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| Case No / Date | 2017-18-E | 08/17/17 |
| Petitioner | J&A - Santa Maria, LLC | |
| Permit # | 13865 | |
| Date Rec'd | 08/11/17 | |
| Time Rec'd | 16:28 | |
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**BEFORE THE HEARING BOARD
OF THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

In The Matter of the Application of)
 J&A Santa Maria Marian Medical for)
 an Emergency Variance from District)
 Rule 206, Conditions 7 and 7.b of)
 Permit to Operate 13865.)

H.B. Case No. 2017-18-E

VARIANCE FINDINGS

AND ORDER

J&A - Santa Maria, LLC filed a Petition for an Emergency Variance on August 11, 2017. A hearing regarding the above-entitled matter was held on August 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 Marian Regional Medical Center at 1400 East Church Street in the City of Santa Maria, CA.
4. On August 05, 2017, there was a fire at the Petitioners facility. While the cause of the fire is still under investigation, the Petitioners monitoring equipment lost power due to the fire. This sudden loss of power caused the facility to be in violation of the above conditions as their permit requires telemetering equipment to be in place and functional for the life of the project. After discussing with the District about how to proceed, the Petitioner decided to file an Emergency Variance Petition to request coverage from the above conditions until they can return to compliance. The engine associated with the monitoring equipment is currently not operating, and will remain shut down until the

monitoring equipment is operational. The Petitioner expects power to be restored and the facility back in compliance before the end of the requested variance coverage.

5. If the Petitioner is not able to return to compliance prior to the end of the requested variance period, the Petitioner will need to submit an Interim and 90-Day variance petition in order to request continued variance protection.
6. Without variance coverage, the Petitioner would be in violation of District Rule 206, Conditions 7 and 7.b Permit to Operate 13865.
7. There are no expected excess emissions related to the granting of this variance.
8. 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.
9. The District staff supports the Petition as conditioned below.
10. 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.

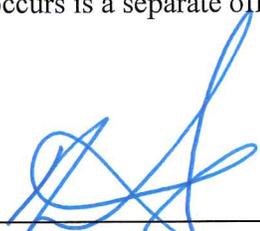
THEREFORE, THE HEARING BOARD ORDERS, as follows:

That an Emergency Variance be granted for the continued operation of J&A - Santa Maria, LLC in violation of District Rule 206, Conditions 7 and 7.b of Permit to Operate 13865 from August 11, 2017 through September 09, 2017, or the date the facility returns to compliance, whichever occurs first, with the following conditions:

1. Petitioner shall submit a written report to the Hearing Board and District by September 22, 2017. The report shall include the date compliance was achieved together with a description of the corrective action taken and the dates, times, 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: _____

8/17/17



Robert Saperstein, Member
Santa Barbara County Air Pollution Control District
Hearing Board