

RULE 504

Rules From Which Variances Are Not Allowed

- (a) Regulations IX and X
- (1) No variance shall be granted from any rule or rules (or portions thereof) contained in Regulation IX or X, unless such rule or rules (or portions thereof) are more stringent than federal New Source Performance Standards (NSPS) 40 CFR 61, et seq. requirements or National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR 61 or 63, et seq. , except as set forth in subparagraph (2).
 - (2) A variance may, if appropriate, be granted from provisions of Regulation IX or X if such provisions are more stringent than requirements of NSPS or NESHAP and conditions are imposed on the variance requiring compliance with applicable NSPS or NESHAP requirements at a minimum; or if a waiver of NSPS or NESHAP requirements has been obtained by the petitioner from the Environmental Protection Agency and a variance would be consistent with the waiver.
- (b) No variance shall be granted by the Hearing Board from any rule or provision thereof contained in Regulation XII.
- (c) No variance shall be granted by the Hearing Board from any rule setting forth requirements for permits to construct.
- (d) No variance shall be granted from the provisions of this Rule 504.
- (e) No variance or series of variances, including emergency and interim variances, shall be granted which would allow emissions to exceed an applicable Regulation XIII offset threshold for a period in excess of ninety (90) days from the initial granting of a variance.

[SIP: Deletion Challenged, U.S. 9th 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)(D); 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)]

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