

**VARIANCE PETITION / APPLICATION**  
**EMERGENCY, SHORT TERM, OR INTERIM VARIANCES**

**Filing Fee (\$275.00) & Hearing Board Member per diem (\$50.00), Total Variance Fee: \$325.00**

INSTRUCTIONS: All petitions shall be typewritten, double spaced, on legal or letter sized paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

1. Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Contact Person: \_\_\_\_\_

2. Applicant is:  Individual  Partnership  Corporation

(If Partnership or Corporation, give names, addresses, and titles of all partners or officers.)

\_\_\_\_\_

3. Type of business or activity involved and street address at which it is conducted:

\_\_\_\_\_

4. Description of article, machine, equipment, or contrivance involved in the application:

\_\_\_\_\_

5. **Purpose of hearing:**

A. Suspension or revocation of permit under Health and Safety Code, Section 42307.

Section 42307: An air pollution control officer may request the hearing board to hold a hearing to determine whether a permit should be revoked, if he finds the holder of the permit is violating any applicable order, rule or regulations of the district, or any applicable provision of this division.

B. Variance under Health and Safety Code, Section 42350.

Section 42350: Any person may apply to the hearing board for a variance from Section 41701 or from the rules and regulations of the district.

**Types of variances:**

An Emergency Variance is used when you know the problem can be resolved within 30 days. No public notice is required and the hearing will be before one Board Member. If it will take longer than 30 days to resolve the problem, you will need either a Short Term or Interim variance.

For a Short Term variance, a minimum of 10 day notification, prior to the hearing, is given to the APCO, other Air Basin Districts, ARB, EPA, and yourself. The hearing is before one Board Member and the six findings are required.

For an interim variance, the hearing notification is only given to the APCO and the Source. The hearing is before one Board Member and the six findings are not required at this time, but must be given to receive the regular variance. It is possible to get this variance issued within 24 hours, if needed.

With both the Short-term and Regular Variances you must also apply for an Interim Variance. At the Short-term Variance stage, notice must be given at least 10 days prior to the hearing. The six findings are required at this stage.

C. Revoking or modifying variance under Health and Safety Code, Section 42356.

Section 42356: The hearing board may modify or revoke, by written order, any order permitting a variance.

D. Review the denial or conditional granting of authorization for Authority to Construct or Permit to Operate Rule 519 of the AQMD Rules and Regulations.

E. Review the denial of certification or withdrawal of certified emission reductions under Rule 412 or to review the withdrawal of approval of innovative technology under Rule 418.

6. Section, rule or order from which variance is sought:

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7. Reason why compliance with section, rule, or order cited in paragraph 6 above is unreasonable:

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8. Damage or harm resulting, or which would result, from compliance with section, rule or order cited in paragraph 6 above:

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10. Period of time for which variance is sought: \_\_\_\_\_

Why: \_\_\_\_\_

11. Requirements which applicant can meet, if less than that required by section, rule, or order cited in Paragraph 6 above:

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Date by which requirements can be met: \_\_\_\_\_

12. Advantages and disadvantages to residents of area if section, rule, or order cited in paragraph 6 above is complied with:

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13. Would granting of variance create a public or private nuisance? \_\_\_\_\_

Why: \_\_\_\_\_

Within our capabilities, our staff is willing to assist you in the preparation of your variance application form and supporting documents.

Each petition shall be signed by the petitioner, or some person on their behalf, and where the person signing is not the petitioner, it shall set forth their authority to sign.

I, \_\_\_\_\_ ,  
*Name*

\_\_\_\_\_  
*Title*

on this day, \_\_\_\_\_ do declare under penalty of perjury that the foregoing  
*Date*

is both true and correct.