

**SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD
FACTS TO SUPPORT FINDINGS NECESSARY TO GRANT A 90-DAY OR REGULAR VARIANCE**

(Attach additional pages, if needed)

PETITIONER: _____ PETITION NUMBER (assigned by Clerk): _____

- A.** The Petitioner is or will be in violation of District Rule(s): _____
- B.** That, 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. In making those findings where the Petitioner is a public agency, the hearing board shall consider whether or not requiring immediate compliance would impose an unreasonable burden upon an essential public service. For purposes of this paragraph, "essential public" means a prison, detention facility, police or fire fighting facility, school, health care facility, landfill gas control or processing facility, sewage treatment work, or water delivery operation if owned and operated by a public agency.

Describe (1) why the need for a variance is beyond your reasonable control, and (2) the impact that denial of a variance would have on your business or agency.

- C.** The taking or closing would be without a corresponding benefit in reducing air contaminants.
Compare the reduction in air contaminants if you were not given a variance and complied with the rule(s) listed above in item A with the business impact discussed in item B.

- D.** That the Petitioner for the variance has given consideration to curtailing operations of the source in lieu of obtaining a variance. **Describe the facts that show the efforts you have made to achieve compliance instead of requesting this variance.**

- E.** During the period the variance is in effect, that the Petitioner will reduce excess emissions to the maximum extent feasible. **Describe how you will reduce emissions to the maximum extent possible if granted a variance.**

- F.** During the period that the variance is in effect, the Petitioner will monitor or otherwise quantify emission levels from the source, if requested to do so by the District, and report those emission levels to the District pursuant to a schedule established by the District: **Describe (1) why, if a variance is granted, the emissions will not likely create a nuisance violation; (2) why continued operation is not likely to create an immediate threat or hazard to public health or safety; and (3) how you will keep records, logs, or schedules that quantify emissions.**

I declare, under penalty of perjury under the laws of the State of California, that the information provided above is true and correct.

Date Signed: _____ Authorized Signature: _____

Print Name and Title: _____

**THE DISTRICT SMALL BUSINESS ASSISTANT IS AVAILABLE TO ASSIST SMALL BUSINESSES
IN COMPLETING THE PETITION FORMS AND DEVELOPING COMPLIANCE SCHEDULES**