

SECTION 10.56.040: Operating Permit

- A. After the construction permit has been issued and it is demonstrated to the satisfaction of the Director that the fuel-burning equipment, incinerator, process equipment, control device or any equipment pertaining thereto can be operated in compliance with this Chapter, an application for an operating permit shall be filed in duplicate in the office of the Director on forms adopted by the Director and supplied by the Metropolitan Health Department. If the Director determines that the source does or will operate in violation of this Chapter, or if the source will operate so as to prevent attainment or maintenance of any lawful national ambient air quality standard, he shall either impose conditions on the face of the operating permit that, in his opinion, will promote compliance with this Chapter, or he shall deny the application for an operating permit. The operating permit shall be kept posted on or near the installation for which it was issued. The operating permit shall specify the class of fuel, and/or type of raw material used, for which the equipment and appurtenances have been designed or which has been successfully used in the operating test. The owner or his agent shall be responsible for notifying the Director that equipment for which a construction permit has been issued, has been tested and is ready for permanent operation. With such notification the owner shall submit to the Director test and operation data, as required by the Director, as evidence that the equipment will operate in compliance with all provisions of this Chapter. The Director, with the approval of the Board is authorized to seal the equipment in operation for which an operating permit has not been obtained, as required by this Section.
- B. The operating permit shall be issued for a one year period or for such longer period as the Director may designate but not to exceed five (5) years. Applications for renewal of the operating permit shall be made in writing upon forms furnished by the Metropolitan Health Department and shall be made not less than sixty days prior to expiration of the certificate for which renewal is sought except as otherwise provided in the Metropolitan Health Department, Pollution Control Division's, Regulation No. 13, "Part 70 - Operating Permit Program.". Disclosures of information, tests and other prerequisites to the issuance of a construction permit, temporary operating permit, or operating permit may be required by the Director prior to renewal of an operating permit.
- C. Any person operating a source constructed on or before the effective date of this Chapter shall file an application for an operating permit. An application for an operating permit shall be filed in duplicate in the office of the Director on forms furnished by the Metropolitan Health Department.
- D. In addition to the requirements of this Section, the Metropolitan Board of Health, by regulation duly adopted in accordance with Section 10.56.090 of this Chapter, may specify additional permitting requirements.
- E. Any application for an operating permit for a major source received by the Director is subject to objection and comment by the Administrator under the provisions of 42 U.S.C. Section 7661 d., as amended. Therefore no permit can be final until the statutory time for objection by the Administrator has expired.
- F. Any major source may opt out of the provisions of the Metropolitan Health Department, Pollution Control Division's, Regulation No. 13, "Part 70, Operating Permit Program", by limiting their potential to emit such that they are below the applicable threshold. In order to exercise this option, the following provisions must be met:
1. The source must agree in writing to be bound by a permit which specifies the more restrictive limit and to be subject to detailed monitoring, reporting and recordkeeping requirements that prove the source is in compliance with the applicable permit.
 2. The permit limitations, controls, and other requirements imposed by the permits will be at least as stringent as any other applicable limitations and requirements contained in the State Implementation Plan enforceable under the State Implementation Plan.

3. The permit limitations, controls, and other requirements imposed by the permit shall be permanent, quantifiable, and enforceable. If the source decides to increase its potential to emit, the source must meet the requirements of Section 10.56.020.
 4. A public notice and opportunity for public comments on any application seeking a permit with limited potential to emit shall be given in a newspaper or newspapers of general circulation within the Metropolitan Government area. The public shall have thirty (30) days from the date of notice to submit written comments.
 5. The Director shall provide to the Administrator a copy of each draft and final permit. The draft permit must be submitted to the Administrator prior to the public notice as outlined in Paragraph (4). the final permit shall be submitted to the Administrator within thirty (30) days of issuance.
- G. Any failure to act or any inaction by the Director within eighteen (18) months after receipt of a complete application for an operating permit may be considered final action for the purpose of any appeal to Davidson County Chancery Court under T.C.A. Section 27-8-101, et seq., T.C.A Section 27-9-101, et seq., or T.C.A. Section 4-5-322.