

Lore Saldana

From: Richardson, Jennifer <jrichardson@countyofsb.org>
Sent: Tuesday, October 3, 2023 3:40 PM
To: Perch-Ahern, Noah; Lore Saldana
Cc: Aeron Arlin Genet; Holderness, Amber; Matthew Allen; Banks, Sedina
Subject: RE: H.B. Case No. 2023-03-A – Joint Request for Continuance
Attachments: ATC 16090 - ATC Completeness - 10-3-2023.pdf

Sensitivity: Confidential

[Hearing Board Clerk, please circulate to the Hearing Board]

Dear Chair Dressler and Members of the Hearing Board,
Earlier today, Central Coast Agriculture and its affiliates (collectively “CCA”) filed a request for 60-day continuance related to the District’s Petition for Order of Abatement that is scheduled to be heard tomorrow on October 4th.

Today, the District determined that CCA’s permit application is complete and the District has sufficient information for move forward with environmental review and issuance of a draft permit. Attached herein is the District letter issued today that documents the application is complete. Based on achieving that milestone, the Air Pollution Control Officer concurs to a 60-day continuance. Continuing the hearing will allow the District to focus its limited resources on processing CCA’s permit application.

The District’s goal in filing this Petition was to achieve compliance with District rules and ensure an equal playing field for all regulated sources in the District. With a complete permit application, the next steps of the process are largely within the District’s control, though CCA has a role in reviewing and accepting permit conditions. After permit issuance, CCA will be required to install best available control technology.

If the continuance is not granted in advance of tomorrow’s meeting, the District will be present and will have witnesses available to speak to the current status of the application and the next steps in its processing.

Thank you,
Jenna

Jennifer Richardson
District Counsel
Santa Barbara County Air Pollution Control District
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Santa Barbara, California 93110

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From: Perch-Ahern, Noah <nperchahern@greenbergglusker.com>

Sent: Tuesday, October 3, 2023 1:01 PM

To: Lore Saldana <SaldanaL@sbcapcd.org>

Cc: Aeron Arlin Genet <ArlinGenetA@sbcapcd.org>; Holderness, Amber <aholderness@countyofsb.org>; Matthew Allen <matthew@ccagriculture.com>; Richardson, Jennifer <jrichardson@countyofsb.org>; Banks, Sedina <sbanks@greenbergglusker.com>

Subject: RE: H.B. Case No. 2023-03-A – Joint Request for Continuance

Sensitivity: Confidential

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Dear Chair Dressler and Members of the Hearing Board:

I am submitting this message on behalf of Central Coast Agriculture and its affiliates (collectively, “CCA”) in connection with the Petition for Order of Abatement (“Petition”) filed by the Santa Barbara County Air Pollution Control District (“District” or “APCD”) on September 5, 2023. In brief, CCA is renewing its request for a 60-day continuance as set forth below.

CCA previously requested a 60-day continuance on September 12 (see attached email). On September 13, APCD explained that it opposed the request at that time, but that if CCA’s permit application sufficiently progressed, CCA may support a continuance prior to the hearing (see below email).

As APCD previously noted, “CCA and the District have been working together since the filing of the Petition to find a solution” and the “District has seen improved progress.” Since that time, CCA and the APCD have both devoted significant resources to completing the permit application and processing the permit.

In fact, CCA understands that its permit application will be deemed complete today, a critical milestone in the permitting process. On that basis, we have communicated with District counsel and understand that the District will be joining in our continuance request via a follow-up message to this communication.

Under District Rule 516, the Chair, Vice-Chair, or any two Hearing Board members may grant any reasonable continuance request. The joint request here is eminently reasonable in light of CCA achieving the application completeness milestone. Given that CCA is on track for permit issuance and has been working feverishly with the APCD, a continuance is appropriate to stave off the devastating business and job loss risks associated with the abatement process.

Sincerely yours,
Noah Perch-Ahern

Partner, Environmental Group

[Biography](#) | [vCard](#)

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From: Richardson, Jennifer <jrichardson@countyofsb.org>

Sent: Wednesday, September 13, 2023 5:21 PM

To: Lore Saldana <SaldanaL@sbcapcd.org>

Cc: Aeron Arlin Genet <ArlinGenetA@sbcapcd.org>; Holderness, Amber <aholderness@countyofsb.org>; Perch-Ahern, Noah <nperchahern@greenbergglusker.com>; Matthew Allen <matthew@ccagriculture.com>

Subject: APCO Response to CCA Continuance Request

Sensitivity: Confidential

[Hearing Board Clerk, please circulate to the Hearing Board]

Dear Chairman Dressler and Members of the Hearing Board,

On September 12th, Central Coast Agriculture and its affiliates (collectively "CCA") filed a request for continuance related to the District's Petition for Order of Abatement, which is attached for your reference ("Petition").

CCA and the District have been working together since the filing of the Petition to find a solution. The District has seen improved progress with CCA's submittal of information moving closer to a complete application and providing the information needed for environmental review.

At this time the District opposes the request because the Petition and a scheduled hearing date has brought CCA to the table. However, if the District is able to determine CCA's application is complete and that the District has sufficient information for environmental review in advance of the October 4th hearing date, the District may support a continuance prior to the hearing.

The District requests that the Hearing Board either deny CCA's continuance request, or wait to approve it until the District determines CCA's application is complete and environmental review is able to move forward.

Please let me know if you have any questions or need additional information.

Thank you,

Jenna

Jennifer Richardson
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