

 <p>Santa Barbara County Air Pollution Control District</p>	Case No / Date	2019-02-E	4/4/19
	Petitioner	MM Tajiguas Energy, LLC	
	Permit #	Part 70/PTO 15136	
	Date Rec'd	3/15/19	
	Time Rec'd	0543 hours	
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**BEFORE THE HEARING BOARD
OF THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

In The Matter of the Application of)
MM Tajiguas Energy, LLC for an)
Emergency Variance from District)
Rule 206, Conditions 9.C.1(b)(vii) and)
9.C.2(b)(iii) of Part 70/Permit to)
Operate 15136.)

H.B. Case No. 2019-02-E

VARIANCE FINDINGS

AND ORDER

MM Tajiguas Energy, LLC filed a Petition for an Emergency Variance on March 15, 2019. A hearing regarding the above-entitled matter was held on April 4, 2019. Suparna Chakladar and Don Ross represented the Petitioner, Kaitlin McNally and Aimee Long represented the Santa Barbara County Air Pollution Control District, and Francis Peters, Jr. 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 the Tajiguas Landfill located at 14470 Calle Real in Santa Barbara County.
4. Landfill Gas (LFG) generated at the Tajiguas Landfill is routed through a collection system. Some of the LFG is scrubbed of moisture, particulates and hydrogen sulfide, and then all of the collected LFG is combusted in an onsite ground enclosed flare or IC engine. The landfill LFG collection system, hydrogen sulfide scrubber system and leachate management system are owned and operated by the Santa Barbara County Public Works Department (herein referred to as the County). The combustion equipment

(enclosed flare and IC engine) is operated by the Petitioner.

5. On March 14, 2019, the Petitioner was notified by the County, the hydrogen sulfide content in the influent landfill gas was recorded at 140 ppm (limit 100 ppm). On March 20, 2019, another exceedance was recorded (110 ppm hydrogen sulfide). According to the Petitioner, the hydrogen sulfide has been steadily recorded at 85 ppm from the beginning of 2019 until March 14, 2019. The Petitioner is requesting variance coverage to evaluate conditions causing the increased hydrogen sulfide, including but not limited to discussing additional treatment of untreated gas by the County in their treatment system. During this evaluation the Petitioner has requested to operate the IC engine and/or flare in violation of District Rule 206, Conditions 9.C.1(b)(vii) and 9.C.2(b)(iii) of PT 70 PTO 15136.
6. Without Variance coverage, the Petitioner will be in violation of District Rule 206 and Conditions 9.C.1.b.vii and 9.C.2(b)(iii) of PT 70 PTO 15136.
7. During variance coverage, the Petitioner will measure the hydrogen sulfide content of the influent landfill gas daily at the compliance monitoring point as identified in PT 70 PTO 15136, when the equipment is in operation.
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. 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.1.b.vii and 9.C.2(b)(iii) of PT 70 PTO 15136 from March 15, 2019 through April 13, 2019, 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 April 30, 2019. The report shall include the date compliance was achieved together with the cause of the exceedance; description of the corrective action taken; well map with hydrogen sulfide readings in the well field; dates, times, and hydrogen sulfide readings for the daily hydrogen sulfide emission measurements at the influent sampling point for the engine and/or flare; and the dates, times, and actual emissions that occurred during the variance, if any.
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.
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: 4-4-2019



Francis Peters, Jr., Vice-Chair
Santa Barbara County Air Pollution Control District
Hearing Board