

**SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT HEARING BOARD
FACTS TO SUPPORT FINDINGS NECESSARY TO GRANT A PRODUCT VARIANCE**

(Attach additional pages, if needed)

PETITIONER: _____ PETITION NUMBER (assigned by Clerk): _____

A. The manufacture, distribution, offering for sale, sale, application, soliciting the application, or use of the product is, or will be, in violation of a rule, regulation or order of the District.
State which rule, regulation or order of the District will be violated.

B. Due to conditions beyond the reasonable control of the Petitioner, requiring compliance would result in either an arbitrary or unreasonable taking of property, or the practical closing and elimination of a lawful business.
Describe (1) why the need for a Variance is beyond your reasonable control, and (2) the impact that denial of a Variance would have on your business.

C. The taking or closing would be without a corresponding benefit in reducing air contaminants.
Compare the reduction in air contaminants if you were not given a Variance and complied with the rule(s) listed above in item A with the business impact discussed in item B.

D. The Petitioner exercised due diligence in attempting to locate, research, or develop a product that is in compliance with District Rules and Regulations.
Describe the facts that show the efforts you have made to achieve compliance instead of requesting this Variance.

E. During the period that the product Variance is in effect, the Petitioner shall quantify any excess emissions to the maximum extent feasible and report the emissions to the District, if requested by the District.
Describe (1) why, if a Variance is granted, the emissions will not likely create a nuisance violation; (2) why continued operation is not likely to create an immediate threat or hazard to public health or safety; and (3) how you will keep records, logs, or schedules that quantify emissions.

I declare, under penalty of perjury under the laws of the State of California, that the information provided above is true and correct.

Date Signed: _____

Authorized Signature: _____

Print Name and Title: _____