

**YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT HEARING BOARD
PETITION FOR HEARING BOARD ACTION INSTRUCTIONS**

Need Assistance? Contact the District Compliance Division at (530) 757-3650 and schedule an appointment for a consultation to assist you in completing your petition application package.

GENERAL INFORMATION

The Hearing Board is a quasi-judicial body created by California state law and appointed by the District Board of Directors. The Hearing Board consists of five members: an attorney, a professional engineer, a medical doctor, and two public members.

Petitions for hearings related to variances, permit actions, or abatement orders shall be submitted to the District using the attached application. Information regarding required content of Hearing Board petition applications may be found in District Rule 5.1 – Procedure Before the Hearing Board. A copy of District rules may be found here: <https://www.ysaqmd.org/rules-compliance/current-rules-rulemaking/current-rules/>.

VARIANCE PETITIONS

The Hearing Board has the sole authority to grant variances from District rules and regulations. If you are or will be in violation of District rules, you may petition the Hearing Board for a variance. If granted, a variance may provide temporary relief from District rule requirements based on the decision of the Hearing Board. Variances do not apply retroactively, and a source is only able to protect itself from enforcement action from the effective date of the Hearing Board decision.

It is recommended that petitioners review District Rule 5.1 and the California Health and Safety Code to ensure that the evidence provided in a petition application supports all required findings for a variance to be granted. The petitioner is responsible for supplying all evidence in support of a variance. The Hearing Board shall grant no variance unless sufficient evidence and testimony is provided for the Hearing Board to make all required findings.

PERMIT ACTION PETITIONS

The petition application may also be used to request a hearing to appeal a permitting decision issued by the District Air Pollution Control Officer.

HEARING BOARD PROCEEDINGS

After your application has been reviewed by the Hearing Board, the petitioner and Yolo-Solano Air Quality Management District staff will appear in a public hearing before the Hearing Board to present testimony to support the petitioned action. Depending on the nature of the petition, the District is required to provide public notice for the hearing. The Hearing Board may ask questions of District staff and petitioner during the hearing. The public may present testimony which may be pertinent to the hearing. Any information or documentation provided as part of the hearing is considered public record.

SUBMITTING PETITION APPLICATIONS

An application processing fee is required when submitting a petition application to the District. Refer to District Rule 4.4 or contact the District Compliance Division if you have a specific question. There are three (3) options for submitting the application:

- Complete the application online (PDF fill-in form), print a copy, sign, and submit with a check or money order made payable to YSAQMD. Mail to YSAQMD, 1947 Galileo Court, Suite 103, Davis, CA 95618.
- To pay by credit card, visit www.ysaqmd.org/permits/make-a-payment/ (service charges apply). You can also mail the completed application with payment confirmation or email it to payments@ysaqmd.org. **The petition application will not be processed until the signed application and payment are received.**
- You may also visit the District office to complete the application and pay by check, money order, or credit card.

Incomplete applications or petitions that do not provide evidence to support the requested action or make the required findings may be denied. Inadequate presentations during a hearing may delay Hearing Board proceedings.

The petition application must be signed by the petitioner or authorized agent. When the person signing is not the petitioner, the petitioner shall provide documentation to substantiate the authority of the third party to sign on their behalf.



YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT HEARING BOARD

Attn: Clerk of the Hearing Board
1947 Galileo Court, Suite 103, Davis, CA 95618
Phone (530) 757-3650; Fax (530) 757-3670
www.ysaqmd.org

PETITION FOR HEARING BOARD ACTION

Instructions: Refer to District Rule 4.4, 5.1, and 5.2 when completing this form. You may also contact the District Compliance staff for assistance at (530) 757-3650. A filing fee in accordance with Rule 4.4 is required to be submitted with the completed application. Petitions that are incomplete, illegible, or submitted with necessary attachments or filing fees will be returned.

In addition to the filing fee, the District may charge the petitioner a supplementary fee for staff time exceeding specified limits pursuant to Rule 4.4.

1. PETITIONER INFORMATION:

Petitioner Name: _____
Name of Person Authorized To Receive Service of Notices (if different than above): _____
Organization Name: _____
Attention/In Care Of (Department or Title of Position only): _____
Mailing Address: _____
City, State and Zip Code: _____
Responsible Official: _____ Title: _____
Phone Number: _____ Fax Number: _____
E-mail: _____

2. EMISSION SOURCE INFORMATION:

Company Name: _____
Mailing Address: _____
City, State, and Zip Code: _____
Responsible Official: _____ Title: _____
Phone Number: _____ Fax Number: _____
E-mail: _____
Ownership Status: Individual Partnership Corporation Other Entity: _____

If a Partnership or Corporation:

Names and Addresses of Officers or Persons In Control:

Name and/or Type of Business or Activity Involved: _____

Facility/Equipment Location: _____

Description of Equipment/Process Subject To This Petition:

3. APPLICATION TYPE – Select One Below:

Variance Petition (Complete Section 4):

General Variance (CH&S 40825, 40826, 42352, and 42358) For a variance of 90 days or less, the Hearing will be held as soon as can be scheduled, but not less than 21 days from the date of filing and a 10-day posted notice is required. For a variance of greater than 90 days, the Hearing will be held as soon as it can be scheduled but not less than 30 days from the date of filing, and a 15-day posted notice is required. If the variance request is to extend beyond a year, you must include a specific detailed schedule of increments of progress under which you will achieve final compliance.

Interim Variance, in conjunction with a General Variance (CH&S 40824 and 42351) An interim variance is appropriate if you require immediate relief (other than for emergencies) to cover the time until a regular variance can be held. If you request an interim variance, you must also request a general variance on the same petition, and **you must** provide facts that will support a determination by the District Hearing 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.

Check the boxes for both an Interim and General Variance. Petitioner agrees to pay applicable fees for both Interim and General Variance hearings.

Emergency Variance (CH&S 42359.5) If non-compliance is the result of an unforeseen emergency, such as a 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** provide facts that will support a determination by the District Hearing 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.

Product Variance (CH&S 42365) You must provide facts showing the petitioner exercised due diligence in attempting to locate, research, or develop a product in compliance with District Rules and Regulations and a proposed written notice that is to be furnished to any retailer, distributor, or purchaser of the product for the duration of the variance as specified in CH&S Code Section 42368.

Variance Revocation

Variance Modification

Permit Action Petition (Complete Section 5):

Review of Permit Denial

Review of Conditional Approval

Petition By an Aggrieved Party

Review of Permit Suspension

Petition to Revoke a Permit

Rehearing Petition (Complete Section 6):

Rehearing of a Decision

Abatement Order Petition (Complete Section 7):

Defense of an Interim Abatement Order

Issuance of an Abatement Order

➤ **Is this a variance petition application? _____ YES _____ NO**
If yes, complete all of the Section 4 items below; otherwise, skip to Section 5.

4. VARIANCE PETITION CONTENTS

State the date you are requesting the variance to begin and the date by which you expect to achieve final compliance [District Rule 5.1, Section 401.3(a)(iv)]:

Note: Variance relief will not be granted for any period preceding the date of filing of the petition application for a variance.

Requested Variance Start Date: _____

Final Compliance Date (Variance End Date): _____

Total Number of Days Variance is Requested: _____

- If compliance will be achieved in 90 days or less, a Short Variance will commence and a 10-day notice is required.
- If compliance will take more than 90 days, a Regular Variance will commence and a 30-day notice is required.

If the equipment or process is covered by a Permit to Operate issued by the District, provide permit number(s) below [District Rule 5.1, Section 401.3(a)(xiv)]:

Section, rule, or order which will be violated if a variance is not granted [CH&S 42352(a)(1); District Rule 5.1, Section 401.3(a)(i)]:

The facts showing that compliance with the section, rule, or order will result in either an arbitrary or unreasonable taking of property or the practical closing and elimination of a lawful business [CH&S 42352(a)(2); District Rule 5.1, Section 401.3(a)(ii)]:

The facts showing that the closing or taking will be without corresponding benefit in reducing air contaminants [CH&S 42352(a)(3); District Rule 5.1, Section 401.3(a)(iii)]:

The consideration given to curtailing operations in lieu of obtaining a variance [CH&S 42352(a)(4); District Rule 5.1, Section 401.3(a)(v)]:

An estimation of excess emissions and proposed actions which will reduce excess emissions to the maximum extent feasible during the variance period [CH&S 42352(a)(5); District Rule 5.1, Section 401.3(a)(viii)]:

Procedures, methods, and equipment used to quantify emission levels from the source during the variance period, subject to approval and reporting requirements of the District [CH&S 42352(a)(6); District Rule 5.1, Section 401.3(a)(x)]:

The advantages and disadvantages to the residents of the District resulting from requiring compliance or resulting from granting a variance [District Rule 5.1, Section 401.3(a)(ix)]:

Whether or not operations under such variance, if granted, will constitute a nuisance as specified in CH&S Code Section 41700 [District Rule 5.1, Section 401.3(a)(xi)]:

Facts demonstrating past diligence in trying to comply with applicable standards [District Rule 5.1, Section 401.3(a)(xii)]:

Whether or not any case involving the same equipment or process is pending in any court, civil or criminal, or subject to District enforcement action [District Rule 5.1, Section 401.3(a)(xiii)]:

Will the variance extend beyond one year, or has the District required a final compliance date and increments of progress?

YES **NO**

If YES, answer the following question below; otherwise, skip to the next section:

Final compliance date and specific detailed schedule of increments of progress and conditions associated with the individual increments of progress, including but not limited to increments of progress schedules, operating parameters, and reporting requirements [District Rule 5.1, Section 401.3(a)(vi),(vii)]:

Is the petition for an interim variance or an emergency variance? **YES** **NO**

If YES, answer the following question below; otherwise, skip to the next section:

Facts which will support a determination by the District Hearing 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 [District Rule 5.1, Section 401.3(a)(xv)]:

Is the petition for a product variance? **YES** **NO**

If YES, answer the following question below; otherwise, skip to the next section:

The facts showing the petitioner exercised due diligence in attempting to locate, research, or develop a product in compliance with District Rules and Regulations and a proposed written notice that is to be furnished to any retailer, distributor, or purchaser of the product for the duration of the variance as specified in CH&S Code Section 42368 [District Rule 5.1, Section 401.3(a)(xvi)]:

➤ **Is this a permit action petition application? _____ YES _____ NO**
If yes, complete all of Section 5 items below, otherwise skip to Section 6.

5. PERMT ACTION PETITION CONTENTS

Provide the District Permit to Operate number(s) subject to this petition:

Provide the section, rule, or order which is the basis for conditional approval, suspension, denial, or revocation; or which is alleged to have been violated; or is the basis of this grievance [District Rule 5.1, Section 401.3(b)(i)]:

A statement as to why the petition is being sought [District Rule 5.1, Section 401.3(b)(ii)]:

The facts illustrating the potential impact on the source, public, and aggrieved party if the action is sustained by the Hearing Board [District Rule 5.1, Section 401.3(b)(iii)]:

The Hearing Board action requested [District Rule 5.1, Section 401.3(b)(iv)]:

➤ **Is this a rehearing petition application? _____ YES _____ NO**
If yes, complete all of Section 6 items below, otherwise skip to Section 7.

6. REHEARING PETITION CONTENTS

Original petition number and hearing date [District Rule 5.1, Section 401.3(c)(i)]: _____

The reasons and additional facts which merit rehearing the petition [District Rule 5.1, Section 401.3(c)(ii)]:

The Hearing Board action requested [District Rule 5.1, Section 401.3(c)(iii)]:

➤ **Is this an abatement order petition application? _____ YES _____ NO**
If yes, complete all of Section 7 items below, otherwise skip to Section 8.

7. ABATEMENT ORDER PETITION CONTENTS

The section, rule, or order which is alleged to have been violated [District Rule 5.1, Section 401.3(d)(i)]:

A statement of the facts constituting the violation, or alleged violation, and a description of the potential impacts [District Rule 5.1, Section 401.3(d)(ii)]:

Permit status and history of the source sought to be abated [District Rule 5.1, Section 401.3(d)(iii)]:

The particular act or operation sought to be abated, together with petitions, if applicable [District Rule 5.1, Section 401.3(d)(iv)]:

Facts showing that the abatement is necessary to prevent future violations [District Rule 5.1, Section 401.3(d)(v)]:

8. ADDITIONAL DOCUMENTATION AND/OR EVIDENCE

All petitioners are encouraged to submit supplementary documentation in addition to a complete petition application in support of a petition action and to substantiate required findings. If an action is requested of the Hearing Board or findings are required to be met, the petitioner is responsible for supplying sufficient evidence in support of the action requested. All documents shall be submitted in conjunction with the completed petition application to be considered during a Hearing Board hearing. Petition applications and supplementary documentation are considered public records.

9. SIGNATURE

This application must be signed by the petitioner listed in Section 1 or a designated agent on the petitioner’s behalf. By signing this document, you indicate that all information contained in this document and in any attachments is true, accurate, and complete to the best of your knowledge. Signed applications may be transmitted electronically, and any such signature shall have the same legal effect as an original.

SIGNATURE: _____ **DATE:** _____

Agents signing on behalf of petitioners are required to provide a separate statement with their authority to sign. The petition application may be denied if it is not signed by the appropriate party or if the required documentation is not submitted to the District.

FOR DISTRICT USE ONLY	
Date Received: _____	Time Received: _____
Petition # Assigned: _____	
Fee Waiver or Reduction Request Received? <input type="checkbox"/> YES <input type="checkbox"/> NO	Notice Required? <input type="checkbox"/> YES <input type="checkbox"/> NO
Type of Variance Requested: <input type="checkbox"/> Rule 5.1 <input type="checkbox"/> Rule 5.2	