



**GREAT BASIN UNIFIED
AIR POLLUTION CONTROL DISTRICT**
157 Short Street, Bishop, California 93514
Tel: 760-872-8211 www.gbuapcd.org

VARIANCE PETITION FORM

This form is to submit a petition for a variance to the District Hearing Board. Filing instructions and additional information are included at the end of this form. If the form does not provide adequate space, include responses and/or supporting documents as attachment(s).

FACILITY INFORMATION

Facility Name: _____ Date Submitted: _____

Facility Address: _____
(Location Of Equipment/Site Of Violation; Specify Business/Corporate Address, If Different, Under contact info, below)

FACILITY OWNERSHIP

Organization Type: ☐ INDIVIDUAL ☐ PARTNERSHIP ☐ CORPORATION ☐ GOVERNMENT ☐ OTHER

If Other, Please Describe: _____

Owner Name: _____

If more than one, please provide an attachment with names, addresses and contact information for all owners, partners, and/or managing officers.

Mailing Address: _____

Contact Email: _____ Phone: _____

VARIANCE INFORMATION

Type Of Variance Requested (More than one may be checked if applicable, please refer to instructions and District rules if needed)

☐ EMERGENCY ☐ SHORT ☐ REGULAR ☐ INTERIM

Dates Requested: Variance Start Date _____ End Date _____

PETITION INFORMATION

1. Facility Information: Provide a brief description of the facility including the type of business, processes, and/or equipment. Please include reference to any District permits or applications that are associated with the facility.

2. Non-Compliance: List the District rules, permit conditions, and/or other regulations that you are seeking variance relief. Briefly explain how you are or will be in violation.

3. Time Period: Please provide information regarding when the non-compliance started, when you first became aware of non-compliance, and how long you anticipate the non-compliance to last.

4. Reasonable Control: Explain why it is beyond reasonable control to comply with the rules and/or permit conditions. If requesting an emergency variance, please justify how the situation satisfies the emergency requirements.

5. Effort and Actions to Comply: List dates and actions taken to date to achieve compliance.

6. Impacts to Petitioner: What would be the harm to the petitioner if the variance were not granted?

7. Impacts to Public: Discuss the advantages and disadvantages to the public, including nearby residences, resulting from requiring compliance or from granting a variance. Please describe if operations under the variance, if granted, would constitute a nuisance.

8. Curtail Operations: Can the facility curtail operations in lieu of, or in addition to, obtaining a variance? Please explain.

9. Excess Emissions: Please provide information estimating excess emissions, if any, that will occur during the variance period. If the variance will result in no excess emissions, please explain why there will be no excess emissions. Please provide attachments with the calculations used to estimate emissions. If you are unable to quantify emissions, you may provide a written description.

10. Mitigation and Monitoring: Describe the plan to mitigate excess emissions during the variance period to the maximum extent feasible, or why mitigations are not feasible. Please also include information on if it is possible to monitor or quantify emission levels from the equipment or activities during the variance period, and to make such records available to the District.

11. Compliance Plan and Timeline: Include a detailed description of the plan to achieve compliance. Please specify steps and associated dates or time increments needed to achieve compliance.

12. Additional Outstanding Non-Compliance: Beyond non-compliance associated with this variance request, list any additional existing violations by the Petitioner of District rules, orders, permit conditions, and/or other regulations.

13. Good Cause: Explain why your petition was not filed in sufficient time to issue the required public notice. (Required only for Emergency and Interim Variances)

CERTIFICATION. By signing I certify the following the above petition, including attachments, is true and correct, and I am authorized on behalf of the facility to submit this petition.

Signature

Print Name

Title: _____

Date: _____

Variance Petition INSTRUCTIONS AND SUPPLEMENTAL INFORMATION

Variance Overview

California Health & Safety Code Sections §42350 through 42364 and District Regulation VI, Procedures Before the Hearing Board (District Rules 600-617), provide detailed information regarding variances and hearing procedures. District Rules are available at <https://www.gbuapcd.org/rules>.

The District Hearing Board is an independent quasi-judicial body created by California State law that is authorized to issue variances. A variance is an administrative order granting temporary relief from air quality rules or regulations that allows the facility to operate while taking steps to come into compliance. Variance hearings are formal proceedings.

Per HSC §42352, to grant a variance, the Hearing Board must make the following findings:

- That the petitioner is, or will be, in violation of any rule, regulation or order of the District.
- That due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in an arbitrary or unreasonable taking of property, the closing of a lawful business, or would impose an unreasonable burden upon an essential public service.
- That closing the facility would be without a corresponding benefit in reducing air contaminants.
- That the applicant has considered curtailing operations in lieu of obtaining a variance.
- That during the variance period, the applicant will reduce excess emissions to the maximum extent feasible.
- That during the period the variance is in effect, that the applicant will monitor or otherwise quantify emission levels, and if requested will report these emission levels to the District.

Filing and Fees

- Variance petition should be submitted to:
Hearing Board Clerk - Great Basin Unified Air Pollution Control District
157 Short Street, Bishop, CA 93514
Petitions may be submitted via mail or electronically to permits@gbuapcd.org.
- The Hearing Board filing fee is \$173.00 per petition (fee as of 2023). Emergency variances are exempt from filing fees per District Rule 601. Additional fees may apply to a hearing in accordance with District Rule 306.
- The Hearing Board Clerk will contact you regarding the scheduling of your hearing. If you require accommodations for a disability to participate in the hearing, contact the Hearing Board Clerk as soon as possible but at least five (5) calendar days prior to the hearing.
- The District offers small businesses assistance in filling out the form and developing compliance schedule.
- Please feel free to contact the District in advance to discuss the situation with staff prior to submitting a petition.
- Questions regarding this form should be directed to GBUAPCD at (760) 872-8211 or permits@gbuapcd.org

Type of Variances and Public Noticing

Emergency: If non-compliance is the result of an unforeseen emergency. Only granted for good cause without public hearing. An emergency variance should only be for as long as necessary to repair or remedy a breakdown condition (see District Rule 403 for breakdown definition and information), but in no event after an interim or regular variance hearing has been held, or 15 days from the date of occurrence, whichever is sooner.

Short: If compliance can be achieved in 90 days or less. A 10 day public notice is required for variance requests less than 90 days.

Regular: If compliance will take more than 90 days. If the variance request extends beyond one year, you must include a specific detailed schedule of increments of progress under which you come into final compliance. The Hearing Board is required by law to give 30 days of public notice for hearing of variances requesting relief for over 90 days.

Interim: If you require immediate relief (other than for emergencies) to cover the time until a short or regular variance hearing can be held, request an interim variance. If you request an interim variance, you must also request a short or a regular variance on the same petition. Cannot be granted for more than 90 days.