

**HEARING BOARD  
PETITION FOR HEARING**

Petition No. \_\_\_\_\_

Name & address of applicant or agent:  _____  _____  _____	Receipt Stamp
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**INSTRUCTIONS**

1. Assistance in filling out this form and/or developing a compliance schedule can be obtained by contacting the District staff at (XXX)-XXX-XXXX.
2. Please type or print legibly.
3. Refer to the APCD or AQMD Rulebook, Regulation \_\_\_\_\_ when completing this form.
4. Enclose filing fee with application. The filing fees are: \_\_\_\_\_. Make checks payable to \_\_\_\_\_.
5. Petition must be signed by the petitioner or authorized agent. When the person signing is not the petitioner, the petitioner shall set forth his authority to sign.
6. Incomplete and/or unsigned petitions cannot be accepted.
7. Submit the completed petition and filing fee to \_\_\_\_\_ office at \_\_\_\_\_.
8. A copy of this form will be returned to you, stating the date, place, and time of the hearing.

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**For APCD or AQMD Use Only**

Petition Received by:

\_\_\_\_\_  
Air Pollution Control District Representative

\_\_\_\_\_  
Date

Filing Fee: \$ _____	Receipt No.: _____
Notice Required: _____ Days	Permit No.: _____

## Variance Petition

Reference: (enter district regulation #) \_\_\_\_\_

The following information is required by District Rules and is necessary to allow the Hearing Board to make all findings required by state law. Please respond in detail. Use additional pages as necessary.

- A. Name, address and telephone number of petitioner or other person authorized to receive service of notices

Contact Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ FAX Number: \_\_\_\_\_

Email address: \_\_\_\_\_

- B. Name, address and telephone number of person or company who owns the equipment or source of emissions involved in this petition, if different than above.

Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ FAX Number: \_\_\_\_\_

Email address: \_\_\_\_\_

- C. ☐ Individual ☐ Co-Partnership ☐ Corporation  
☐ Public Agency ☐ Essential Public Agency ☐ Small Business (see note)  
☐ Other (specify): \_\_\_\_\_

**Note:** Small Business has the same meaning as defined by the Small Business Administration, and emits 10 tons or less per year of air contaminants. Contact District staff for further information.

Names and addresses of partners or officers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. Type of business: \_\_\_\_\_

Complete street address where source is located: \_\_\_\_\_

E. Purpose of petition:

- ☐ Regular variance
- ☐ Short variance
- ☐ Modification of final compliance date
- ☐ Modification of increments of progress
- ☐ Interim variance

Was a petition for a regular or short variance filed? ☐ Yes ☐ No

If yes, Case No.: \_\_\_\_\_

- ☐ Emergency variance (30 days maximum, emergency good cause required)
- ☐ Product variance
- ☐ Permit appeal
- ☐ Abatement order issuance - H&SC Section 42451
- ☐ Permit revocation

Signature of petitioner or authorized representative

\_\_\_\_\_  
(Petitioner or Representative)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Title or Authority of Representative)

## **Petitions for Interim and Emergency Variances**

**For interim variances:** The Hearing Board is required to give public notice of variance hearings as the public has a right to attend and testify at such hearings. In order for the Hearing Board to hold an interim variance hearing a petitioner must present facts that will support a determination by the Board that **“good cause”** exists to hear or grant a variance without public notification. For emergency variance “good cause” must be proven to grant minus a hearing and public notification. What is the basis for a claim of "good cause" or why does the condition constitute a breakdown, as defined in District Breakdown Conditions?

[illegible]

In detail, describe the equipment, activity or emission source which is the subject of this petition; what is the equipment used for, and why it is necessary for the operation of your business? A schematic or diagram may be attached to better explain the equipment's operation.

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What happened to the equipment or operation that requires you to apply for a variance?

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## Petitions for Short and Regular Variances

*No variance shall be granted unless the Hearing Board makes the following findings (1 to 6)*

**1) The petitioner for variance is, or will be, in violation of a District rule.**

a. What District rule(s), section(s), or permit condition is or will be violated:

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b. Describe the equipment that is or will be in violation:

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c. List the actions, and time necessary, that will be taken to achieve compliance:

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**2) Due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property, or (2) the practical closing and elimination of a lawful business.**

A. Describe the circumstances and/or reasons for the **violation** and how the violation is beyond your reasonable control:

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B. If immediate compliance is required, what action(s) will your company have to take and describe the harm that would result to your business?

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**3) Closing the business or taking the property would be without a corresponding benefit in reducing air contaminants.** Will the equipment or process release excess emissions during the variance period? If so, describe what and quantity. If immediate compliance is required, compare the financial impact on the company with the total amount of any excess emissions that will be released.

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**4) The applicant has given consideration to curtailing operations in lieu of obtaining a variance.** Is curtailment feasible? If so, describe the curtailment actions that will be taken. If curtailment is not feasible, explain why not, and the extent to which curtailment was considered.

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**5) The applicant will reduce excess emissions to the maximum extent feasible during the variance period.** What actions will be undertaken to reduce excess emissions? To what extent will excess emissions be reduced?

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**6) The applicant will monitor or quantify emission levels from the source if requested by the District, and report these emission levels to the District pursuant to a schedule established by the District.** What methods will be used to monitor and/or quantify excess emission levels from the source during the variance period? How and when will these emissions be reported to the District?

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**A nuisance as specified in \_\_\_\_\_ will not occur.** If granted a variance, operation of the equipment or source cannot cause the discharge of air contaminants or other material which causes injury, detriment, nuisance or annoyance to a considerable number of persons or the public or which endangers the comfort, repose, health or safety of the public or which cause or have a natural tendency to cause injury or property damage (**HSC 42353**). Provide the following information.

Distance to the nearest:	School _____
Residence _____	Day care center _____

**The continued operation is not likely to create an immediate threat or hazard to public health or safety.** Explain why granting the variance will not create an immediate threat or hazard to public health or safety.

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Will any excess hazardous emissions result from the granting of this variance?

☐ Yes ☐ No

If yes, on a separate page, list any emissions from the source that are considered hazardous. Provide an MSDS for each material. Describe in detail the nature and quantity of such hazardous emissions. If excess hazardous emissions are to be emitted, attach a scaled map showing the location of the facility and nearest receptors, i.e. homes, schools.

**Other Considerations:**

Describe the actions you have taken to comply with the rule and/or to seek a variance, which were timely and reasonable under the circumstances?

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If petitioner is a small business (as defined by the Small Business Administration and emits 10 tons or less per year of air contaminants): describe your capabilities to comply?

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If petitioner is a public agency: Will immediate compliance impose an unreasonable burden on an essential public service?

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Describe the benefits to the residents of the District resulting from immediate compliance.

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Describe the benefits to the residents of the District resulting from granting a variance.

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Is the emission source involved in this petition covered by a Permit to Operate?

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Yes

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No

Permit Number: \_\_\_\_\_

Permitted Emissions:

Pollutant

pounds/hour

tons/year

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Estimate the maximum excess emissions in pounds per hour and prorated tons per year which would be emitted during the variance period.

Pollutant

pounds/hour

tons/year

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Propose a compliance schedule including, to the extent feasible, the following:

1. Date of submittal of permit application to the District: \_\_\_\_\_
2. Start date of on-site construction or installation of  
emission control equipment or process change: \_\_\_\_\_
3. Completion date of construction or installation of  
emission control equipment or process change: \_\_\_\_\_
4. Date of source test of emission control equipment: \_\_\_\_\_
5. Date by which test report will be received by District: \_\_\_\_\_
6. Date by which final compliance will be achieved: \_\_\_\_\_
7. Other (Specify): \_\_\_\_\_

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Is there a court case pending which involves this equipment?

☐ Yes      ☐ No

Signature of petitioner or authorized representative

\_\_\_\_\_  
(Petitioner or Representative)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Title or Authority of Representative)