

	Case No / Date	2016-13-M2	5/1/19
	Petitioner	ExxonMobil Production Company	
	Permit #	Part 70/PTO 8092	
	Date Rec'd	4/8/19	
	Time Rec'd	1429 hours	
FOR OFFICIAL USE ONLY			

**BEFORE THE HEARING BOARD
OF THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

In The Matter of the Application of)
ExxonMobil Production Company for a)
Regular Variance from District Rules)
328, Rule 206, and Part 70/Permit to)
Operate 8092-R9 Conditions)
9.C.7(a)(i), 9.C.12, and 9.C.12(a).)

***** DRAFT *****

H.B. Case No. 2016-13-M2

VARIANCE FINDINGS

AND ORDER

On April 8, 2019, ExxonMobil Production Company filed a Petition for a Regular Variance, requesting a Modification of the Final Compliance Date for Regular Variance 2016-13-M1. The Petition was heard on May 1, 2019 in accordance with Health and Safety Code §40808 with Patrice Surmeier appearing for the Petitioner and Aimee Long 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 their Pacific Offshore Pipeline Company (POPCO) gas processing plant located approximately 25 miles northwest of the City of Santa Barbara, California.
4. The Petitioner is currently operating under Regular Variance Order 2016-13-M1, which provides relief from the above rules and conditions through June 5, 2019 (or the date the facility resumes the processing of platform gas, whichever occurs first).

5. An H₂S analyzer is required to continuously measure H₂S concentrations in the gas. This analyzer failed and requires repair or replacement. Adequate verification of proper operation of a new H₂S analyzer is only feasible if installed just prior to operation and in-service testing completed to ensure proper operation. Due to the Plains All American Pipeline Line 901 failure on May 19, 2015, ExxonMobil Production Company has shut down operations and facility equipment has been preserved to manage its integrity. At this time, it is unclear when the restart of the Petitioners facility may occur.
6. Per Health and Safety Code §42357, the Petitioner requested a Modification of Final Compliance Date in order to extend variance coverage through June 5, 2021, (or the date the facility resumes the processing of platform gas, whichever occurs first). There are no expected emissions related to the granting of the Petitioners request.
7. A nuisance as defined in District Rule 303 is not expected to occur as a result of this variance and there is not a likely immediate threat or hazard to public health or safety.
8. Pursuant to Health and Safety Code section §42357, it is found that “good cause” exists for the granting of Petitioner’s request for a Modification of the Final Compliance Date set forth in 2016-13-M1.
9. The District staff supports the Petition as conditioned below.

THEREFORE, THE HEARING BOARD ORDERS, as follows:

That a Regular Variance be granted for the operation of the Petitioner’s POPCO facility in violation of District Rules 328, 206, and Part 70/Permit to Operate 8092, Conditions 9.C.7(a)(i), 9.C.12, and 9.C.12(a), from June 06, 2019 through June 5, 2021, (or the date the facility resumes the processing of platform gas, whichever occurs first) with the following conditions:

1. Petitioner shall submit increments of progress to the Hearing Board and District on the first day of every calendar quarter after the date of approval of the Regular Variance beginning July 1, 2019. The increments of progress report shall include: status of compliance, any corrective action taken to date, and the dates, times, volumes and actual emissions, if any, that occurred during the variance.
2. Petitioner shall submit a final report to the Hearing Board and District within thirty (30) calendar days of the facility returning to compliance. The report shall include the date compliance was achieved together with the corrective actions taken and the dates, times, volumes and actual emissions, if any, that occurred during the variance period. If corrective action would be subject to District permits, then permits must be obtained prior to initiating corrective action.

3. Petitioner shall retain the obligation to comply with all other local, state and federal regulations not specifically referenced in the Order.
4. 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.
5. Each day during any portion of which a violation occurs is a separate offense.
6. The Environmental Protection Agency does not recognize California's Variance program, therefore, this Variance does not protect the Petitioner from Federal Enforcement actions.

DATED: _____

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair
Santa Barbara County Air Pollution Control District
Hearing Board