



EASTERN KERN AIR POLLUTION CONTROL DISTRICT

2700 "M" STREET SUITE 302, BAKERSFIELD, CA 93301-2370

PHONE: (661) 862-5250 • FAX: (661) 862-5251 • www.kernair.org

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)

- Regular Variance \$750.00
- Interim Variance \$225.00
- Emergency Variance \$225.00
- 90 Day Variance \$350.00
- Product Variance \$750.00
- Modification of Final Compliance Date \$500.00
- Modification of Progress Increment(s) \$350.00
- Appeal Hearing \$750.00
- 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 EKAPCD Use Only)
	FILING FEE: \$ _____ RECEIPT NO: _____
	DATE: _____
	EXCESS EMISSIONS FEE: \$ _____
	DATE _____ RECEIPT NO: _____

NAME: _____

TITLE: _____

ADDRESS: _____

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):

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:

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

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:

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 ₂)	_____	_____
Sulfur Compounds (as SO ₂)	_____	_____
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:

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:

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

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

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.

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



EASTERN KERN AIR POLLUTION CONTROL DISTRICT

2700 "M" STREET SUITE 302, BAKERSFIELD, CA 93301-2370

PHONE: (661) 862-5250 • FAX: (661) 862-5251 • www.kernair.org

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 all applications for EKAPCD Authority to Construct (ATC) and Permit to Operate (PTO), including submission of application support materials and data;
2. Certify that I am legally bound to implement all commitments made by this agent in the process of obtaining any and all ATC's and PTO's;
3. Certify that I am legally liable if any ATC or PTO obtained by this agent is not implemented in strict accordance with conditions of approval and commitments made in application(s) for said ATC's and PTO's;
4. Agree to immediately notify, in writing, EKAPCD in the event the designee specified above ceases to function as my agent; and
5. Certify that I cannot transfer the ownership of any ATC or PTO obtained by this agent without first obtaining approval from the Air Pollution Control Officer pursuant to Rule 203 (Transfer) of the EKAPCD Rules and Regulations.

Agent Information

Agent's Name:		Agent's Title:	
Name of Agency:		Phone:	Fax:
Mailing Address:		E-mail Address:	
City:		State:	Zip:

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

Owner/Operator Information

Business Name:		Responsible Official's Name:	
Mailing Address:		E-mail Address:	
City:	State:	Zip:	Phone:

Print Name: _____

Title: _____

Signature: _____

Date: _____