

 <p><b>Santa Barbara County Air Pollution Control District</b></p>	<b>Case No / Date</b>	<b>2016-46-E</b>	<b>12/21/16</b>
	<b>Petitioner</b>	<b>FMOG</b>	
	<b>Permit #</b>	<b>PTO 9104</b>	
	<b>Date Rec'd</b>	<b>12/20/16</b>	
	<b>Time Rec'd</b>	<b>13:39</b>	
<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 )  
Freeport McMoRan Oil & Gas for an )  
Emergency Variance from District )  
Rules 359 and 206, Condition )  
9.C.3(c)(i) of Part 70/Permit to )  
Operate 9104. )

**H.B. Case No. 2016-46-E**

**VARIANCE FINDINGS**

**AND ORDER**

Freeport McMoRan Oil & Gas filed a Petition for an Emergency Variance on December 20, 2016. A hearing regarding the above-entitled matter was held on December 21, 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 Platform Hermosa, located on offshore lease tract OCS-P-0316, approximately ten miles offshore of Point Arguello, California.
4. On December 19, 2016, Breakdown #11337 was reported to the District for a faulty flare meter. The breakdown allows for 96-hours of coverage, however, the Petitioner is unable to repair the meter within that timeframe, therefore, a petition was submitted requesting continued coverage until the meter can be repaired. The meter is required for monitoring flare volumes for both planned and unplanned flaring events. Platform Hermosa has been shut down since May 29, 2015 due to the All American Pipeline failure and the Petitioner does not foresee any flaring events in the near future. If gas did have to be flared for piping repair, the Petitioner would be able to monitor the amount flared by pressure

changes in the associated system. There are no expected emissions related to the granting of this Variance request and the Petitioner expects the meter to be repaired within the allotted timeframe.

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 an Emergency Variance be granted for the continued operation of the Petitioner's facility in violation of District Rules 359 and 206, Condition 9.C.3(c)(i) of Part 70/Permit to Operate 9104 and the associated Compliance Monitoring Plan from December 22, 2016 through January 20, 2017, or the date the Petitioner's flare meter is returned to compliance, whichever occurs first, with the following conditions:

1. The Petitioner shall submit a written report to the Hearing Board and District by February 03, 2017. The report shall include the date compliance was achieved together with a description of the corrective action taken and the dates, times, flare volumes and actual emissions 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: 21 Dec 16



Lee-Volker Cox  
Santa Barbara County Air Pollution Control District  
Hearing Board