	Case No / Date	2019-20-I	12/17/19
	Petitioner	Beacon West	
	Permit #	7904-R11	
	Date Rec'd	12/13/19	
	Time Rec'd	1603 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 Interim Variance)
 from District Rule 206, Part 70/Permit)
 to Operate 7904-R11 Condition)
 9.C.19.)
)

H.B. Case No. 2019-20-I

VARIANCE FINDINGS

AND ORDER

Beacon West Energy Group filed a Petition for an Interim Variance on December 13, 2019. A hearing regarding the above-entitled matter was held on December 17, 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 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 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 was 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, the

Petitioner filed for and was granted an Emergency Variance, extending the coverage through December 13, 2019. After further evaluation of the data logger, it was determined the data logger did not have the required inputs to accommodate modbus channels during the requested coverage. As a result, the Petitioner filed an Interim/90-Day Variance request.

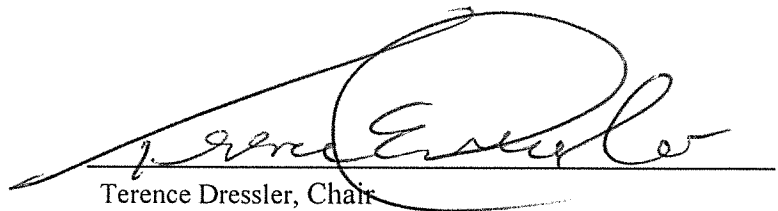
5. Without Variance coverage, the Petitioner will be in violation of District Rule 206, Part 70/Permit to Operate 7904-R11, Condition 9.C.19.
6. If, due to reasons beyond the control of the Petitioner, successful repairs are not completed during this Variance period, additional relief will be sought.
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 Interim Variance.

THEREFORE, THE HEARING BOARD ORDERS, as follows:

That an Interim Variance be granted for the continued operation of the Petitioner's facility in violation of Rule 206, Part 70/Permit to Operate 7904-R11, Condition 9.C.19 from December 14, 2019, through March 12, 2020, or the date compliance is achieved, or the date of decision of 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 April 13, 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: 12/17/2019



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