

LASSEN COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 5:7 PRODUCT VARIANCES

Adopted 10/01/1971, Amended 03/13/2012

1. PRODUCT VARIANCES: Notwithstanding the above, the following specific items apply to Product Variances.

1.1 Specific Contents of Petition: In addition to the requirements set forth in Rule 5:4 General Administrative Requirements, petitions for Product Variances shall state briefly:

1.1.1 The facts showing that the petitioner exercised due diligence in attempting to locate, research, or develop a product that is in compliance with DISTRICT Rules and Regulations (HSC Section 42368).

1.1.2 A proposed written notice that is to be furnished to any retailer, distributor or purchaser of the product for the duration of the variance. The notice shall contain the following information (HSC Section 42368):

1.1.2.1 That the product is being sold pursuant to a Product Variance granted by the DISTRICT Hearing Board.

1.1.2.2 The beginning and ending dates of the Product Variance.

1.1.2.3 Any conditions to be set forth in the Product Variance which might reduce excess emissions to the extent feasible.

1.2 Notice of Hearing: Notice shall be given in accordance with Rule 5:4 General Administrative Requirements.

1.3 Determination of Variance Findings: No Product Variance shall be granted unless the Hearing Board makes all of the following findings (HSC Section 42368):

1.3.1 The facts substantiating that 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.

1.3.2 Due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either (A) an arbitrary or unreasonable taking of property, or (B) the practical closing and elimination of a lawful business.

1.3.3 The taking or closing would be without a corresponding benefit in reducing air contaminants.

1.3.4 The petitioner exercised due diligence in attempting to locate, research or develop a product that is in compliance with DISTRICT Rules and Regulations.

1.3.5 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 emission level to the DISTRICT, if requested by the DISTRICT.

- 1.3.6** Verification that during the duration of the variance the appropriate and approved notice shall be provided to any retailer, distributor or purchaser of the product who is located in the district.