

(Adopted: 8/1/75; Amended: 2/5/88; Amended: 10/21/97)

## RULE 806

### Findings

- (a) No order for abatement shall be granted unless the Hearing Board makes all of the following findings:
- (1) That the respondent is in violation of Section 41700 or 41701, Health and Safety Code, or of any rule or regulation of the Antelope Valley Air Pollution Control District Hearing Board.
  - (2) That the order of abatement will not constitute a taking of property without due process of law.
  - (3) That if the order of abatement results in the closing or elimination of an otherwise lawful business, such closing would not be without a corresponding benefit in reducing air contaminants.
- (b) As an alternative to paragraph (a) above, the Hearing Board may issue an order for abatement pursuant to the stipulation of the APCO and the person or persons accused of violating Section 41700 or 41701, or any order, rule, or regulation prohibiting the discharge of air contaminants into the air, upon the terms and conditions set forth in the stipulation, without making the findings required under paragraph (a), above. The Hearing Board shall, however, include a written explanation of its action in the order for abatement.

[SIP: Deletion challenged U.S. 9<sup>th</sup> Cir. Case #97-71117; Deleted 6/27/97, 62 FR 34641, 40 CFR 52.220(c)(39)(iii)(F) and 40 CFR 52.220(c)(32)(iv)(B); Approved 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(iii)(C); Approved 6/14/78, 43 FR 25684, 40 CFR 52.220 (c)(32)(iv)(A)]

(Adopted: 8/1/75; Amended: 10/21/97)

## RULE 807

### Pleadings

Any person may file a written answer, other responsive pleading, memorandum, or brief not less than five days before the hearing. Said documents shall be served the same as petitions under Rule 803.

[SIP: Deletion challenged U.S. 9<sup>th</sup> Cir. Case #97-71117; Deleted 6/27/97, 62 FR 34641, 40 CFR 52.220(c)(39)(iii)(F) and 40 CFR 52.220(c)(30)(x)(B); Approved 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(iii)(C); Approved 6/14/78, 43 FR 25684, 40 CFR 52.220 (c)(30)(x)(A)]