

HEARING BOARD
Ventura County Air Pollution Control District
PETITION FOR PRODUCT VARIANCE 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 805-303-3701.
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.
4. The filing fee for an Product Variance is \$150. Payment may be made online at <https://www.govpaynow.com/gps/user/plc/a004ab>. Submit completed Petition electronically to Keith Macias, Compliance Division Manager, at keith@vcapcd.org or submit completed Petition and filing fee via mail to Ventura County Air Pollution Control District, Attn. Keith Macias, 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 Hearing Board, Ventura County, 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 more 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 product variance be granted

F. In detail, describe the activity or emission source which is the subject of this petition; what is the product used for, and why is it necessary for the operation of a business?

G. What happened that requires you to apply for a variance?

H. Signature of petitioner or authorized representative

(Petitioner or Representative)

(Date)

(Title or Authority of Representative)

Petition for Product Variance
Reference: California Health and Safety Code
Sections 42365 through 42372

No product variance shall be granted unless the Hearing Board makes the following findings:

A. The manufacture, distribution, offering for sale, application, soliciting the application, or use of the product is, or will be, in violation of a rule, regulation or order of the district.

1. From what District rule(s) and section(s) is the variance being sought?

2. Describe circumstances and reasons why the product 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. Why is it beyond your reasonable control to comply with the rule(s)?

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

3. What would be the harm to your business if the variance is not granted? As applicable, include business closure, economic losses in dollar amounts, breach of contracts, hardship on customers, employee layoffs, and similar matters.

- C. **The taking or closing would be without a corresponding benefit in reducing air contaminants.** Explain why there would no corresponding air quality benefit if the use of the product were to cease.

- D. **The petitioner exercised due diligence in attempting to locate, research or develop a product that is in compliance with the district rules and regulations.** Describe the efforts you have made to locate or develop a product that would comply with the rule.

- E. **During the period that the product variance is in effect, the petitioner shall quantify any excess emissions to the maximum extent feasible and report the emission levels to 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?

F. **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.

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 or that are considered hazardous. Provide an MSDS for each material. Describe in detail the nature and quantity of such hazardous emissions.

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

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

Yes No Permit Number(s). _____

I. Propose a compliance schedule including, to the extent feasible, the following:

1. Start date of product reformulation or process change _____
2. Completion date of product reformulation or process change _____
3. Date product testing will be complete _____
4. Date by which final compliance will be achieved _____
5. Other (Specify): _____

J. Is the product involved in this petition covered by any Permits to Operate?

Yes No Permit Number(s) _____

K. Estimate the maximum emissions in lb/hr and prorated ton/yr which would be emitted during the variance period.

Pollutant	lbs/hr	tons/yr
_____	_____	_____
_____	_____	_____
_____	_____	_____

L. Signature of petitioner or authorized representative

(Petitioner or Representative)

(Date)

(Title or Authority of Representative)

Additional Terms for Product Variances

- 1) If a product variance is granted subject to conditions on the use of the product, within 10 days from the effective date of the variance, and for the duration of the time period of the variance, the petitioner shall cause a written notice to be furnished to any retailer, distributor, and purchaser of the product who is located within the district. The written notice shall be, attached to, or otherwise accompany, the product, and shall include all of the following information:
 - a) That the product is being sold pursuant to a product variance granted by the district hearing board.
 - b) The beginning and ending dates of the product variance.
 - c) Any other conditions set forth in the product variance.
- 2) Within 10 days from the effective date of the granting of the product variance, the district shall publish the information specified in Number 1 above, in a newspaper of general circulation, pursuant to Section 6061 of the California Government Code.
- 3) The district hearing board may prescribe requirements or conditions in the product variance that are applicable to the product, other than those imposed by statute or by any rule, regulation, or order of the district board, if those requirements or conditions are not more onerous.