

BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT

RULE 600 - PETITIONS

*(Adopted January 4, 1972; Amended and Recodified August 6, 1985;
Recodified August 22, 2002)*

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RULE 600

- 1 **GENERAL:** This Regulation shall apply to all hearings before the Hearing Board of the Butte County Air Quality Management District (DISTRICT).
- 2 **FILING A PETITION:** A request for a hearing shall be initiated by filing of a petition in triplicate with the Hearing Board of the Air Quality Management District of the County of Butte, after service of a copy of the petition has been made upon the Air Pollution Control Officer (APCO). If the Petitioner is the APCO, a copy of the petition shall be served upon the party named in the petition. 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. A fee of \$300.00 shall be paid by the time of filing of a petition for a variance, or a petition to revoke or modify a variance.
 - 2.1 All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

2.2 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.

3 CONTENTS OF PETITION: Every petition shall state:

3.1 The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

3.2 Whether the petitioner is an individual, co-partnership, corporation or other entity; and names and addresses of the partners, if a co-partnership; names and addresses of the officers, if a corporation; and the names and addresses of the governing board or other persons in control, if other entity.

3.3 The type of business or activity involved in the application and the street address at which it is conducted.

3.4 A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

3.5 Whether the petitioner desires a hearing:

3.5.1 To request a variance, from any Rule, Regulation or Order of the DISTRICT.

3.5.2 To request that an existing variance be revoked or modified.

3.5.3 To appeal from the denial, conditional granting or suspension of any permit required by these Rules and Regulations.

3.5.4 To determine whether a permit should be revoked, or suspended permit reinstated.

4 PETITION FOR VARIANCE: In addition to the general requirements of Section 3 of this Rule, a petition for a variance shall state briefly:

4.1 The Rule, Regulation or Order of the DISTRICT from which the petitioner requests relief.

4.2 The facts showing why compliance with the Rule, Regulation or Order would be unreasonable.

4.3 The damage or harm resulting or which would result to petitioner from compliance with such Rule, Regulation or Order.

4.4 The period of time for which the variance is sought and the reasons why this period is necessary.

- 4.5 The requirements of such Rule, Regulation or Order which petitioner can comply with and the date when this compliance can be accomplished.
- 4.6 The advantages and disadvantages to the residents of the DISTRICT which would result from requiring compliance or from granting a variance.
- 4.7 Whether or not operations under the requested variance would constitute a nuisance.
- 5 PETITION FOR REVOCATION OF PERMIT:** In addition to the general requirements of Section 3 of this Rule, petitions for revocation of permits shall allege the Rule or Regulation under which the permit was granted and the Rule or Regulation which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.
- 6 PETITION FOR REINSTATEMENT OF SUSPENDED PERMIT:** In addition to the general requirements of Section 3 of this Rule, petitions for reinstatement of a suspended permit shall allege the Rules under which the permit was granted, together with a brief statement of the information, analyses, plans or specifications which were required by the APCO and why such information was not furnished, together with a brief statement why the petitioner believes such information was not pertinent, or, if the petitioner believes the information was pertinent, a brief statement when it will be furnished.
- 7 NONCOMPLIANCE WITH DISTRICT RULES:** The Hearing Board shall not accept for filing any petition which does not comply with these Rules relating to the form, filing and service of petitions unless the chairman or any two (2) members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The chairman or any two (2) members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.
- 8 ANSWERS:** The holder of the permit or variance involved, the APCO or other interested person may file an answer to a petition filed pursuant to the provisions of this Regulation within ten (10) days after service of the petition upon him. All answers shall be served in the same manner as petitions under Section 2 of this Rule.
- 9 DISMISSAL OF PETITION:** The petitioner may request dismissal of his petition at any time prior to submission of the case to the Hearing Board. The Hearing Board shall dismiss the petition in such a case without the necessity of a hearing or meeting. The Hearing Board shall notify all interested persons of such dismissal.