

RULE 4. CONSENT CALENDAR

(Amended June 23, 1999)
(Amended August 11, 1999)
(Amended June 28, 2018)
(Amended March 26, 2024)

(a) Requirements for Petitioner

- (1) **Petitioner** shall obtain the concurrence of the **Respondent** that such matter should be placed on the **Consent Calendar**.
- (2) If the **Respondent** concurs, **Petitioner** shall file with the **Hearing Board** an original and eight copies of the following documents: a final copy of the stipulation, signed by both the **Petitioner** and **Respondent**; witness declaration(s); the proposed findings and decision; and a proposed order (including any proposed conditions and/or increments of progress). **Petitioner** shall also provide an electronic copy of the proposed order in Microsoft Word format or in any other format authorized by the **Clerk**. All of these documents shall be filed with the **Hearing Board** according to the following schedule:
 - If the hearing is scheduled for a Tuesday, the documents shall be filed with the **Clerk** by noon on the previous Wednesday.
 - If the hearing is scheduled for a Wednesday, the documents shall be filed with the **Clerk** by noon on the previous Thursday.
 - If the hearing is scheduled for a Thursday, the documents shall be filed with the **Clerk** by noon on the Tuesday immediately preceding the scheduled hearing date.
- (3) The witness declaration(s), signed under penalty of perjury, must include the information necessary to make the required findings for the order being requested. In addition, the witness declaration(s) must specify the estimated excess emissions, if any, including both the type of pollutant(s) and the estimated amount of the excess emissions. The declaration(s) must also include a statement that operation under the order is not expected to result in a violation of Health and Safety (H&S) Code Section 41700 (nuisance).
- (4) The proposed stipulation shall include, at a minimum, the following (the **Parties** may include additional information in the stipulation if they so choose):

- (i) The stipulation must state that the **Parties** agree to have the matter placed on the consent calendar and the date on which the matter will be heard.
- (ii) The stipulation must list the declarations that the **Parties** agree to have admitted into evidence.
- (iii) The stipulation must state that the **Parties** have agreed on the proposed findings and decision and a proposed order (including any proposed conditions and/or increments of progress).
- (iv) In a variance proceeding, the stipulation must state that the **District** does not oppose the granting of the variance. If the **District** cannot take this position, the **Hearing Board** will not hear the matter on the **Consent Calendar**.
- (v) If there has been any prior evidence and testimony in the matter, the stipulation must state whether the **Parties** agree to incorporate such prior evidence and testimony.
- (vi) The stipulation must state that operation under the order is not expected to result in a violation of H&S Code Section 41700 (nuisance).

(b) Hearing Board Requirements

- (1) The **Hearing Board** shall call and hear **Consent Calendar** matters in the agenda order as reasonably determined by the Chair, giving due consideration to, among other things, the fair and efficient use of time of public members, parties and counsel present on the consent and other matters on that day's agenda, and of the Board.
- (2) The **Hearing Board** shall receive any public testimony on a **Consent Calendar** matter before proceeding with deliberation.
- (3) The **Hearing Board's** proceedings on a **Consent Calendar** matter shall in all respects conform to the requirements set forth in the California Health and Safety Code, the **District** Rules and Regulations and these rules, except that the **Hearing Board** shall base its ruling on the declarations and other documents submitted by the **Parties** and on any public testimony received at the scheduled hearing.

- (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**.
- (5) The **Hearing Board** shall not include any matter on the **Consent Calendar** if operation under the variance or order for abatement is expected to result in a violation of H&S Code section 41700 (nuisance).