

(Adopted January 9, 1976)(Amended January 5, 1990)
(Amended May 19, 2000)

RULE 216. APPEALS

- (a) The applicant may petition the Hearing Board in writing within thirty (30) days after receipt of notification from the Executive Officer of the denial of a permit or the conditions of operation imposed on the permit. The Hearing Board shall commence a public hearing within 30 days after receiving the petition, unless such time is extended by order of the Hearing Board upon stipulation of the parties. The Hearing Board may sustain or reverse the action of the Executive Officer. The Hearing Board order may be made subject to specified conditions. An applicant who desires to continue operating equipment pending the determination of an appeal of the denial of a permit to operate, or who desires to operate the equipment at variance with the conditions imposed by the Executive Officer pending the determination of an appeal of the conditions, must obtain a variance from Rule 203 from the Hearing Board.
- (b) Within thirty (30) days of any decision or action pertaining to the issuance of a permit by the Executive Officer, any person who, in person or through a representative, submitted written comments or otherwise participated in the review by the Executive Officer, may petition the Hearing Board to hold a public hearing to determine whether the permit was properly issued. The Hearing Board shall schedule a public hearing to take place within 30 days of the filing of the petition, unless such time is extended by order of the Hearing Board upon stipulation of the parties. The petition shall be in writing in a form approved by the Hearing Board and shall include, at a minimum, a clear, concise statement of the rules of the District or provisions of state law with which the equipment which is the subject of the permit would not comply. If the petition claims that the permit conditions imposed by the Executive Officer are inadequate to assure compliance with District rules or provisions of state law, it shall state which rules or laws may not be complied with, which permit conditions are inadequate and the basis for such alleged inadequacies. Failure to comply with the provisions of this subparagraph shall be grounds for dismissal of the petition.