

MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT

**RULE 211 -- APPEALS**

*(Adopted September 1, 1974) (Revised October 16, 1996, and October 16, 2002.)*

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide the means for the appeal of permit issuance actions made by the Monterey Bay Unified Air Pollution Control District.

1.2 Applicability

The provisions of this Rule shall apply to any person seeking to appeal a permit issuance action made by the Monterey Bay Unified Air Pollution Control District.

1.3 Exemptions

Reserved.

1.4 Effective Dates

This Rule, as most recently revised, is effective on October 16, 2002.

1.5 References

- 1.5.1 The requirements of this Rule arise from the provisions of California Health and Safety Code Sections 42302, 42302.1, 42308, 42309, and Section 1 of the act amending HSC section 42302.1 by the 1993 Legislature.

- 1.5.2 Other related District rules include: Rule 200 (Permits Required); 207 (Review of New or Modified Sources); 206 (Standards for Issuing Authorities to Construct and Permits to Operate); 210 (Denial of Applications).

## PART 2 DEFINITIONS

Reserved.

## PART 3 REQUIREMENTS AND STANDARDS

- 3.1 Within 30 days after receipt of notice of the denial of an Authority to Construct or Permit to Operate, an applicant for a permit may petition the Hearing Board for a public hearing on whether or not the permit was properly denied. The Hearing Board, after notice and public hearing held within 30 days after filing the petition, may sustain the denial or grant a permit.
- 3.2 Within 30 days of any decision or action pertaining to the issuance of a permit by the District, or within 30 days after mailing of the notice of issuance of a permit to any person who has requested notice, or within 30 days of the publication and mailing of notice of CEQA exemption provided for in Section 1 of the 1993 act amending HSC Section 42302.1, any aggrieved person who, in person or through a representative, appeared, submitted written testimony, or otherwise participated in the action before the District, may request the Hearing Board to hold a public hearing to determine whether the permit was properly issued. Except as provided in Section 1 of the 1993 act amending HSC Section 42302.1, within 30 days of the request, the Hearing Board shall hold a public hearing and shall render a decision on whether the permit was properly issued.

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