

**HEARING BOARD  
YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT  
PETITION FOR A VARIANCE  
NO. \_\_\_\_\_**

PETITIONER:

\_\_\_\_\_  
Name (Corporation, individual, partnership, etc.)  
\_\_\_\_\_

\_\_\_\_\_  
Address  
\_\_\_\_\_

\_\_\_\_\_  
Phone Number  
\_\_\_\_\_

\_\_\_\_\_  
Fax Number  
\_\_\_\_\_

\_\_\_\_\_  
E-mail Address

C YOU MAY ATTACH ADDITIONAL PAGES IF NECESSARY

<b>For Office Use Only</b>	Circle one:
Variance No. _____	Short, Regular, Interim, Modification/ Extension of a final compliance date, Modification of Variance Conditions, Modification of Increments of Progress, Interim Authorization, Other, Product
_____	\$1,117 Filing Fee
Date Received (Stamp Date)	Emergency Variance
	\$149 Filing Fee
	Receipt No.: _____
	Invoice No.: _____
VARIANCE NO.: _____	
FACILITY NO.: _____	

## INSTRUCTIONS

2. Please type or print legibly.
3. Refer to Regulation IV, Rule 4.4, Regulation V, Rule 5.1, Rule 5.2, of Yolo-Solano AQMD Rules and Regulations when completing form. You may also contact the District Engineering staff for assistance at (530) 757-3650.
4. Enclose filing fee with application (see Regulation IV, Rule 4.4, Section 300). Make checks payable to Yolo-Solano Air Quality Management District. Questions on the fee can be directed to the Clerk of the Board at (530) 757-3650.
5. Submit to the Clerk of the Hearing Board.
6. You will be notified of the place, date, and time of the hearing.

In addition to the filing fee, the YSAQMD may subsequently charge a petitioner a fee for staff time exceeding 3 hours. See District Rule 4.4, Section 302 Supplementary Fees and District Rule 4.1, Permit Fees-Stationary Source, Section 313.

1. The **PETITIONER** respectfully submits to the District Hearing Board this petition for:  
Check the appropriate line(s):
  - (a) **9 SHORT:**  
If compliance with a District rule(s) can be achieved in **90 days or less**, request a short variance. (*Hearing will be held as soon as can be scheduled, but not less than 21 days. A 10-day posted notice required.*)
  - (b) **9 REGULAR:**  
If compliance with a District rule(s) will take more than 90 days, request a regular variance. If the variance request is to extend beyond a year, you **must** include a specific detailed schedule of increments of progress (**See 20**) under which you will achieve final compliance. (*Hearing will be held as soon as can be scheduled, but not less than 30 days from date of filing. A 15-day published notice required.*)



(e) **9 MODIFICATION/EXTENSION OF A FINAL COMPLIANCE DATE:**  
 If you are operating under a variance and will not be in full compliance by the final compliance date, request an extension of the variance and a modification of the final compliance date. **A petition requesting such an extension must be filed at least 45 days before the existing final compliance date to meet the legal notice requirement.** (*Hearing will be held as soon as can be scheduled, but not less than 30 days from date of filing. A 15-day published notice required.*)

(f) **9 MODIFICATION OF VARIANCE CONDITIONS:**  
 If you are unable to comply with a condition(s) of an existing variance, request a modification of variance conditions. (*Hearing will be held as soon as can be scheduled, but not less than 21 days from date of filing. A 10-day published notice required.*)

(f) **9 MODIFICATION OF INCREMENTS OF PROGRESS:**  
 If compliance with an increment of progress of an existing variance cannot be achieved and additional time is required, request a modification of increments of progress. (*Hearing will be held as soon as can be scheduled, but not less than 21 days from date of filing. A 10 day published notice required.*)

(h) **9 INTERIM AUTHORIZATION:**  
 If compliance with an increment of progress cannot be achieved and you are unable to notify the Hearing Board 21 days in advance to schedule a noticed hearing, the Board can consider granting one extension of the increments of progress (interim authorization). However, an interim authorization cannot be granted: (1) for more than 30 days; or (2) to extend a final compliance date of an existing variance.

(i) **9 OTHER:** \_\_\_\_\_

2. Name, address, phone, and fax number of authorized person(s) to receive notices regarding this Petition (No more than two authorized persons).

_____	_____
Name	Name
_____	_____
Address	Address
_____	_____
Phone Number	Phone Number
_____	_____
Fax Number	Fax Number
_____	_____
E-mail Address	E-mail Address

3. Address of business or activity which is the subject of this petition.

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4. Briefly describe the processes and type of business at your facility.

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5. Briefly describe the equipment or activity that is the subject of this petition; what the equipment is used for, and why it is necessary to the operation of your business. *A schematic or diagram may be attached to better explain equipment operation.* List all District Permit(s) to Operate and/or Authority(s) to Construct for each piece of equipment of activity relevant to this variance request.

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6. Is this equipment or activity that is the subject of this petition exempt from the District's Permit requirements? Yes **9** If yes, go to No. 9. No **9**

7. Permit Status:

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(a) I have not yet received permit(s) \_\_\_\_\_

(b) My application was submitted on \_\_\_\_\_

(c) My application was denied on \_\_\_\_\_  
**(Attach a copy of the denial letter.)**

8. List all District rule numbers, including sub-sections, for which you are requesting variance relief, and explain how you are violating the rules:

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9. Is the equipment or activity that is the subject of this request currently under variance coverage? Yes **9** No **9**. If yes, give the Variance Number, date of the last variance action, final compliance date, and brief explanation.

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10. Is there any other equipment or activity at this location currently (or within the last six months) under variance coverage? Yes **9** No **9**. If yes, give the Variance Number, date of the last variance action, final compliance date, and brief explanation.

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11. Why is it beyond your reasonable control to comply with the Rule(s), and/or permit condition(s)?

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12. When did you first become aware that you would not be in compliance?

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13. What actions have you taken since that time to achieve compliance?

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14. Explain why you cannot curtail or terminate operations in lieu of obtaining a variance.

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15. Will there be excess emissions (emissions in excess of those allowed by the Rules or Permit Conditions) during the variance period? Yes **9** No **9**. **If no, explain why there will be no excess emissions during the variance period then go to No. 18.**

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16. Estimation of daily excess emissions on a pounds per day basis or, if applicable, the percentage of opacity above your limit during the variance period.

<b>POLLUTANTS</b>	<b>TOTAL ESTIMATED EXCESS EMISSIONS LBS/DAY</b>
VOC	
CO	
NO <sub>x</sub>	
SO <sub>x</sub>	
TSP	
PM <sub>10</sub>	

Opacity: \_\_\_\_\_%

17. Explain how excess emissions are calculated.

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18. Explain how you can reduce excess emissions from the subject equipment or activity to the maximum extent feasible during the variance period.

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<b>REDUCTION DUE TO MITIGATION (LBS/DAY)</b>	<b>NET EMISSIONS AFTER MITIGATION (LBS/DAY)</b>

19. Can you monitor or quantify emission levels from the subject equipment or activity during the variance period and make such records available to the District?

Yes    9        No    9        Provide an explanation of your response.

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20. How do you intend to achieve compliance with the Rule(s)? Include a detailed description of any equipment to be installed and/or modifications to be made, a listing of the dates by which the actions will be completed, and an estimate of total costs.

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21. Please state the date you expect to achieve final compliance with the rules and regulations:

\_\_\_\_\_. **If the regular variance is to extend over a year, you must attach a schedule of increments of progress which specify certain dates of milestones to achieve compliance.** An example of necessary dates follows:

SCHEDULE OF INCREMENTS OF PROGRESS means a statement of dates by which various steps will be completed to bring a source of air contaminants into compliance with emission standards and shall include, if applicable, the following:

- (a) The date the final plan for the control of emissions of air contaminants from that source will be submitted to the District.
- (b) The date by which contracts for emission control systems or process modifications will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification.
- (c) The date of initiation of on-site construction of installation of emission control equipment or process change.
- (d) The date by which final compliance is to be achieved.
- (e) Any additional dates by which other appropriate and necessary steps shall be taken which permit close and effective supervision of progress toward timely compliance.

22. What would be the harm to your business if the variance is not granted? Include business closure, economic losses in dollar amounts, breach of contracts, hardship on customers, employee lay-offs, and similar matters.

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23. List the benefits to air quality, if any, which will result from the granting of the variance.

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24. Were you issued a Notice of Violation, Notice to Apply, or Notice of Correction concerning the current operation of this equipment or activity? Yes **9** No **9**. **If yes, you must attach a copy of the notice.**

25. Please list the names of any District personnel who are familiar with the facility or with whom facility representatives have had contact concerning this variance petition or any related Notice of Violation.

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**RULE 4.4 HEARING BOARD FEES**

Revised March 8, 2000

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**100 GENERAL**

101 **PURPOSE:** To establish fees to be charged for petitions to the Hearing Board.

102 **APPLICABILITY:** The provisions of this Rule shall apply to petitions to the Hearing Board pursuant to District Rules 5.1, PROCEDURE BEFORE THE HEARING BOARD, and 5.2, UPSET/BREAKDOWN CONDITIONS: EMERGENCY VARIANCE.

110 **EXEMPTIONS:** The Air Pollution Control Officer (APCO) shall not be required to pay the fees required by this Rule.

**200 DEFINITIONS**

201 **GENERAL VARIANCE:** A variance for any petition specified in Rule 5.1, PROCEDURES BEFORE THE HEARING BOARD, section 402.5, except for subsection 402.5.a(vi).

202 **VARIANCE MODIFICATION:** A variance for a modification to a general variance.

203 **EMERGENCY VARIANCE:** A variance for any condition specified in Rule 5.2, UPSET/BREAKDOWN CONDITIONS: EMERGENCY VARIANCE.

**300 STANDARDS**

301 **FILING FEES:** Each petitioner, including any public agency, shall pay filing fees according to the schedule specified in Table 1.

**TABLE 1. FILING FEES**

<b>Petition Type</b>	<b>Fee</b>
General Variance	\$1,117
Variance Modification	\$1,117
Emergency Variance	\$149

302 **SUPPLEMENTARY FEES:** In the event a petition takes longer to process than the times specified in Table 2, the petitioner shall pay supplementary fees equal to the additional hours multiplied by the Time and Materials Labor Rate specified in Rule 4.1, PERMIT FEES - STATIONARY SOURCE.

**TABLE 2. PETITION PROCESSING TIME**

<b>Petition Type</b>	<b>Hours</b>
General Variance	3
Variance Modification	3
Emergency Variance	1

303 **WAIVER OR REDUCTION OF FEES:** A petitioner may request a waiver or reduction of fees required by this Rule if the petitioner notifies the District in writing at least seven (7) working days prior to the hearing. Fees may be waived or reduced if the petitioner provides evidence to the APCO and the APCO determines that payment of such fees would cause financial hardship to the petitioner.

304 **REFUND OF FEES:**

304.1 In the event the Hearing Board reverses the decision of the APCO in an appeal to a permit decision, any fees paid by the petitioner as required by this Rule shall be refunded.

304.2 In the event a petition is withdrawn, and the petitioner notifies the District in writing seven (7) working days prior to the hearing, the petitioner shall receive a refund of fees paid to the District minus the actual costs incurred by the District.

305 **TRANSCRIPTS:** Any person requesting a transcript of a hearing shall pay the cost of preparing the transcript.

**400 ADMINISTRATIVE REQUIREMENTS**

401 **Payment of Fees:** Filing fees are due and payable at the time of filing a petition. If required pursuant to Section 302, supplementary fees are due and payable prior to the issuance of the Hearing Board's final Findings and Orders.