 2020-12**

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

**WHEREAS,** On June, 30, 1969, the operation of the local air pollution program was established and has served to continuously protect air quality in Arlington and Shelby County and efficiently meet the needs of those regulated by air pollution control laws; and

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

**WHEREAS,** The State of Tennessee Air Pollution Control Board on May 14, 2014 approved a certificate of exemption (COE) for Unincorporated Shelby County and all its municipalities to allow for local authority to enforce air pollution regulations in lieu of state control of this environmental program throughout Shelby County; and

**WHEREAS,** The COE stipulated that the local open burning regulations provide and expedited process to grant waivers in order for it to comply with recent legislation amending the Tennessee Code Annotated Section 68-201-115(e) to provide for such expedited approval in limited situations; and

**WHEREAS,** the Shelby County Board of Commissioners have adopted the Shelby County Air Code in order to maintain the Certificate of Exemption from the State of Tennessee that allows local enforcement of air pollution control laws, which has also been adopted in unincorporated Shelby County and all other municipalities in Shelby County; and

**WHEREAS,** it is necessary to amend the Municipal Code to coincide with Shelby County Air Code in its entirety for the code to be enforced. The Town of Arlington has determined that this can best be accomplished by removing the current adopted language and adopting Shelby County Air Pollution Code.

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

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

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

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

*[Handwritten mark]*

*[Handwritten mark]*

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

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

First Reading: October 5th, 2020

Publication Date: October 13th, 2020

Second Reading: NOVEMBER 2nd, 2020

Public Hearing: NOVEMBER 2nd, 2020

*[Handwritten Signature]*  
Mayor

Attest:  
*Brittney Owens*  
Town Recorder

ORDINANCE 2023 - 04

AN ORDINANCE AMENDING CHAPTER 96 (AIR POLLUTION CONTROL CODE) OF THE TOWN OF COLLIERVILLE.

WHEREAS, the Board of Mayor and Aldermen have previously established a fee system to administer and collect emissions fees, annual inspection/operating fees and associated fees based on the cost of providing this regulatory oversight, which has also been adopted in unincorporated Shelby County and all other municipalities in Shelby County; and,

WHEREAS, the Shelby County Health Department has caused to be published on September 1, 2021, in a paper having general circulation in Shelby County, Tennessee, notice of the September 22, 2021, meeting of the Memphis and Shelby County Air Pollution Control Board (Board) to review program operating expenses, emissions subject to fees, and to discuss possible adjustments to the current fee structure; and,

WHEREAS, a quorum of the Board met on September 22, 2021 and reviewed options for changing the Section's fees charged to the major stationary sources located in Shelby County and voted to recommend an increase of the yearly Emission Fee to \$69.00 per ton of regulated emissions (excluding carbon monoxide), and that said fee shall remain at this rate once approved until such time as the Board of Mayor and Aldermen approves a further increase or decrease; and,

WHEREAS, the State of Tennessee Air Pollution Control Board on May 14, 2014, approved a certificate of exemption (COE) for unincorporated Shelby County and all its municipalities to allow for local authority to enforce air pollution regulations in lieu of State control of this environmental program throughout Shelby County; and,

WHEREAS, the COE stipulated that the local open burning regulations provide an expedited process to grant waivers in order for it to comply with recent legislation amending the Tennessee Code Annotated Section §68-201-115(e) to provide for such expedited approval in limited situations; and,

WHEREAS, it is necessary to amend the Town's Code of Ordinances to address these issues.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF COLLIERVILLE, TENNESSEE that Chapter 96 of the Town of Collierville Code of Ordinances is amended as follows:

- 1. Deleting § 96.26 (A)(1-2) in its entirety and replacing it as follows:

(A) *Construction permits.*

*(1) Any person making application to the Shelby County Health Department for a construction permit shall pay an initial filing fee of \$400 per permit unit. This filing fee shall not be refundable if the permit is denied or if the application is withdrawn, nor shall it be applied to any subsequent application.*

*(2) In addition to the fees in (1) above, the largest of the following fees, if applicable, shall be paid:*

1.	<i>Prevention of significant deterioration (PSD) review</i>	<i>\$ 5,000.00</i>
2.	<i>Major source or major modification review, except PSD sources review, requiring modeling</i>	<i>\$ 3,000.00</i>
3.	<i>Minor source or minor modification review, requiring modeling</i>	<i>\$ 900.00</i>
4.	<i>New source performance standard (NSPS) source review, per permit unit</i>	<i>\$ 900.00</i>
5.	<i>National Emission Standards for Hazardous Air Pollutant (NESHAP) source review, per permit unit</i>	<i>\$ 900.00</i>



2. Deleting § 96.26 (B)(1) in its entirety and replacing it as follows:

*(B) Inspection/operating permit.*

*(1) Any person making application to the Shelby County Health Department for an inspection/ operating permit shall pay the larger of the applicable fees in accordance with the following schedule:*

1.	<i>Asbestos demolition/renovation removal, per notice</i>	<i>\$ 130.00</i>
2.	<i>Air curtain destructor, per permit unit</i>	<i>\$ 130.00</i>
3.	<i>NSPS source, per permit unit</i>	<i>\$ 300.00</i>
4.	<i>NESHAP source, per permit unit</i>	<i>\$ 300.00</i>
5.	<i>Any permit unit with actual emissions of 100 tons or more a year of any single pollutant</i>	<i>\$ 600.00</i>
6.	<i>Any permit unit with actual emissions of 50 to 100 tons a year of any single pollutant</i>	<i>\$ 400.00</i>
7.	<i>Any permit unit with actual emissions of 25 to 50 tons a year of any single pollutant</i>	<i>\$ 200.00</i>
8.	<i>Any permit unit with actual emissions of 25 tons or less a year of any single pollutant</i>	<i>\$ 100.00</i>
9.	<i>Any source issued an operating permit for which a construction permit was never obtained (enforcement action may also apply)</i>	<i>\$ 265.00</i>

3. Deleting § 96.26 (C) in its entirety and replacing it as follows:

*(C) Inspection/operating permit.*

*Modification of a permit.*

*Any person making application to the Shelby County Health Department for the modification of a permit shall pay a fee for each permit unit being modified, except that no fee is required for modification of a permit to correct clerical, typographical, or calculations errors. This fee shall be set out as follows:*

1.	<i>If the modification is anticipated to result in an increase in all pollutants less than 10 tons per year</i>	<i>\$ 400.00</i>
2.	<i>If the modification is anticipated to result in an increase in all pollutants more than 10 tons per year but less than 50 tons</i>	<i>\$ 800.00</i>
3.	<i>If the modification is anticipated to result in an increase in all pollutants more than 50 tons</i>	<i>\$ 100.00</i>
4.	<i>Name change</i>	<i>\$ 130.00</i>
5.	<i>Ownership change- new owner pays inspection and operating fees (based on tonnage)</i>	<i>Varied based on tonnage fees</i>
6.	<i>Address change- new owner pays inspection and operating fees (based on tonnage) for the new address</i>	<i>\$265 plus tonnage fee</i>
7.	<i>Permit revision (with no emissions consequences)</i>	<i>\$130</i>

4. Deleting § 96.26 (D)(1) in its entirety and replacing it as follows:

*(D) Stack Sampling*

*(1) If a source is required to demonstrate compliance by stack sampling its emissions, it shall pay the following additional fees:*

1.	<i>Any testing requiring U.S./EPA methods 1 through 4 only, per permit unit</i>	<i>\$300.00</i>
2.	<i>Particulate emissions testing requiring U.S./EPA method 5, per permit unit</i>	<i>\$600.00</i>
3.	<i>Any other pollution testing by methods other than U.S./EPA Method 5, (except those subject to subsection (D)(1)(a) of this section, per permit unit)</i>	<i>\$900.00</i>

5. Deleting §96.27 in its entirety and replacing it as follows:

**§96.27. Permits and fees--emissions fee for stationary sources.**

- (A) Emissions fee. A fee shall be collected annually from each stationary air pollution source which emits more than one ton of actual emissions annually of a regulated pollutant as defined herein, called the **EMISSIONS FEE**, which shall equal the amount determined by the requirements set forth as follows: \$48 per ton of actual emissions emitted during calendar year 2013 to be collected beginning in 2015 and for successive years until such time as the Aldermen approve a further increase or decrease, not including fugitive emissions and actual excess emissions that are the result of process malfunctions and facility start-up and shutdown determined by the Health Department to be in compliance with the air pollution code sections that excuse these emissions from enforcement of each regulated pollutant as defined in § 502(b)(3)(B)(ii) of the Federal Clean Air Amendments of 1990.*
- (B) This is the effective emissions fee rate (after adjustment for carryover overage) approved by the town:*

<i>APPROVED RATE</i>	<i>ADOPTED IN</i>	<i>EFFECTIVE RATE</i>	<i>APPLICABLE TO</i>
<i>\$ 9.00</i>	<i>1992</i>	<i>\$ 9.00</i>	<i>1991 EMISSIONS</i>
<i>\$18.00</i>	<i>1993</i>	<i>\$18.00</i>	<i>1992 EMISSIONS</i>
<i>\$19.00</i>	<i>1994</i>	<i>\$17.10</i>	<i>1993 EMISSIONS</i>
<i>\$29.65</i>	<i>1995</i>	<i>\$29.65</i>	<i>1994 EMISSIONS</i>
<i>-</i>	<i>-</i>	<i>\$29.65</i>	<i>1995 EMISSIONS</i>
<i>-</i>	<i>-</i>	<i>\$29.65</i>	<i>1996 EMISSIONS</i>
<i>\$29.65</i>	<i>1998</i>	<i>\$29.65</i>	<i>1997 EMISSIONS</i>
<i>\$29.65</i>	<i>1999</i>	<i>\$29.65</i>	<i>1998 EMISSIONS</i>
<i>\$29.65</i>	<i>2001</i>	<i>\$29.65</i>	<i>1999 EMISSIONS</i>
<i>\$29.65</i>	<i>2001</i>	<i>\$29.65</i>	<i>2000 EMISSIONS</i>
<i>\$29.65</i>	<i>2003</i>	<i>\$29.65</i>	<i>2002 EMISSIONS</i>
<i>\$29.65</i>	<i>2004</i>	<i>\$26.68</i>	<i>2003 EMISSIONS</i>
<i>\$30.63</i>	<i>2005</i>	<i>\$27.57</i>	<i>2004 EMISSIONS</i>
<i>\$31.67</i>	<i>2006</i>	<i>\$28.50</i>	<i>2005 EMISSIONS</i>
<i>\$30.00</i>	<i>2008</i>	<i>\$27.00</i>	<i>2006 EMISSIONS</i>

\$30.00	2009	\$27.00	2007 EMISSIONS
\$43.00	2012	\$43.00	2011 EMISSIONS
\$48.00	2014	\$48.00	2013 EMISSIONS
\$48.00	2015	\$48.00	2014 EMISSIONS
\$53.00	2017	\$53.00	2016 EMISSIONS
\$69.00	2022	\$69.00	2021 EMISSIONS

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

BE IT FURTHER ORDAINED, that except as amended by this ordinance, the other sections of this Town of Collierville Code of Ordinances shall remain in full force and effect.


BE IT FURTHER ORDAINED, that this ordinance shall take effect upon its final passage, the public welfare requiring it.

**Passed First Reading: February 27, 2023**

**Passed Second Reading: March 14, 2023**

**Passed Third Reading: March 27, 2023**

  
 Stan Joyner, Mayor

  
 Lynn Carmack, Town Clerk

ORDINANCE 2020-15

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

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

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

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

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

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

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

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

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

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

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

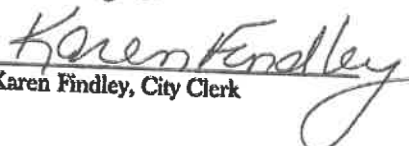
20-102. Fees for Services. The fees established from time to time by the Shelby County Health Department in order to cover the costs incurred in administering the Shelby County Air Code shall also be effective within the corporate limits and shall be collected and retained by the Shelby County Health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

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

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

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

  
Terry Jones, Mayor

  
Karen Findley, City Clerk

ORDINANCE 2020-15

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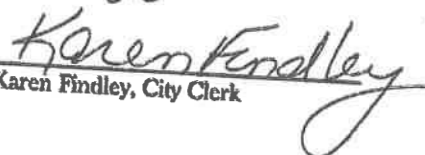
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Public Hearing: October 12, 2020  
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Terry Jones, Mayor

  
Karen Findley, City Clerk

**SHELBY COUNTY HEALTH DEPARTMENT  
BUREAU OF ENVIRONMENTAL HEALTH SERVICES  
POLLUTION CONTROL SECTION**

