

REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

Rule 5.9 Modification of Progress

If a person granted a variance with a schedule of increments of progress files an application for modification of the schedule and is unable to notify the Hearing Board sufficiently in advance to allow the Hearing Board to schedule a public hearing, the Hearing Board may grant a one-time interim authorization which is valid for not more than thirty days, to continue operation pending decision of the Hearing Board on the application.

- A. The Hearing Officer may hear such application.
- B. If a member of the public contests a decision made by one member of the Hearing Board, the application shall be reheard by the full Hearing Board within ten days of the decision.

The interim authorization shall not be granted for a requested extension of a final compliance date or where the original variance expressly required advance application for the modification of an increment of progress.

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