	Case No / Date	2019-15-N	8/15/19
	Petitioner	United States Air Force	
	Permit #	13968-R1	
	Date Rec'd	7/17/19	
	Time Rec'd	1107 hours	
	<b>FOR OFFICIAL USE ONLY</b>		

**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 a 90-Day )  
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. 2019-15-N**

**VARIANCE FINDINGS**

**AND ORDER**

On July 17, 2019 the United States Air Force filed a Petition for an Interim/90-Day Variance. Interim Variance No. 2019-14-I was granted on July 23, 2019 by Hearing Board member Francis Peters, Jr. Said order was granted from July 19, 2019 through October 16, 2019, or the date compliance was achieved, or the date of decision on the Petitioner's request for a 90-Day Variance, whichever occurred first.

A hearing regarding the 90-Day Variance was held on August 15, 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.

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 an Interim Variance in conjunction with this 90-Day 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 a 90-Day 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, 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: 7/15/2019

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