

 air pollution control district SANTA BARBARA COUNTY	Case No / Date	2021-10-I	11/29/2021
	Petitioner	Mustang Renewable Power Ventures, LLC	
	Permit #	14500-02	
	Date Rec'd	09/10/2021	
	Time Rec'd	1555 hours	
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**BEFORE THE HEARING BOARD
OF THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

In the Matter of the Application of)
Mustang Renewable Power Ventures,)
LLC for an Interim Variance from)
District Rule 206, Conditions 9.C.6.a,)
9.C.6.b, and 9.C.6.c of Authority to)
Construct 14500-02.)

H.B. Case No. 2021-10-I

VARIANCE FINDINGS

AND ORDER

Mustang Renewable Power Ventures, LLC filed a Petition for a 90-Day and Interim Variance on September 10, 2021. A hearing of the Interim Variance Petition was held on November 29, 2021. John Dewey represented the Petitioner, Aimee Long represented the Santa Barbara County Air Pollution Control District (District), and Francis Peters, Jr. 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.

A. HEARING

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. A nuisance as defined in District Rule 303 is not expected to occur as a result of this Variance.
4. Pursuant to Health and Safety Code section 42359.5, “good cause” exists for the granting of Petitioner’s request for an Interim Variance.

5. If, due to reasons beyond the control of the Petitioner, successful repairs are not completed during this Variance period, additional relief will be sought
6. District staff supports the Petition as conditioned below.

B. BACKGROUND AND FINDINGS

1. The Petitioner, Mustang Renewable Power Ventures, operates the equipment described in the Petition at the Santa Barbara County Tajiguas Landfill (Tajiguas Landfill) located at 14470 Calle Real in Goleta, California.
2. The equipment is owned by Santa Barbara County and operated by the Petitioner under contract with the Santa Barbara County Public Works Department, Resource Recovery and Waste Management Division.
3. The Tajiguas Landfill receives refuse from the City of Santa Barbara, City of Goleta, unincorporated areas of Montecito and Summerland, rural areas of southern Santa Barbara County, the Santa Ynez Valley and Cuyama Valley.
4. On September 9, 2021, during a District inspection, District staff observed the tipping area and materials sorting area scrubbers were not operating within the specified parameters. During this time, it was explained there was an unexpected failure of two pumps intended to remove and transfer scrubber discharge water to temporary storage tanks. As a result, the scrubbers were shut down in an effort to prevent the scrubber discharge, containing sulfuric acid, from entering a storm drain.
5. The equipment subject to the Petitioner's request is the tipping area scrubber (APCD Device ID 388799) and material sorting area scrubber (APCD Device ID 388797).
6. The Petitioner's permit requires the scrubbers to be in operation when the Material Sorting Facility (MRF), which contains the tipping area and material sorting area, is receiving/processing waste.
7. The Petitioner requests continued operation of the MRF without the use of the scrubbers.
8. Without Variance coverage, the Petitioner will be in violation of District Rule 206, Conditions 9.C.6.a, 9.C.6.b, and 9.C.6.c of Authority to Construct 14500-02.
9. The Petitioner will monitor and report ammonia and hydrogen sulfide weekly. The Petitioner will follow the monitoring methods described in Authority to Construct 14500-02.

THEREFORE, THE HEARING BOARD ORDERS, as follows:

That an Interim Variance be granted for continued operations of the Material Recovery Facility (MRF) without the tipping area and materials sorting area scrubbers at the Petitioner's facility causing a violation of District Rule 206, Conditions 9.C.6.a - 9.C.6.c of Authority to Construct 14500-02 from September 10, 2021 through December 08, 2021, or the date compliance is achieved, or the date a decision is made on the 90-Day Variance, or the date the request is superseded, whichever occurs first, with the following conditions:

1. Petitioner shall submit a written report to the Hearing Board and District, to variance@sbcapcd.org, by January 24, 2021. The report shall include the cause of the violation, preventative measures taken, and the results of the weekly hydrogen sulfide and ammonia monitoring.
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. 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.
5. Each day during any portion of which a violation occurs is a separate offense.
6. The Environmental Protection Agency does not recognize California's Variance Program; therefore, this Variance does not protect the Petitioner from Federal Enforcement actions.

DATED: 11-30-2021



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