



INTERNAL CORRESPONDENCE

CHEMICALS AND PLASTICS

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Date November 19, 1979

Originating Dept. SHARE

Subject South Coast Air Quality Management District
Revised Rule 1005.1 Vinyl Chloride

On November 8, 1979, the SCAQMD staff took a sharp turn in favor of the vinyl chloride industry and issued the attached draft. With the exception of the requirement for ambient air monitoring the whole seems fairly acceptable.

I plan to write the SCAQMD staff and try to get out of the ambient air requirement via the continuous chromatograph we have and when the final draft is available I will prepare comments for the Board hearing February, 1, 1980.

R. N. Wheeler, Jr.

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Ext. 2164

Attachment

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DRAFT RULE

11/8/79

To BE PRESENTED FOR ORAL HEARING FEB 1, 1980

Proposed Rule 1005.1 - Standards for Vinyl Chloride

(a) Applicability

This rule applies to all plants mentioned in subparagraph (a)(1) of Rule 1005.

- (1) The provisions of this rule apply in addition to the provisions of Rule 1005.
- (2) The provisions of this rule shall be effective 12 months after adoption of the rule by the District Board except as otherwise noted.

(b) Definitions

All definitions stated in subparagraph (b) of Rule 1005 apply to this rule.

- (1) Leak means the detection of any vinyl chloride of any source and which exceeds the background concentration. Such determination shall be made ^{at} ~~within~~ five centimeters of the potential source, using an analyzer employing flame ionization or photodetection methods, which may be portable, and having a sensitivity of at least 10ppm, or by employing any device which the Executive Officer determines is equivalent.
- (2) Background level means the concentration of vinyl chloride in the atmosphere within the plant premises, which is not influenced by any specific emission point, and which is determined at least three meters upwind of any potential source being

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inspected.

- (3) Designated Plant means an ethylene dichloride, vinyl chloride or polyvinyl chloride plant.
- (4) Continuous Stack Monitoring means that sampling shall be done on a continuous basis, with actual samples being taken at least every fifteen minutes.
- (5) Modification means a physical change in, or a change in the method of operation of, a designated plant. For the purposes of this definition:
 - (A) Routine maintenance or repair shall not be considered to be physical changes, and
 - (B) An increase in production rate or operating hours shall not be considered to be a change in the method of operation, provided that these increases are not contrary to any existing permit to operate conditions.
- (6) Receiving Vessel is a sealed container used for venting gaseous discharge from vent valves and other equipment. For the purpose of this rule, a monomer recovery vessel shall be considered as a receiving vessel.

(c) Control requirements

After the effective date of this rule, a person operating a designated plant shall vent the following equipment containing more than 1 ppm of vinyl chloride to air pollution control equipment or other processes

which comply with the requirements of subparagraph (f) of this rule:

(1) Vents or openings of or appurtenances venting:

- (A) Reactors until maximum measured concentration within the reactor is below 1 ppm.
- (B) Storage tanks or surge tanks. IN VINYL CHLORIDE SERVICE.
- (C) Purification vessels or other equipment used for purification.
- (D) Stripper vessels.
- (E) Combination reactor-stripper vessels.
- (F) Mixing, weighting or holding tanks.
- (G) Monomer recovery equipment.
- (H) Receiving vessel.

that the California Air Quality Standards is not exceeded
 (I) *Other equipment as required by the EO to ensure*
 (d) Ambient Air Concentration Requirements

After the effective date of this rule, no person operating a designated plant shall allow the discharge into the atmosphere of any materials which result in or contribute to ambient concentrations of vinyl chloride which are equal to or greater than ten parts per billion of vinyl chloride, 24-hour average measured at any point beyond the property line of such plant. Such measurements shall be performed using methods specified by the California Air Resources Board in establishing

(2) (A WATER DISPLACEMENT EXEMPTION WILL BE INCLUDED)

(C') A MANAGEMENT REQUIREMENT RULE WILL BE WRITTEN RELATED TO TRAINING OF OPERATORS + COMPETENCY OF OPERATIONS.

the Vinyl Chloride Ambient Air Quality Standard. A copy of such methods may be obtained from the District Executive Officer upon request.

(e) Air Pollution Control Equipment

(1) The air pollution control equipment specified in this rule shall at all times operate at an efficiency sufficient to limit the amount of vinyl chloride in the discharge of such control equipment to less than 10 grams per hour.

(3) Other methods may be employed which reduce vinyl chloride emissions to the same degree of subparagraph (e)(1)^{(a)(2)} provided that:

(A) A control plan is submitted which details the measures which the owner or operator intends to implement; such measures are equivalent to those required by subparagraph (e)(1); such plan is approved by the Executive Officer; and

(B) Applications are submitted for new permits to construct or operate both the basic and control equipment involved regardless of whether modifications or additions are to be made either to the basic or control equipment, or both. Existing permits to operate pertaining to the basic and control equipment as specified above shall be surrendered and canceled at the time such new permits to

construct or operate are issued. Such new permits shall not be effective unless surrender of such existing permits has been made. If such new permits are denied, such existing permits surrendered pursuant to this section shall be re-issued and restored subject to the same conditions which were applicable to the original permits prior to surrender and the provisions of subparagraph (e)(1) shall be applicable.

The Executive Officer shall impose those written conditions on such new permits specifying emission limits or other conditions which may be necessary to insure that the emission reductions required under this rule are made.

- (2) ~~(b)~~ A continuous stack monitoring system measuring the flow rate and concentration of vinyl chloride discharged from the control equipment shall be installed, or other method of process control which will indicate mass flow rate of vinyl chloride, approved by the Executive Officer.

Violations of the standard specified in subparagraph ^(e)~~(d)~~(1), and as measured by such systems, shall be reported to the Executive Officer within two hours of such measurements. The records from such monitoring equipment shall be maintained

for two years and shall be summarized monthly in the form and manner specified by the Executive Officer.

(f) Compliance Schedule Requirements

(WILL BE MOVED TO END OF THE REPORT)

Within six months of adoption of this rule by the District, a person operating a designated plant shall submit to the District Hearing Board for its approval a schedule of increments of progress for control equipment or other vinyl chloride ^{EMISSION} reduction methods to comply with this rule.

(g) Operational Requirements

- (1) All manual vent valves, relief valves, except emergency relief valves used upstream of stripping operation shall be vented to a receiving vessel.
- (2) Product from reactor which cannot be used in subsequent operations such as stripping, blending, drying, shall be discharged to a sealed container. Such sealed container shall be vented to a receiving vessel.
- (3) Premature failure of the rupture disc of an emergency relief valve ^{WHICH RESULTS IN A DISCHARGE TO THE ATMOSPHERE} upstream of a stripping operation shall be deemed a violation of this rule, ~~unless the gaseous discharge is vented to a receiving vessel or air pollution control equipment.~~
- (4) ~~A permit to operate a piece of equipment may be~~

(OMIT THIS WORDAGE + SUBSTITUTE A RULE TO BE WRITTEN ON A "PREVENT" SYSTEM.

~~revoked, if the rupture disc of an emergency relief valve located on such piece of equipment fails prematurely more than once in a 30 day period.~~

(i) LEAKS

~~(h) Requirement in Event of Exceedance of Ambient Vinyl Chloride Concentration~~

If ambient vinyl chloride concentration exceeds ⁵/₂ ppm within the designated plant ^b ~~both inside and outside up to the plant property line~~, effort shall be made to find the cause of such exceedance and correct it. The operator of a designated plant shall keep record of such exceedances, causes and corrective measures taken by the plant operator for a period of two years.

~~(1) Leaks~~

AFTER ADOPTION

Effective ~~60~~ 60 days ~~of adoption~~ of this rule:

- (1) A person shall not use any compressor, flange, pump, valve, storage container, process vessel¹, or other equipment^{IN VINYL CHLORIDE SERVICE} containing or using vinyl chloride in a designated plant unless such equipment is free of vinyl chloride leaks, except as provided in subparagraph (1) ^{(2)(f)} ~~(f)~~.
- (2) A person shall not use any rail tank cars, tank trucks or shipping containers used to transport vinyl chloride unless such equipment is free of vinyl chloride leaks, except as provided in subparagraph (1) ^{(2)(f)} ~~(f)~~.
- (3) All flanges, pumps, valves, storage containers and

process vessels shall be inspected for leaks. Thereafter, all compressors, pumps and valves shall be inspected each three months following such initial inspections. All flanges, reactors and process equipment shall be inspected each six months following such initial inspections. All inspections shall be the responsibility of the plant operator, and shall include checks for possible leakage as defined in subparagraph (b)(1).

- (4) All detected leaks by the operator shall be recorded in an inspection record along with the date and inspector's initials. Such records shall be maintained for two years.
- (5) Any detected leaks by the operator shall be repaired and eliminated within 24 hours of detection.
- (6) Except as provided in subsection (1)(5), any leak detected by the District shall be deemed a violation of this rule and shall be ~~repaired and~~ eliminated within 24 hours of detection.

(j) Ambient Air Monitoring

After the effective date of this rule, a person operating a designated plant shall comply with the following requirements for ambient air monitoring facilities.

- (1) Provide and operate up to four air monitoring stations to continuously measure and record ambient concentrations of vinyl chloride in the vicinity of such plants. The exact number and location of such monitoring stations shall be approved by the Executive Officer; and
- (2) Provide and operate up to four additional air monitoring stations to continuously measure and record ambient concentrations of vinyl chloride in populated areas near such plants. The exact number and location of such monitoring stations shall be approved by the Executive Officer.

A person operating a designated plant which produces ten million pounds or less of vinyl chloride polymer, in any one year, is exempt from the provision of subsection (j)(2). *and (j)(6)*

- (3) Calibrate and maintain the required ambient air monitoring stations in accordance with procedures specified in subparagraph (d);
- (4) Keep the records from the required air monitoring stations for a period of two years. The data from such records shall be summarized monthly and shall be submitted in the manner and form specified by the Executive Officer.
- (5) Breakdowns of the vinyl chloride monitoring equipment shall be reported to the Executive Officer within 12 hours after the time such

breakdowns are first found. Non-operation or faulty operation of such equipment for longer than 96 hours shall be deemed a violation of this rule.

Provisions shall be made to monitor vinyl chloride concentration every one hour during the breakdown and repair period from a distance not exceeding five meters from such inoperative stack monitoring equipment.

meteorological data consisting of hourly wind direction and speed shall be recorded and submitted on a monthly basis.

(k) New or Modified Plants

After May 1, 1980, a person shall not build a new designated plant or modify an existing designated plant MEANS HAVE TO GET PERMIT unless that person demonstrates to the Executive Officer that the ambient air quality will not exceed the California Vinyl Chloride Ambient Air Standards as a result of any emissions from a new plant or any increase in emissions from a modified plant.

(1) Exemptions

- (1) A designated plant is exempt from the provisions of this rule, except subparagraph ^{(i) AND} (j), if the plant operator can show to the satisfaction of the Executive Officer that the plant has not violated the provisions of subparagraph ^(d) (e) for a period of six months continuously; such exemption will be granted in writing by the Executive Officer.
- After obtaining a written exemption from the

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HOURLY WIND DIRECTION + SPEED SHALL BE RECORDED. SUCH RECORDS SHOULD BE SUMMARIZED + SUBMITTED IN SUCH FORM + MANNER AS SPECIFIED BY THE EXEC. OFFICER. THE ORIGINAL RECORDS SHALL BE RETAINED FOR TWO YEARS.

Executive Officer, if a designated plant violates the provisions of subparagraph ^(d)~~(e)~~, such written exemption from the Executive Officer shall be void, unless it is shown that such violations are caused by minor equipment malfunctions, as determined by the Executive Officer.

- (2) This rule does not apply to equipment used in research development if the reactor used to polymerize the vinyl chloride processed in the equipment has a capacity of no more than 0.19 m³ (50 gallons).

(m) Severability

If any portion of this rule shall be found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule, which shall continue to be in full force and effect.

REGULATION V

Procedure Before the Hearing Board

Rule 501	General
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REGULATION V

Rule 501. General

(Adopted February 4, 1977)
(Amended August 5, 1977)

This regulation shall apply to all hearings before the Hearing Board of the South Coast Air Quality Management District.

Rule 501.1 Assistance to Small Business

(Adopted December 2, 1977)

Assistance will be provided to small businesses in filling out and filing of various petitions, developing compliance schedules, and in obtaining low-cost financing for air pollution control equipment needed to comply with the Rules and Regulations of the District. Information can be obtained by calling the office of Small Business Assistance at 9420 Telstar Avenue, El Monte, California 91731, telephone (213) 443-3931.

Rule 502. Filing Petitions.

(Adopted Feb. 4, 1977)
(Amended August 5, 1977)

(a) Except as provided in Section (c), requests for hearing shall be initiated by serving one copy of a petition upon the Air Pollution Control Officer at 9420 Telstar Avenue, El Monte, California 91731, and one copy upon the Zone Air Pollution Control Officer for the Zone wherein the operation for which a variance is sought is located. Zone offices are as follows:

Metropolitan Zone:
9150 Flair Drive
El Monte, CA 91731

Southern Zone:
1610 East Ball Road
Anaheim, CA 92805

Eastern Zone:
22850 Cooley Drive
Colton, CA 92324

(b) The original and five copies are then to be filed with the Clerk of the Hearing Board or a Deputy Clerk of the Hearing Board, along with the payment of the prescribed fee. Petitions may be filed with the clerk or Deputy Clerk of the Hearing Board at the following addresses:

Metropolitan Zone:
9150 Flair Drive
El Monte, CA 91731

Southern Zone:
1610 East Ball Road
Anaheim, CA 92805

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Eastern Zone:

Office of the Clerk of the
Board of Supervisors
175 West 5th Street
San Bernardino, CA 92415

Second Floor

(c) Requests by the Air Pollution Control Officer for hearing shall be initiated by serving one copy of the petition upon the holder of a permit or variance, if any. The original and five copies are to be filed with the clerk of the Hearing Board or a Deputy Clerk of the Hearing Board.

(d) 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.

Rule 503. Contents of Petitions.

(Adopted Aug. 1, 1975)

(Amended Dec. 2, 1977)

Every petition shall state;

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

(b) 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 persons in control, if other entity.

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

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

(e) The section or rule under which the petition is filed; that is, whether petitioner desires a hearing:

1. To determine whether a permit shall be revoked or suspended permit reinstated under Section 42307 Health and Safety Code of the State of California;
2. For an emergency variance under Section 42359, Health and Safety Code;
3. For a short variance under Section 40825, Health and Safety Code;
4. For a regular variance and approval of a compliance schedule under Sections 40826 and 42358, Health and Safety Code;
5. For an interim variance under Section 42351, Health and Safety Code, in conjunction with a petition for a short or regular variance;
6. For a variance and/or approval of a compliance schedule for a rule not yet effective under Section 41703, Health and Safety Code;
7. To revoke or modify a variance under Section 42356, Health and Safety Code;
8. To modify an increment of progress a final compliance date under Section 42357, Health and Safety Code;
9. To review the denial or conditional granting of a permit to construct, or permit to operate under Section 42302, Health and Safety Code;
10. For a rehearing under Section 40861, Health and Safety Code. A petition for rehearing shall specify the grounds on which petitioner seeks a rehearing.

(f) 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.

(g) Petitions for revocation of permits shall allege, in addition, the rule under which permit was granted, the rule or section which is alleged to have been violated, together with a brief

Rule 503 (Cont.)

(Adopted August 1, 1975)

statement of the facts constituting such alleged violation.

(h) Petitions for reinstatement of suspended permits shall allege, in addition, the rule under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished, whether such information is believed by petitioner to be pertinent and, if so, when it will be furnished.

(i) All petitions shall be typewritten, doublespaced, on 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.

(j) Standard variance petition form No. 40D560 will be furnished by the District to small businesses and can be obtained at any of the offices listed in Sections (a) and (b) of Rule 502.

Rule 504. Petitions for Variances.

(Adopted Aug. 1, 1975)

In addition to the matters required by Rule 503, petitions for variances shall state briefly:

(a) The section, rule, or order from which a variance is sought.

(b) The facts showing why compliance with the section, rule, or order is unreasonable.

(c) For what period of time and dates the variance is sought.

(d) The damage or harm which would result to petitioner from compliance with such section, rule, or order.

(e) Except in a petition for an interim or emergency variance, a final compliance date specifying when petitioner will be in compliance with the section or rule from which a variance is sought.

(f) If the final compliance date required in subsection (e) is one year or more after the date set for hearing (other than the hearing for an emergency or interim variance) then petitioner shall attach to his petition a proposed schedule of increments of progress as defined by Health and Safety Code Section 39051.

(g) Both the advantages and disadvantages to the residents of the District resulting from requiring compliance or resulting from granting a variance.

(h) Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

(i) Whether or not the subject equipment or process is covered by a permit to operate issued by the Air Pollution Control Officer, whether or not such permit has been denied or revoked, or whether the subject equipment is exempt from permit requirements.

(j) Whether the subject equipment was constructed in conformance with an authority to construct, or whether the subject equipment is exempt from such requirement.

Rule 505. Appeal From Denial.

(Adopted Aug. 1, 1975)

A petition to review a denial or conditional approval of an authority to construct, permit to operate or permit to sell or rent shall, in addition to the matters required by Rule 503, set forth a summary of the application or a copy thereof and the alleged reasons for the denial or conditional approval and the reasons for appeal.

Rule 506. Failure to Comply with Rules.

(Adopted Aug. 1, 1975)

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply

Rule 506 (Cont.)

(Adopted Aug. 1, 1975)

with these Rules relating to the form, filing, and service of petitions unless the chairman or any three 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 three members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

Rule 507. Pleadings.

(Adopted August 1, 1975)

Any person may file a written answer, other responsive pleading, memorandum, or brief n t less than five days before the hearing. Said documents shall be served the same as petitions under Rule 502.

Rule 508. Dismissal of Petition.

(Adopted Aug. 1, 1975)

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(Adopted February 4, 1977)

Rule 509. Place of Hearing.

(Amended August 5, 1977)

Hearings shall be held in each zone in facilities as arranged for by the Air Pollution Control Officer. The Hearing Board, by vote of its members, shall establish a schedule of regular meeting times and locations.

Unless otherwise requested by the applicant and concurred in by the Hearing Board, the Hearing Board shall schedule hearings in such a way as to hold hearings in each zone for cases arising in that zone. Petitions for emergency and interim variances may be heard wherever the Hearing Board is sitting.

Rule 510. Notice of Hearing.

(Adopted Aug. 1, 1975)

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under Division 26, Health and Safety Code.

Rule 511. Evidence

(Adopted Aug. 1, 1975)

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing r

(Adopted February 4, 1977)
(Amended August 5, 1977)

Rule 511 (Cont.)

explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(d) The Hearing Board shall allow interested members of the public a reasonable opportunity to testify with regard to a matter under consideration. Interested persons may attend and submit oral or written statements at the hearing; however, it is desirable that written statements be submitted to the Hearing Board five days before the hearing. Statements need not conform to formal rules of evidence, nor with subsections a, b, and c of this rule. The chairman may impose reasonable limits on the duration of oral presentations.

Rule 512. Preliminary Matters.

(Adopted Aug. 1, 1975)

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case may be made by the chairman or any three members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

Rule 513. Official Notice.

(Adopted Aug. 1, 1975)

The Hearing Board may take official notice of any matters which may be judicially noticed by the courts of this State.

Rule 514. Continuances.

The chairman or any three members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action any may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

Rule 515. Decision.

(Adopted August 1, 1975)

The decision shall be reduced to writing, served and filed within 30 days after submission of the cause by the parties thereto, and shall contain a brief statement of facts found to be true, the determination of the issues presented, findings, and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner, and to every person who has filed pleadings or who has appeared as a party in person or by counsel at the hearing. A copy of any decision granting, modifying, or otherwise affecting a variance shall be mailed to the State Air Resources Board within 30 days after the effective date of the decision.

Rule 516. Effective Date of Decision.

(Adopted Aug. 1, 1975)

Unless otherwise ordered, the decision of the Hearing Board shall become effective upon the concurring vote of three or more of its members.

Rule 517. Lack of Permit.

(Ad pted August 1, 1975)

The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a permit to operate has been granted and is in effect, or has been denied by the Air Pollution Control Officer, or unless such equipment is exempt from permit requirements.

A variance granted by the Hearing Board after a denial or a permit to operate by the Air Pollution Control Officer may include a permit to operate for the duration of the variance.

The provisions of this rule shall not apply to a petition filed by the Air Pollution Control Officer or by or with respect to the facilities of the Federal Government or the State of California or their respective agencies or departments.

The provisions of this rule shall not apply to a petition for a variance sought for the purpose of testing or operating trials if the equipment to be tested or operated has been constructed under a valid authority to construct.

Rule 518. Findings.

(Adopted Aug. 1, 1975)

No variance shall be granted unless the Hearing Board makes all of the following finding:

(1) That the petitioner is or will be in violation of any rule, regulation or order of the Air Pollution Control Board (or applicable section of the California State Health and Safety Code).

(2) That due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either

- a. An arbitrary or unreasonable taking of property, or
- b. The practical closing and elimination of a lawful business.

(3) That such closing or taking would be without a corresponding benefit in reducing air contaminants.

(4) In the case of a regular variance, as defined in Rule 503(e), that the variance granted will not prevent the attainment or maintenance of any applicable national ambient air quality standard.

Rule 519. Emergency Variance Procedures - Breakdowns

(Adopted December 2, 1977)

(a) No emergency variance shall be granted in the case of a breakdown subject to the provisions of Rule 430 unless the Hearing Board determines that:

1. The occurrence constitutes a breakdown in accordance with the criteria set forth in subsection (b) of Rule 430;
2. The requirements for a variance set forth in Health and Safety Code Section 42352 and 42353 have been met.

(b) An emergency variance in the case of a breakdown subject to the provisions of Rule 430 shall remain in effect only for as long as necessary to repair or remedy the emergency or breakdown condition but in no event after a regularly noticed hearing has been held.

(c) Nothing in this Rule shall be construed as limiting any person's rights to petition the Hearing Board or as limiting the Hearing Board's discretion to grant variances as authorized in Article 3, Chapter 4, Part 4 of Title 26 (commencing with Section 42350) of the Health and Safety Code.