



H.B. Case No.:	<u>2021-12-R</u>
Petitioner:	<u>Mustang Renewable Power Ventures, LLC</u>
Permit No.:	<u>ATC 14500-02</u>
Date Rec'd:	<u>10/15/2021</u>
Time Rec'd:	<u>1652 hours</u>
Filing Fee Paid:	<u>\$649.00</u>

Ventures,

PETITION FOR VARIANCE

Type of Variance Requested:

Emergency _____ Interim¹ X _____ 90-Day _____ Regular X _____

Length of Variance Requested: Start Date 10/15/2021 _____

End Date 10/14/2022 _____

¹ A 90-Day or Regular Variance must be filed concurrently with an Interim Variance

1. PETITIONER INFORMATION

A. Please provide the name, address and phone number of the Petitioner.

Name: John Dewey _____

Address: 17 Corporate Plaza Drive, Suite 200 _____

Newport Beach, CA 92660 _____

Phone Number: (805) 259-9499 _____

B. Please provide the name, address and phone number of the person authorized to receive correspondence regarding this Petition if different from response in 1.A.

Name: _____

Address: _____

Phone Number: _____

C. The Petitioner is (please check one):

- 1) An Individual ()
- 2) Partnership ()
- 3) Corporation (X)
- 4) Public Agency ()
- 5) Other Entity (please describe)

2. Location of equipment for which the variance is requested if different from response in 1.A.

14470 Calle Real-MRF, Goleta, CA 93117

3. List any District permits that are applicable to the equipment subject to this variance request.

ATC 14500-02

4. Briefly describe the equipment that is the subject of this Petition.

Tipping Area Baghouse (Device No. 388339), Materials Sorting Area (Device No. 388344), Tipping Area Biofilter (Device No. 388341), Materials Sorting Area Biofilter (Device No. 388346), Tipping Area Biofilter Scrubber (Device No. 388799), and Materials Sorting Area Biofilter Scrubber (Device No. 388797).

5. FINDINGS REQUIRED FOR THE GRANTING OF A VARIANCE

In order for the Hearing Board to grant a variance to a Petitioner authorizing the operation of a source in violation of any rule, regulation or order of the District, the Hearing Board is required to make “findings” in accordance with the requirements specified in California Health and Safety Code §42352, et. seq. and District rules and regulations. The Hearing Board’s variance decision will take into consideration information you provide in this Petition. Please ensure your responses are complete and thorough. Please use additional pages as necessary.

A. Please state 1) what District rule, regulation or order you either are or will be in violation of, and 2) the date said violation will or did occur. Include as appropriate the applicable permit conditions for which variance relief is being sought.

1. ATC 14500-02, Section 9.C.1.b.vii, Section 9.C.1.c.iv, Section 9.C.1.d.iv, Section 9.C.2.b.iv, Sections 9.C.4.a.i through 9.C.4.a.iii., Section 9.C.4.a.v., Section 9.C.4.a.vi., Section 9.C.4.a.viii., Section 9.C.4.a.x., Section 9.C.4.a.xi., Sections 9.C.4.b.i through 9.C.4.b.iii, Sections 9.C.4.c.i through 9.C.4.c.iii, Section 9.C.5.b.i. through 9.C.5.b.iii., Section 9.C.5.b.v., Section 9.C.5.b.vi., Section 9.C.5.b.viii., Section 9.C.5.b.xi., Section 9.C.5.b.xii., Section 9.C.5.b.xvi., Section 9.C.5.c.i., Section 9.C.5.c.ii., Sections 9.C.5.c.iv. through 9.C.5.c.x., Section 9.C.5.d.i., Section 9.C.5.d.ii., Sections 9.C.5.d.v. through 9.C.5.d.x., Sections 9.C.6.a.i. through 9.C.6.a.iv., Sections 9.C.6.b.i. through 9.C.6.b.iii., Sections 9.C.6.c.i. through 9.C.6.c.iii. Section C.33 .a. Baghouse Inspection and Maintenance Plan, and Section C.33.f. Biofilter Monitoring Plan

- B. Please describe how compliance with the District rule, regulation or order listed in Section A above is beyond your reasonable control. In addition to any other relevant factors, please include in your discussion 1) what actions you have taken to comply or seek a variance, which were timely and reasonable under the circumstances.

Due to the Alisal Fire, there was a complete loss of the MRF Biofilter woodchip media, all three biofilter acid scrubbers and the Materials Sorting Area biofilter scrubber acid storage tank. Additionally, the 2 MRF baghouse filters are not operational due to the melting of the baghouse filter fans from the heat of the fire.

- C. Please describe how you would be impacted if you were required to immediately comply with the District rule, regulation or order the subject of this variance request. In addition to any other relevant factors, please discuss why such impacts would result in 1) an arbitrary or unreasonable taking of property, or 2) the practical closing and elimination of a lawful business.

The main purpose of the scrubbers is to remove ammonia from MRF indoor air prior to passing through the biofilter media. The average ammonia concentration at the biofilter media surface on 9/7/2021, prior to the start of the requested variance date, was 0.4 ppmv vs. the permit limit of 5.0 ppmv (14500-02, Table 4.7). The average ammonia concentrations at the biofilter media surface on 9/10/2021 and 9/15/2021 was 0.25 ppmv even without the operation of the scrubbers. In other words, ammonia concentrations in the MRF indoor air are near zero as the municipal solid waste is processed through the MRF within a few hours of receipt at the tip floor avoiding conditions where ammonia could be generated. Due to the loss of the Materials Sorting Area biofilter scrubber and baghouse filter fan and Tipping Area biofilter scrubber and baghouse filter fan, immediate operation of the equipment is not possible until the completion of repairs, replacement and restoration of the fire damaged emission control devices listed above.

- D. If you were required to immediately comply with the District rule, regulation or order the subject of this variance request, please describe what impact, if any, that would have on air contaminants.

The air contaminant (ammonia) level is 95% below permit levels while we continued to operate without the MRF processing area scrubbers operating. Due to the loss of the baghouse filter fans there may be PM emissions attributed to the processing of the recyclables in the MRF. We intend to monitor the indoor air quality and MRF building emissions of H₂S, NH₃ and PM on a weekly basis for the duration of the repair, replacement and restoration process.

- E. Please describe what consideration you have given to curtailing operations in lieu of obtaining a variance.

The County ceased Landfill operations and MSB/Marborg ceased operations of the MRF and ADF on Monday afternoon, October 11th when all personnel were ordered to evacuate. Prior to the Alisal Fire we did not consider curtailing operations. Based on the fire damage assessment completed by County Public Works they are proceeding with recommencement of landfill operations the week of October 18th or as soon as possible following completion of repairs and replacement to fire damaged systems and equipment. The MRF similarly intends to recommence its operations on a coordinated basis with the Landfill on a similar timeframe when it is determined safe to do so.

The MRF operations are critical and necessary waste infrastructure as it sorts and recovers recyclable commodities and organic waste to reduce the volume of material landfilled by ~60%. Since October 12th, waste normally processed at the MRF with residue disposed at the Tajiguas Landfill has been exported to remote landfills, contrary to various CalRecycle regulations mandating recycling and organic waste diversion from landfilling. Since the MRF was shut down, waste has been trucked to alternative sorting facilities in Ventura County, increasing the cost materially to ratepayers and contributing adversely to air quality and traffic impacts with numerous trucks added to US 101 congestion. The cost to ratepayers would be estimated at a cost of more than \$20 million annually (200,000 tons per year at a cost to transport to and process at an alternative location at ~100/ton). Current employment at the MRF is ~80 employees with an annual payroll estimated at ~\$5 million.

- F. Please describe what steps and measures you will take to reduce excess pollutant emissions the maximum extent feasible during the requested variance period.

When the MRF resumes operations, it will continue to reduce potential emissions of H₂S and NH₃ by processing all MSW and the related organics through the MRF with immediate transport to the ADF for processing. The potential for H₂S, NH₃ and PM emissions will be monitored weekly until the MRF biofilter and related baghouse filters are replaced, repaired and restored.

- G. If requested to do so by the District, please describe how you will monitor or otherwise quantify and report to the District any pollutant emissions associated with the granting of your variance.

Recent monitoring has confirmed that ammonia concentrations at the biofilter media surface are ~80-95% below permit limits of 5 ppmv. The current monitoring frequency (weekly) provides an adequate understanding of continued compliance with ammonia and hydrogen sulfide emissions limits.

6. SUPPLEMENTAL FINDINGS IF APPLYING FOR AN EMERGENCY VARIANCE PURSUANT TO RULE 506 (EMERGENCY VARIANCE FOR BREAKDOWNS)

A. Please provide the date and time the breakdown was reported to the District

Date: 10/12/2021 Time: 12:00 a.m.

B. Breakdown number (as provided by the District):

C. Please provide a description of the "breakdown condition", including equipment involved and the cause to the extent it is known.

The MRF biofilter, biofilter acid scrubbers and Materials Sorting Area biofilter scrubber acid storage tank have been destroyed by the recent Alisal Fire. The Tipping Area Baghouse filter fan and Materials Sorting Area Baghouse filters fans have also been damaged.

D. Please describe why the continued operation of your facility in a "breakdown condition" is not likely to cause an immediate threat or hazard to public health or safety and will not interfere with the attainment or maintenance of any primary national ambient air quality standard.

The operating conditions of the MRF are similar to MarBorg's downtown operations which have operated continuously for more than 10 years without any significant air quality impacts even while operating without any baghouse filters, scrubbers or biofilters.

7. Will the operation of the equipment subject to this variance result in violation of District Rule 303, Nuisance?

No.

8. Please state whether or not any civil or criminal case involving the equipment subject to this variance is pending any court.

No civil or criminal cases are pending involving the equipment subject to this variance.

The undersigned is authorized to submit the above Petition on behalf of the Petitioner and further states under penalty of perjury that the above Petition, including any attachments and the items therein set forth, are true and correct.

DATE: 10/15/2021

SIGNATURE: 

TITLE: CEO

PRINT NAME: John Dewey

Variance Filing Fees: All variance Petitions must be accompanied by the requisite filing fee at the time of filing or include a letter from the Petitioner on company letterhead authorizing the District to debit the filing fee from the company's reimbursable account. You may also pay your filing fees by credit card using the attached form. Current variance filing fees may be found under Rule 210, schedule F, Sections 12a and 12b at <http://www.sbcapcd.org/fees.htm>

Credit Card Payment: The Variance Filing Fee may be paid with a credit card. Please use APCD Form -01C to pay via credit card. The form may be downloaded at: <http://www.sbcapcd.org/eng/dl/dl01.htm>