

**THE CHATTANOOGA-HAMILTON COUNTY
AIR POLLUTION CONTROL BOARD**

RESOLUTION NO. 0421-02

WHEREAS, The Chattanooga-Hamilton County Air Pollution Control Board (hereinafter referred to as “ Board”) pursuant to and acting under the Agreement entered into on October 28, 1969, by and between the City of Chattanooga, Tennessee, a municipal corporation under the laws of Tennessee, hereinafter called “City”, and Hamilton County, Tennessee, a constitutional County under the laws of Tennessee, hereinafter called “County”, and pursuant to Chattanooga City Code Sec. 4-7- Powers and duties of the board; delegation, (Section 7 the Hamilton County Air Pollution Control Regulation, and corresponding provisions in the air pollution control ordinances and regulations of the other municipalities within Hamilton County) [hereinafter referred to as “Delegation Authority”] seeks to enumerate in this Resolution certain rights and duties delegated by this Board to the current Executive Director of the Chattanooga-Hamilton County Air Pollution Control Bureau, the administrative arm of the Board, (hereinafter referred to as “Executive Director” and the “Bureau”).

WHEREAS, the Delegation Authority provides that the Board may delegate to the Executive Director, and through him to the personnel of the Bureau, any powers conferred upon the Board with the exception of those enumerated in subdivisions (1), (4), (6), (7), and (9) of subsection (a) of the Delegation Authority; and

WHEREAS, the Delegation Authority provides that the Board may request the assistance of the Executive Director and the Bureau in the discharge of their duties under subsection (b) of the Delegation Authority, but shall not be relieved thereby with the ultimate responsibility for

their accomplishment; and

WHEREAS by providing clarification and uniformity of the rights and duties of the Executive Director of the Bureau will provide for a more efficient operation of the Bureau in their daily operation to fully facilitate and accomplish the mission of the Board,

NOW THEREFORE BE IT RESOLVED, that the Board does hereby delegate to Ron Drumeller, Executive Director, the duties and powers as follows:

1. Make recommendations to the Board on employment matters and compensation for employees of the Bureau, including consultants, legal counsel, assistants, deputies, and clerks, whether they be full or part-time, as necessary to carry out the duties of the Board.
2. Hold hearings relating to any aspect or matter in the administration of the Chattanooga Air Pollution Control Ordinance; the Hamilton County Air Pollution Control Regulation; and any other applicable air pollution control ordinance or regulation of any included municipality within Hamilton County, Tennessee, and assess civil penalties up to \$2,000 per violation for violations of provisions of those ordinances or regulations in enforcement hearings before the Executive Director.
3. Determine by means of field studies and sampling, the degree of air contamination and air pollution throughout all of Hamilton County and all included municipalities.
4. Require access to records relating to emissions which cause or contribute to air contamination.
5. Issue, suspend and revoke installation permits and certificates of operation and other permits and licenses provided for under the Chattanooga Air Pollution Control Ordinance; the Hamilton County Air Pollution Control Regulation; and any other applicable air pollution control ordinance or regulation of any included municipality within Hamilton County, Tennessee, and in accordance with the provisions of those ordinances or regulations place conditions of installation or operation upon the permits issued by the Board.
6. To provide for forfeitures and penalties for any breach of the Chattanooga Air Pollution Control Ordinance; the Hamilton County Air Pollution Control Regulation; and any other applicable air pollution control ordinance or regulation of any included municipality within Hamilton County, Tennessee, to be imposed upon a violator only after hearing, or opportunity for hearing, before the Board and to provide for forfeitures and penalties upon failure of a violator of any applicable air pollution control ordinance or regulation to comply with any order of the Board.

7. Promulgate techniques for the sampling of emissions from any source of air contaminants and promulgate techniques for predicting the concentrations of air pollution at any point.
8. Act as the representative of the City, County or any other included municipality in connection with any application to the State of Tennessee for the issuance of a Permit under T.C.A. 68-212-101, et. seq. and/or T.C.A. 68-212-201 et. seq. or State regulations promulgated pursuant thereto and discharge the responsibilities associated with permit application review; public participation; monitoring permit process; maintaining liaison with state agency or agencies to assure local concerns are adequately considered in permit process and/or construction and/or operating process; serve as a participant for the City, County, or any municipality in any community or public hearing; conduct opinion polls or local government public hearings or gather data to report to the Mayor and legislative body of the jurisdiction for which the facility is seeking a permit the concerns of the community; to prepare and report to the Mayor and legislative body of the jurisdiction for which the facility is seeking a permit a recommendation of the "decisions" provided for in T.C.A. 68-212-108(f)(2) of local government to "accept, reject or modify" the application; and to monitor the State permit process, the construction and operation of the facility to assure continuing compliance with the permit, regulations and statutes, and to maintain close liaison and cooperation with the State as they monitor construction and operation of the facility, and carry out such other duties and responsibilities as may be assigned by the Board in writing.

BE IT FURTHER RESOLVED, that the Board does hereby request and authorize

Ron Drumeller, Executive Director, to accomplish the following utilizing Bureau personnel as needed:

1. Purchase, lease, or rent equipment, vehicles, supplies, space and or other property necessary for the Bureau and the Executive Director to fulfill the duties of the Board.
2. Purchase insurance of any nature deemed necessary for the operation of the Board or Bureau or accept and approve the best bid obtained by any purchasing agent acting on behalf of the Board or Bureau in accordance with applicable laws for such insurance, and authorize award to the party with the best bid, and approve payment for such insurance;
3. Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution as needed and reported to any jurisdiction's mayor and legislative body as requested or needed on progress being made toward the prevention, abatement and control of air pollution;

4. Encourage voluntary cooperation by persons and affected groups to achieve the purposes of the Chattanooga Air Pollution Control Ordinance; the Hamilton County Air Pollution Control Regulation; and any other applicable air pollution control ordinance or regulation of any included municipality within Hamilton County, Tennessee;
5. Encourage and conduct studies, investigations and research relating to air contamination and air pollution and their cause, effects, prevention, abatement and control;
6. Collect and disseminate information and conduct educational and training programs relating to air contamination and air pollution;
7. Advice, consult, contract and cooperate with other agencies of the state and the City, other local governments, industries, other states, interstate or interlocal agencies, and the federal government, and with interested persons or groups;
8. Accept, receive and administer grants or other funds or gifts from public or private agencies, including the state and federal governments, for the purpose of carrying out any of the functions of the air pollution control ordinances or regulations. To purchase or otherwise procure equipment, supplies and services through the general services administration of the federal government, and, when so doing, needs not comply with the competitive bidding procedures contained in Sections 2-341 through 2-367 of the Chattanooga City Code relative to purchases, contract and property disposition.

BE IT FURTHER RESOLVED, that the Board does hereby specifically declare that this Resolution is in no way intended to limit the usual and customary duties and responsibilities of the Executive Director as established and are in addition to those.

This Resolution is made this 26th day of April, 2021.



Stephen E. Meyer, Chairman