

30.0 VIOLATIONS

30.1 General

- A. Violation of any regulation duly adopted by the Board is declared to be a misdemeanor punishable as provided by Tennessee law.
- B. Violation of any regulation or section of these regulations is considered a separate offense.
- C. Each day of violation of any regulation or section of these regulations is considered a separate offense.
- D. The Director shall have the power and authority to issue an order which assesses civil penalties against any person responsible for the violation of these regulations as provided by Tennessee law. These penalties shall be recoverable in a maximum amount of \$25,000 per day per violation as provided by state law.
- E. Whenever evidence has been obtained or received establishing that a violation of these regulations has been committed, the Director shall have the power and authority to initiate proceedings to prosecute the violator.
- F. The Director may cause to be instituted a civil action in any court of competent jurisdiction for injunctive relief to prevent violation of any regulation promulgated by the Board or of any order duly issued by the Director (as confirmed or modified by the Board, if this be the case). Such actions may be taken by the Director without the necessity of a prior revocation of any permit.
- G. Nothing in these regulations shall prevent the Director from making efforts to obtain voluntary compliance with these regulations by issuing a notice to correct or cease the violation. Such notice shall briefly set forth the general nature of the violation and specify a reasonable time within which the violation shall be rectified or stopped. If the violation is not corrected within the time so specified, or the violation stopped, or reasonable steps taken to rectify the violation, the Director shall have the power and authority to issue an order requiring the violator to cease or suspend operation of the facility causing the violation until the violation has been corrected. The Director has the authority to restrain or enjoin immediately and effectively any person, by order or by suit in court, from engaging in any activity in violation of a permit or the Knox County Air Quality Management Regulations that is presenting an imminent and substantial endangerment to the public health or welfare, or the environment.
- H. Where a time for compliance schedule has been established in these regulations, failure to comply with the time schedule by any person shall be considered a violation of these regulations.

- I. When any person has been requested by the Director to submit to the Director an acceptable proposal and time schedule and fails to do so in the time allocated by the Director for submitting such proposal and time schedule, such person shall be considered in violation of these regulations.
- J. Where an acceptable proposal and timetable has been submitted to the Director by any person, failure to comply with the proposal and time schedule shall be considered a violation of these regulations.

30.2 Presumption Clause

Where a violation of these regulations occurs by any person, it shall be presumed that such violation occurred with the knowledge and consent of such person.