

**North Coast Unified
Air Quality Management District**

707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



**HEARING BOARD
APPLICATION FOR HEARING**

FILING FEE: \$ _____ (Rule 404 of NCUAQMD Rules & Regulations)

INSTRUCTIONS: Please type or write legibly. If more space is needed, attach extra sheets. Please review the attached "Guidelines for Hearing Board Application." Please note that the Petitioner must submit to the Hearing Board Clerk, one printed copy of all documents submitted in support of their application.

1. Business name: _____
Address: _____
Phone: _____ Contact Person: _____

2. Applicant is: () Individual () Partnership () Corporation
(If Partnership or Corporation, give names, addresses, and titles of all partners or officers).

3. Type of business or activity involved and street address at which it is conducted:

4. Description of article, machine, equipment, or contrivance involved in the application:

5. Purpose of hearing:

() Suspension or revocation of permit under Health and Safety Code, Section 42307

() Variance under Health and Safety Code, Section:

() 42351 Interim () 42359.5 Emergency () 42350(a) Regular

You may only check one box per application form

() Revoking or modifying variance under Health and Safety Code, Section 42356, 42357, or 42358.

() Review denial or conditional granting of authorization for Authority to Construct or Permit to Operate ([Rule 102](#) of the NCUAQMD Rules and Regulations).

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6. Please identify the specific section, rule or order with which you cannot comply or permit modification:
7. Reason(s) why compliance with section, rule, or order cited in line 6 above is beyond your reasonable control:
8. Describe your past diligence to maintain compliance with the provision noted in line 6 above (i.e., programs to monitor emissions, monitoring changes in production rates, monitoring efficiency of emission control equipment, etc.):
9. Damage or harm resulting, or which would result, from compliance with section, rule or order cited in line 6 above:
10. Period of time for which variance or modified variance is sought:
Why:
11. Requirements which applicant can meet, if less than required by section, rule, or order cited in line 6 above:
12. Describe the activities the applicant will take to reduce excess emissions to the maximum degree feasible:
13. Advantages and disadvantages to residents of area if section, rule, or order cited in line 6 above is complied with:
14. Would granting of variance create a public or private nuisance?
Why:
15. Describe how the applicant will monitor or otherwise quantify emission levels during the term of whatever action is taken by the Hearing Board on this application:

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16. Estimate the excess emissions of each pollutant, for the time period requested under this application, which will occur if your facility is granted a variance.

Please describe your method of calculation.

Also, please calculate the excess emissions fee to satisfy the requirements of Rule 405, 5.10:

17. Describe the affects of curtailing operations of the source in lieu of obtaining a variance.

Has consideration been given to curtailing operations? () yes () no

Explain the degree of consideration given to curtailment:

18. If the period of time for which the variance or modified variance is sought will exceed one year, provide or attach a proposed schedule of increments of progress (per HSC 42358).

I, _____
signature title date

hereby certify that the foregoing is true and correct.

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GUIDELINES FOR HEARING BOARD APPLICATION

The North Coast Unified Air Quality Management District (NCUAQMD) Hearing Board has developed a set of guidelines to assist applicants in completing an application for a hearing.

To evaluate the application for a hearing from specific conditions delineated in the NCUAQMD Rules and Regulations, it is necessary that the applicant answer the questions thoroughly. These questions are developed to elicit the answers needed by the Hearing Board to make the required findings in Section 42352 of the Health & Safety Code prior to issuance of a variance. If you are a "small business", as defined in Section 42352.5(b)-1, the NCUAQMD will assign a person to assist you in the completion of this application and developing any needed compliance schedules.

CONTENTS OF PETITION (Rule 601):

1. Name, address and telephone number of petitioner or other person authorized to receive service of notice shall be stated.
2. Indicate whether the petitioner is an individual, co-partnership, corporation, or other entity; names and addresses of partners if a co-partnership, names and addresses of the officers if a corporation, and names and addresses of the persons in control if an entity.
3. Indicate the type of business or activity involved in the application, and the street address at which conducted.
4. Include a brief description of the article, machine, equipment or other contrivance, if any involved in the application.
5. Indicate whether the hearing is to concern:

- A. Whether a permit shall be revoked or a suspended permit reinstated under Section 42307 of the Health and Safety Code of the State of California.

Section 42307: "An air pollution control officer may request the hearing board of the district to hold a hearing to determine whether a permit should be revoked, if he finds that the holder of the permit is violating any applicable order, rule or regulations of the district, or any applicable provision of this division" (California Air Pollution Control Laws).

- B. The granting of variance under Section 42350(a) of the Health and Safety Code of the State of California.

Section 42350: "Any person may apply to the hearing board for a variance from Section 41701 or from the rules and regulations of the district".

Section 42351: Interim Variance. "Any person who has submitted an application for a variance and who desires to commence or continue operation pending the decision of the hearing board on the application may submit an application for an interim variance."

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Petitioners filing for an Interim Variance are required to also file for a regular variance.

Section 42359.5: Emergency Variance: “shall not remain in effect longer than 30 days and shall not be granted when sought to avoid the provisions of Section 40824 or 42351.”

- C. Whether to revoke or modify a variance under Section 42356, 42357, or 42358 of the Health and Safety Code of the State of California.

Section 42356: “The hearing board may modify or revoke, by written order, any order permitting a variance.”

Section 42357: “The hearing board may review and for good cause, such as a change in the availability of materials, equipment, or adequate technology, modify a schedule of increments of progress or a final compliance date in such a schedule”.

Section 42358(a): “The hearing board, in making any order permitting a variance, shall specify the time during which such order shall be effective, in no event, except as otherwise provided in subdivision (b), to exceed one year, and shall set a final compliance date.”

Section 42358(b): “A variance may be issued for a period exceeding one year if the variance includes a schedule of increments of progress specifying a final compliance date by which the emissions of air contaminants of a source for which the variance is granted will be brought into compliance with applicable emission standards.”

- D. Whether to review the denial or conditional granting of an authority to construct or permit to operate under Rule 102 of the NCUAQMD’s Regulations.

6. Identify the specific section, rule or order with which you cannot comply.
7. Indicate the facts showing why compliance with the section, rule or order cited in line 6 above is not within your reasonable control.
8. Indicate the efforts you have made over past years to continually be aware of your compliance status and the monitoring efforts you have exerted to maintain compliance with regulatory emission limits.
9. Indicate the damage or harm resulting or which would result to petitioner from a compliance with such section, rule or order.
10. State the period of time for which the variance or a modified variance is sought and why.
11. State the requirements which petitioner can meet and the date when petitioner can comply with such requirements.
12. State actions that will be taken to reduce excess emissions to the maximum extent possible.
13. Indicate the advantages and disadvantages to the residents of the district resulting from granting a variance.
14. State whether or not operations under such variance, if granted, would constitute a nuisance.
15. State the methods how emissions will be measured and monitored during the term of applicant’s request.

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16. Calculate the excess emissions (emissions above the allowable limit) that are anticipated to occur over the term of the variance, if granted. Show the techniques used to calculate excess emissions for each pollutant. Calculate, showing the method used, the excess emissions fee required by Rule 404(C) of the NCUAQMD's Regulations. Both the excess emissions fee and the filing fee shall be submitted with the application for a variance.
17. State the considerations that were given by the applicant to curtail operations in lieu of seeking a variance.
18. If the period of time for which the variance or modified variance is sought will exceed one year, then the variance must include an increment of progress specifying a final compliance date by which the emissions of air contaminants of a source for which the variance is granted will be brought into compliance with applicable emission standards (HSC 42358). Provide or attach a proposed schedule of increments of progress.

Each application shall be signed by the petitioner, or some person on their behalf, and where the person signing is not the petitioner, it shall set forth their authority to sign.

All petitions shall be typewritten, double spaced, on legal or letter sized paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

Within our capabilities, NCUAQMD staff is willing to assist you in the preparation of your variance application form and supporting documents.