

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.