

(Adopted: 12/5/75; CARB Ex. Ord. G-73: 02/01/77; Readopted: 07/25/77; Amended: 01/04/82)

## Rule 518 Findings

No variance shall be granted unless the Hearing Board makes all of the following findings:

- (1) That the petitioner is or will be in violation of any rule, regulation or order of the Air Pollution Control Board (or applicable section of the California State Health and Safety Code).
- (2) That due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either:
  - (a) An arbitrary or unreasonable taking of property, or
  - (b) The practical closing and elimination of a lawful business.
- (3) That such closing or taking would be without a corresponding benefit in reducing air contaminants.
- (4) In the case of a regular variance, as defined in [Rule 503\(e\)](#), that the variance granted will not prevent the attainment or maintenance of any applicable national ambient air quality standard.

[SIP: Deletion challenged U.S. 9<sup>th</sup> Cir. Case #97-71117; Delted 6/27/97, 62 FR 34641, 40 CFR 52.220(c)(39)(ii)(F); Approved 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(ii)(C); Approved 6/14/78, 43 FR 25684, 40 CFR 52.220(c)(37)(I)(A)]