

AIR POLLUTION CONTROL DISTRICT
REGULATORY COMPLIANCE DIVISION

POLICIES AND PROCEDURES

Policy No. VII.B
Supersedes Date _____
Date April 5, 1989

Draft _____
Final X
Pages 7

Topic: Variances

Distribution: All Policy Holders

A Variance is an administrative order issued by the Hearing Board granting temporary relief from the provisions of a District Rule, Regulation or Order. Any person who holds a valid Permit to Operate may apply to the Hearing Board for a variance. A variance will allow a source to continue operating while taking steps to achieve compliance with the Rule, Regulation or Order in question. While a variance may generally be granted from any Rule or Regulation of the District, the statutory provisions of the State Health and Safety Code prohibit the granting of a variance from the requirement to obtain an Authority to Construct (Rule 201.A), and for public nuisance (Rule 303).

In addition, where the subject of the variance application involves a request for temporary relief from the provisions of a District Rule or Regulation due to recurring conditions or problems, a variance may not be obtained unless the source can demonstrate that the recurring conditions or problems are beyond their reasonable control and that all other required findings can be made.

Sources eligible for variance will be informed by the inspector or project manager of the required variance filing procedures, applicable filing fees, forms and variance application contents at the time the violation is noted.

4. Location of business if different from above: _____

Zip Code _____

5. Briefly describe the nature of your business: _____

6. Briefly describe the equipment which is the subject of this petition (list all District Permit numbers or answer 7 below):

7. I have not yet received a permit.
My application was submitted on _____, 19____.
My application was deemed complete ___ incomplete ___ on _____, 19____
If deemed incomplete, responses to all items of incompleteness were submitted to the District on _____, 19____.

8. Have you received a Notice of Violation for equipment which is the subject of this Petition? Yes___ No___. If yes, please attach a copy of the Notice to your Petition and briefly describe the actions you took to correct the violation:

14. What would be the harm to your business, financial or otherwise, if the variance is not granted:

15. What is the quantity of excess pollutant emissions that will result if the variance is granted?

16. What actions will take you to reduce emissions at your business to the maximum extent is granted?

17. Have you received any complaints from the public regarding the subject equipment within the last six (6) months? If so, indicate dates, nature of complaint(s), and address(s) of complainant(s). Yes___ No___

10. I have enclosed my filing fee of \$ _____ and have provided the required number of copies of my Petition to the Clerk of the hearing Board and Air Pollution Control District. (See instructions).

The undersigned, under penalty of perjury, states that the above Petition, including attachments, and the items therein set forth, are true and correct.*

DATE: _____ SIGNATURE: _____
TITLE: _____
PRINT NAME: _____

If the person whose signature appears above is not the owner or operator of equipment the subject of this Petition, please attach correspondence from the equipment owner or operator that authorizes you to act on his or her behalf.

