

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

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

- (1) Recommend from time to time to the County Council that it adopt, promulgate, amend, and repeal provisions of this regulation; provided, however, that prior to making such recommendations a public hearing shall be held on such proposed changes with adequate advance public notice of such hearing.
- (2) Hold hearings relating to any aspect or matter in the administration of this regulation.
- (3) Make such determinations and issue such orders as may be necessary to effectuate the purposes of this regulation and enforce the same by all appropriate administrative and judicial proceedings.
- (4) Retain, employ, provide for, and compensate, within appropriations available therefore, such consultants, assistants, deputies, clerks and other employees including legal counsel, on a full- or part-time basis as may be necessary to carry out the provisions of this regulation and prescribe the times at which they shall be appointed and their powers and duties consistent with Section 2-A of this regulation.
- (5) Through its Bureau, determine by means of field studies and sampling the degree of air contamination and air pollution in the County and various areas therein.
- (6) Recommend ambient air quality standards for the County.
- (7) Hold hearings upon appeals from orders of the director, or from the grant or denial by the director, of permits, or from any other actions or determinations of the director hereunder for which provision is made for appeal.
- (8) Institute in the name of the city in the Circuit Court or the Chancery Court of the County legal proceedings to compel compliance with any final order or determination entered by the board or the director.
- (9) Settle or compromise in its discretion, with the approval of the County attorney, as it may deem advantageous to the County and in keeping with the purpose and spirit of this regulation, any suit for recovery of any penalty

or for compelling compliance with the provisions of any rule or regulation issued hereunder or for compelling compliance with any order or determination entered by the board of director.

- (10) Require access to records relating to emissions which cause or contribute to air contamination.
- (11) Issue, suspend and revoke installation permits, temporary operating permits and certificates of operation and other permits and licenses provided for in this regulation, and in accordance with provisions of this regulation place conditions of installation and operation upon the permits issued by the board.
- (12) To provide for forfeitures and penalties for any breach of this regulation, such forfeitures and penalties to be imposed upon a violator only after a hearing, or opportunity for hearing, before the board and to provide for forfeitures and penalties upon failure of a violator of this regulation to comply with any order of the board, and to bring legal actions in the name of the County in the appropriate court for the collection of such penalty or forfeiture.
- (13) Promulgate techniques for the sampling of emissions from any source of air contaminants and promulgate techniques for predicting the concentration of air pollution at any point.

(b) The board shall have the following duties with respect to the prevention, abatement, and control of air pollution:

- (1) Prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution in this County and report annually to the County Judge and County Council of Hamilton County on progress being made toward the prevention, abatement, and control of air pollution.
- (2) Encourage voluntary cooperation by persons and affected groups to achieve the purposes of this regulation.
- (3) Encourage and conduct studies, investigations, and research relating to air contamination and air pollution and their causes, effects, prevention, abatement, and control.
- (4) Collect and disseminate information and conduct educational and training programs relating to air contamination and

air pollution.

(5) Advise, consult, contract, and cooperate with other agencies of the State and this County, other local governments, industries, other States, interstate or interlocal agencies, and the Federal Government, and with interested persons or groups.

(6) Accept, receive, and administer grants or other funds or gifts from public or private agencies, including the State and Federal Governments, for the purpose of carrying out any of the functions of this regulation. Such funds received by the board pursuant to this subdivision shall be deposited and held and disbursed by said office in accordance with regulations of the board. The board is authorized to promulgate such rules for the conduct of its business and as it may deem necessary for carrying out the provisions of this regulation.

(c) The board may delegate to the director, and through him to the personnel of the Bureau, any powers conferred upon the board by this section with the exceptions of those enumerated in subsections 1, 4, 6, 7, and 9 of subsection (a) of this section.

The board may request the assistance of the director and the Bureau in the discharge of the duties enumerated in subsection B of this section but shall not be relieved thereby of the ultimate responsibility for their fulfillment. The director shall report to the board at the next board meeting any penalties imposed, upon whom imposed and the amount of such penalty.

(Code 1968, Sec. 4-5; Ord. No. 6021, Sec. 3, 3-4-69; Ord. No. 6221, Sec. 8 through 12, 9-29-70; Ord. No. 6362, Sec. 1, 12-21-71; Ord. No. 6502, Sec. 4 through 6, 10-3-72; Ord. No. 6519 Sec. 1, 11-7-72; Ord. No. 7098, Sec. 4, 10-5-76; Ord. No. 7335, Sec. 2, 3-7-78; Ord. No. 7719, Sec. 2, 9-2-80)

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

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