

Sec. 4-17. Enforcement of chapter; procedure for adjudicatory hearings.

(a) Whenever the board or director has reason to believe that a violation of any provision of this regulation or rule pursuant thereto has occurred, the board or director may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this regulation or rule alleged to be violated and the date, time, place, and general nature of the alleged violation or violations thereof and may include an order that necessary corrective action be taken within a reasonable time. The notice herein provided for may be served by the Sheriff or a Deputy Sheriff of the county; or by a police officer of the county; or by a special police officer of this city; or by a special deputy sheriff; or may be served in any other manner prescribed for the service of a writ of summons by the statutes of the state. Any such order shall become final unless, no later than thirty (30) days after the date the notice and order are served the person or persons named therein request in writing a hearing before the board and file a notice of appeal and bond pursuant to section 4-18(e). Upon such request, the board shall hold a hearing. In lieu of an order, the board may require that the alleged violator or violators appear before the board for a hearing at a time and place specified in the notice and answer the charges complained of, or the board may initiate action pursuant to section 4-15 or section 4-4 of this chapter, or the board may initiate action pursuant to any applicable provisions of the statutes of the state, or the acts of Congress of the United States, or the board may initiate action pursuant to any provision or doctrines of this state.

(b) If, after a hearing held pursuant to subsection (a) of this section, the board finds that a violation or violations have occurred, it shall affirm or modify the order previously issued, or issue an appropriate or orders for the prevention, abatement, or control of the emissions involved or for the taking of such other corrective action as may be appropriate. If, after hearing on an order contained in a notice the board finds that no violation has occurred, it shall rescind the order. Any order issued as part of a notice or after hearing may prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary actions in preventing, abating, or controlling the emissions. All action taken by the board under this section shall be approved in writing by the chairman, vice-chairman or chairman pro-tem. of the board.

(c) Nothing in this chapter shall prevent the board or director from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means.

Nothing in this regulation, or in this section of this chapter, shall be construed as requiring a hearing pursuant to this section of this regulation prior to or as prerequisite to the institution of action pursuant to any other section of this regulation or pursuant to the statutes of the State of Tennessee, the Acts of Congress of the United States, or any applicable doctrine of the law of the State of Tennessee; and nothing in this regulation or this section of this regulation shall prevent the board or director from suspending or revoking an installation permit or a temporary operating permit or any other permit or license issued pursuant to the provisions of this chapter, but notice shall be served pursuant to this section of this regulation prior to revocation of a valid and outstanding certificate of operation.

(Code 1968, Sec. 4-15; Ord. No. 6021, Sec. 4, 3-4-69; Ord. No. 6221, Sec. 18, 9-29-70; Ord. No. 6502, Secs. 23,24, 10-3-72; Ord. No. 6838, Secs. 13,14, 1-14-75)

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

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