RULE 5040  PETITIONS FOR VARIANCES (Adopted May 21, 1992; Amended December 17, 1992; Amended December 16, 1993)

1.0  Requirements

In addition to the matters required by Rule 5030 (Contents of Petition), petitions for variances shall state briefly:

1.1  The code, section, or District rule, at issue or being violated, and from which relief is requested.

1.2  The facts showing why compliance with the code, section, or District rule, is unreasonable or unduly burdensome for the applicant.

1.3  The period of time for which the variance is sought. If the variance is for a period of time greater than one year, the petition shall include a compliance schedule which shows dates when increments of progress will be completed (See Rule 5050 (Compliance Schedule)).

1.4  The burden resulting, or which would result, to the petitioner from immediate compliance with such section or rule.

1.5  The requirements of the applicable code, section, or District rule which the petitioner can meet and the date when the petitioner can comply with such requirements.

1.6  The advantages and disadvantages to the residents of the District resulting from requiring compliance or resulting from granting a variance, including the nature, quantity, and air quality impacts, of the emissions which the variance would permit.

1.7  Facts establishing whether or not operations under such variance, if granted, would constitute a nuisance as defined in Rule 4102 (Nuisance) and section 41700 of the Health and Safety Code.

1.8  Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

1.9  Whether or not the subject equipment or process is covered by a Permit to Operate issued by the APCO. If so, state the permit number, operating schedule and excess emissions expected during the period of the variance.

1.10 Whether or not the applicant for the variance has given consideration to curtail operation of the source in lieu of obtaining a variance.
1.11 The methods of monitoring or alternative methods that will be used to quantify and report, pursuant to a schedule established by the District, the emission levels from the source during the period the variance is in effect, if applicable.

1.12 The efforts that will be undertaken during the period the variance is in effect to ensure that excess emissions are reduced to the maximum extent feasible, if applicable.