 <p>air pollution control district SANTA BARBARA COUNTY</p>	Case No / Date	2020-19-I	12/10/2020
	Petitioner	County of Santa Barbara, Public Works, Resource Recovery and Waste Management	
	Permit #	15136	
	Date Rec'd	11/19/2020	
	Time Rec'd	1217 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)
County of Santa Barbara, Public)
Works, Resource Recovery and)
Waste Management for an Interim)
Variance from District Rule 206 Part)
70 Permit to Operate 15136,)
Conditions 9.C.2.b.iv and 9.C.2.b.v.)

H.B. Case No. 2020-19-I

VARIANCE FINDINGS

AND ORDER

The County of Santa Barbara, Public Works, Resource Recovery and Waste Management filed a Petition for Regular and Interim Variances on November 19, 2020. A hearing of the above-entitled matter was held on December 10, 2020 in accordance with Health and Safety Code §40808. Jeanette Gonzales-Knight, P.E., and John Hancock represented the Petitioner, Aimee Long represented the Santa Barbara County Air Pollution Control District (District), and Terence Dressler represented the Hearing Board at this Interim Variance 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 Tajiguas Landfill located approximately 26 miles west of the City of Santa Barbara.
4. Landfill gas (LFG) is generated in the subsurface landfill by anerobic biological decomposition of organic matter deposited in the landfill. The LFG collection system is made up of wells and piping that transport collected gas to the treatment and control systems. At this time, after treatment, the LFG is routed to an enclosed ground flare

control device consisting of low flow and high flow burners (APCD Device IDs 101983 and 006524).

5. The Petitioner is currently in the final stages of their anaerobic digestion project, which includes re-routing the LFG to new control equipment. However, until the anaerobic digestion project comes online, the Petitioner must operate the existing enclosed ground flare. Until October 20, 2020, two control devices were utilized, the enclosed ground flare and a cogeneration engine, providing a redundant system, operated by Fortistar Methane Group. On October 20, 2020, Fortistar Methane Group ceased operations and removed the cogeneration engine. After submitting a transfer of owner/operator application, the Petitioner became the new operator of the enclosed ground flare.

The enclosed ground flare is required to operate at all times when LFG is routed to the flare system. In addition, the enclosed ground flare downtime is not allowed to exceed one hour. After experiencing a temporary breakdown condition resulting in downtime of greater than one hour, the Petitioner immediately reported the technical difficulties to the District and sought guidance on how to resolve the matter. The Petitioner believes the downtime exceedance will be repeated and is therefore considered a recurrent breakdown condition, which is not eligible for breakdown coverage. The Petitioner is unable to troubleshoot and reignite the enclosed ground flare within the required one-hour timeframe when it occurs outside the landfill operating hours. The Petitioner has explored devices that could restart the enclosed ground flare remotely, but ultimately these investments would not eliminate the shutdown conditions, and in some instances increase health and safety risks. As a result, variance coverage was requested until the anaerobic digestion project is online and the flare is decommissioned, but not to conflict or extend any of the start-up or permitting requirements for the project.

6. Without Variance coverage, the Petitioner will be in violation of District Rule 206, Part 70 Permit to Operate 15136, Conditions 9.C.2.b.iv and 9.C.2.b.v.
7. Due to conditions beyond the reasonable control of the Petitioner, requiring immediate compliance with the referenced permit conditions and rule may cause a violation of other state and federal requirements, and could also result in excess emissions. In addition, the entire landfill property provides potential dispersal habitat for the federally threatened California red-legged frog (CRLF). Movement of the CRLF typically occur at night and/or during or following rain events. Transient CRLF have been observed at the landfill, primarily in the drainage/storm water quality management facilities including the south sedimentation basin, adjacent to the flare facility. Compliance with the District rule would require the facility operator to perform work activities at night and potentially result in a "take" (harass or harm) of the federally threatened species. Unpermitted take of the CRLF could result in the immediate closing of the landfill, in addition to criminal penalties for killing an endangered species (as serious as a year in prison and \$50,000 in fines), and civil penalties can range up to \$25,000 per violation. It should be noted at this time, the landfill does not have any workers performing routine duties at night, other than security.

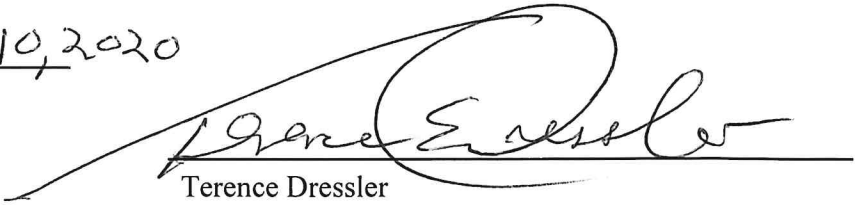
8. The closing or taking would be without a corresponding benefit in reducing air contaminants, as the landfill will continue to produce LFG regardless of the cessation of the enclosed ground flare or the closing of the facility.
9. The Petitioner has considered curtailing operations; however, this is not a viable option. The landfill will continue to generate LFG and requires a method for LFG destruction. The enclosed ground flare is currently the only method of LFG destruction at the Petitioner's facility.
10. During the period the Variance is in effect, the Petitioner will reduce emissions to the maximum extent feasible by limiting the enclosed ground flare downtime during shut down events. The Petitioner will respond to shut down events within one hour during landfill normal operating hours, Monday through Friday from 7 am to 3 pm. During weekend shutdown events, Saturday and Sunday, the Petitioner will respond within two to 4 hours. Shut down events occurring after 3 pm, or on landfill holidays (Christmas Day and New Year's Day) will be addressed at 7 am the following day. The Petitioner will also increase inspections, from daily to twice daily, of the enclosed ground flare and blower station, system controls, the condensate management system, and landfill gas collection system (wells and pipework) during variance coverage. During the inspection, the Petitioner will look for signs of equipment maintenance needs or equipment tuning required to reduce the flare outages.
11. The Petitioner will monitor and record all parameters required to calculate the excess emissions associated with the granting of this Variance using AP-42 Section 2.4 for Municipal Solid Waste Landfills (October 2008). The volume of ROCs generated and not recovered by the LFG Collection System during flare downtime will be calculated and reported to the District. The maximum estimated excess emissions from the granting of this variance are 30.19 lbs/hr.
12. If, due to reasons beyond the control of the Petitioner, compliance is not achieved during this Variance period, additional relief will be sought.
13. A nuisance as defined in District Rule 303 is not expected to occur as a result of this Variance.

THEREFORE, THE HEARING BOARD ORDERS, as follows:

That an Interim Variance be granted for the operation of the Petitioner's of the enclosed ground flare (APCD Device IDs 101983 and 006524) in violation of District Rule 206, Part 70 Permit to Operate 15136, Conditions 9.C.2.b.iv and 9.C.2.b.v. from November 19, 2020 through February 16, 2021 (not to exceed 90 days), or the date a decision is made on the Regular Variance, or the date the equipment ceases operation, whichever occurs first, with the following conditions:

1. Petitioner shall conduct and record the date, time, and findings of all inspections of the enclosed ground flare and blower station, system controls, the condensate management system, and landfill gas collection system (wells and pipework) during variance coverage.
2. Petitioner shall abide by the downtime response schedule listed in item 10 of the findings above.
3. Petitioner shall record the date, day of the week, start time, end time, total duration, raw data for emissions calculations, and calculated excess emissions associated with each flare downtime event.
4. Petitioner shall submit a final written report to the Hearing Board and District, to variance@sbcapcd.org, by March 2, 2021. The report shall include the status of compliance, date if compliance was achieved, the records identified in conditions 1 and 3 above, and calculated emissions (per month and totaled) for the duration of the variance.
5. Petitioner shall retain the obligation to comply with all other local, state and federal regulations not specifically referenced in the Order.
6. In accordance with District Fees Rule 210, Schedule F.12.e, the Petitioner shall pay excess emission fees for each additional ton of pollutant emissions or portion thereof allowed as the result of the issuance of this Variance.
7. Failure to abide by all conditions of this Order shall subject the Petitioner to penalties set forth in Health and Safety Code section 42402.
8. Each day during any portion of which a violation occurs is a separate offense.
9. The Environmental Protection Agency does not recognize California's Variance program; therefore, this Variance does not protect the Petitioner from Federal Enforcement actions.

DATED: December 10, 2020


Terence Dressler
Santa Barbara County Air Pollution Control District
Hearing Board