

28.0 VARIANCES

28.1 General

- A. Any person may apply to the Director for a variance from these regulations. The Director may grant such a variance for a period not to exceed one (1) year, provided:
 - 1. The request for a variance is present in writing.
 - 2. The emissions occurring or proposed to occur do not endanger or tend to endanger human health or safety; or unreasonably interfere with the enjoyment of life and property.
 - 3. Compliance with the regulations from which a variance is sought would produce serious hardship without equal or greater benefits to the public.
 - 4. Any alternate compliance plans, including cross-line averaging, must be approved by EPA as a source specific revision to the State Implementation Plan unless the alternate control plan is comprised solely of add-on controls. Any cross-line averaging alternate compliance plan must meet the provisions of EPA's emission trading policy (51 FR 43814, 12-04-86).
- B. The request for a variance shall be presented to the Director at a public hearing called by the Board. Any interested person may be heard concerning the variance at such hearing.
- C. Any variance granted within the requirements of Section 28.1 for time periods and under conditions consistent with the reasons therefore, shall be with the following limitations.
 - 1. If the variance is granted on the grounds that there is no practicable means known or available for the adequate prevention, abatement or control of the air pollution involved; that the variance shall be permitted only until the necessary means for prevention, abatement, or control become known and available; and that the variance shall be subject to the taking of any substitute or alternate measures that the Director may prescribe.
 - 2. If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the opinion of the Director, is required for the taking of the necessary measures. A variance granted on the ground specified herein

shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

- D. Every applicant or petitioner requesting a variance shall pay a fee. The schedule of fees shall be based upon cost as determined by the Director with the advice and consent of the Board. All requests for a variance shall be published in a newspaper of general circulation in Knox County at least thirty (30) days prior to any action taken upon a request for a variance.