	Case No / Date	2019-14-I	7/23/19
	Petitioner	United States Air Force	
	Permit #	13968-R1	
	Date Rec'd	7/17/19	
	Time Rec'd	1107 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)
United States Air Force for an Interim)
Variance from District Rules 328.C.2)
and 206 and Part 70/Permit to)
Operate 13968-R1,)
Conditions 9.C.22 and 9.C.26)
(CEMS Plan))

**H.B. Case No. 2019-14-I
VARIANCE FINDINGS
AND ORDER**

The United States Air Force filed a Petition for an Interim Variance on July 17, 2019. A hearing regarding the above-entitled matter was held on July 23, 2019. Kimberlee Harding represented the Petitioner, Aimee Long represented the Santa Barbara County Air Pollution Control District, and Francis Peters, Jr., represented the Hearing Board for this Interim 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 Vandenberg Air Force Base, located 9.2 miles northwest of Lompoc, California.
4. The South Vandenberg Power Plant (SVPP) operates five (5) turbines (A, B, C, D and E) equipped with Continuous Emission Monitoring System (CEMS). On July 15, 2019, the Petitioner discovered a malfunction with the CO analyzer on Turbine C. As a result, a breakdown was submitted to the District. The cause of the malfunction has not been determined. The analyzer requires return to the manufacturer for further diagnostic testing and repair. However, the repairs cannot be completed within the allotted 96-hours of

breakdown coverage for an accepted CEMS Breakdown. As a result, the Petitioner filed an Interim/90-Day Variance request. Turbine C will not operate until the repairs are completed and the CEMS reinstalled.

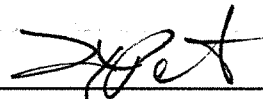
5. Without Variance coverage, the Petitioner will be in violation of District Rules 328.C.2 and 206 and Part 70/Permit to Operate 13968-R1, Conditions 9.C.22 and 9.C.26 (CEMS Plan).
6. Due to conditions beyond the reasonable control of the Petitioner, compliance would result in an arbitrary or unreasonable taking of property, as repairs cannot be made within the 96-hour breakdown coverage period.
7. Closing or taking would be without a corresponding benefit in reducing air contaminants, as there are no expected emissions related to the granting of this variance.
8. The Petitioner has curtailed operations so that Turbine C will not operate until repairs are completed and the CEMS reinstalled.
9. There are no expected emissions related to the granting of this variance.
10. The Petitioner will monitor the dates, hours and all emissions, if any, related to the granting of this Variance.
11. The Petitioner filed for a 90-day Variance in conjunction with this Interim Variance. 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.
12. 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.
13. District staff supports the Petition as conditioned below.

THEREFORE, THE HEARING BOARD ORDERS, as follows:

That an Interim Variance be granted for the operation of the Petitioner's facility in violation of Rules 328.C.2 and 206 and Part 70/Permit to Operate 13968-R1, Conditions 9.C.22 and 9.C.26 (CEMS Plan) from July 19, 2019, through October 16, 2019, or the date compliance is achieved, or the date of decision on the Petitioner's request for a 90-Day Variance, whichever occurs first with the following conditions:

1. Petitioner shall submit a written report to the Hearing Board and District by November 1, 2019. The report shall include the date compliance was achieved together with a description of the corrective action taken, and emissions, if any, which occurred during the variance period.
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: 7-23-2019



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