

**AIR QUALITY
CONTROL ORDINANCE**

ORDINANCE No. 3522

As amended by Ordinances No. 3588 and No. 3672

An Ordinance to Regulate Smoke and
Control Air Quality Within the

City of Hammond, Indiana

and to Establish the Department of
Air Pollution Control

JOSEPH E. KLEN

Mayor

STANLEY KULIK

City Clerk

DEPARTMENT OF AIR POLLUTION CONTROL

5925 Calumet Avenue

Hammond, Indiana 46320

ORDINANCE NO. 3522

As Amended by Ordinances No. 3588 and No. 3672

**AN ORDINANCE TO REGULATE SMOKE AND CONTROL AIR
QUALITY WITHIN THE CITY OF HAMMOND, INDIANA,
AND TO ESTABLISH THE DEPARTMENT OF AIR
POLLUTION CONTROL**

WHEREAS, there has been an increase in urbanization and industrial and commercial growth which has resulted in the excessive emission of air pollutants within the corporate limits of the City of Hammond, and

WHEREAS, the effect of emission of air pollutants on the public health, welfare, and comfort requires the adoption of a comprehensive and integrated plan of air quality control, and

WHEREAS, in conjunction with the air quality control program, it is desirable to adopt appropriate regulations to prevent and reduce air pollution caused by excessive odor, dust, fumes gas, mist, smoke, or vapor, and other pollutants or any combination thereof, the emission of which is detrimental to the health, welfare, or comfort of the residents of the City,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMMOND, INDIANA, AS FOLLOWS:

**ARTICLE I
GENERAL PROVISIONS**

Section 1.1 SHORT TITLE. This ordinance shall be known and cited as the "Air Quality Control Ordinance."

Section 1.2 PURPOSE. This ordinance is designed to control air pollution by establishing the Department of Air Pollution control in the city of Hammond, Indiana, and prescribing the duties of the Chief of air pollution control, empowering investigation and abatement by the Chief of violations of the ordinance, providing for the establishment and enforcement of rules and regulations, providing for an AIR POLLUTION CONTROL BOARD, providing for registration of air pollution sources, permits for the installation, construction, addition to, alteration, and use of process, fuel burning, refuse-burning, and control equipment and for fees for the same, providing for inspections and tests of process, fuel-burning, refuse-burning, and control equipment and for the issuance of certificates of operation and for fees therefore, establishing limitation upon the emission of air pollutants, declaring emissions which do not meet such limitations to be unlawful and a public nuisance, prohibiting certain acts causing air pollution, providing for fines and penalties for violation of the provisions of this ordinance, and providing just and adequate means by which the provisions of this ordinance may be executed.

ORDINANCE NO. 3522

Section 1.3 DEFINITION OF TERMS. The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this article, unless a different meaning is clearly indicated.

(a) "Air Contaminant." Any smoke, soot, fly ash, dust, cinders, dirt, injurious or objectionable acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter, or any other material in the outdoor atmosphere, but excluding uncombined water.

(b) "Air Pollution." The presence in the outdoor atmosphere of one or more contaminants or combinations thereof in such quantities and of such duration that they are or may tend to be injurious to human, plant, or animal life, or property, or that interfere with the comfortable enjoyment of life or property or the conduct of business.

(c) ASME. The American Society of Mechanical Engineers.

(d) ASTM. The American Society for Testing Materials.

(e) Ashes. Includes cinders, fly ash or any other solid material resulting from combustion, and may include unburned combustibles.

(f) Air Pollution Control Board. The board created by this ordinance to be known as the air Pollution Control Board and to act as provided for pursuant to Section 2.4 of this ordinance.

(g) Certificate of Operation. A certificate issued by the Chief authorizing the use of any process, fuel-burning, refuse-burning, or control equipment for the period indicated after it has been found that it can be operated in compliance with the ordinance.

(h) City. City of Hammond, Indiana.

(i) Chief. Chief of the Department of Air Pollution Control of the City of Hammond or his authorized representative.

(j) Cleaning Fires. Act of removing ashes from the fuel bed or furnace.

(k) Combustible Refuse. Any combustible waste material.

(l) Control Equipment. Any equipment which has the function of regulating that portion of a process, fuel-burning, or refuse-burning equipment which may release contaminants and thus reduce the creation of, or the emission of air contaminants to the atmosphere, or both.

(m) Council. City Council of the City of Hammond.

(n) Department. Air Pollution Control Department.

(o) Domestic heating Plant. A plant generating heat for a single-family residence, or for two residences either in duplex or double house form, or for multiple-dwelling units having a total input of less than 1,000,000 BTU per hour. Under this designation are also hot water heaters, stoves, and space heaters used in connection with the foregoing establishments, or to heat temporary buildings; provided, however, that like equipment used in multiple-dwelling units other than herein described, or used in permanent buildings of commercial or industrial establishments, is not to be construed as included under this designation.

ORDINANCE NO. 3522

(p) Domestic Incinerator. Portable, packaged, completely assembled, direct-fed incinerator, having not over 5 cubic feet storage capacity or 25 pounds per hour burning rate, designed to handle combustible refuse consisting of approximately equal amounts of rubbish and garbage by weight.

(q) Emission. The act of passing into the atmosphere of air contaminant, or the material so passed to the atmosphere.

(r) Fuel-burning Equipment. Any equipment, device, or contrivance used for the burning of any fuel and all appurtenances thereto, including ducts, breechings, control equipment, fuel-feeding equipment, ash-removal equipment, combustion controls, stacks, chimneys, etc., used for indirect heating in which the material being heated is not contracted by and adds no substance to the products of combustion. Such equipment typically includes that used for heating water to boiling; raising steam, or superheating steam; heating air as in a warm air furnace; furnishing process heat that is conducted through process vessel walls; and furnishing process heat indirectly through its transfer by fluids.

(s) Hand-fired Fuel-burning Equipment. Fuel-burning equipment in which fuel is manually introduced directly into the combustion chamber.

(t) Incinerators. All devices intended or used for the destruction of refuse or other combustible refuse by burning.

(u) Installation Permit. A permit issued by the Chief authorizing the construction, installation, or alteration of any process, fuel-burning, refuse-burning, or control equipment in accordance with the plans and specifications approved by the Chief.

(v) Mayor. The Mayor of the City of Hammond, Indiana.

(w) Opacity. State of a substance which renders it partially or wholly impervious to the rays of light. Opacity as used in this ordinance refers to the obscuration of an observer's view.

(x) Open Burning. Any fire from which the products of combustion are emitted directly into the outdoor atmosphere without passing through a stack.

(y) Particulate Matter. Material other than uncombined water which is suspended in air or other gases as a liquid or solid.

(z) Person. Any individual, partnership, co-operative, firm, company, corporation, association, joint stock company, trust, estate, government entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(aa) Process Equipment. Any equipment, device, or contrivance for changing any materials whatever or for storing or handling of any material's, and all appurtenances thereto, including ducts, stacks, etc., the use of existence of which may cause any discharge of air pollutants into the outdoor atmosphere, but not including that equipment specifically defined as fuel-burning equipment or refuse-burning equipment in this ordinance.

ORDINANCE NO. 3522

(bb) Process Weight. The total weight of all material introduced into a unit operation or unit process, including solid fuels, but excluding liquid and fuels and gaseous fuels when these are used solely as fuels, and excluding air introduced for purposes of combustion.

(cc) Process Weight Rate. A rate established as follows:

(a) For continuous or long run steady-state unit operations or unit processes, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(b) For cyclical or batch unit operations or unit processed, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operations during such a period.

Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

(dd) Refuse-burning Equipment. Any incinerator, equipment, device, or contrivance used for the destruction of refuse, and/or other combustible wastes by burning, and all appurtenances thereto.

(ee) Salvage Operations. Any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.

(ff) Seal for Sealing Equipment or Premises. A device installed by the Chief so as to prevent use of the process, fuel-burning, refuse-burning, or control equipment or premises causing the violation or from which violations of this ordinance originate.

(gg) Smoke. Small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ash, and other combustible material.

(hh) Stack. Duct, chimney, flue, conduit, or opening arranged for the emission into the outdoor atmosphere of air pollutants.

(ii) Unit Operation. Methods where raw materials undergo physical change; methods by which raw materials may be altered into different states, such as vapor, liquid or solid without changing into a new substance with different properties and composition.

(jj) Unit Process. Reactions where raw materials undergo chemical change; where one or more raw materials are combined and completely changed into a new substance with different properties and composition.

ORDINANCE NO. 3522

ARTICLE II
ADMINISTRATIVE ORGANIZATION

Section 2.1 Administrative Organization and Enforcement.

(a) This ordinance shall be effective territorially throughout the City of Hammond, Indiana.

(b) The administration and enforcement of this ordinance shall be conducted by the Department of Air Pollution Control, headed by a Chief.

(c) There is hereby created the position of Chief of Air Pollution Control. He shall be appointed by the mayor.

(d) The Chief shall perform such duties as may be required of him relative to Air Pollution Control. He shall have control of all matters and things pertaining to the work of the Department, and shall supervise the execution of all laws, rules, and regulations pertaining to air pollution as provided in this ordinance.

(e) The Chief shall be qualified by technical training, and have at least 3 years experience in the theory and practice of construction and operation of furnaces, combustion devices, or qualified by education and experience to cooperate with scientific, educational, and civic organizations interested in air pollution control.

Section 2.2 Powers and Duties of the Chief.

(a) Make all needful rules and regulations pertaining to the administration.

(b) Institute complaints against all persons violating any provisions of this ordinance and institute necessary legal proceedings to prosecute violations of this ordinance and compel the prevention and abatement of air pollution or nuisances arising therefrom.

(c) Examine and approve or disapprove the plans for fuel and refuse-burning equipment, process equipment; and control equipment to be installed, constructed, reconstructed, or altered or added to.

(d) Make inspections and tests of existing and newly installed, constructed, reconstructed, or altered fuel or refuse-burning equipment, process equipment, and control equipment.

(e) Investigate complaints of violations of this ordinance and make inspections and observations of air pollution conditions. Record such investigations, complaints, inspections, and observations.

(f) Approve or reject application for permits, and administer the issuance of certificates of operation, notices or other matters required under the provisions of this ordinance.

(g) Prepare and place before the air Pollution Control Board for their consideration proposals for additions or revisions to this ordinance, or any other regulation pertaining to air abatement.

ORDINANCE NO. 3522

(h) Encourage voluntary cooperation by persons or affected groups in the preservation and restoration of the purity of the outdoor atmosphere, and grant a reasonable time to comply with the provisions of this ordinance.

(i) Collect and disseminate information on air pollution control.

(j) Work with planning and zoning agencies for the purpose of coordinating activities under provisions of this ordinance and foster the best possible management of the air resources.

(k) Cooperate and work with Federal, interstate, state, county, district, municipal, and other agencies concerned with air pollution, with regard to aerometric studies, abatement programs, public complaints, and other matters to the end that the air resources of Hammond and Lake County shall be best conserved and improved.

(l) Make all needful rules and regulations pertaining to the administration of the Department of Air Pollution Control; said rules and regulations shall be submitted to the Mayor and Department for approval.

(m) Issue all permits, certificates, notices, or other matters required under the provisions of this ordinance; prepare and maintain adequate records thereof; and notify all persons concerned of any decision he may render and provide such persons with an opportunity to be heard as herein set forth.

(n) Report to the Mayor and the Air Pollution Control Board with respect to recommendations for needed additions or revisions of this ordinance.

(o) Do any and all acts which may be necessary for the successful prosecution of the purpose of this ordinance and such other acts as may be specifically enumerated therein as his duties.

Section 2.3 Air Pollution Inspectors.

(a) Air Pollution Inspectors shall be employees of the Department, preferably qualified by technical training in the theory and practice of the construction and operation of combustion and process equipment or in the theory and practice of smoke abatement and air pollution control.

(b) No person employed in the Department shall be directly or indirectly interested in the manufacture, lease, or sale of fuel, combustion or process equipment or gas cleaning devices or other smoke abatement or air pollution control equipment, or the apparatus or devices connected therewith or any extensions thereof.

(c) The duties of the inspectors shall be to carry out the directions of the Chief in all matters relating to enforcement of this ordinance, and to aid and assist the Chief in the efficient discharge of his duties.

ORDINANCE NO. 3522

Section 2.4 Air Pollution Control Board.

(a) An air Pollution control board shall be appointed by the Mayor. The Chief may make recommendations to the Mayor for such appointments. This Board shall study the problem of air pollution control within the city, and shall from time to time recommend to the Chief appropriate means of air pollution abatement, including needed additions to or revisions of this ordinance.

(b) The Air Pollution Control Board shall consist of not less than seven (7) nor more than nine (9) members. Not more than two (2) members of said Board shall hold any public office. Said board shall consist of at least one of the following: a chemist or engineer, at least one physician licensed to practice medicine in Indiana, and at least one attorney licensed to practice law in Indiana. Two (2) members shall be appointed for a term of one year, two (2) members shall be appointed for a term of two years, and the remainder for a term of three years. Upon expiration of any term, all succeeding terms shall be for a term of three years. This provision shall be implemented by the Mayor on future replacements or vacancies so as to provide for the aforementioned qualified members in an orderly transition from the aforementioned method of appointing Board members.

(c) The Air Pollution Control Board shall elect its own chairman and secretary. A quorum shall consist of a majority of the members of the board. It shall meet at the call of the chairman, and all members shall serve without compensation. The Mayor shall appoint additional members to fill all vacancies. The Chief shall be an ex-officio member of the Board without the right to vote and shall act as secretary thereof.

(d) The Air Pollution control Board shall hold a regular meeting as least quarterly and other meetings at such additional times as may be called by the chairman. The chairman shall call a special meeting upon written request of at least three members of the Air Pollution Control Board or at the request of the Chief. The Air Pollution Control Board shall keep minutes of its proceedings which shall clearly show the official actions of the Air Pollution Control board and the vote of any member.

(e) The Air Pollution control Board shall confer with and advise the Chief on needed revisions or additions in this or any other ordinance pertaining to air pollution or rules and regulation promulgated thereunder and on any matters concerning air pollution.

Section 2.5 Air Pollution Control Board:Manner of Taking Appeals. The Air Pollution control Board is hereby vested with the following jurisdiction and authority:

1. To decide appeals from any decision, ruling, regulation, determination or order made by the Chief under this ordinance, or failure to act upon request within a reasonable period of the directive in the manner and subject to the standards hereinafter set out.

ORDINANCE NO. 3522

2. To pass upon application for extension of time for compliance or for exemptions of variances in the manner and subject to **Article X**.

3. To decide all matters referred to it or upon which it is required to pass under this ordinance.

All hearings conducted by the Air Pollution control Board shall be open to the public. Any person may appear and testify at a hearing, either in person or by a duly authorized representative or attorney. All testimony shall be given under oath.

The Air Pollution Control Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if he is absent or failing to vote, indicating such fact and shall also keep records of its hearings and other official actions. Every order, requirement, decision, or determination of the Air Pollution Control Board shall be filed immediately in the office of the Department of Air Pollution Control of the City of Hammond and shall be a public record.

Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties upon the approval of the Chief and a majority of the members of the Department within budget limitations.

Any person taking exception to and affected by any final decision, ruling, requirement, rule, regulation or order, or failure to act upon the request of the Chief within a reasonable period of time, may take an appeal to the Air Pollution control Board as established by this section. Such appeal shall be taken within fifteen (15) days after receiving notice of such decision. ruling, requirement, rule, regulation or order, or failure to act upon filing with the Chief a notice of appeal directed to the Air Pollution control Board, specifying the ground thereof the relief prayed for. A fee of twenty-five dollars (\$25) shall be posted by the appellant at the time of the filing of the appeal to cover the costs of the hearing and shall not be refunded. The Chief shall forthwith furnish to the Air Pollution control Board all the papers relating to the case. The Air Pollution control board not less than ten (10) days after the date of filing the appeal, shall set a date for the hearing, and shall give notice thereof by mail to the interested parties. The Air Pollution Control Board may in its discretion grant continuances. Such an appeal shall act as a stay of the decision, ruling, requirement, rule, regulation, or order in question until the Air Pollution Control Board has taken final action on the appeal. At the hearing any party may appear in person or by agent or attorney, and present evidence, both written and oral, pertinent to the questions and issues involved, and may examine and cross-examine witnesses. The Air Pollution control board shall be binding on the chief, and appellant unless reversed by a court of competent jurisdiction.

ORDINANCE NO. 3522

The procedural provisions of the "Administrative Adjudication and court Review Act," (Acts 19047, Chapter 365, Sections 1-30, p.1451) shall govern, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply and govern all proceedings for the judicial review of final administrative decisions hereunder, and the provisions of said Act, insofar as applicable, are adopted and incorporated herein by reference. Reference in said Act to the State of Indiana shall be deemed reference to the City of Hammond, and references in said Act to the Attorney General shall be deemed references to the City Attorney.

The Air Pollution Control board shall provide a court reporter to take the testimony and preserve a record of all proceedings of the Air Pollution Control Board under this section. The notice of appeal, the notice of hearing all other documents and pleadings, written motions filed in the proceedings, the transcript of testimony and the findings of fact and decisions shall be the record of proceedings. The Air Pollution Control Board shall furnish a transcript of such record to any person interested as a party to such hearing upon the payment thereof of seventy-five cents per page for each carbon copy thereof. However, the charges of any part of such transcript ordered or paid for previous to the writing of the original record shall be fifty center per page.

The Air Pollution Control Board shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the appeal deposits the sum of seventy-five cents per page, which includes cost of certification. Failure on the part of the appellant to make such deposits shall be grounds for dismissal of the action. Upon judicial review the Air Pollution Control Board shall certify the record.

**ARTICLE III
STANDARDS AND RECOMMENDED PRACTICES**

Section 3.1 Adopted Standards or Recommended Practices. Where reference is made in this ordinance to the standards or recommended practices of national technical societies, associations, or other organizations, such information shall form and be considered an integral part of the ordinance in the same manner and extent as if fully reproduced therein. Not less than two copies of such standards or recommended practices of technical societies, association, or other organizations shall be kept on file at all times in the office of the Chief; two copies thereof shall be filed in the office of the City Clerk, and shall be available for inspection by the Public.

ORDINANCE NO. 3522

ARTICLE IV

INSTALLATION PERMIT, CERTIFICATE OF COMPLIANCE
AND CERTIFICATE OF OPERATION

Section 4.1 Application or Certificate of Compliance Required. No person shall construct, install, reconstruct, or alter any process, fuel-burning, refuse-burning, or control equipment pertaining thereto, which may be a source of air contaminant, for use within the City of Hammond until an application, including not less than two sets of properly prepared plans and specification of the process, fuel-burning, refuse-burning, or control equipment and structures or buildings used in connection therewith, have been filed by the person or his agent in the office of, and has been approved by, the Chief, and until an installation permit has been issued by the Chief for such construction, installation, or alteration. In lieu of such application, such person may file with the Chief at the option of the Chief, a certificate that such process, fuel-burning, refuse-burning or control equipment has been designed to comply with each and all of the applicable provisions and limitations of this Ordinance. Upon the filing of such certificate, the Chief shall forthwith issue an installation permit. The two sets of plans required by this section shall be all of the information required to entitle the person to the issuance of an installation permit based upon such certificate of compliance.

Section 4.2 Information Required. The Chief may require that applications for installation permits and certificates of operation shall show the form and dimensions of the process, fuel-burning, refuse-burning, or control equipment, together with the description and dimensions of the building or part thereof in which such process, fuel-burning, refuse-burning, or control equipment is to be located, including the means provided for admitting the air for combustion process; the character of the fuel to be used; the maximum quantity of such fuel to be burned per hour; the kind and amount of raw materials processed; the expected air contaminant emission rate; the operating requirements; the use to be made of such process, fuel-burning, refuse-burning, or control equipment; contaminant concentration, gas volume, and gas temperature at the location and elevation of the emission point relative to nearby structures, window openings, etc., a flow diagram showing the equipment under consideration and its relationship to other processes, if any, and a general description of these processes; and any other reasonable and pertinent information that may be required by the Chief.

Section 4.3 Emergency Repairs. An emergency repair may be made prior to the application for an installation permit if serious consequences may result if the repair were deferred.

ORDINANCE NO. 3522

When such repair is made, the person concerned shall notify the Chief on the first business day after the emergency occurred and file an application for an installation permit if directed to do so by the Chief.

Section 4.4 Actions on Permit Applications. An application shall be acted on within thirty (30) calendar days after it is filed in the office of the Chief. The Chief shall notify the person applying for the permit of approval or reasons for rejection of the application in writing. Upon approval of the application and upon the payment of the prescribed fees, the Chief shall issue a permit for the construction, installation, or alteration of such process, fuel-burning, refuse-burning or control equipment.

Section 4.5 Applicability of the Permit. No construction, installation, reconstruction, or alteration shall be made which is not in accordance with the plans, specifications, and other pertinent information upon which the installation permit was issued without the written approval of the Chief.

Section 4.6 Permit Violation. Violation of the installation permit shall be sufficient cause for the Chief to stop all work in connection with said permit and he is hereby authorized to seal the installation. No further work shall be done until the chief is assured that the condition in question will be corrected and that the work will proceed in accordance with the installation permit.

Section 4.7 Time Limit on Permits. If construction, installation, reconstruction, or alteration is not completed within one (1) year of the date of the installation permit, the permit shall become void and all fees shall be forfeited, unless an extension of time is warranted and granted by the Chief.

Section 4.8 Certificate of Operation. No person shall operate or cause to be operated any fuel-burning, refuse-burning, process, or control equipment or any equipment pertaining thereto for which an installation permit was required or was issued under this ordinance until an inspection has been made by the Chief. The person responsible for the installation, construction, or alteration of any process, fuel-burning, refuse-burning, or control equipment for which an installation permit is required, shall notify the Chief when the work is completed and ready for final inspection. No equipment shall be operated for any other purpose or in any other manner than that for which the installation permit was approved and for which a certificate of operation has been issued unless otherwise authorized in writing by the Chief.

ORDINANCE NO. 3522

After the installation permit has been issued and it is demonstrated to the satisfaction of the Chief, that the process, fuel-burning, refuse-burning, or control equipment can be operated in compliance with this ordinance, an initial certificate of operation shall be issued by the Chief. Emission tests may be required by the Chief before the issuing of an initial certificate of operation as set forth in **Article IV**. Said Certificate of operation shall be kept posted on or near the installation for which it was issued. The certificate of operation shall properly identify the equipment to which it pertains and shall specify the class of fuel, type of refuse, type of raw materials used, if any, which have been successfully used in the operating test. The initial certificate of operation shall remain in force until terminated by any one or more of the following actions:

- (a) Implementation and institution of **Sections 4.6, 4.7**.
- (b) Execution of **Article XI**.

Failure to operate successfully under test within the limitations and requirements of this ordinance shall constitute sufficient grounds for ordering charges in the process, fuel-burning, refuse-burning, or control equipment or appurtenances before an initial certificate of operation can be granted. When the Chief refuses to issue a certificate of operation, the chief is authorized to seal the process, fuel-burning, refuse-burning or control equipment until the person required to procure the certificate of operation shall have complied with the provisions of this ordinance.

Section 4.9 Renewal of Certificate of Operation. The Chief shall require application of renewal for certificates of operation on those installations for which an installation permit was obtained, and shall require the issuance of renewal of certificates of operation on equipment existing prior to the adoption of this ordinance and collect appropriate fees thereof for such certificates. Such certificates of operation shall not be required more often than once per year, and may be terminated for the same reasons as listed in **Section 4.8**. The Chief is hereby authorized to seal any equipment for which a certificate of operation is required and has not been issued. Installation permits and certificates of operation shall not be transferable.

Section 4.10 Domestic heating Plants and Domestic Incinerators. Provisions of **Sections 4.1 through 4.9** of this Article are not applicable to domestic heating plants, and shall not apply to domestic incinerators.

ORDINANCE NO. 3522

Section 4.11 Permit to Sell or Rent Domestic Incinerators. Any person who sells or rents to another person domestic incinerators which may be used to dispose of combustible refuse by burning and which incinerators are to be used exclusively in connection with any dwelling, which dwelling is designed for and used exclusively as a dwelling for not more than two(2) families, shall first, and annually thereafter, obtain a permit from the Chief to sell or rent such incinerators.

Section 4.12 Registration of Emissions. The Chief may require the written registration of points of emission of air contaminants, whether by stack, duct, flue, equipment, or by any other means when, in his opinion, such information is necessary for the conduct of the work of the department. A period of sixty (60) days shall be allowed for the filing of such registration. However, in cases of emergency, the chief may designate any lesser time which he believes to be justified. The Chief is also empowered to notify the owner or agent when, in his opinion, such registration is no longer required.

Section 4.13 Content of Registrations. The written registration of points of emission may include the following information: the location of the source of emission, size of outlets, height of outlets, rate of emission, composition of emission, temperature of effluent or emission, nature of the equipment creating the emissions, and any other pertinent information specified by the Chief.

Section 4.14 Prosecution of Ordinance Violations. The issuance by the Chief of any installation permit or certificate of operation shall not be held to exempt the person to whom the permit or certificate was issued or who is in possession of the same, from prosecution for the emission of air contaminants prohibited by this ordinance.

**ARTICLE V
SCHEDULE OF FEES**

Section 5.1 Filing Fees. Fees for the inspection of plans, and issuing installation permits, for the installation, erection, construction, reconstruction, alteration of, or addition to, fuel-burning, combustion or process equipment or devices, and installation of apparatus or devices for the prevention or arresting of the discharge of smoke, particulate, liquid, gaseous, or other matter shall be as follows:

Fuel-burning equipment used for space heating, steam and hot water or power generation for each unit:
Of a capacity of 650,000 BTU/Hr. and less than 2,800,000
BTU/Hr.....\$10.00
Of a capacity of 2,800,000 BTU/Hr. or more.....\$15.00

ORDINANCE NO. 3522

Refuse-burning equipment, for each unit:
With less than fifteen square feet of grate area.....\$10.00
With fifteen or more square feet of grate area.....\$15.00
Process equipment or control devices:
Per one unit operation or one unit process creating
atmospheric pollution or any device controlling atmo-
spheric pollution\$10.00
Permit to sell or rent domestic incinerators.....\$10.00

Section 5.2 Annual Certificate of Operation Fees. Fees shall be as follows for the issuance or reissuance of Certificate of Operation which may require annual inspection of fuel-burning, combustion or process equipment or devices:

Fuel-burning equipment used for space heating, steam and hot water or power generation, for each unit:
Of a capacity of 650,000 BTU/Hr. and less than 2,880,000 BTU/Hr.....\$ 5.00
Of a capacity of 2,880,000 BTU/Hr. or more\$10.00
Refuse-burning equipment, for each unit:
With less than fifteen square feet of grate area.....\$ 5.00
With fifteen square feet or more of grate area.....\$10.00
Process equipment or control devices:
Per one unit operation or one unit process creating
atmospheric pollution or any device controlling atmo-
spheric pollution.....\$ 5.00

Section 5.3 Payment of Fees. All fees or penalties prescribed for the issuance of permits, licenses, or certificates, or for the inspection of plans, premises, or equipment, under any provision of this chapter, shall be paid to the City Controller, who shall render to the person making such payment a receipt stating the amount and purpose for which such fee or penalty has been paid, a duplicate of which shall be made part of the records of the Department. All fees and penalties thus received shall be deposited with the City Controller.

Section 5.4 Fees are Debt Due the City-Suit For: All fees or penalties prescribed for, the payment of which is required under any provision of this Chapter, shall constitute a debt due the City. The city Attorney shall, at the direction of the Chief, institute civil suit in the name of the City to recover the amount of any such unpaid fee or penalty. No civil judgment, or any act by the City Attorney, the Chief, or the violator, shall bar or prevent a criminal prosecution for each and every violation of this chapter.

ORDINANCE NO. 3522
 ARTICLE VI
 EMISSION LIMITATIONS AND PROHIBITIONS-
 STANDARDS OF MEASUREMENT

Section 6.1 Visible Emissions. It shall be unlawful for any person to discharge into the atmosphere, or cause to be so discharged, from any combustion or process equipment or device, vehicle, incinerator or open fire whatsoever any air contaminant for a period or periods aggregating more than five minutes in any one hour which is:

- (a) As dark or darker in shade as that designated as No. 2 on the Ringelman Chart, as published by the United States Bureau of Mines, or
- (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this section.

Section 6.2 Emission of Particulate Matter from Fuel-Burning and Refuse-Burning Equipment.

A. No person shall cause, suffer, or allow to be emitted into the outdoor atmosphere from any fuel-burning equipment or premises or to pass a convenient measuring point near the stack outlet, particulate matter in the gases to exceed 0.60 pounds per 1,000,000 BTU heat input for installations using less than 10,000,000 BTU per hour total input. For a single unit using greater than 10,000,000 BTU per hour total input, the allowable particulate emission limitation will be determined from the following table:

Heat input in millions of British thermal units per hour	Maximum allowable emission of particulate matter in pounds per million British thermal units per hour, heat input
10 or less	0.60
50	0.46
100	0.41
500	0.32
1,000	0.29
2,500	0.25
5,000	0.225
7,500	0.210
10,000 or more	0.20

For heat inputs between any two consecutive heat inputs in the table, the maximum allowable particulate matter emission shall be determined by graphical interpolation, using logarithmic graph paper.

B. The burning of refuse in fuel-burning equipment is prohibited except in equipment from which no visible emission in excess of that permitted by **Section 6.1**, no air pollutants in excess of that permitted by **Section 6.2** are emitted, and no odorous materials arising from the installation are observable beyond the premises on which the installation is located.

ORDINANCE NO. 3522

Section 6.3 Emission of Particulate Matter form Incinerators.

A. No person shall cause, suffer, or allow to be emitted into the outdoor atmosphere from any incinerator, refuse-burning equipment or premises, or to pass a convenient measuring point near the stack outlet, particulate matter in gases to exceed 0.65 pounds for each 1,000 pounds of dry flue gases adjusted to 12% carbon dioxide (excluding the effects of any auxiliary fuel); or odorous material arising from the installation which is detectable beyond the premises on which the installation is located.

B. No incinerator shall be used for the burning of refuse unless such incinerator is a multiple chamber incinerator. Existing incinerator which are not multiple chamber incinerators, may be altered, modified, or rebuilt as may be necessary to meet this requirement, or found by the Chief to be of equivalent efficiency.

Section 6.4 Emission of Particulate Matter from Industrial Process Equipment. The maximum allowable emission of particulate matter from any source whatever except fuel-burning and refuse-burning equipment shall be determined from Table 1, as set forth on page 26 hereof.

To use the table, find the process weight per hour in the table, and note the allowable rate of emissions in pounds per hour next to the process weight per hour. For those processes whose process weight process weight exceeds 200 tons/Hr., the maximum allowable emission may exceed that shown in Table 1 provided that the concentration of particulate matter in the discharge gases is less than 0.05 grains per standard cubic foot of gas.

Section 6.5 Storage of Petroleum or Other Volatile Products. A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 65,000 gallons capacity any petroleum product or mixture of products having a vapor pressure of 2.0 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir, or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and quipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

(a) A floating roof, consisting of a pontoon-type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 12.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place.

ORDINANCE NO. 3522

(b) A vapor recovery system, consisting of a vapor-gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor-disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(c) Other equipment of equal efficiency, provided plans for such equipment are submitted to and approved by the Chief.

Section 6.6 Volatile Petroleum Distillate Loading into Tanks, Trucks, Trailers and Railroad Tank Cars. A person shall not load volatile petroleum distillates into any tank, truck, or trailer, or railroad car from any loading facility unless such loading operation utilized a submerged fill pipe or such loading facility is equipped with a vapor collection and disposal system or its equivalent, properly installed, in good working order, in operation and approved by the Chief.

For purposes of this section any petroleum distillate having a Reid vapor pressure of 4 pounds or greater shall be included by the term "volatile petroleum distillate."

For the purpose of this section, the term "submerged fill pipe" is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank. "Submerged fill pipe" when applied to a tank which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid is 18 inches above the bottom of the tank.

Section 6.7 Sulfur Oxides. (As amended by Ordinance No. 3672)

ORDINANCE NUMBER 3672

An Ordinance amending Ordinance No. 3522 being entitled "An Ordinance to regulate Smoke and Control Air Quality within the City of Hammond, Indiana, and establish the Section of Air Control within the Department of Health."

BE IT ORDAINED by the Common council of the City of Hammond, Indiana:

Section 1. That section 6.7 entitled "Sulfur Oxides" is hereby amended to read as follows:

Section 6.7 Sulfur Oxides.

A. No person, persons, company, corporation, business or industry shall cause, let, permit, suffer, or allow any emission of sulfur oxides which of itself results in ground level concentrations of sulfur oxides at any given point in excess of 0.5 ppm (volume) in the period of any hour and average exposure shall not exceed 0.1 ppm (volume) of sulfur oxides in any 24 hour period.

ORDINANCE NO. 3522

These limitations shall not apply to ground level concentrations occurring on the property from which such emission occurs, provided such property, from the emission point to the point of any such concentration is controlled by the person, persons, company, corporation, business or industry responsible for the emission.

B. No person, persons, company, corporation, business or industry shall cause or permit the use, or, if intended for use in the City of Hammond, the purchase, sale, offer for sale, storage or transportation, of a fuel, which, as determined by the methods of the American Society for Testing and Materials, contains more than the following percentages of sulfur by weight:

For a period of two (2) years, beginning one(1) year after the effective date of this amendment:

fuel: 2.5 percent

For a period of eighteen months, beginning three (3) years after the effective date of this amendment:

fuel: 2.0 percent

Thereafter:

fuel: 1.5 percent

C. When periods of stagnation, for 24 hours or greater, occur, as defined by the Chief of the Department of Air Pollution Control, the director shall have the power to implement a Pollution Emerging Episode Control Plan, whereby plants that have an annual fuel consumption of 60,000 tons of coal or 14,500,000 gallons of oil are required either to switch to a low sulfur fuel (less than 1.5% sulfur by weight) or curtail emission of sulfur dioxide pollution during this period until the director determines that the stagnation period no longer exists.

Section 2. This Ordinance shall be in full force and effect immediately after its passage, signing by the President of the Common Council, approval by the Mayor and publication according to law.

/s/ George W. Carlson, President

ATTEST: /s/ Stanley Kulik, City Clerk

APPROVED by the Mayor on the 17th day of April, 1970.

/s/ Joseph E. Klen, Mayor

PASSED by the Common Council of the City of Hammond, Indiana on the 13th day of April, 1970 presented to the Mayor for his approval or rejection and APPROVED by the Mayor on the 17th day of April, 1970.

/s/ Stanley Kulik, City Clerk

By: D. Kometz, council Secretary

ORDINANCE NO. 3522

Section 6.8 Stack Emission Test Method. Stack emission tests shall be undertaken by generally recognized standards or methods of measurements. The latest of the following codes: the "A.S.M.E. Test Code for Dust Separating Apparatus," the "A.S.M.E. Test Code for Determining Dust Concentrations in Gas Streams," and the "Los Angeles County Source Testing Manual," or any other mutually agreeable testing procedure shall be used.

Section 6.9 Open Burning.

A. No person shall dispose of refuse by open burning, or cause, suffer, allow, or permit open burning of refuse, unless a permit therefore has been obtained from the Chief.

a. Any person required by this section to secure a Refuse Burning Permit may apply for a continuing permit which, when issued, shall authorize the burning of combustible refuse during the period covered thereby, such period not to exceed one (1) year.

B. The open burning of refuse may be permitted when it can be shown by a person that such open burning is absolutely necessary and in the public interest. Any person intending to engage in open burning of refuse shall file a request to so with the Chief. The application shall state the following but are not limited to:

(a) The name, address, and telephone number of the person submitting the application.

(b) The type of business or activity involved.

(c) A description of the proposed equipment and operating practices; the type, quantity, and composition and amount of air contaminants to be released to the atmosphere.

(d) The schedule of burning operations.

(e) The exact location or locations where such open burning may be carried on.

(f) The reason why no method other than open burning can be used for disposal of the trade waste.

(g) Evidence that the proposed open burning has been approved by the Hammond Fire Department.

C. The Chief may, in his discretion, impose other reasonable conditions necessary to prevent the creation of a nuisance.

ORDINANCE NO. 3522

Section 6.10 Prohibition of Salvage Operations by Open Burning. No person shall conduct or cause or permit the conduct of a salvage operation by open burning.

Section 6.11 Nuisance Abatement.

A. It is unlawful for any person to permit or cause the emission of such quantities of air contaminants from whatever source in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort, or safety of any person or the public, or in such manner as to cause or have a tendency to cause injury or damage to property or business. Each day wherein a violation of this section occurs shall constitute a separate offense. Any act or emission of air contaminants from any single or multiple source in violation or excess of the limitations established in this ordinance shall be lawful, and may be ordered abated by the Chief. Such abatement may be in addition to the fines and penalties herein provided.

B. It shall be unlawful for any person to cause or permit the handling, transportation, or disposition of any substance or material which is likely to be scattered by the wind, or is susceptible to being wind-borne, without taking reasonable precautions or measures to minimize atmospheric pollution. It shall be unlawful for any person to operate or maintain, or cause to be operated or maintained, any premises, open area, right of way, storage pile of materials, or vehicle, or construction, alteration, demolition, or wrecking operation, or any other enterprise, which involves any material or substance likely to be scattered by the wind, or susceptible to being wind-borne, without taking reasonable precautions or measures to minimize atmospheric pollution. No person shall maintain or conduct, or cause to be maintained or conducted, any lot or roadway unless such lot or roadway is maintained in such manner as to minimize atmospheric pollution. The Chief shall cooperate with private and public agencies in the problem of controlling wind-borne pollutants.

C. Nothing in any section of this ordinance relating to regulation of emission of air contaminants shall in any manner be construed as authorizing or legalizing the erection or maintenance of a nuisance.

D. Upon refusal or failure of any person to obey the order of abatement, proceedings may be had under the Indiana Administration Adjudication Act (Acts of the Indiana General Assembly, 1947, Ch. 365), which Act, insofar as it is applicable, is made a part of this ordinance by reference. References in said Act to the Attorney General shall be deemed to refer to the city attorney; and to the State of Indiana, to the city of Hammond, Indiana.

Provided, however, that in the City of Hammond, the Department of Air Pollution Control shall be represented by the city attorney or a special city attorney employed by the city and the department.

ORDINANCE NO. 3522

Section 6.12 Breakdown of Equipment. Emissions exceeding any of the limits established in **Article VI** as a direct result of upset conditions in or breakdown of any process, fuel-burning, refuse-burning or control equipment or related operating equipment beyond the control of the person owning or operating such equipment shall not be deemed to be in violation of **Article VI** provided that the owner or operator immediately advises the Chief of the circumstances and outline a corrective program acceptable to the Chief.

Section 6.13 Circumvention. No person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants to the atmosphere. Increase in stack height or construction so as to increase stack exit velocity of gases shall not constitute a violation of this section.

**ARTICLE VII
INTERNAL COMBUSTION ENGINES**

Section 7.1 Internal Combustion Engines. No person shall operate, or cause to be operated, upon any street, highway, public place, stream or waterway, or private premises within the City of Hammond, any internal combustion engines of any motor vehicle, boat, or other vehicle, while stationary or moving, which emits from any source whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

- (a) As dark or darker in shade as that designated as No. 2 on the Ringlemann chart, as published by the United States Bureau of Mines, or
- (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this section.

Section 7.2 Compliance with federal Emission Standards. The Federal Clean Air Act of 1963 (P.L. 88-206), as amended in 1965 (P.L. 89-272), provides for control of air pollution from new motor vehicles beginning with the 1968 model year. It shall be unlawful to make any changes or modifications whatsoever to any such control devices which increases the emission of air contaminants into the atmosphere.

Section 7.3 Enforcement. Enforcement of provisions of this article may be carried out by authorized police department personnel.

ORDINANCE NO. 3522
ARTICLE VIII
COORDINATION OF DEPARTMENTS

Section 8.1 Issuance of Permits. No permit for the erection, construction, or alteration of any building, plant, or structure, related in any manner to fuel-burning equipment, or chemical processing equipment, shall be issued by the building commissioner or by any department, bureau, division, officer, or employee of the City until the Chief of the Air Pollution Control Section has issued an installation permit covering the equipment under his jurisdiction to be used in the building, plant, or structure as provided within this ordinance.

Section 8.2 Coordination. It shall be the duty of the various departments, bureaus, divisions, officers, and employees of the City, having charge of the inspection of the premises in which such equipment is located, to cooperate with the chief to determine that the execution of the work so authorized by said permit shall be done in conformity with the approved plans and specifications fixed by the Chief.

ARTICLE IX
SAMPLING AND TESTING

Section 9.1 Authority to Conduct Tests.

A. The Chief is hereby authorized to conduct or cause to be conducted, any test or tests of any new or existing process, fuel-burning, refuse-burning, or control equipment the operation of which, in his opinion, may result in emissions in excess of the limitations in this ordinance or when, in his judgment, there is evidence that emissions from any such equipment are exceeding any emission limitation prescribed in this ordinance. Upon notification by the Chief that emission tests are considered necessary, a person may elect to conduct such tests himself. In this event, the person shall notify the Chief of this decision and of the time and date of such testing. All tests so conducted shall be in a manner acceptable to the Chief, and a complete detailed test report of such tests shall be submitted to the Chief. The Chief may stipulate that a representative of his office be present during the conduct of such tests and may stipulate a reasonable time limit for the completion of such tests.

B. Nothing in this section concerning tests conducted by and paid for by any person or his authorized agent shall be deemed to abridge the rights of the Chief or his representatives to conduct separate or additional tests of any process, fuel-burning, refuse-burning, or control equipment on behalf of the City at a reasonable time and at the City's expense except as provided in **Section 9.3** below.

ORDINANCE NO. 3522

Section 9.2 Test Facilities and Access. It shall be the responsibility of the owner or operator of the operation tested to provide, at his expense, reasonable and necessary openings in the system or stack, and safe and easy access thereto, to permit technically valid samples and measurements to be taken. All new sources of air contaminants erected after the effective date of this ordinance may be required by the chief to provide adequate openings in the system or stack, and safe and easy access thereto, to permit technically valid measurements and samples to be taken. If a person refuses to supply test openings, access scaffolding, and other pertinent facilities requested for the purpose of conducting valid emission tests by the Chief, the Chief shall notify such person to show cause before the Chief on a day certain, not less than ten (10) nor more than twenty (20) days from the date of notice, why the equipment should not be sealed.

Section 9.3 Test Costs. If emission tests conducted as a result of procedures outlined in **Section 9.1** substantiate that a violation exists, the person or persons liable for the violation shall be responsible for paying all attendant costs for conduction said tests. If said tests do not substantiate that the violation exists, then the City shall be responsible for paying all attendant costs for conducting said tests. This latter condition shall not obviate the owner's or operator's responsibilities set forth in **Section 9.2**. Provided, however, if the person liable elects to conduct his own stack emission tests as stipulated in **Section 9.1** and **Section 8.1** the person so election shall pay for these tests irrespective of their outcome.

**ARTICLE X
VARIANCES**

Section 10.1 Variance Clause. Where emission sources in existence prior to the adoption of this ordinance do not meet the emission limitation noted in **Article VI above**, then a program to meet the emission limitations stipulated shall be developed and offered to the Chief by the owner or seller of the equipment causing the emission. This program shall be submitted upon the request of and within such times as shall be fixed by the Chief, and after said program has been approved by the Chief, the owner or seller of the equipment causing the emission shall not be in violation of this ordinance so long as said program is observed. In evaluating such a program of improvement, the Chief shall take into consideration the following factors:

- (a) Action taken to control atmospheric pollution within emission limitations in effect prior to this ordinance.
- (b) Efficiency of any existing control equipment relative to that which would be required to meet emission limitations of this ordinance.

ORDINANCE NO. 3522

(c) Temporary interim control measures intended to minimize existing pollution levels.

(d) The effect the source of emission has on ambient air quality generally or in the immediate vicinity of the source.

(e) The degree of control in relation to other similar facilities which produce air pollution.

(f) The age and prospective life of the facility in question.

Reports consisting of information required by the Chief indicating the progress of these programs shall be submitted annually to the Chief by the owner or seller of the equipment causing the emission in question. If the program is not followed, the Chief may suspend the program and issue a violation notice. In the event the owner or sell of the equipment causing the emission and the Chief cannot evolve a mutually acceptable program of improvement, the matter shall be referred to the Air Pollution Control Board for resolution and determination of an acceptable program, which shall be binding upon both the owner or seller and the Chief. In making their determination, the Air Pollution Control Board shall also take into consideration the factors noted in a through f above.

Section 10.2 Specific Variances.

A. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of a and b of **Section 6.1** of this ordinance, such section shall not apply.

B. A specific variance may be granted by the Chief, with the approval of the Air Pollution Control Board, provided that the requested variance has no known method of control or abatement or, in the opinion of the Chief and the Air Pollution Control Board, it is impractical.

C. Upon request of the Chief, an annual report on progress or research to control emissions from processes for which a variance was obtained under **Section 10.2B** shall be submitted to the Chief and by him to the Air Pollution Control Board. As soon as methods of control are practicable, in the opinion of the Chief and the Air Pollution Control Board, such controls shall be installed.

D. Existing process units which are equipped with cyclone separators, electrostatic precipitators or other dust collection devices or systems having an overall efficiency of not less than 99 per cent are considered in compliance with **Section 6.4** of this ordinance.

ORDINANCE NO. 3522
ARTICLE XI
SEALING

Section 11.1 Sealing. After previous notification of three or more violations of this ordinance within a 12-month period, in respect to the emission of air contaminants, a violator shall be notified by registered mail to show cause before the Chief within 10 days why the offending equipment shall not be sealed. The notice shall be directed to the last address of the person to be notified or if the person or his whereabouts is unknown, then the notice shall be posted on or near the premises at which the violations have occurred. If upon the hearing, at which the violator or his agent or attorney may appear and be heard, the Chief finds that adequate corrective measures have not been taken, he shall seal the equipment until such time as corrective measures are taken. The decision may be appealed to the Air Pollution Control Board, and such appeal shall stay the sealing until the Air Pollution Control board renders a decision. It shall be unlawful for any person to break a seal that has been duly affixed by the Chief or his authorized representative unless authorized in writing by the Chief to do so.

ARTICLE XII
RIGHT OF ENTRY

Section 12.1 Right of Entry for Inspection. Any person who in any manner hinders, obstructs, delays, resists, prevents, or in any manner interferes or attempts to interfere with the Chief, or his authorized representatives, or police officers, in the performance of any duty enjoined, or shall refuse to permit the Chief or such representatives or officers to perform their duty by refusing them, or either of them, entrance at reasonable hours to any premises in which the provisions of this ordinance are being violated or are suspected of being violated, or refuse to permit the inspection or examination of such premises for the purpose of the enforcement of this ordinance, shall be subject to the fines and penalties hereinafter provided.

ARTICLE XIII
CONFIDENTIALITY OF RECORDS

Section 13.1 Confidentiality. Any records or other information furnished to or obtained by the Chief or Air Pollution Control Board or their representatives concerning one or more air contaminant sources, which records or information relate to processes or production unique to the owner or operator or which would tend to affect adversely the competitive position of such owner or operator, shall be only for the confidential use of the Chief, the Air Pollution Control Board and their representatives, unless such owner or operator shall expressly agree to their publication or availability to the general public.

ORDINANCE NO. 3522

Nothing herein shall be construed to prevent the use of such records or information by any department, agency, or officer of the city in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: provided that such analyses or summaries do not identify, directly or indirectly, any owner or operator or reveal any information otherwise confidential under this Section.

**ARTICLE XIV
PERSONS LIABLE**

Section 14.1 Persons Liable. All persons owning, operating, or in charge or control of any equipment or premises who shall cause, suffer, allow, permit, or participate in any violation of this ordinance shall be individually and collectively liable for any penalties imposed by this ordinance. This liability shall include any person who shall refuse to comply with or who shall assist in the violation of any of the provisions of this ordinance.

**ARTICLE XV
PENALTIES FOR VIOLATIONS**

Section 15.1 Penalties. Any person who shall violate any of the provisions of this ordinance shall upon conviction thereof, pay a fine of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for each violation, to which may be added imprisonment for a term not to exceed one hundred eighty (180) days.

Each day's violation shall constitute a separate offense and an unlawful emission from each chimney, smokestack, open fire, or other point of discharge shall also constitute a separate offense. A separate and distinct offense shall be regarded as committed each day on which such person shall continue or permit any such violation to exist after notification thereof by the Chief.

Any abatement provided for in **Article VI** shall be in addition to any penalties prescribed in this Section.

**ARTICLE XVI
ALTERNATIVE PROCEDURE FOR VIOLATIONS**

Section 16.1 Violation Notice. If the Chief has reason to believe an emission from any source violates the provisions of **Article VI** hereof, he may instead of acting under **Article XV** issue to the owner or operator of the source in question a violation notice.

A. Any person who is issued a violation notice may, within thirty (30) days from the date of receipt of said notice, submit data to the Chief indicating reasons why he does not believe he was in violation of **Article VI**.

ORDINANCE NO. 3522

The Chief shall review the data submitted and within fifteen (15) days affirm or withdraw the violation notice by informing, in writing, the person receiving said notice of the decision to affirm or withdraw. In the case where such data is not submitted to the Chief within the 30 days stipulated, the violation shall be considered still in force and affirmed.

B. In the case of a violation of **Article VI**, the person cited, within ten (10) days of receipt of the Chief's decision to affirm the violation notice as provided for in **Section 16.1** (or within ten (10) days of a decision of the Air Pollution Control Board, should appeal be taken from the Chief's decision to affirm the violation notice), may ask that emission tests be performed to determine the extent of emissions from the operation which is the subject of the particulate emission violation notice. If the emission tests indicate that the total amount of particulate matter exceeds the maximum allowable emission standard applicable to the operation under **Article VI**, the violation notice shall be considered substantiated. If the emission tests indicate that the total amount of particulate matter is equal to or less than the emission standard applicable to the operation under **Article VI**, then the violation notice shall be considered void.

ARTICLE XVII PARTY TO CLAIMS OR ACTIONS

Section 17.1 Party to Claims or Actions. All claims or actions filed by or against the Chief or the Air Pollution Control Board shall be brought in the name of or filed against the City of Hammond, Indiana, a municipal corporation.

ARTICLE XVIII SEVERABILITY

Section 18.1 Severability. If any clause, sentence, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair, or invalidate the remainder of this ordinance, and the application of such provision to other persons, firms, corporations, or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm corporation, or circumstances involved. It is hereby declared to be the legislative intent of this body that this ordinance would have been adopted had such invalid provisions not been included.

ORDINANCE NO. 3522
ARTICLE XIX
REPEAL CLAUSE

Section 19.1 Repeal Clause. All laws heretofore passed by the Common Council of the City of Hammond dealing with the problem of air pollution, and specifically including Ordinance 2183 entitled "Smoke," (19-201 to 19-202), are hereby repealed.

ARTICLE XX

This ordinance shall be in full force and effect from and after its passage, signing by the President of the Common Council, approval by the Mayor and publication according to law.

/S/ JOSEPH G. BERCIK, President

ATTEST:

/S/ STANLEY KULIK, City Clerk

APPROVED by the Mayor on the 30th day of January, 1967.

/S/ EDWARD C. DOWLING, Mayor

PASSED by the Common Council of the City of Hammond, Indiana, on the 23rd day of January, 1967, and presented to the Mayor for his approval or rejection, and approved by the Mayor on the 30th day of January, 1967.

TABLE I**Allowable Rate of Emission Based on Process Weight Rate (a)**

PROCESS WEIGHT RATE Lb./Hr.	Tons/Hr.	RATE OF EMISSION Lb./Hr.
100	0.05	0.551
200	0.10	0.877
400	0.20	1.400
600	0.30	1.830
800	0.40	2.220
1,000	0.50	2.580
1,500	0.75	3.380
2,000	1.00	4.100
2,500	1.25	4.760
3,000	1.50	5.380
3,500	1.75	5.960
4,000	2.00	6.520
5,000	2.50	7.580
6,000	3.00	8.560
7,000	3.50	9.490
8,000	4.00	10.400
9,000	4.50	11,200
10,000	5.00	12.000
12,000	6.00	13.6
16,000	8.00	16.5
18,000	9.00	17.9
20,000	10.00	19.2
30,000	15.00	25.2
40,000	20.00	30.5
50,000	25.00	35.4
60,000	30.00	40.0
70,000	35.00	41.3
80,000	40.00	42.5
90,000	45.00	43.6
100,000	50.00	44.6
120,000	60.00	46.3
140,000	70.00	47.8
160,000	80.00	49.0
200,000	100.00	51.2
400,000	200.00	58.8

- (a) Interpolation of the data in this table for process weight rates up to 60,000 lb./hr. shall be accomplished by use of the equation $E \text{ equals } 4.10 P^{0.67}$, and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb./hr. shall be accomplished by use of the equation $E \text{ equals } 55.0 P^{0.11-40}$, where E equals rate of emission in lb./hr. and P equals process weight in tons/hr.