

 <p>air pollution control district SANTA BARBARA COUNTY</p>	Case No / Date	2024-11-E	11/13/2024
	Petitioner	City of Santa Maria Public Works	
	Permit #	15456	
	Date Rec'd	10/24/2024	
	Time Rec'd	1216 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 )  
City of Santa Maria Public Works from )  
District Rules 316.G and 206, Permit )  
to Operate 15456, Condition 8. )  
)

**H.B. Case No. 2024-11-E**

**VARIANCE FINDINGS**

**AND ORDER**

The City of Santa Maria Public Works (Petitioner) filed a Petition for an Emergency Variance on October 24, 2024. A hearing of the above-entitled matter was held on November 13, 2024. Bryan Wilson and David Giesmann 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 810 W. Church Street, Santa Maria, California.
2. The Petitioner operates a gasoline dispensing facility (GDF) which consists of one 10,000-gallon underground storage tank, one dispenser, 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 and passing results must be achieved. These requirements are specified in the facility's permit to operate and District Rule 316.
5. On October 24, 2024, the facility underwent vapor recovery testing. There was an initial failure on the leak decay vapor recovery test. Trouble shooting was conducted at the time of the initial failure, however, the repair appeared to be more extensive and required confined space entry.
6. The Petitioner immediately filed a Variance Petition for continued operation because they provide fuel for essential workers, such as City Police and Fire.
7. The repairs were completed later that same evening, however, vapor recover testing could not be completed until October 30, 2024. On October 30 passing results were achieved and therefore compliance with the violations covered by this variance was achieved on the same date.

### **FINDINGS**

1. Without Variance coverage, the Petitioner would be in violation of District Rules 316.G and 206, Permit to Operate 15456, Condition 7.
2. During the period the Variance is in effect, the Petitioner reduced emissions by limiting the number of fueling events to essential personnel.
3. 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 in violation of District Rules 316.G and 206, Permit to Operate 15456, Condition 7 from October 24, 2024, through November 22, 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 December 13, 2024, or within 30 calendar days from the compliance achieved date (October 30, 2024), whichever occurs first. The report shall include a description of the repairs, repair date, and vapor recovery test results.
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, 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.

**DATED:** 11/13/2024

Terence E. Dressler  
Terence E. Dressler (Nov 13, 2024 15:14 PST)

Terence Dressler  
Santa Barbara County Air Pollution Control District  
Hearing Board