	<b>Case No / Date</b>	<b>2019-21-N</b>	<b>1/08/20</b>
	<b>Petitioner</b>	<b>Beacon West</b>	
	<b>Permit #</b>	<b>7904-R11</b>	
	<b>Date Rec'd</b>	<b>12/13/19</b>	
	<b>Time Rec'd</b>	<b>1603 hours</b>	
	<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 )  
 Beacon West for a 90-Day Variance )  
 from District Rule 206, Part 70/Permit )  
 to Operate 7904-R11 Condition )  
 9.C.19. )

**H.B. Case No. 2019-21-N**  
  
**VARIANCE FINDINGS**  
  
**AND ORDER**

On December 13, 2019, Beacon West Energy Group filed a Petition for an Interim/90-Day Variance. Interim Variance No. 2019-20-I was granted on December 13, 2019 by Hearing Board member Terence Dressler. Said order remained in effect 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.

A hearing regarding the 90-Day Variance was held on January 8, 2020. John Garnett represented the Petitioner, Aimee Long represented the Santa Barbara County Air Pollution Control District, and Terence Dressler 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 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 a Emergency Variance No. 2019-19-E, 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. The Interim Variance was granted on December 17, 2019.

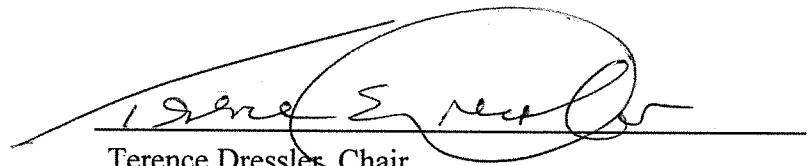
5. Without Variance coverage, the Petitioner will be in violation of District Rule 206, Part 70/Permit to Operate 7904-R11, Condition 9.C.19.
6. Due to conditions beyond the reasonable control of the Petitioner, requiring immediate compliance would result in unreasonable taking of property or closing of business, in that the facility is currently shut down, except for processing a small amount of annular gas from Platform Holly.
7. The closing or taking would be without a corresponding benefit in reducing air contaminants because the process equipment associated with the affected DAS channels are not in operation.
8. The Petitioner has considered curtailing operations, however, the facility is currently shut down.
9. During the variance period, the Petitioner will reduce emissions to the maximum extent feasible, however, the process equipment associated with the affected DAS channels are not in operation.
10. The Petitioner will monitor and record on a daily basis, all emissions related to the granting of this variance, however, none are expected.
11. If, due to reasons beyond the control of the Petitioner, successful repairs are not 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. The District staff supports the Petition as conditioned below.

**THEREFORE, THE HEARING BOARD ORDERS,** as follows:

That a 90-Day 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 February 26, 2020, with the following conditions:

1. Petitioner shall submit a written report to the Hearing Board and District by March 26, 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: 1/8/2020



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