

# **Regulation VI**

## **Rule 601 – Petition Procedures**

*This Rule was first adopted November 3, 1982; revised May 19, 2005. The current version was adopted by the Governing Board via Resolution 2014-8 on October 16, 2014.*

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# RULE 601 PETITION PROCEDURES

## A. PETITION PROCEDURES:

1. **Filing Petitions:** Requests for hearings shall be initiated by the filing of a petition with the Clerk of the Hearing Board, and the payment of the fee as provided for in Rule 404 of these Rules and Regulations. Service of a copy of the petition shall be made on the Control Officer, and/or on the holder of the permit or variance, if any, involved. Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.
  
2. **Contents of Petitions: Every petition for Hearing Board action shall state:**
  - a. The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.
  - b. Whether the petitioner is an individual, co-partnership, corporation or other entity, and the names and addresses of the partners if a co-partnership, the names and addresses of the officers if a corporation, and the names and addresses of the persons in control, if other entity.
  - c. The type of business or activity involved in the application and the street address at which it is conducted.
  - d. A brief description of the article, machine, equipment, or other contrivance, if any, involved in the application.
  - e. The section or rule under which the petition is filed; that is, whether petitioner desires a hearing:
    - i. To review an Authority to Construct or Permit to Operate denied by the Control Officer.
    - ii. To review the suspension of a permit by the Control Officer.
    - iii. To determine whether a permit shall be revoked.
    - iv. To request a variance under Section 42350 of the Health & Safety Code.
    - v. To modify or revoke a variance previously granted.
    - vi. To request a public hearing to determine whether a permit was properly issued.
  - f. Each Petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign.
  - g. Petitions to review a denial of an Authority to Construct or Permit to Operate shall state the reasons given for the denial and reasons for the appeal.
  - h. Petitions for reinstatement of suspended permits shall state the alleged basis for such suspension.
  - i. Petitions for revocation of permits shall state the rule which is alleged to have been violated and a brief statement of the facts constituting such alleged violation.
  
3. **Variance Petitions:** In addition to the requirements of Rule 601 A.2, petitions for variance shall state briefly:
  - a. The section, order or rule complained of.
  - b. The facts showing why compliance with the section, rule or order is unattainable.
  - c. For what period of time the variance is sought and specific dates for achieving various increments of progress.
  - d. The damage or harm resulting or which would result to petitioner from compliance with such section, rule or order by either an arbitrary or unreasonable taking of property; or the practical closing and elimination of a lawful business without a corresponding benefit in reducing air contaminants.
  - e. The requirements which petitioner can meet and the date when petitioner can comply with such requirements.
  - f. Whether or not the subject equipment or process is covered by a Permit to Operate issued by the Control Officer.
  - g. That the applicant for the variance has given consideration to curtailing operations of the source in lieu of obtaining a variance.

- h. During the period the variance is in effect, that the applicant will reduce excess emissions to the maximum extent feasible.
  - i. During the period the variance is in effect, that the applicant will monitor or otherwise quantify emission levels from the source, if requested to do so by the District, and report these emission levels to the District pursuant to a schedule established by the District.
  - j. An estimate of the quantity and type of excess emissions, including the estimated excess emission fee calculated pursuant to Rule 404.
4. **Dismissal of Petitions:** The petitioner may withdraw his petition at any time prior to the date set for the hearing. Such withdrawals, requested at least 72 hours in advance of the hearing, shall result in a 50% refund of the Hearing Board fee to the petitioner. The Clerk of the Hearing Board shall notify all interested persons of such withdrawal.