

**HEARING BOARD
PETITION FOR HEARING**

Petition No. _____

Name & address of applicant or agent: <hr/> <hr/> <hr/>	Receipt Stamp
--	---------------

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.

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)

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.

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

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:

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

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

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:

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?

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.

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.

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?

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?

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?

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

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

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

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

Yes

No

Permit Number: _____

Permitted Emissions:

Pollutant

pounds/hour

tons/year

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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): _____

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)