

Emergency Variance Application Form Instructions

Requests for emergency variances (EV) from Bay Area Air Quality Management District (BAAQMD) air pollution regulations should be submitted to the Hearing Board of the BAAQMD using the attached form.

The Hearing Board is an independent quasi-judicial body created by California State law with the sole authority to grant variances from air quality regulations.

Proper completion of the EV Application form will help the Hearing Board fully consider your request.

EMERGENCY VARIANCE SPECIAL CONSIDERATIONS

An Emergency Variance (EV) is a variance that can be granted for good cause without a public hearing of the Hearing Board *only* for very special circumstances leading to non-compliance. The following stringent conditions **must** be satisfied before such a variance is granted. Non-compliance must be the result of an unforeseen emergency, such as a sudden equipment breakdown, power failure, accidental fire, or natural disaster. In the case of an equipment breakdown, the Applicant must clearly and convincingly demonstrate that the breakdown was beyond their reasonable control and that issues of poor maintenance or negligence are clearly not involved. **An Emergency Variance cannot be granted for more than 30 days.**

FILING STEPS:

1. Make a request via telephone by contacting the Clerk of the Hearing Board at (415) 749-5073.
2. When a telephone request is received, the Clerk's Office Staff will File the EV at the time and date of the initial call and insert these on the EV application form **before** emailing the form to the Applicant. The Applicant must complete the form and return it to the Clerk's Office. If the EV phone call request is received at or before 3 p.m., the Applicant must return the completed EV form to the Clerk's Office **by the end of that same business day (i.e. by 5 p.m.), but no later than 8:30 a.m., on the next business day.** If the EV phone call is received after 3 p.m., then the Applicant may return the completed form **no later than Noon on the next business day.**
3. If you need more space to complete the application form, supplemental sheets may be used. Please attach the additional pages and properly identify the numbered section of the application form that they support.
4. Pursuant to Regulation 3-301 and Health & Safety Code Sec. 42364(a), the filing fee is due within four (4) working days from the date of submission of the EV application, whether or not the EV is granted by the Hearing Board. Checks should be made payable to BAAQMD and recommended to be sent via overnight delivery service

APPLICATION FOR EMERGENCY VARIANCE

TO THE HEARING BOARD
OF THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA
(415) 749-5073

(All Documents Filed with The Clerk’s Office Become Public Record)

(NOTE: If additional space is needed to provide information on this Application, supplemental sheets may be used.)

TO BE COMPLETED BY CLERK:

Date and Time Application Called In:

DOCKET NO.:

Name of Clerk Receiving Application:

Phone # of Clerk:

APPLICANT INFORMATION:

Name of Applicant:

Plant # or G #:

Address of Facility:

CONTACTS:

Person Providing Information

Alternate Contact (Optional)

Name

Title

Company

Phone #

email

1. Briefly describe the type of operation or facility:

How many employees do you have?

What is your Gross annual income?

List parent company and/or subsidiaries of the Applicant:

2. Describe the equipment/activity for which a Variance is being sought (type of equipment/activity, purpose, why is it essential to your business?):

Source #(s):

If Applicable: Total # of Nozzles Tagged Out-of-Order: _____ out of:

3. Is there a regular maintenance and/or inspection schedule for this equipment?

Yes No

If Yes, how often?

What was the date of the last maintenance and/or inspection?

Are maintenance records available?

Was there any indication of problems?

4. District Regulation(s) and/or Permit Condition(s) from which variance relief is sought:

(If Opacity will exceed Ringelmann 2 during the variance period, include California Health and Safety Code Section 41701 in Applicant's request for Variance.)

5. **Describe, in detail, the failure or malfunction (include how and when it was discovered, who discovered it and what is the nature of the failure):**

Did the failure/malfunction create a public nuisance? Yes No

Has Applicant received any complaints from the public regarding the operation of the subject equipment or activity within the last six months? Yes No

6. **Has the District issued any Notice(s) of Violation (NOVs) to the Applicant concerning this failure/malfunction? Yes No**

If Yes, provide NOV #s:
(If available, please attach a copy of each NOV.)

7. **Describe the cause(s) of the failure or malfunction. Include the name and title of the person who determined the cause of the failure/malfunction:**

8. **Carefully explain why the circumstances leading to the need for this Emergency Variance were beyond the Applicant's reasonable control and why they satisfy the "EMERGENCY VARIANCE SPECIAL CONSIDERATIONS" listed on Page # 1:**

9. Estimated Total Excess Emissions:

<u>Pollutant</u>	<u>Net Emissions After Mitigation (lbs/day or Opacity %)</u>
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Provide Supporting calculations.

- 10. Do the additional emissions from the failure or malfunction contain any Toxic Air Contaminants (TAC) [pursuant to Health and Safety Code Section 39655] or odorous substances? Yes No If Yes, list the TAC's:**

Provide supporting calculations:

- 11. What actions has Applicant taken to correct the failure or malfunction?**

- 12. What immediate actions did Applicant take to mitigate excess emissions?**

- 13. Briefly explain Applicant's plan for returning to compliance:**

14. Please write in the variance period Applicant is requesting:

<p><u>VARIANCE PERIOD REQUESTED</u></p> <p>Start Time and Date:</p> <p>End Time and Date:</p>

15. Explain how Applicant plans to reduce (mitigate) excess emissions during the variance period to the maximum extent feasible, or why reductions are not feasible (mitigation may include reductions at other sources):

16. If requested to do so, will the Applicant monitor or quantify emissions during the variance period? Yes No

17. Has Applicant considered curtailing or modifying operations of the source in lieu of obtaining a variance? Yes No

Briefly explain why Applicant cannot curtail, terminate or modify operations in lieu of obtaining a variance:

VERIFICATION

I, the undersigned, do hereby declare under penalty of perjury, under the laws of the State of California, that I have read the foregoing document and that I know its contents are true.

Dated at _____, on _____

Signature _____ Title _____

TO BE COMPLETED BY CLERK:

Date and Time Application for Emergency Variance delivered to Enforcement Division:

Date: _____ **Time:** _____