

 <p>Santa Barbara County Air Pollution Control District</p>	Case No / Date	2018-02-E	01/19/18
	Petitioner	FMOG	
	Permit #	9103	
	Date Rec'd	01/17/18	
	Time Rec'd	14:21	
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**BEFORE THE HEARING BOARD
OF THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

In The Matter of the Application of)
 Freeport McMoRan for an Emergency)
 Variance from District Rule 206,)
 Conditions 9.C.2(d)(vi), 9.C.2(e)(viii),)
 9.C.2(f), and 9.C.26 of Part 70/Permit)
 to Operate 9103.)

H.B. Case No. 2018-02-E

VARIANCE FINDINGS

AND ORDER

Freeport McMoRan (FMOG) filed a Petition for an Emergency Variance on January 17, 2018. A hearing regarding the above-entitled matter was held on January 19, 2018. Glenn Oliver and David Rose represented the Petitioner, Mike McKay represented the Santa Barbara County Air Pollution Control District, and Terence Dressler represented the Hearing Board for this Emergency Hearing.

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 Harvest, located on offshore lease tract OCS-P-0315, approximately ten miles offshore of Point Arguello, California.
4. The Petitioner operates gas turbines that provide power for main lighting and safety systems at Platform Harvest. The Automatic Data Gathering System (ADGS) used to monitor emissions related to the operation of these turbines failed on January 10, 2018. The source of disruption was determined to be a failed main ethernet connection. Replacement parts were ordered as soon as the failure was identified. On January 12,

2018, the Petitioner requested breakdown coverage (Breakdown #11484) and subsequently filed for this Emergency Variance as they were informed replacement parts would not be available until after Breakdown coverage would end.

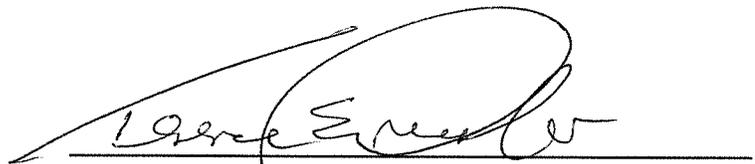
5. The Petitioner does have an emergency standby generator available for use. However, operating the diesel powered emergency generator to provide power would be at a cost of \$6,000/day vs \$2,000/day for the natural gas fired turbines. In addition, shutting down the turbine would not prevent a violation from occurring, as non-operation is an activity that needs to be recorded. The operation of a Harvest turbine without ADGS does not cause excess emissions and the Petitioner will continue to document emissions from the turbine operation in accordance with District approved procedures for ADGS downtime.
6. Without Variance coverage, the Petitioner will be in violation of District Rules 206, Conditions 9.C.2(d)(vi), 9.C.2(e)(viii), 9.C.2(f), and 9.C.26 of Part 70/Permit to Operate 9103.
7. 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.
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 the Petitioner's facility in violation of Rule 206, Conditions 9.C.2(d)(vi), 9.C.2(e)(viii), 9.C.2(f), and 9.C.26 of Part 70/Permit to Operate 9103 from January 18, 2018 through February 01, 2018, or the date compliance is achieved, whichever occurs first with the following conditions:

1. Petitioner shall submit a written report to the Hearing Board and District by February 16, 2018. 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.
5. The Environmental Protection Agency does not recognize California's Variance program, therefore, this Variance does not protect the Petitioner from Federal Enforcement actions.

DATED: 1/24/2018



Terence Dressler, Member
Santa Barbara County Air Pollution Control District
Hearing Board