

HEARING BOARD
Ventura County Air Pollution Control District
PETITION FOR HEARING

No. _____

Name & address of applicant or agent:	Receipt Stamp

INSTRUCTIONS

1. Assistance in filling out this form and/or developing a compliance schedule can be obtained by contacting the Compliance Division staff at 805-303-3703.
2. Please type or print legibly.
3. Refer to the Air Pollution Control District Rulebook, Regulation VII and Rules 112, 113 and 123, when completing this form. (Rules 114 or 115 may also apply.)
4. The filing fee for an Interim or Regular Variance or other Petitions is \$150. Payment may be made online at <https://www.govpaynow.com/gps/user/plc/a004ab>. Submit completed Petition electronically to Michelle Wood, Hearing Board Variance Coordinator, at michelle@vcapcd.org or submit completed Petition and filing fee via mail to Ventura County Air Pollution Control District, Attn. Michelle Wood, 4567 Telephone Rd, 2nd Floor, Ventura, CA 93003. Make checks payable to Ventura County APCD.
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. The APCD will submit the Petition to the Clerk of the Board, Ventura County Government Center, 800 South Victoria, Ventura, California 93009
8. A copy of this form will be returned to you, stating the date, place, and time of the hearing.

For APCD Use Only

Petition received by:

Air Pollution Control District Representative _____
Date

Filing Fee: \$ _____	Receipt No.: _____
Notice Required: _____ Days	Permit No.: _____

Contents of Petitions
Reference: Rule 112

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: _____

Phone Number: _____ Email Address: _____

Cell Number: _____ FAX Number: _____

- 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: _____

Phone Number: _____ Email Address: _____

Cell Number: _____ FAX Number: _____

- C. The person who owns the emission source involved in the petition is (select one):

- 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: _____

Street address where emission source is located: _____

E. Purpose of petition:

To request that a regular variance be granted or modified

To request that a short variance be granted or modified

To request that an interim variance be granted

Was a petition for a regular variance filed? Yes No

If yes, Case No.: _____

To review the denial, suspension, or conditional granting of a permit under Rule 22

To request a modified compliance schedule for a rule that is not yet in effect

To request a review of fees assessed by the District

To arbitrate an administrative conflict between the District and a permitted source

To review the District's decision regarding approval or denial of emission banking under Rule 26.4

To review the requirement to install a continuous monitoring system under Rule 103

To request that the decision of the Hearing Board be reheard under H&SC Section 40861

F. Signature of petitioner or authorized representative

(Petitioner or Representative)

(Date)

(Title or Authority of Representative)

For Short, Interim, and Regular Variances

G. 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.

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

I. **For interim variances only:** 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 variance hearing without the required public notice, a petitioner must present facts that will support a determination by the Board that **“good cause”** exists to hear the variance without notifying the public about the variance. What is the basis for a claim of "good cause" or why does the condition constitute a breakdown, as defined in Rule 32, Breakdown Conditions; Emergency Variances?

Petitions for Short, Interim, and Regular Variances
Reference: Rules 113 and 123
Findings for Variances

No variance shall be granted unless the Hearing Board makes the following findings (A to F):

A. The petitioner for variance is, or will be, in violation of a District rule.

1. What District rule(s) and section(s) will be violated?

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

3. List the actions that will be taken to achieve compliance:

B. 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.

1. Describe the circumstances and/or reasons for the **violation** that were beyond your reasonable control:

2. If immediate compliance is required, what action(s) will your company have to take?

3. Describe the damage or harm that would result if immediate compliance with the rule was required. Include business closure, economic losses in dollar amounts, breach of contracts, hardship on customers, employee layoffs, and similar matters.

4. Describe the actions you have taken to comply with the rule and/or seek a variance, which were timely and reasonable under the circumstances.

5. If petitioner is a small business (as defined by the Small Business Administration and emits 10 tons or less per year of air contaminants):

a. To determine the extent to which timely actions were taken to comply or seek a variance, explain any claim of ignorance of the requirement from which a variance is sought.

b. To determine the extent to which reasonable actions were taken to comply, describe your financial and other capabilities to comply.

c. To determine if requiring immediate compliance would be unreasonable, describe the impact on your business and the benefit to the environment if immediate compliance was required.

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

C. **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? If so, describe. If immediate compliance is required, compare the financial impact on the company with the excess emissions that will be released.

D. **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.

E. **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?

F. **The applicant will monitor or quantify emission levels from the source if requested by the District, and report these emission levels to the District pursuant to a schedule established by the District.** What methods will be used to monitor and/or quantify excess emission levels from the source during the variance period? How and when will these emissions be reported to the District?

G. **A nuisance as specified in Rule 51 will not occur.** If granted a variance, operation of the equipment or source cannot cause the discharge of air contaminants or other material which causes injury, detriment, nuisance or annoyance to a considerable number of persons or the public or which endangers the comfort, repose, health or safety of the public or which cause or have a natural tendency to cause injury or property damage. Provide the following information.

Distance to the nearest: _____ School: _____

Residence: _____ Day care center: _____

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.

H. **The continued operation is not likely to create an immediate threat or hazard to public health or safety.** Explain why granting the variance will not create an immediate threat or hazard to public health or safety.

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

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

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

Yes No Permit Number: _____

L. Permitted Emissions:	<u>Pollutant</u>	<u>pounds/hour</u>	<u>tons/year</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

M. Estimate the maximum excess emissions in pounds per hour and prorated tons per year which would be emitted during the variance period.

<u>Pollutant</u>	<u>pounds/hour</u>	<u>tons/year</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

N. 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): _____

O. Is there a court case pending which involves this equipment?

Yes

No

P. Signature of petitioner or authorized representative

(Petitioner or Representative)

(Date)

(Title or Authority of Representative)