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HEARING BOARD

What is the Hearing Board?

The Hearing Board is an independent quasi-judicial body created by California State law with the sole authority to provide temporary relief from Bay Area Air Quality Management District (BAAQMD) rules and regulations under certain circumstances. The Hearing Board also may order a business to shut down all or part of its operations, or operate pursuant to specified conditions. Finally, the Hearing Board may uphold the granting or denial of a permit, or permit conditions.

Who serves on the Hearing Board?

The Hearing Board has five members. By law, one member must be an attorney, one an engineer, and one a medical expert. The remaining two positions are members of the public. All members are selected by the BAAQMD's Board of Directors for their expertise and ability to participate in an impartial hearing process. To learn more about the Hearing Board members visit the BAAQMD's website at www.baaqmd.gov.

What is the Hearing Board authorized to do?

The Hearing Board generally hears three types of matters:

1. **Appeals** by companies, third parties, or the public regarding the granting of permits, permit conditions, permit denials and suspensions, denials of emission reduction credits, and denials of pollution control plans.
2. **Orders for Abatement** sought by the Air Pollution Control Officer when a business is operating in ongoing violation of District regulations.
3. **Variations** sought by a business operating in violation of a District regulation to get temporary relief from its requirements with penalty.

What is the Hearing Board NOT authorized to do?

- Modify the District's rules and regulations
- Exempt a business from complying with a rule
- Grant a variance from a violation of the public nuisance law, such as one that creates an odor problem or threatens public health or property
- Review a notice of violation (NOV) in any way