

AIR POLLUTION

MALFUNCTION OF EQUIPMENT

SEC. 12. Emissions which exceed any of the limits established in sections 9, 10, or 11 of this Act and which result from any unusual condition in or malfunction of any incinerator or any process, fuel-burning, or control equipment or related operating equipment, which condition or malfunction is beyond the control of the person owning or operating such equipment, shall not be deemed to be in violation of those sections if the owner or operator advises the Commissioners within twenty-four hours of the circumstances and outlines a corrective and preventive program acceptable to the Commissioners.

ENFORCEMENT

SEC. 13. (a) Whenever the Commissioners have reason to believe that a violation of any provision of this Act or a rule or regulation issued pursuant thereto has occurred, the Commissioners may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of the Act, rule, or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may order that the necessary corrective action be taken within a reasonable time. Any such order shall become final unless, no later than five days after the date such order is served, the person or persons named therein request in writing a hearing before the Commissioners. In lieu of such order the Commissioners may require that the alleged violator or violators appear before the Commissioners for a hearing at a time and place specified in the notice, to answer the charges complained of, or the Commissioners may initiate appropriate action for the recovery of a penalty pursuant to section 19 of this Act.

(b) After such hearing the Commissioners shall affirm, modify, or rescind the order or issue an appropriate order or orders for the prevention, abatement, or control of the air pollution involved. Such order shall prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating, or controlling the air pollution.

(c) Nothing in this Act shall prevent the Commissioners from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means.

EMERGENCY PROCEDURE

SEC. 14. Notwithstanding the provision of this Act or any other provision of law, if the Commissioners find that any person is causing or contributing to air pollution and that such pollution creates an emergency which requires immediate action to protect the public health or safety, the Commissioners shall order such person to reduce or discontinue immediately the air pollution and such order shall be complied with immediately. Upon issuance of any such order, the Commissioners, if requested by the person so ordered, shall fix a time and place for a hearing before the Commissioners, such hearing to be held within a reasonable time thereafter. Not more than twenty-four hours after the conclusion of such a hearing, and without adjournment thereof, the order shall be affirmed, modified, or set aside.

EXEMPTIONS

SEC. 15. (a) Any person responsible for any source of air contaminant may apply to the Commissioners for an exemption or partial exemption from the provisions of section 9, 10, or 11 of this Act. The application shall be accompanied by such information and data as the Commissioners may require. The Commissioners may by order grant such exemption or partial exemption if the Commissioners find that—

(1) the discharges occurring or proposed to occur do not constitute a danger to public health or safety; and

(2) compliance with the provisions of the section from which exemption is sought would produce serious hardship without equal or greater benefits to the public.

(b) No exemption or partial exemption shall be granted pursuant to this section except after public hearing on due notice or until the Commissioners have considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(c) No order issued under this section granting an exemption or partial exemption may authorize an exemption or partial exemption for a period to exceed one year, but any such exemption or partial exemption may by an order