

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT HEARING BOARD
STAFF REPORT / AGENDA ITEM

SUBJECT: Proposed Administrative Amendment to Rule 4(b)(4) of the Rules and Procedures of the South Coast AQMD Hearing Board.

RECOMMENDED ACTION: Adopt the amendment to Rule 4(b)(4) of the Rules and Procedures of the South Coast AQMD Hearing Board, as set forth below, to remove a reference to Hearing Board members that has been rendered unnecessary by the adoption of Rule 4(c). (Deleted text is shown in strikethrough.)

BACKGROUND: The Hearing Board added subdivision (c) to Rule 4 of the Rules and Procedures of the South Coast AQMD Hearing Board to create a procedure for handling requests from individual Hearing Board members as to items listed on the Hearing Board's consent calendar. Despite this, subdivision (b)(4) of Rule 4 contains an old reference to Hearing Board members that is no longer needed—and could potentially cause confusion—in light of Rule 4(c).

RECOMMENDATION FROM COUNSEL: To harmonize subdivisions (b) and (c) of Rule 4 and to ensure clarify and conformity within the Hearing Board's processes, counsel recommend that the Hearing Board adopt the following edit to Rule 4(b)(4) of the Rules and Procedures of the South Coast AQMD Hearing Board.

- (4) At any time prior to the submission of the case, the Hearing Board shall immediately remove a matter from the Consent Calendar upon the written or oral request of the Respondent or the Petitioner, ~~or any Hearing Board member,~~ and shall hear the matter on the scheduled hearing date or shall assign the matter to the next available hearing date while fully complying with notice requirements for the type of matter at issue. If, prior to the submission of the case, a member of the public requests the removal of a matter from the Consent Calendar, the Hearing Board shall consider the reasons for the request and shall vote on the request prior to proceeding with the item on the Consent Calendar.

FISCAL IMPACT: None

Prepared by: Dale Larson, Strumwasser & Woocher LLP
Outside Counsel to the Hearing Board