

RULES AND PROCEDURES  
FOR THE  
HEARING BOARDS  
OF THE  
SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

These Rules are effective as of December 5, 2011

Pursuant to California Health and Safety Code Section 40807, the Hearing Board adopts the following rules and procedures for the conduct of its hearings.

## **Emergency Variances**

Emergency variances shall be heard by a single member of the Hearing Board in the following progression:

1. Chair
2. Vice Chair
3. Other members in order of their seniority on the Hearing Board
4. Should members have equal Hearing Board seniority, other member in ascending alphabetical order of their last name
5. Should members have identical last names, other members in ascending alphabetical order of their first name

**Note:** *At no time is an alternate member allowed to hear a petition for an emergency variance.*

The District shall contact the Hearing Board members in the order listed above. After 30 minutes, the next in-line member shall be contacted if the preceding member has not responded to the request to hear the petition for an emergency variance.

Notwithstanding, for matters requiring immediate attention, the District may forego the 30 minute wait time.

## **Inter-Regional Petitions**

When reasonable circumstances exist, a petitioner located and/or operating in one District region may have their petition heard by a Hearing Board in another region.

Reasonable circumstances include the following:

1. When a quorum of a regional Hearing Board cannot be established in the subject region.
2. When an emergency variance ends before the next regularly scheduled hearing occurs in the region that the emergency variance was granted and additional variance relief is necessary.
3. When product, group or class action variances affecting petitioners in two or more regions are to be heard.
4. When a violation will occur before the next regularly scheduled hearing in that particular region and it is not reasonable for the petitioner to have been heard during the previous month's meeting in that particular region.

Reasonable circumstances do not include the following:

1. When a petitioner desires to have the petition heard in the region of his or her own choosing.
2. When a petitioner has been made aware of or is familiar with the noticing deadlines, but delays filing the petition.
3. When an emergency, interim, or short variance can provide the required protection or bridge the gap between different types of variances.