

 <p>air pollution control district SANTA BARBARA COUNTY</p>	<b>Case No / Date</b>	<b>2024-07-E</b>	<b>05/31/2024</b>
	<b>Petitioner</b>	<b>Advenco, LLC DBA Lake Cachuma</b>	
	<b>Permit #</b>	<b>12345</b>	
	<b>Date Rec'd</b>	<b>05/10/2024</b>	
	<b>Time Rec'd</b>	<b>1319 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 )  
 Advenco, LLC (DBA Lake Cachuma) )  
 for an Emergency Variance from )  
 District Rules 316.C.2, C.3, and G and )  
 206, Permit to Operate 12345, )  
 Conditions 2.b, 4, 6 and 8. )

**H.B. Case No. 2024-07-E**

**VARIANCE FINDINGS**

**AND ORDER**

Advenco, LLC, DBA Lake Cachuma (Petitioner) filed a Petition for an Emergency Variance on May 10, 2024. A hearing of the above-entitled matter was held on May 31, 2024. Bob Burkhalter and Branden Rosenthal represented the Petitioner, Aimee Long represented the Santa Barbara County Air Pollution Control District (District), and Terence Dressler represented the Hearing Board for this Emergency 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.

**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 Emergency Variance.
5. If, due to reasons beyond the control of the Petitioner, compliance is not achieved during this Variance period, additional relief will be sought.

6. District staff supports the Petition as conditioned below.

**BACKGROUND**

1. The Petitioner operates the equipment described in the Petition at the Cachuma Lake Store located at 2275 Highway 154 in Santa Barbara, California.
2. The Petitioner operates a gasoline dispensing facility (GDF) which consists of two 8,000-gallon underground storage tanks, two dispensers, two nozzles and associated vapor recovery equipment.
3. The above equipment is required to operate as certified by the California Air Resources Board (CARB) pursuant to section 41954 of the California Health and Safety Code.
4. To ensure the equipment is operating as certified by CARB the equipment must undergo vapor recovery testing; passing results must be achieved. These requirements are specified in the facility's permit to operate and District Rule 316.
5. As part of the vapor recovery equipment, the facility is equipped with a Healy Clean Air Separator (CAS). The CAS prevents excess emissions and product loss by controlling gasoline storage tank pressure. The unit works in combination with the nozzles as part of a system that increases the overall performance and efficiency.
6. The CAS undergoes annual vapor recovery testing to quantify the vapor tightness of the CAS pressure management system installed as part of a gasoline dispensing facility, as identified in Exhibit 4, Static Pressure Performance of the Healy Clean Air Separator test procedures.
7. On May 7, 2024, there was an initial vapor recovery test failure on Exhibit 4, the static pressure performance of the Healy clean air separator (CAS).
8. The Petitioner has reached out to a third-party vendor, Petroleum Equipment Construction Service, Inc. (PECS), to make the repairs. PECS is scheduled to conduct the repairs on May 24, 2024, under ATC 16262.
9. According to the Petitioner, the initial test failure on Exhibit 4, the static pressure performance of the Healy clean air separator (CAS), is due to a failure on the internal bladder of the CAS. Until the repairs can be made, the Petitioner is requesting continued operation of the equipment. As a result, the Petitioner is seeking variance coverage.

**FINDINGS**

1. Without Variance coverage, the Petitioner will be in violation of District Rules 316.C.2, C.3 and G and 206, Permit to Operate 12345, Conditions 2.b, 4, 6, and 8.
2. During the period the Variance is in effect, the Petitioner will reduce emissions by limiting the opportunity for the tank to over pressurize. This will be done by not receiving fuel deliveries during the variance period and reducing the number of fueling hours.
3. The Petitioner will monitor the gasoline tank volume daily while operating under Variance coverage.
4. If, due to reasons beyond the control of the Petitioner, compliance cannot be achieved during this Variance period, additional relief will be sought.

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

That an Emergency Variance be granted for continued operation of the gasoline dispensing facility without properly operating vapor recovery equipment in violation of District Rules 316.C.2, C.3 and G and 206, Permit to Operate 12345, Conditions 2.b, 4, 6, and 8 from May 10, 2024, through June 8, 2024, 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](mailto:variance@sbcapcd.org), by June 28, 2024. The report shall include gasoline tank level at the beginning and end of variance coverage (in gallons), daily gasoline tank volume (in gallons) for each day during the variance period, description and documentation of repairs made, and results of vapor recovery testing.
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:** 6/12/2024

*Terence E. Dressler*

[Terence E. Dressler \(Jun 12, 2024 20:54 PDT\)](#)

---

Terence Dressler  
Santa Barbara County Air Pollution Control District  
Hearing Board