

AIR POLLUTION CONTROL DISTRICT
REGULATORY COMPLIANCE DIVISION

POLICIES AND PROCEDURES

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Topic: Emergency Variances

Distribution: All Policy Holders

If a violation at a source occurs without warning and the time required to correct the violation will not exceed 30 days, the applicant may request an Emergency Variance. The Emergency Variance, if granted, will be limited to a period of not more than 15 days, except that the filing of an application for a 90-day or Regular Variance during the time period the Emergency Variance is valid shall automatically extend the time of the Emergency Variance, not to exceed a total of 30 days for the entire Emergency Variance.

Sources eligible for Emergency Variance will be informed by the inspector or project manager that:

1. They should apply for an Emergency Variance as soon as possible following a determination that they are or will be in violation of any rule, regulation or order of the District.
2. All information necessary for the Hearing Board to make the required variance findings (see Policy No. VII.B.3) should be included with the Emergency Variance application.
3. They may be requested to appear before the Hearing Board or designated Board member to present their request.
4. If the Emergency Variance request is denied, they will be found in violation of the applicable District rule, regulation or order for the time period during which operations were conducted in violation.

Upon receipt of an Emergency Variance application the section supervisor responsible for the source shall immediately initiate the following actions:

1. Review variance application for completeness. If incomplete, contact the applicant by telephone within 1 day and request submission of supplemental information. Advise the applicant that their variance application will not be considered by the Hearing Board until it is complete.
2. Document violation. Documenting the violation will require review of all written information and evidence submitted by the source in their complete variance application and may involve actual on-site

inspection of the source or source records, as required, to confirm the existence of a violation. This information and evidence may be in the form of a Visible Emissions Evaluation, photographs, samples, or other information obtained at the source or during interviews of source personnel.

3. Obtain case number from Clerk of the Board (568-2240 or county extension 2240).
4. Prepare staff report. All staff reports shall at a minimum contain the following general source information:
 - A. Case number
 - B. Petitioner
 - C. Summary basis for variance
 - D. Applicable rule(s)
 - E. Pollutant(s) emitted
 - F. Requested duration of variance
 - G. Emission rate(s)
 - H. Total emissions
 - I. Recommendation for variance approval or denial with findings and conditions
5. Contact the Chairman of the Hearing Board or other designated Board member by telephone within 1 day receipt of a complete variance application.
6. Brief the Board member on the details of the variance application and present District recommendation for approval or disapproval of variance.
7. Schedule Emergency Variance conference with applicant and Board member if District staff report recommendation is to deny the Emergency Variance.
8. Within 5 days of approval or denial of the variance application prepare a written Emergency Variance order with findings and conditions for signature by the Board member. If the Emergency Variance is denied, prepare order documenting denial action for signature and advise the applicant of the decision by telephone within 1 day of the decision.
9. If the Emergency Variance was denied and the applicant conducted source operations in violation of any rule or regulation of the District beyond the 24 hour period provided in District Rule 506 to correct a breakdown condition (except for continuous monitoring equipment for which the period will be 96 hours), a Notice of Violation shall be issued for the period of time that operations were conducted in violation of the District Rules and Regulations.
10. Submit original and 12 copies of the signed order to Clerk of Hearing Board and transmit copies to the applicant and Air Resources Board within 30 days of decision.