

**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

- YOU MAY ATTACH ADDITIONAL PAGES IF NECESSARY

For Office Use Only (Use blue ink)	Circle applicable petition: 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
VARIANCE NO.: _____	Receipt Number(s): _____
FACILITY NO.: _____	Invoice Number(s): _____

INSTRUCTIONS

1. Please type or print legibly.
2. Refer to Rule 4.4, Regulation V, Rule 5.1, and 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.
3. Enclose filing fee with application (see 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.
4. Submit petition in triplicate (see Rule 5.1, Section 401) to the Clerk of the Hearing Board.
5. If you need assistance completing this Petition and/or developing compliance schedules, contact the District Engineering staff at (530) 757-3650, or toll-free within the 530, 916, and 707 area codes at (800) 287-3650. Petitions which are incomplete, illegible or submitted without the necessary attachments and filing fee will be returned. Submit applicable filing fee, payable to Yolo-Solano AQMD with this application per District Rule 4.4, Section 301.

In addition to the filing fee, the YSAQMD may subsequently charge a petitioner a supplementary fee for staff time exceeding 3 hours. Pursuant to District Rule 4.4, Section 302 Supplementary Fees.

You will be notified of the place, date, and time of the hearing.

1. The **PETITIONER** respectfully submits to the District Hearing Board this petition for:
Check the appropriate line(s):
 - (a) **SHORT:**
If compliance with a District rule(s) can be achieved in **90 days or less**, request a short variance. The Hearing will be held as soon as can be scheduled, but not less than 21 days. A 10-day posted notice is required.
 - (b) **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 No. 22**) under which you will achieve final compliance. The Hearing will be held as soon as can be scheduled, but not less than 30 days from date of filing. A 15-day public notice is required.
 - (c) **EMERGENCY:**
If non-compliance is the result of an unforeseen emergency, such as sudden equipment breakdown, or accidental fire, you may request an emergency variance. An emergency variance cannot be granted for more than 15 days. The Hearing will be held within 2 days from the date of filing, excluding weekends. If you request an **emergency variance, you must answer number (1)(d)(1)**.

(d) **INTERIM:**

If you require immediate relief (other than for emergencies) to cover the time until a short or regular variance can be held, request an interim variance. If you request an interim variance, you must also request a short or a regular variance on the same petition. (An Interim Hearing to determine good cause will be held approximately 2 days from date of filing, excluding weekends.)

If you request an **interim variance, you must answer (1)(d)(1).**

(1) **GOOD CAUSE:**

The Hearing Board is required to give public notice of variance hearings as the public has a right to attend and testify at such hearings. In order for the Hearing Board to hold an Interim or Emergency Variance hearing without the required public notice, a petitioner must present facts which will support a determination by the Board that “good cause” exists to hear a variance without notifying the public about the variance and providing the public with an opportunity to present evidence concerning the variance.

Please explain the circumstances that will support a “good cause” determination. (Use additional pages if needed.)

(e) **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. The petition requesting an extension must be filed at least 45 days before the existing final compliance date to meet the legal notice requirement. The Hearing will be held as soon as can be scheduled, but not less than 30 days from date of filing. A 15-day public notice is required.

(f) **MODIFICATION OF VARIANCE CONDITIONS:**

If you are unable to comply with a condition(s) of an existing variance, request a modification of variance conditions. The Hearing will be held as soon as can be scheduled, but not less than 21 days from date of filing. A 10-day public notice is required.)

(g) **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. The Hearing will be held as soon as can be scheduled, but not less than 21 days from date of filing. A 10 day public notice is required (See No. 21).

(h) **___ 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) **___ OTHER:** _____

2. Include the 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. Include the name and the address which is the subject of this petition.

4. Briefly describe the type of business requesting the variance.

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.

6. Is this equipment or activity that is the subject of this petition exempt from the District's Permit requirements? Yes (See No. 10.) No

7. Permit Status:

(a) I have not yet received permit(s) _____

(b) Application was submitted on _____

(c) Application was denied on _____
(Attach a copy of the denial letter.)

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

9. List all permit conditions for which you are requesting variance relief, and explain how you are violating the permit condition:

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

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

12. Explain why is it beyond your reasonable control to comply with District Rules and/or permit conditions.

13. When did you first become aware that you would not be in compliance, and what were the circumstances?

14. What actions have you taken since becoming aware you were not in compliance?

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

16. Will there be excess emissions (emissions in excess of those allowed by the Rules or Permit Conditions) during the variance period? Yes No . If no, explain why there will be no excess emissions during the variance period (See No. 18). .

17. Estimate the daily excess emissions in pounds per day or, if applicable, the percentage of opacity above your limit during the variance period.

POLLUTANTS	TOTAL ESTIMATED EXCESS EMISSIONS (LBS/DAY)
VOC	
CO	
NO _x	
SO _x	
PM ₁₀	

Opacity: ____%

18. Provide an example of how excess emissions were calculated.

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

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

20. Explain how you intend to monitor or quantify emission levels from the subject equipment or activity during the variance period. If you cannot monitor or quantify emissions during the variance period, provide an explanation of why it is not possible to monitor or quantify emissions.

21. Explain how you intend to achieve compliance with District Rules and/or permit conditions? 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.

22. Specify the date you expect to achieve final compliance with District rules and regulations and/or permit conditions_____. **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 into compliance 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.

23. Explain 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.

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

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

26. List the names of 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.

27. Have you received any complaints from the public regarding the operation of the subject equipment or activity within the last six (6) months? Yes No If yes, indicate date(s), nature of complaint(s), and address(s) of complainant(s).

Date of Complaint

Nature of Complaint

Name and Address of Person Filing the Complaint

Date of Complaint

Nature of Complaint

Name and Address of Person Filing the Complaint

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

Date

Print Name

Signature

Title