



Our Vision ☀ Clean Air

H.B. Case No.: 2016-27-R
Petitioner: Venoco, LLC
Permit No.: 7904
Date Rec'd: 09/07/16
Time Rec'd: 15:38
Filing Fee Paid: \$580.00

PETITION FOR VARIANCE

Type of Variance Requested:

Emergency _____ Interim¹ _____ 90-Day _____ Regular X

Length of Variance Requested: Start Date October 22, 2016
End Date October 21, 2017

¹ A 90-Day or Regular Variance must be filed concurrently with an Interim Variance

1. PETITIONER INFORMATION

A. Please provide the name, address and phone number of the Petitioner.

Name: Venoco, LLC. – John Garnett
Address: 6267 Carpinteria Ave.
Carpinteria, CA
Phone Number: (805) 745-2170

B. Please provide the name, address and phone number of the person authorized to receive correspondence regarding this Petition if different from response in 1.A.

Name: [Same as 1.A]
Address: _____

Phone Number: _____

C. The Petitioner is (please check one):

- 1) An Individual ()
- 2) Partnership ()
- 3) Corporation (X)
- 4) Public Agency ()
- 5) Other Entity (please describe)

2. Location of equipment for which the variance is requested if different from response in 1.A.

7979 Hollister Ave. Goleta, CA 93117

3. List any District permits that are applicable to the equipment subject to this variance request.

FINAL Part 70/APCD Permit to Operate No. 7904-R10

4. Briefly describe the equipment that is the subject of this Petition.

Ambient air monitoring station.

5. FINDINGS REQUIRED FOR THE GRANTING OF A VARIANCE

In order for the Hearing Board to grant a variance to a Petitioner authorizing the operation of a source in violation of any rule, regulation or order of the District, the Hearing Board is required to make "findings" in accordance with the requirements specified in California Health and Safety Code §42352, et. seq. and District rules and regulations. The Hearing Board's variance decision will take into consideration information you provide in this Petition. Please ensure your responses are complete and thorough. Please use additional pages as necessary.

A. Please state 1) what District rule, regulation or order you either are or will be in violation of, and 2) the date said violation will or did occur. Include as appropriate the applicable permit conditions for which variance relief is being sought.

- 1) PTO 7904-R10, Permit Condition No. 9.C.17: Ambient Air Monitoring Stations
- 2) October 21, 2016.

B. Please describe how compliance with the District rule, regulation or order listed in Section A above is beyond your reasonable control. In addition to any other relevant factors, please include in your discussion 1) what actions you have taken to comply or seek a variance, which were timely and reasonable under the circumstances.

Venoco's lease to to operate the ambient monitoring station located at 7760 Hollister Ave. terminated on October 31, 2015 due to development plans which have finally been approved for the property owner. Venoco has been aware of the development plans since 2008 and has aggressively and continuously searched for a new location which is acceptable to the District since

that time. Every single parcel in the potential monitoring zone has been vetted, but no property owners in the area have proven willing to lease space for this activity. Since the granting of Variance 2015-32-R in December 2015, Venoco has continued to seek a new location and engage property owners of potential sites. While Venoco continues to explore possible sites, we are requesting a Modification of Final Compliance Date of Regular Variance 2015-32-R.

See addendum (with map) to this petition which itemizes all locations which have been vetted since 2009. Two separate ATC applications have been submitted for locations which later fell through, and tens of thousands of dollars have been spent toward the relocation effort. The only remaining locations which remain an option are 1) on the property of the Timbers Restaurant, located to the northeast of the EOF, on the other side of Highway 101, and 2) the proposed City of Goleta Fire Station location near the corner of Hollister Ave. and Winchester Cyn. Rd. (Note: this site is not expected to be developed, and therefore available to accommodate an air station, for at least several more years.) Therefore all due diligence has continued to be taken at this point to remain in compliance with the monitoring requirement. There is no cost benefit associated with non-compliance, and no resulting increase in air contaminants.

- C. Please describe how you would be impacted if you were required to immediately comply with the District rule, regulation or order the subject of this variance request. In addition to any other relevant factors, please discuss why such impacts would result in 1) an arbitrary or unreasonable taking of property, or 2) the practical closing and elimination of a lawful business.

Since it is impossible for Venoco to comply with this permit condition due to total lack of availability of a new location, Venoco would have to cancel the Ellwood Onshore Facility (EOF) operating permit and cease operations, which would result in the unreasonable taking of a business, plus loss of jobs and tax revenues to local government entities, etc. The impact of cessation of monitoring data from one station would not be commensurate with the impacts of entire facility closure.

- D. If you were required to immediately comply with the District rule, regulation or order the subject of this variance request, please describe what impact, if any, that would have on air contaminants.

There will be no emissions resulting from the cessation of operating the monitoring station.

- E. Please describe what consideration you have given to curtailing operations in lieu of obtaining a variance.

Consideration of curtailing operations determined that it is not reasonable to cease operations since there will be no emissions associated with non-operation of the monitoring station, and further the station did not detect any sulfur readings above 5 parts per billion (i.e. background level) from 2009 through cessation of operation in October 2015.

- F. Please describe what steps and measures you will take to reduce excess pollutant emissions the maximum extent feasible during the requested variance period.

There will be no emissions associated with the granting of this variance.

- G. If requested to do so by the District, please describe how you will monitor or otherwise quantify and report to the District any pollutant emissions associated with the granting of your variance.

There will be no emissions associated with the granting of this variance. With regard to EOF operations fenceline monitors at that facility will continue to detect (and trigger alarms) for any excess emissions from facility operations.

6. SUPPLEMENTAL FINDINGS IF APPLYING FOR AN EMERGENCY VARIANCE PURSUANT TO RULE 506 (EMERGENCY VARIANCE FOR BREAKDOWNS)

A. Please provide the date and time the breakdown was reported to the District

Date: N/A Time: N/A

B. Breakdown number (as provided by the District): N/A

C. Please provide a description of the "breakdown condition", including equipment involved and the cause to the extent it is known.

N/A.

D. Please describe why the continued operation of your facility in a "breakdown condition" is not likely to cause an immediate threat or hazard to public health or safety and will not interfere with the attainment or maintenance of any primary national ambient air quality standard.

N/A.

7. Will the operation of the equipment subject to this variance result in violation of District Rule 303, Nuisance?

A nuisance will not occur as there will be no emissions resulting from the granting of this variance. Further, fenceline monitors at EOF will detect any nuisance odors from that facility. These onsite monitors are positioned to intercept any nuisance odors well before the ambient monitoring station would.

8. Please state whether or not any civil or criminal case involving the equipment subject to this variance is pending any court. There are no civil or criminal cases involving the equipment subject to this variance.

The undersigned is authorized to submit the above Petition on behalf of the Petitioner and further states under penalty of perjury that the above Petition, including any attachments and the items therein set forth, are true and correct.

DATE: September 8, 2016

SIGNATURE: 

TITLE:

Environmental Coordinator

PRINT NAME: John Garnett

Ellwood Air Monitoring Site ----- Potential Re-Locations

Location	APN #	Adjacent / Additional Property Information	Evaluation/Response	Other Comments
Dixon Property	079-210-057	Dixon Property --- new development	No	2008 landowner informed Venoco of proposed property development. Sept 2011 landowner informed Venoco of project delays, changed to monthly lease. June 2015 property owner informed Venoco to remove station for development of assisted living center (2015-2016)
Exxon Parking Lot	079-210-054	Dixon Property	No	Discussed with Exxon & landowner Dixon. Exxon will not consent to mixed use = No (2010)
Ellwood School	079-210-022	Back Grassy Maintenance Area & front parking area/entrance	No	Multiple discussions with GUSD officials, did not want the attractive nuisance... (2009 - 2014). School District declined recent (2016) request by APCD.
Sandpiper (Trust) Golf Course	079-210-059	Maintenance shop area	No	2009 Proposed to install in open area or near fence maintenance yd. - written response = No (- 2010) Proposed to new Golf Director. Kyle Oliver in Aug. 2015 - written response = No
Delwiche Family	079-210-056	On Hollister - between Las Armas & Valero Drive	No	Numerous discussions with landowner's atty. to no avail (2009 - 2016); Negotiated temp. placement, but landowner proposed to sell property in May 2015. Discussions with CHP in 2016 were unresponsive. This parcel is further complicated with an existing LEASE to Bacara for storage
Old Bernalde Gas Station (Sandpiper Golf Course)	079-210-059	Historic Site	No	2009 Discussed with land owner Sandpiper Trust Golf - too sensitive, historical landmarks
RRI Energy (family SCE Reliant) Station)	079-210-003	Empty lot; designated wetland	No	2009 No Trespassing, verbally confirmed again (- late 2011)
GenOn property	079-210-053	Adjacent to SCE Reliant Station	No	2009 No Trespassing (email response) , verbally confirmed again (Aug. 2011)
CALTRANS -- Hwy 101	N/A	Freeway corridor	No	No Trespassing
Union Pacific Railroad	N/A	100' ROW corridor	No	Significant diesel impact, not acceptable by Tracer or APCD (2010)
Oly Chadmar - Sandpiper Gen. Partnership	079-210-049	Across Hollister Ave. from Sandpiper	No	Discussed with land owner: said not interested, (formal response March, 2012)
City of Goleta -- Future County Fire Station	079-210-075	City property; at intersection of Hollister Ave and Cathedral Oaks101 overpass	Pending	Requested City to consider locating at proposed fire station (April 2016); Fire Chief verbally approved mixed use (March 2016)- Fire Station placement is pending City project design and other agency approvals.
RDPH Properties, (Winchester Commons)	079-121-008	North side of Hwy 101	No	Parcel became unavailable due to Cathedral Oaks overpass project. Per phone call with Winchester Commons Board on 12/2009.
Winchester LLC (Union Gas Station)	079-121-016	Corner of Winchester Canyon Rd	No	2009 High density traffic and overnight truck parking. Verbally declined by owner, limited space for station.
Hooth Santa Barbara Real Estate Env. LLC [Rezvani, Hoochang --- (site of Timbers Restaurant)]	079-121-007	Open space area, Behind restaurant adjacent to block wall; and at very eastern corner	No	Multiple options proposed, landowner has been acceptable (2009 - 2016). 2009 APCD declined proposed location; 2010 Venoco pursued new location but pulled application due to City permitting issues. Continued discussions with landowner Sept 2015 & June 2016; Discussed possible locations with City (March - August 2016) placement difficult due to met tower. Current proposed location denied previously by APCD and does not meet City conditions. Landowner is limiting placement to northern or eastern edge of property.
Las Armas Rd. - City ROW (2 locations)	079-210-049	City ROW, end of Las Armas Rd. & west road shoulder	No	2010 APCD agreed, Venoco pulled due to proximity to SCE overhead powerlines. 2nd location, APCD agreed and PTO submitted. City agreed to ROW placement on road side, project declined by City due to proposed residential development, PTO mod application pulled.
City Park, Parking Area	079-210-069	Across from Ellwood School	No	Site not preferred due to park setting.



Sent via e-mail

September 7, 2016

Mike McKay
Inspection Specialist
Santa Barbara County APCD
260 N. San Antonio Rd. Suite A
Santa Barbara, CA 93110

Re: Regular Variance Petition for Venoco Ellwood Onshore Facility (EOF)

Dear Mike,

Please find enclosed a Petition for Variance for the Venoco EOF. The applicable permit condition for which variance relief is being sought is condition 9.C.17 of PTO 7904-R10. The following items are included with this submittal:

1. Signed "Petition for Variance";
2. List of all potential air monitoring station locations which have been vetted during Venoco's unsuccessful effort to secure a new location;
3. Monitoring station locations "site summary map".

Please debit the required fee from Venoco's reimbursable account. If you have any questions, please contact me at (805) 745-2170 or john.garnett@venocoinc.com. Thank you for your assistance in this matter.

Sincerely,

John Garnett
Environmental Coordinator

Enclosures noted

cc: variance@sbcapcd.org