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| Case No / Date | 2019-19-E | 12/3/19 |
| Petitioner | Beacon West | |
| Permit # | 7904-R11 | |
| Date Rec'd | 11/27/19 | |
| Time Rec'd | 1340 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)
 Beacon West for an Emergency)
 Variance from District Rule 206,)
 Part 70/Permit to Operate 7904-R11)
 Condition 9.C.19.)

H.B. Case No. 2019-19-E

VARIANCE FINDINGS

AND ORDER

On November 27, 2019, Beacon West Energy Group filed a Petition for an Emergency Variance. A hearing regarding the above-entitled matter was held on December 3, 2019. John Garnett represented the Petitioner, Aimee Long 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 operate the equipment described in the Petition at the Ellwood Onshore Facility (EOF) located approximately 14 miles west of the City of Santa Barbara, California.
4. On November 25, 2019, the Petitioner requested breakdown coverage (Breakdown Number 11714), for failing to maintain connectivity to the District's Data Acquisition System (DAS) for all process and alarm systems. A new data logger was installed during the breakdown coverage. However, the new data logger is not configured to accommodate data flow for all channels required by permit. The re-configuration

could not be made within the allowable 96-hour breakdown coverage. As a result, additional relief was sought.

5. Without Variance coverage, the Petitioner will be in violation of District Rule 206, and Part 70/Permit to Operate 7904-R11, Condition 9.C.19.
6. If, due to reasons beyond the control of the Petitioner, successful repairs are not completed during this Variance period, additional relief will be sought.
7. The Petitioner will monitor and record on a daily basis, all emissions related to the granting of this variance, however, none are expected.
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, and Part 70/Permit to Operate 7904-R11, Condition 9.C.19 from November 29, 2019, through December 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 January 10, 2020. The report shall include the date compliance was achieved together with the cause of the malfunction, description of the corrective action taken and the dates, times, and actual emissions that 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: 12/3/2019



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