

**EASTERN KERN AIR POLLUTION CONTROL DISTRICT  
HEARING BOARD  
PETITION FOR VARIANCE**

**NOTICE:** Small business owners may contact the Eastern Kern Air Pollution Control District at (661) 862-5250 for any assistance in filling out this form and developing compliance schedules.

**TYPE OF HEARING (Check One)**

**FILING FEE (Include Check With Petition)**

- |  |            |
|--|------------|
| <input type="checkbox"/> Regular Variance                                    | \$750.00   |
| <input type="checkbox"/> Interim Variance                                    | \$225.00   |
| <input type="checkbox"/> Emergency Variance                                  | \$225.00   |
| <input type="checkbox"/> 90 Day Variance                                     | \$350.00   |
| <input type="checkbox"/> Product Variance                                    | \$750.00   |
| <br>   |            |
| <input type="checkbox"/> Modification of Final Compliance Date               | \$500.00   |
| <input type="checkbox"/> Modification of Progress Increment(s)               | \$350.00   |
| <br>   |            |
| <input type="checkbox"/> Appeal Hearing                                      | \$750.00   |
| <input type="checkbox"/> Stipulated Order of Abatement - Applicant's Request | \$1,000.00 |

**PETITIONER INFORMATION**

A. NAME OF PETITIONER: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_  
 TELEPHONE NUMBER: \_\_\_\_\_  
 NAME OF AGENT (if other than above): \_\_\_\_\_  
 TELEPHONE NUMBER: \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

**NOTE:** If agent is utilized, complete and attach Assignment of Agent Form.

B. **TYPE OF ENTITY (Check One)**

- Individual
- Partner
- Corporation
- Other (describe) \_\_\_\_\_

Please include names and addresses of partners if a partnership, names and addresses of officers if a corporation, and names and addresses of persons with entitlement to use, if other entity. (Attach additional sheets, if needed).

DATE RECEIVED	Validation (For APCD Use Only)
	FILING FEE: \$ _____ RECEIPT NO: _____ DATE: ____ / ____ / ____
	EXCESS EMISSIONS FEE: \$ _____ DATE: _____ / ____

**NAME**

**TITLE**

**ADDRESS**

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**EMISSION SOURCE INFORMATION**

BUSINESS DESCRIPTION: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

LOCATION: SEC. \_\_\_\_\_ T. \_\_\_\_\_ R. \_\_\_\_\_

**BASIS FOR PETITION**

A. Brief description and Permit number(s) of the article, machine, equipment or other contrivance involved in the application. (Attach other pages, if necessary):

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B. Section or rule under which the petition is filed: (Check One)

- Hearing for a variance under Section 42350 of the California Health & Safety Code.
- Hearing to review denial or conditional granting of an Authority to Construct or Permit to Operate under Rule 201 of the Eastern Kern APCD Rules and Regulations.
- Hearing to determine whether a permit shall be revoked, or a suspended permit reinstated under Section 42307 of the California Health & Safety Code.
- Hearing to revoke or modify a variance under Section 42356 of the California Health & Safety Code.

**NOTE:** Petitions for permit revocation shall include information prescribed by Rule 504, Subsection I.F. Petitions for reinstatement of suspended permits shall include information prescribed by Rule 504, Subsection I.G. Petitions for an appeal shall include information prescribed by Rule 506.

- Hearing for an abatement order pursuant to section 42451 of the Health and safety Code

C. Section(s), rule(s), order(s), or permit condition(s) from which the applicant seeks relief:

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D. Facts showing why immediate compliance with section(s), rule(s), order(s), or permit condition(s) is unreasonable. (Attach additional pages if needed):

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E. Excess emissions, if applicable, in pounds per hour and total emissions for the requested duration of the variance. Include all supporting data and calculations:

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F. Excess emissions fees calculated pursuant to Rule 305.1 using data presented in Section E, above. Attach calculations and check for fees.

<u>Excess Pollutant (Tons)</u>	<u>Tons</u>	<u>Fee Amount (\$) (From Rule 305.1)</u>
Organic Gases	_____	_____
Oxides of Nitrogen (as NO <sub>2</sub> )	_____	_____
Sulfur Compounds (as SO <sub>2</sub> )	_____	_____
Particulate Matter	_____	_____

G. Damage or harm resulting or which would result to petitioner from immediate compliance with section(s), rule(s), order(s), or permit condition(s) in question. Include all supporting data:

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H. Facts showing why continued operation under a variance is not likely to cause a nuisance or public health threat. (Section 42353 of the California Health and Safety Code prohibits granting a variance if a violation of Section 41700 will result.) Include all supporting data:

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I. Advantages and disadvantages to residents of the District resulting from requiring immediate compliance or resulting from continued operation under a variance:

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J. Requirements petitioner can meet and date(s) petitioner can comply with such requirements (if other than the proposed compliance schedule.)

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**PROPOSED COMPLIANCE SCHEDULE**

<u>MILESTONE (Increment of Progress):</u>	<u>DATE</u>
1. Submission of approval final control plan(s) and/or complete Authority to Construct Application(s).	_____
2. Issuance of contract(s) or purchase order(s) for process and/or control equipment.	_____
3. Initiation of on-site construction of process and/or control equipment.	_____
4. Completion of construction of process and/or control equipment.	_____
5. Final compliance with all Rules and Regulations.	_____

**NOTE:** Attach full compliance if additional increments are necessary.

**RELATED LITIGATION**

State whether or not any case involving the same equipment or process is pending in any court, civil or criminal.

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Under penalty of perjury, the undersigned hereby certifies the information presented in this petition, to the best of his/her knowledge, is true and correct.

Signature of Applicant (or Agent)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Type Name of Applicant (or Agent)

\_\_\_\_\_  
Date

**ASSIGNMENT OF AGENT**  
**(To Be Submitted by the Person Designating an Agent)**

By means of this article and my signature hereon I \_\_\_\_\_, do hereby:

1. Designate \_\_\_\_\_ as my agent for purposes of signing and filing the attached Eastern Kern APCD Hearing Board Petition, including submission of support materials and data,
2. Certify that I am legally bound to implement any and all commitments made by this agent in the process of petitioning the Hearing Board,
3. Certify that I am legally bound to any and all commitments made by this agent to the Hearing Board, and
4. Agree to immediately notify, in writing, KCAPCD in the event the designee specified above ceases to function as my agent.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

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\_\_\_\_\_

If the organization is a corporation, please attach a copy of the corporate minutes (or resolution) authorizing you to designate the referenced party as agent to act on behalf of the corporation.