

## REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

### **Rule 5.4 Notice of Hearing**

- A. Notwithstanding any other provisions of these regulations, the Hearing Officer may issue, without notice and hearing, an emergency variance to an applicant.
- B. In the case of a hearing to consider an application for a variance or a series of variances to be in effect for a period of not more than ninety days, or an application for a modification of a schedule of increments of progress, or for an order of abatement: the Hearing Board shall serve notice of the time and place of a hearing to grant such a variance or modification upon the Control Officer, all the Northeast Plateau Air Basin Districts, ARB, the EPA, and upon the applicant or permittee, not less than ten days prior to such hearing.
- C. In the case of a hearing to consider an application for an interim variance: the Hearing Board shall serve reasonable notice of the time and place of the hearing on the Control Officer and upon the applicant.
- D. In the case of a hearing to consider an application for variance, other than a ninety-day variance, or an interim variance, or an application for a modification of a final compliance date in a variance previously granted, the notice requirements shall be as follows:
  - 1. The Hearing Board shall serve a notice of the time and place of a hearing to the Control Officer, all other districts in the Northeast Plateau Air Basin, the ARB, the EPA, upon the petitioner or permittee, and every person who requests such notice, not less than thirty days prior to such hearing.
  - 2. The Hearing Board shall also publish a notice of the hearing in at least one daily and one weekly newspaper of general circulation within the district at least fifteen (15) days prior to the hearing.
  - 3. The notice shall state the time and the place of the hearing, the time when, commencing not less than fifteen (15) days prior to the hearing, and the place where the application including any proposed conditions or schedule of increments of progress will be available for public inspection, and any other information that may be necessary to reasonably apprise individuals within the District of the nature and purpose of the meeting. The application and other required information (e.g., proposed conditions or schedule of compliance) shall be available not less than fifteen days prior to the hearing.
- E. In the case of a hearing appealing an Authority to Construct, Permit to Operate issuance, denial, suspension or conditions of approval, the notice requirement shall be as follows:

## **REGULATION V - PROCEDURE BEFORE THE HEARING BOARD**

1. The Hearing Board shall serve a notice of the time and place of the hearing upon the Control Officer, the ARB, the applicant or permittee affected, and the petitioner (if that party is not the applicant), and every person who requests such notice, at least ten days prior to such hearing.
2. The Hearing Board shall also publish a notice of the hearing in at least one daily and one weekly newspaper of general circulation within the district at least ten days prior to the hearing.
3. The notice shall state the time and place of the hearing and such other information as may be necessary to reasonably apprise individuals within the District of the nature and purpose of the meeting.

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