

	Case No / Date	2017-12-E	02/17/17
	Petitioner	E&B Natural Resources	
	Permit #	Part 70/PTO 7250	
	Date Rec'd	02/14/17	
	Time Rec'd	15:30	
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**BEFORE THE HEARING BOARD
OF THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

In The Matter of the Application of)
 E&B Natural Resources for an)
 Emergency Variance from District)
 Rules 325 and 206, Conditions)
 9.C.2(b)(i), 9.C.3, 9.C.7, and 9.D.11 of)
 Part 70/Permit to Operate 7250.)

H.B. Case No. 2017-12-E

VARIANCE FINDINGS

AND ORDER

E&B Natural Resources filed a Petition for an Emergency Variance on February 14, 2017. A hearing regarding the above-entitled matter was held on February 17, 2017 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 the South Cuyama Unit, which is part of the South Cuyama Stationary Source, located three miles southwest of the town of New Cuyama, California.
4. On February 13, 2017, the petitioner found their vapor recovery system (VRS) at the South Cuyama Unit (SCU) to be failing. The petitioner submitted breakdown #11365 and began repairs on the VRS. It was determined that the VRS could not be repaired within the relief period allowed by the submitted breakdown. Therefore, an Emergency Variance Petition was filed on February 14, 2017 requesting continued coverage in order to repair the VRS. The VRS failure was a result of the foundation failing. This caused a misalignment of the compressor and motor. If the VRS continued to operate in this state, it would sustain permanent damage. The petitioner performs routine maintenance on the

VRS and states the foundation failure was unforeseen and could not have been anticipated. If the petitioner were to comply with District Rules and Regulations, they would need to empty and de-gas all associated tanks. This process requires a two-week notification and would likely create more excess emissions than which would be allowed by the granting of this variance. Within the same two-week timeline, the VRS is expected to be repaired and returned to service.

5. 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.
6. The District staff supports the Petition as conditioned below.
7. 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 15-Day Emergency Variance be granted for the continued operation of the Petitioner's facility in violation of District Rules 325 and 206, Conditions 9.C.2(b)(i), 9.C.3, 9.C.7, and 9.D.11 of Part 70/Permit to Operate 7250 from February 14, 2017 through February 28, 2017 with the following conditions:.

1. Petitioner shall submit a written report to the Hearing Board and District by March 17, 2017. The report shall include the date compliance was achieved together with a description of the corrective action taken and the dates, times, 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 the 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: 2/17/17



Don Ward, Member
Santa Barbara County Air Pollution Control District
Hearing Board