

## Local Air Pollution Regulations

---

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee  
Municipal Technical Advisory Service  
1610 University Avenue  
Knoxville, TN 37921-6741  
865-974-0411 phone  
865-974-0423 fax  
[www.mtas.tennessee.edu](https://www.mtas.tennessee.edu)

# Table of Contents

Local Air Pollution Regulations .....	3
---------------------------------------	---

## Local Air Pollution Regulations

**Reference Number:** MTAS-602

The state is responsible for a comprehensive state program to minimize air pollution. Municipalities and counties may enact regulations that are not less stringent than the state's regulations, which prevail as long as a certificate of exception granted by the Air Pollution Control Board is in effect. Periodic review by this board is required to determine whether the exemption should be continued. Certificates are issued for periods not to exceed two years. T.C.A. § 68-201-115. Local air pollution regulations are not applicable to "any air contaminant source...which burns wood waste solely for the disposition of such wood waste," but the constant presence of a person is required and the burn limited to 48 hours and to no more than twice in any 30-day period for wood waste burns within 200 feet of an occupied building if the burn is done by someone other than the occupant. For burns within 100 feet of an occupied building, an adult occupant must give written permission for the burn to occur (Stricter local ordinances control). T.C.A. § 68-201-115(c). The \$25,000 per day state penalty also is applicable to violations of municipal regulations. Municipal penalties are cumulative and in addition to state penalties. T.C.A. § 68-201-116. A municipality that has obtained a certificate of exemption to enforce its own air pollution control regulations must offer a process to grant a waiver to any prohibition on open burning. T.C.A. § 68-201-115.

---

*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

**Source URL (retrieved on 09/18/2019 - 2:20pm):** <https://www.mtas.tennessee.edu/reference/local-air-pollution-regulations>