

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

RULE 1209 - APPEALS

(Adopted: 12/21/94; Amended 09/26/05)

(A) Appeal to the District Hearing Board.

- (1) Any aggrieved person who either in person (or through a representative) appeared, submitted written testimony or otherwise participated in the final decision of the APCO on the FOP may, within 10 days of such decision, petition the District Hearing Board to hold a public hearing to determine if such action was proper. The District Hearing Board shall hold the hearing within 30 days of the request.
- (2) Any applicant for a FOP whose application has been denied may, within 10 days after the receipt of the notice of denial, petition the District Hearing Board to hold a public hearing to determine if the FOP was properly denied.

(B) Petitions to USEPA.

- (1) If USEPA has not objected to the issuance of a FOP within 45 days after receipt of the proposed permit and all necessary supporting information, any person may:
 - (a) Petition USEPA to make such objection as long as:
 - (i) The petition is made within 60 days after the expiration of the 45 day review period; and
 - (ii) The petition is based on objections to the permit which were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such objections within the comment period or that the grounds for such objection arose after the end of the comment period.
- (2) If USEPA objects to the issuance of a FOP in response to such a petition:
 - (a) If the FOP has not yet been issued the District shall not issue the permit until the objection has been resolved.
 - (b) If the District has issued the FOP the District shall reopen the permit pursuant to the provisions of District Rule 1206 and shall not reissue the FOP without alterations which resolve the objection to the satisfaction of USEPA.

(C) Appeals for Acid Rain Provisions of a Federal Operating Permit.

- (1) All appeals involving the Acid Rain provisions of a FOP shall be made pursuant to District Rule 1210.

[SIP: Not SIP. Final Title V Program Approval 11/21/03 68 FR 65637; Partial Withdrawal of approval 10/15/02 67 FR 63551; Notice of Deficiency 05/22/02 67 FR 35990; Approval 12/17/01 66 FR 63503; Interim Approval 02/05/96 61 FR 4217]