

AIR POLLUTION CONTROL DISTRICT  
REGULATORY COMPLIANCE DIVISION

POLICIES AND PROCEDURES

Policy No. VII.B.6  
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Topic: 90-Day Variances and Regular Variances

Distribution: All Policy Holders

If an eligible source is or will be in violation of any Rule, Regulation or Order of the District, and the required time necessary to achieve full compliance will be less than or equal to 90 days, the source should make application for a 90-day Variance. If the source anticipates that the time required to achieve compliance will exceed 90 days, they should make application for a Regular Variance.

It is the responsibility of the appropriate section supervisor to prepare and submit a staff report to the Hearing Board within 10 days after District receipt of the variance petition. The staff report shall be prepared consistent with the requirements of Policy No. VII.B.4.

The Chair of the Hearing Board, or any member of the Hearing Board designated by the Board, may hear an application for a 90-day Variance. If the 90-day variance petition is heard by an individual Board member, it is the responsibility of the section supervisor to coordinate with the applicant and Board member as to the time and place for consideration of the application, to prepare the Variance Order (approval with findings and conditions, or denial) and transmit the original and 12 copies of such order to the Clerk of the Hearing Board for distribution to other Board members and affected persons. A copy of the Variance Order shall be retained in the District's variance files.

When a 90-day Variance is heard before the entire Board, the Variance Order is prepared by the Clerk of the Hearing Board and distributed to all affected persons.

A Regular Variance can only be heard by the entire Hearing Board.