

	Case No / Date	2016-41-E	11/28/16
	Petitioner	United States Air Force	
	Permit #	13968	
	Date Rec'd	11/21/16	
	Time Rec'd	10:55	
<b>FOR OFFICIAL USE ONLY</b>			

**BEFORE THE HEARING BOARD  
OF THE SANTA BARBARA COUNTY  
AIR POLLUTION CONTROL DISTRICT**

In The Matter of the Application of )  
United States Air Force for an Emergency )  
Variance from District Rule 206, )  
Conditions 9.C.24, 9.C.26, and 9.C.27 of )  
Permit to Operate 13968 )

**H.B. Case No. 2016-41-E**

**VARIANCE FINDINGS**

**AND ORDER**

The United States Air Force filed a Petition for an Emergency Variance on November 22, 2016. A hearing regarding the above-entitled matter was held on November 28, 2016 with Mike McKay appearing for the Santa Barbara County Air Pollution Control District.

This matter having been fully presented and duly considered, the Hearing Board makes the following findings and gives the following reasons for its decision.

1. Notice of the Hearing was duly given in the manner and for the time required by law.
2. Sworn testimony and argument on behalf of the Petitioner and the Air Pollution Control Officer were made, received and considered.
3. The Petitioner operates the equipment described in the Petition at Vandenberg Air Force Base, located 9.2 miles northwest of Lompoc, California.
4. On November 17, 2016, the Petitioner discovered a malfunction with internet connectivity related to their CEMS, causing a disruption in telemetering data to the District. After multiple failed attempts to repair the data transfer issue, the Petitioner filed Breakdown #11331 at 08:30 on November 18, 2016. The Breakdown afforded the Petitioner 96 hours of protection. Unable to repair the issue within 96 hours, the Petitioner filed a 15-day Emergency Variance Petition to continue protection. While the Petitioner has not lost any data, the connectivity problem has made them unable to meet their permit requirement to continuously send data to the District. Until internet connectivity is reestablished, the Petitioner is unable to maintain compliance with the above conditions.

5. If, due to reasons beyond the control of the Petitioner, successful equipment repairs are unable to be completed during this Variance period, additional relief will be sought.
6. A nuisance as defined in District Rule 303 is not expected to occur as a result of this variance and continued operation is not likely to create an immediate threat or hazard to public health or safety.
7. The District staff supports the Petition as conditioned below.
8. Pursuant to Health and Safety Code section 42359.5, I find that "good cause" exists for the granting of Petitioner's request for an Emergency Variance.

**THEREFORE, THE HEARING BOARD ORDERS,** as follows:

That a 30-Day Emergency Variance be granted for the operation of the Petitioner's facility in violation of Rule 206, Conditions 9.C.24, 9.C.26, and 9.C.27 of Permit to Operate 13968 from November 21, 2016 through December 05, 2016 with the following conditions:

1. Petitioner shall submit a written report to the Hearing Board and District by December 23, 2016. The report shall include the date compliance was achieved together with a description of the corrective action taken, and emissions, if any, that occurred during the variance.
2. Petitioner shall retain the obligation to comply with all other local, state and federal regulations not specifically referenced in the Order.
3. Failure to abide by all conditions of this Order shall subject the Petitioner receiving the variance to penalties set forth in Health and Safety Code section 42402.
4. Each day during any portion of which a violation occurs is a separate offense.

DATED: 11/28/2016

  
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Robert Saperstein  
Santa Barbara County Air Pollution Control District  
Hearing Board