

 <p>air pollution control district SANTA BARBARA COUNTY</p>	Case No / Date	2021-13-E	11/29/2021
	Petitioner	ExxonMobil Upstream Oil & Gas Company	
	Permit #	5651-R6	
	Date Rec'd	11/01/2021	
	Time Rec'd	1203 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)
 ExxonMobil Upstream Oil & Gas)
 Company for an Emergency Variance)
 from District Rule 206, Condition)
 9.C.39 of Part 70/Permit to Operate)
 5651-R6.)

H.B. Case No. 2021-13-E

VARIANCE FINDINGS

AND ORDER

ExxonMobil Upstream Oil & Gas Company filed a Petition for an Emergency Variance on November 1, 2021. A hearing of the Emergency Variance Petition was held on November 29, 2021. Jun Kim 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 Emergency 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 operates the equipment described in the Petition at the Las Flores Canyon facility located in the Las Flores Canyon approximately 20 miles west of Santa Barbara, California.
2. On October 12, 2021, power to the Petitioner's ambient monitoring station, LFC-1, was lost due to the Alisal Fire burning the associated electrical power poles. In addition, the ambient monitoring data was no longer being telemetered to the District. As a result, the Petitioner filed for variance relief.
3. The Petitioner's permit requires the ambient monitoring station to be fully operational at all times for the life of the Santa Ynez Project. The permit further requires the ambient monitoring station to telemeter data to the District for the life of the project.
4. Without Variance coverage, the Petitioner will be in violation of District Rule 206, Condition 9.C.39 of Part 70/Permit to Operate 5651-R6.
5. No excess emissions are expected with the granting of this Variance request.

THEREFORE, THE HEARING BOARD ORDERS, as follows:

That an Emergency Variance be granted for the downtime of the ambient air monitoring station, LFC-1, and corresponding telemetered data, as described in Condition 9.C.39 of Part 70/Permit to Operate 5651 R6, during the restoration of electrical power from November 1, 2021 through November 30, 2021, or the date compliance is achieved, 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 December 15, 2021. The report shall include the date the repairs were made.
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: 11-30-2021



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