

 <p>air pollution control district SANTA BARBARA COUNTY</p>	Case No / Date	2024-12-E	11/13/2024
	Petitioner	7-Eleven, Inc.	
	Permit #	ATC 16301	
	Date Rec'd	10/25/2024	
	Time Rec'd	1057 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)
 7-Eleven for an Emergency Variance)
 from District Rules 316.G and 206,)
 Authority to Construct 16301,)
 Conditions 7 and 13.)

H.B. Case No. 2024-12-E

VARIANCE FINDINGS

AND ORDER

B & T Service Station Contractors filed a Petition on behalf of 7-Eleven, Inc. (Petitioner) for an Emergency Variance on October 25, 2024. A hearing of the above-entitled matter was held on November 13, 2024. Samantha Navarro from B & T Service Station Contractors 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 2164 S. Broadway, Santa Maria, California.
2. The Petitioner operates a gasoline dispensing facility (GDF) which consists of three 12,000-gallon underground storage tanks, six dispensers, twelve 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. The Petitioner obtained an Authority to Construct (ATC 16301) to replace the In-Station Diagnostic monitoring equipment. To ensure the equipment operates as certified, the equipment must undergo and successfully vapor recovery testing within 15 to 30 days from the date of installation.
6. On October 14, 2024, the station conducted the initial operations vapor recovery testing as required by ATC 16301. During the vapor recovery testing, there were initial failures on the drop tube drain valve on tank 2 and the drop tube on tank 1.
7. The Petitioner reached out to a third-party vendor, B & T Service Station Contractors, to make the repairs, however, the repairs require a District Permit.
8. On November 1, 2024, the Petitioner applied for a permit to make the repairs.
9. 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.G and 206, Authority to Construct 16301, Conditions 7 and 13.
2. During the period the Variance is in effect, the Petitioner will reduce emissions by limiting the number of fueling events.

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, Authority to Construct 16301, Conditions 7 and 13 from October 27, 2024, through November 25, 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, by December 20, 2024, or within 30 calendar days from the compliance achieved date, whichever occurs first. The report shall include the description and date the repairs were made and the vapor recovery testing 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 14:15 PST)

Terence Dressler
Santa Barbara County Air Pollution Control District
Hearing Board